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XIX.16 How some legislators have confounded the principles that govern men

- The Spirit of Law - Book XIX. On the laws in the relation they have to the principles that constitute the general spirit, the morals, and the manners of a nation -

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Morals and manners are practices which the laws have not instituted, or could not, or did not wish to.

One difference between the laws and morals is that the laws more determine the acts of the citizen, and morals more determine the acts of the man. One difference between the ethos and manners is that the first has more to do with inner conduct, the latter with exterior.

Sometimes, in a state, these things are conflated [1]. Lycurgus made a single code for laws, morals, and manners, and the legislators of China did likewise.

We must not be surprised if the legislators of Lacedæmon and China conflated laws, ethos and manners : it is because morals represent the laws, and manners represent morals.

The principal object of China's legislators was to make their people live tranquilly ; they wanted men to respect each other deeply, for each to be aware at every moment that he owed much to others, and that there was no citizen who did not depend in some respect on another citizen. They therefore gave the most elaboration to the rules of civility.

Thus, among the Chinese peoples, villagers [2] observed ceremonies among themselves the way people of high rank did, a most appropriate means for inspiring gentleness, maintaining peace and good order among the people, and suppressing all the vices that emanate from an unforgiving spirit. Is a break with the rules of civility not indeed an attempt to accommodate one's flaws more easily ?

Civility is in this respect better than politeness. Politeness flatters other people's vices, and civility keeps us from manifesting our own ; it is a barrier that men put between them to avoid corrupting each other.

Lycurgus, whose institutions were unforgiving, did not have civility as his purpose when he fashioned manners ; his eyes were set on the warlike spirit he wanted to impart to his people. Men forever correcting, or forever corrected, who were forever instructing and forever instructed, equally simple and rigid, were exercising virtues amongst themselves rather than showing respect.

[1] Moses made a single code for the laws and religion. The early Romans conflated the ancient customs with the laws.

[2] See Father du Halde.