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- The Spirit of Law - Book XXI. On laws in the relation they have to commerce, considered in the transformations it has seen in the world -

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The immense treasures of Semiramis, [1] which could not have been acquired in a day, make us think that the Assyrians had themselves plundered other wealthy nations, as other nations plundered them later.

The effect of commerce is wealth ; after wealth comes luxury, and after luxury perfection of the arts. The arts carried to the point where we find them in the time of Semiramis [2] indicate to us that considerable trade was already established.

There was a great luxury trade in the Asian empires. The history of luxury would be a substantial part of the history of trade : the luxury of the Persians was the luxury of the Medes, as the luxury of the Medes was that of the Assyrians.

Great changes have taken place in Asia. The part of Persia that is in the northeast – Hyrcania, Margiana, Bactria, etc. – used to be filled with flourishing cities that are no longer [3] and the north of that empire, [4] that is to say the isthmus separating the Caspian Sea from the Euxine Sea, [5] was covered with cities and nations which also no longer exist.

Eratosthenes and Aristobulus learned from Patrocles that merchandise from the Indies passed through the Oxus into the Sea of Pontus. [6] Marcus Varro tells us it was learned in the time of Pompey, in the war against Mithridates, that it took seven days to go from India to the land of the Bactrians, and to the Icarus river that flows into the Oxus ; that Indian merchandise could thereby cross the Caspian Sea, from there enter into the mouth of the Cyrus ; and that from that river it took only an overland passage of five days to reach the Phasus, which lead into the Euxine Sea. [7] It is doubtless through the nations populating these various regions that the great empires of the Assyrians, Medes, and Persians had communication with the remotest parts of the Orient and the Occident.

There is no longer any such communication. All these countries have been laid waste by the Tartars, [8] and that destructive nation still inhabits them in order to infest them. The Oxus no longer leads to the Caspian Sea : the Tartars have diverted it for their own reasons [9]; it comes to an end in arid sands.

The Jaxartes, which once formed a barrier between the civilized and barbaric nations, has likewise been diverted by the Tartars, and no longer reaches the sea.

Seleucus Nicator conceived a plan to join the Euxine Sea with the Caspian Sea. [10] This project, which would have greatly facilitated the commerce practiced at that time, disappeared with his death. [11] It is uncertain whether he could have realized it in the isthmus separating the two seas. Very little is known today about this region : it is depopulated and filled with forests ; there is no lack of water, for a great number of rivers flow down from Mount Caucasus, but this Caucasus, which forms the north of the isthmus, and extends what are like arms to the south, [12] would have been a great obstacle, especially in those times when they did not have the art of building locks.

It could be that Seleucus wanted to make the joining of the two seas in the very place where czar Peter I has done it since : that is, in that tongue of land where the Tanais approaches the Volga ; but the north of the Caspian Sea was not yet discovered.

While there was a luxury trade in the empires of Asia, the Tyrians were engaged throughout the world in a commerce of economy. Bochard devoted the first book of his *Canaan* [13] to the enumeration of the colonies they sent into every country that is close to the sea ; they went beyond the Pillars of Hercules, and made settlements on the coasts of the ocean. [14]

In those times, navigators were obliged to follow the coasts, which were, so to speak, their compass. Voyages were long and hard. The labors of Ulysses' travels were a fertile subject for the most beautiful poem in the world, after the one which is the first of all. [15]

The little knowledge which most peoples had of those who were far away favored the nations engaged in commerce of economy. They put into their dealing the obscurities they wanted ; they had all the advantages which intelligent nations assume over ignorant peoples.

Egypt, resistant by religion and customs to any communication with foreigners, practiced almost no outside trade ; she enjoyed fertile land and extreme abundance. She was the Japan of those times : she was self-sufficient.

