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XIX.27 How the laws can contribute to the formation of the ways, manners, and character of a nation.

- The Spirit of Law - Book XIX. On the laws in the relation they have to the principles that constitute the general spirit, the ethos, and the manners of a nation -
Date de mise en ligne : jeudi 6 septembre 2018

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The customs of a slave people are part of its servitude ; those of a free people are part of its freedom.

I have spoken in Book XI [1] of a free people ; I have listed the principles of its constitution : let us see the effects which had to follow, the character which was able to form the ethos and manners that resulted from it.

I am not saying that climate has not produced a large portion of the laws, the ethos, and the manners in this nation ; but I am saying that the ethos and the manners of this nation should have a strong relationship to its laws.

As there would be two visible powers in this state - the legislative and the executive authorities - and as every citizen would have his own will and assert his independence as he wished, most people would have more affection for one of these authorities than the other, as the multitude does not usually possess enough equity or good sense to be equally attached to both.

And as the executive authority, disposing of all the positions, could offer great expectations and never fears, everyone who obtained something from it would be motivated to turn in its direction, and it could be attacked by all those who would expect nothing from it.

All the passions being free, hatred, envy, jealousy, and avidness to get rich and distinguish oneself would appear full-blown ; and if it were otherwise, the state would be like a man laid low by illness, who has no passions because he has no strength.

Any hatred there might be between the two parties would endure, because it would always be impotent.

Those parties being made up of free men, if one of them became too dominant, the effect of liberty would be that it would be brought down, whereas the citizens, like hands ministering to the body, would come and raise the other one back up.

As each individual, ever independent, would largely follow his own whims and fantasies, people would often change party : they would abandon one, leaving behind all their friends, to join another where they would find all their enemies, and in this nation they could often lose sight of the laws of friendship and hatred.

The monarch would be in the situation of individuals, and against the ordinary maxims of prudence, he would often be obliged to give his confidence to those who had most offended him, and dismiss those who had best served him, doing out of necessity what other princes do by choice.

We fear missing out on a benefit that we sense, but have no knowledge of, and which can be disguised to us ; and fear always enlarges objects. The people would be uneasy about their situation and believe themselves in danger even in the securest of moments.

All the more so that those who would most vigorously oppose the executive authority, unable to confess the self-interested motives of their opposition, would increase the terrors of the people, who would never quite know whether they were in danger or not. But even that would tend to make them avoid the real perils to which they could subsequently be exposed.

But this legislative body, having the people's confidence, and being more enlightened than they, could help them

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overcome the bad impressions they had been given and calm these instincts.

That is the great advantage this government would have over the ancient democracies, in which the people had an immediate power ; for when orators stirred them up, these stirrings always had their effect.

Thus, if the terrors impressed on them had no certain object, they would produce nothing but vain clamors and affronts ; and they would even have the good effect of summoning all the government's resources and making all citizens pay attention. But if they arose because the fundamental laws were being overturned, they would be sullen, ominous, and excessive, and would produce catastrophes.

Soon would come an menacing calm during which everyone would unite against the authority that had violated the laws.

If, in the case where the anxieties have no clear object, some foreign power threatened the state and threatened its fortune or its glory, at that point, with petty interests yielding to the greatest ones, everyone would unite behind the executive authority.

Now if disputes took shape because of the violation of fundamental laws, and a foreign power appeared, there would be a revolution which would change neither the form of the government nor its constitution : for the revolutions formed by liberty are only a confirmation of liberty.

A free nation can have a liberator ; a subjugated nation can only have another oppressor.

For any man who has enough force to drive out him who is already the absolute master in a state has enough to become the master himself.

Since in order to enjoy liberty everyone must be able to say what he thinks, and since to preserve it also everyone must be able to say what he thinks, a citizen, in this state, would say and write anything the laws have not expressly forbidden him to say or write.

This nation, constantly in ferment, could more easily be led by its passions than by reason, which never produces great effects on the minds of men ; and it would be easy for those who govern it to make it undertake things counter to its true interests.

This nation would cling prodigiously to its liberty, because that liberty would be genuine ; and in order to defend it, it might be that she would sacrifice her possessions, her comforts, and her interests, and that she would assume heavy taxes such as a despotic prince would not dare to make his subjects bear.

But since she would have certain knowledge of the necessity of submitting to them, since she would pay in the well-founded expectation of ceasing to pay, the charges would be heavier than the impression they made, whereas there are states where the impression is infinitely greater than the evil.

