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Publication date: mercredi 15 avril 2020

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Usbek to Rhedi in Venice

Most legislators have been limited men, whom chance has placed in charge of the others, and have taken account of little but their prejudices and their whims.

It appears as if they have underestimated the grandeur and even the dignity of their product ; they have busied themselves creating puerile institutions with which they have indeed conformed to petty minds, but have diminished themselves to people of good sense.

They have pored over useless details ; they have gone into particular cases, which is a sign of a narrow genius that sees things only in their parts, and embraces nothing of an overall view.

Some have affected the use of a language other than the vernacular, [1] which is absurd for a lawmaker : how can the laws be observed if they are not known ?

They have often needlessly abolished those they have found established, which is to say that they have plunged peoples into the disorders inseparable from changes.

It is true that by a peculiarity that comes rather from the nature of men than from their minds, it is sometimes necessary to change certain laws. But the case is rare, and when it happens, they should be touched only with trembling hand : such solemnities should be observed and such precautions taken that the people will naturally conclude that the laws are indeed sacred, since it takes so many formalities to abrogate them.

Often they have made them too subtle and followed the notions of a logician rather than natural equity. Subsequently they were found to be too harsh, and by a spirit of equity it was deemed they should not be applied ; but this remedy was a new disease. Whatever the laws may be, we must always follow them, and regard them as the public conscience, to which that of individuals must always conform.

Yet it must be admitted that some of them have had been careful for one thing that reveals shows much wisdom ; it is to have given fathers great authority over their children. Nothing relieves judges more, nothing better clears the courthouses ; in short, nothing promotes more tranquillity in a state where the standards always make better citizens than the laws do.

Of all powers, that is the one that is least abused ; it is the most sacred of all magistracies ; it is the only one that is not dependent on conventions, and even preceded them.

We observe that in countries where more rewards and punishments are placed in paternal hands, families are more orderly. Fathers are the image of the creator of the universe [2] who, although he can guide men with his love, still attaches them even more by the motives of hope and fear.

Letter 76

I shall not end this letter without pointing out to you the peculiarity of the French mind. It is said that they have retained from Roman law an infinite number of things that are useless or even worse, and they have not taken from them the paternal power which they established as the primary legitimate authority.

Paris this 18th day of the moon of Saphar 1715

[1] Churchmen, that is, council fathers and popes whose texts make up canon law.

[2] A Biblical analogy ; see letter 91 ; cf. *The Spirit of Law*, I, 3.