So far were the Egyptians from jealousy over trade that they abandoned the Red Sea trade to all the small nations that had some port on it. They allowed the Idumeans, the Jews, and the Syrians to keep fleets there. For this navigation Solomon employed Tyrians who were familiar with those waters. [16]

Josephus says that his nation, solely occupied with agriculture, had little knowledge of the sea [17]; thus it was only on occasion that the Jews traded in the Red Sea. From the Idumeans they took Elath and Ezion-Geber, which gave them this trade ; they lost those two cities, and lost that trade as well.

Such was not the case of the Phoenicians : they did not engage in luxury trade ; they did not come to trade through conquest ; their frugality, their skill, their industry, their perils, and their fatigues made them necessary to every nation on earth.

Before Alexander, the nations bordering on the Red Sea traded only on that sea and the sea of Africa. [18] The universal surprise at the discovery of the Indian Sea, made under that conqueror, is sufficient proof of that. I have said [19] that precious metals are always borne to the Indies and none are ever brought back ; the Jewish fleets that returned through the Red Sea with gold and silver were coming from Africa, and not from the Indies.

Moreover, this navigation was taking place on the east coast of Africa, and the state of things maritime at that time proves sufficiently that they did not sail to very remote places.

I know that the fleets of Solomon and Jehoshaphat did not return until the third year ; but I do not see that the length of the voyage proves how far they had gone.

Pliny and Strabo tell us that the distance covered in twenty days by a ship made of reeds, from the Indies and the Red Sea, could be covered by a Greek or Roman ship in seven. [20] With this proportion, one year's voyage for the Greek and Roman fleets took about three years for Solomon's.

Two ships of unequal speed do not make their voyage in a time proportional to their speed : slowness often produces greater slowness. When you have to follow the coasts, and are constantly in a different position ; when you have to wait for a good wind to sail out of a gulf, and get another one to go forward, a good sailing ship takes advantage of all favorable moments, whereas the other remains in a difficult spot and awaits several days for another change.

This slowness of Indian ships which, in an equal interval, could cover only a third of the distance covered by Greek and Roman ships, can be explained by what we see in our marine today. The Indian ships which were made of reeds drew less water than the Greek and Roman vessels, which were made of wood and joined with iron.

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We can compare these ships of the Indies with those of some nations today with shallow ports : such are those of Venice and even of Italy in general, [21] of the Baltic Sea, and of the province of Holland. [22] Their ships, which must leave and re-enter them, are made round and broad on the bottom, whereas the ships of other nations with good ports have a hull shaped to sit deeper in the water. Thus, for mechanical reasons, these latter ships sail closer to the wind, and the former sail almost solely when they have the wind to their back. A ship with a deep draft sails in the same direction with almost every wind, because of the water's resistance to the vessel being driven by the wind, which provides support, and the long shape of the vessel, which has its side facing the wind, while by the effect of the rudder's shape the prow is turned in the intended direction : so one can sail very close to the wind, in other words very close to the direction from which the wind is coming. But when the ship is round-shaped and broad-bottomed, and consequently has a shallow draft, it no longer gets any support; the wind pushes the ship, which cannot resist, nor go much anywhere except in the direction opposite the wind. Whence it follows that vessels of rounded-bottom construction voyage more slowly : first, they lose a good deal of time waiting on the wind, especially if they are obliged to change direction often; secondly, they go more slowly, because having no hull support, they cannot manage to carry as many sails as the others. If at a time when the marine has made such progress, when the arts are shared, when we correct with art the failings of both nature and of art itself, we perceive these differences, what must it have been like in the marine of the Ancients?