This nation would have certain credit, because she would borrow from herself, and pay herself. It could happen that she would undertake beyond her natural strength, and make a show of immense fictional wealth against her enemies, which the confidence and nature of her government would make real.

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To preserve her liberty she would borrow from her subjects, and her subjects, who would see that her credit would be lost if she were conquered, would have a further motive for making efforts to defend her freedom.

If this nation lived on an island, she would not be a conqueror, because separate conquests would weaken her. If the soil of this island was good, she would be even less a conqueror, because she would not need war to increase her wealth ; and as no citizen would be dependent upon another citizen, each would make more of his liberty than of the glory of a few citizens, or of a single one.

Men of war would be regarded there as members of a profession that can be useful and often dangerous, as men whose services are costly for the nation itself, and civil qualities would be more considered.

This nation, made comfortable by peace and liberty, freed from destructive prejudices, would be inclined to become a trading nation. If she had one of the primary materials that are used to make things on which the worker's hand can confer great value, she could create establishments by which she could obtain the fullest enjoyment of that gift from heaven.

If this nation were in a northerly location, and had a large number of surplus commodities, inasmuch as she would also be short on a large number of items which her climate would not furnish, she would carry on a necessary, but great, trade with the peoples of the south ; and choosing the states she would favor with advantageous trade, she would make mutually beneficial treaties with the nation she had chosen.

In a state where, on the one hand, opulence was extreme, and on the other hand taxes excessive, one could scarcely live without industry with a limited fortune. Many people under pretext of travel or health would leave their homes and go seek abundance even in lands of servitude.

A trading nation has a prodigious number of small private interests, and can therefore offend and be offended in an infinite number of ways. She would become supremely jealous, and would be more distressed by the prosperity of others than she would enjoy her own.

And her laws, otherwise restrained and simple, could be so rigid with respect to the trading and shipping done in her territory that she would seem to be dealing solely with her enemies.

If this nation sent colonies afar, it would be to extend her trade more than her domination.

As people like to establish elsewhere what they find established at home, she would endow the peoples of her colonies with the form of her own government ; and this government bringing prosperity with it, we would see great peoples forming in the very forests she was sending them to inhabit.

It could be that she once had subjugated a neighboring nation which by her situation, the quality of her ports, and the nature of her wealth would arouse her jealousy ; thus, although she would have given that nation her own laws, she would hold it very much in dependency, in such a way that the citizens would be free, and the state itself a slave.

The conquered state would have a very good civil government, but it would be oppressed by the law of nations, and such laws from one nation to another would be imposed on it that its prosperity would be but precarious and only in holding for a master.

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The dominant nation inhabiting a large island, and being in possession of great trade, would have all sorts of means of acquiring sea forces ; and as the preservation of her liberty would require that she have neither strongholds, nor fortifications, nor land armies, she would need a navy that could protect her from invasions, and her marine would be superior to that of all the other powers which, having to use their finances for war on land, would not have enough remaining for war at sea.

Mastery of the seas has always given natural pride to the peoples who have possessed it, because, feeling able to harm anyone, they believe their power has no limits but the ocean.

This nation could have great influence in its neighbors' affairs. For as she would not use her power to conquer, her friendship would be more sought after, and her hostility more feared, than the inconstancy of her government and her inner agitation would appear to permit.

Thus it would be the destiny of the executive authority to be almost forever unsettled within, and respected without.

Should this nation become at certain times the center of European negotiations, she would bring to them a little more probity and good faith than the others, because, the ministers being often obliged to justify their conduct before a popular council, their negotiations could not be secret, and they would be forced to be in this regard a little more straightforward.

Moreover, as they would, in a certain way, have to vouch for events to which devious conduct might give rise, the surest thing for them would be to take the straightest path.

If the nobles had at certain times held immoderate power in the nation, and the monarch had found the means of humbling them by raising up the people, the point of extreme servitude would have been between the moment when the great were humbled and the moment when the people began to feel their power.

It could be that this nation, having once been subjugated to an arbitrary power, had on several occasions preserved its style, in such a way that on the base of a free government one would often find the form of an absolute government.

With respect to religion, since in this state each citizen would have his own will, and consequently be guided by his own understanding, or his fancies, it would happen either that everyone would be quite indifferent to all sorts of religions of whatever kind, in which case everyone would be led to embrace the dominant religion, or they would be zealous for religion in general, in which case sects would multiply.

It would not be impossible for there to be people in this nation who had no religion, and yet would not wish to allow anyone to force them to change the one they would have if they had one : for they would immediately sense that life and possessions are no more their own than their way of thinking, and that he who can deprive them of one can even more surely deprive them of the other.

If among the different religions there were one which they would have been tempted to establish by the path of slavery, it would be repulsive to them, because as we judge things by the inferences and accessories we bring to them, it could never come to mind alongside the notion of liberty.

The laws against those who might profess this religion would not be sanguinary, for liberty does not imagine such sorts of punishments ; but they would be so repressive that they would inflict all the pain that can be inflicted

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dispassionately.

It could in a thousand ways occur that the clergy would have so little influence that the other citizens would have more. Thus, instead of separating themselves, they would prefer to bear the same burdens as the laity, and form in this regard a single body ; but as they would always be seeking to attract the people's respect, they would distinguish themselves by a more withdrawn life, more reserved conduct, and purer morals.

This clergy being unable to protect religion or to be protected by it, lacking the strength to force, would seek to persuade ; and there would flow from their pens some excellent writings to prove revelation and the providence of the great being.

It could happen that people would elude their assemblies, and not want to allow them to correct even their own abuses, and that in a frenzy of liberty people would prefer to leave their reform incomplete than to allow them to be reformers.

The dignities that are integral to the fundamental constitution would be more fixed than elsewhere ; but on the other hand the great in this land of liberty would draw closer to the people ; the ranks would thus be more distinct, and the persons more intermixed.

As those who govern have an authority that renews itself, so to speak, and reconstitutes itself every day, they would have more consideration for people who are useful to them than for those who entertain them ; thus we would see few courtiers, flatterers, sycophants, in short fewer of all those sorts of people who make the great pay even for the emptiness of their minds.

No one would esteem men there for frivolous talents or attributes, but for real qualities : and of those there are only two, wealth and personal merit.

There would be solid luxury, based not on the refinement of vanity, but on that of real needs ; and no one would seek in things other pleasures than the ones nature has put there.

There would be great superfluity to enjoy, and yet frivolous things would be forbidden : thus many who have more means than opportunities for spending would use it in a strange manner, and in this nation there would be more wit than taste.

As people would always be occupied by their own interests, they would lack the kind of civility that is based on idleness, and they really would not have time for it.

The era of Roman civility is the same as the era when arbitrary power was established. Absolute government produces idleness, and idleness gives rise to civility.

The more people there are in a nation who need to have deference among themselves and not displease, the more civility there is. But it is more the civility of ethos than of manners that should distinguish us from barbarian peoples.

In a nation where every man in his own way would take part in the administration of the state, the women ought to keep little company with the men. They would therefore be modest, which is to say timid ; that timidity would be their virtue, whereas the men wanting gallantry would plunge themselves into a debauchery that would leave them all their

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freedom and leisure.

The laws having not been made for any individual more than another, everyone would see himself as a monarch, and the men in this nation would be more confederates than compatriots.

If the climate had given to many people a restless mind and extended views, in a country where the constitution gave everyone a share in the government and political interests, there would be much talk of politics ; people would spend their lives calculating events which, given the nature of things and the caprice of fortune, which is to say of men, are hardly subject to calculation.

In a free nation it is very often indifferent whether individuals reason well or ill ; it suffices that they reason : thence comes the freedom that protects from the effects of that very reasoning.

Similarly, in a despotic government it is equally pernicious to reason well or ill ; it suffices that they reason to contest the principle of the government.

Many people who would be unconcerned about pleasing anyone would abandon themselves to their humor ; most of them with some wit would be tormented by their very wit ; in their scorn or disaffection for all things, they would be unhappy with so many reasons not to be unhappy.

With no citizen fearing any other citizen, this nation would be proud, for the pride of kings is based only on their independence.

Free nations are haughty ; the others can more easily be vain.

But these proud men, spending much time with themselves, would often find themselves surrounded by persons unknown ; they would be timid, and most of the time they would manifest a strange mixture of pride and unjustified shame.

The character of the nation would appear above all in their creative works, in which we would see contemplative men who had thought all by themselves.

Society teaches us to sense the ridiculous ; retreat makes us more sensitive to vices. Their satirical writings would be fierce, and we would see many Juvenals among them before we found a Horace.

In extremely absolute monarchies, historians are traitors to the truth, because they are not free to state it ; in extremely free states, they are traitors to the truth because of their very freedom, which forever producing divisions, everyone would become as much the slave of the prejudices of his faction as he would be of a despot.

Their poets would more often possess that original coarseness of invention than a certain delicacy which taste imparts ; we would see in it something more similar to the force of Michelangelo than to the grace of Raphaël.

[1] Ch. vi.