I cannot yet leave this subject. The ships of the Indies were small, and those of the Greeks and Romans, if we except those machines made out of ostentation, were smaller than ours. Now the smaller a ship is, the more it is endangered by heavy weather. The storm that sinks a ship would, if it were larger, do no more than toss it. The more a body exceeds another in size, the smaller is its relative surface : whence it follows that in a small ship there is a smaller ratio, in other words a greater difference between the ship's surface and the weight or cargo it can carry, than in a large one. We know from fairly general practice that we make a ship carry a load equal in weight to half the water it could contain. Supposing a ship could hold eight hundred tons of water : its payload would be four hundred tons ; and that of a ship that held but four hundred tons of water would be two hundred tons. Thus the size of the first ship would be, to the weight it would carry, as 8 is to 4, and that of the second as 4 is to 2. Suppose the surface of the large vessel were to the small one as 8 is to 6 : the surface of the latter will be, to its weight, as 6 is to 2, whereas the surface of the former will only be, to its weight, as 8 is to 4 ; and with the winds and waves acting only on its surface, the large vessel will with its weight better resist their fury than the small one.

We find in history that before the discovery of the compass four attempts were made to circumnativate Africa. Phoenicians sent by Necho [23] and Eudoxus, [24] fleeing the wrath of Ptolemy Lathyrus, left from the Red Sea, and succeeded. Sataspes, under Xerxes, [25] and Hanno, who was sent by the Carthaginians, went out through the Pillars of Hercules, and did not succeed.

The capital point for circumnavigating Africa was to locate and round the Cape of Good Hope. But if you left from the Red Sea, you found that half-way cape closer than by leaving from the Mediterranean. The coast that goes from the Red Sea to the Cape is safer than the one that goes from the Cape to the Pillars of Hercules. [26] In order for those leaving from the Pillars of Hercules to find the Cape, the compass had to be invented, making it possible to leave the coast of Africa and sail into the vast ocean in the direction of the island of Saint Helena or the coast of Brazil. [27] It was therefore quite possible that someone had gone from the Red Sea to the Mediterranean without having returned from the Mediterranean to the Red Sea.

Thus, without making this great circuit, after which one could no longer return, it was more natural to ply the East African trade through the Red Sea, and trade with the western coast through the Pillars of Hercules. [28]

[1] Diodorus, book II.

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[2] Diodorus, book II.

[3] See Pliny, book VI, ch. xvi, and Strabo, book XI.

[4] Strabo, book XI.

[5] [The Black Sea. The area referred to would be today Georgia, Armenia, and Azerbaijan.]

[<mark>6</mark>] *Ibid*.

[7] In Pliny, book VI, ch. xvii. See also Strabo, book XI, on the trajectory of merchandise from the Phasis to the Cyrus [rivers].

[8] This is why those who have described these countries for us since the Tartars have wholly disfigured them. The map of the Caspian Sea made in our time by the orders of czar Peter I has revealed the enormous errors of our modern maps on the shape of the Caspian Sea, and turns out to be consistent with what the Ancients said about it. See Pliny, book VI, ch. xii.

[9] See Jenkinson's relation in Recueil des voyages du nord, vol. IV [p. 103–138]

- [10] Claudius Cæsar, in Pliny, book VI, ch. xi.
- [11] He was killed by Ptolemy Keraunos [in 281 BCE].
- [12] See Strabo, book XI.
- [13] [Samuel Bochart, Geographia sacra seu Phaleg et Canaan, 1646).]
- [14] They formed Tartessos, and settled in Cadiz.
- [15] [I.e., the Odyssey, second to the Iliad.]
- [16] III [I] Kings, ch. ix ; II Chronicles, ch. viii.
- [17] Against Appion.
- [18] [I.e., the Mediterranean ? The Gulf of Aden ?]
- [19] In the first chapter of this Book.
- [20] See Pliny, book VI, ch. xxii, and Strabo, book XV.
- [21] Italy has almost nothing but harbors, but Sicily has some very good ports.
- [22] I refer to Holland province, for the ports of the sea of Zeeland are rather deep.
- [23] He wished to conquer (Herodotus, book IV).
- [24] Pliny, book II, ch. Ixvii ; Pomponius Mela, book III, ch. ix.
- [25] Herodotus, in *Melpomene*.

[26] Add to this what I say in ch. viii of this book on Hanno's navigation.

[27] In the Atlantic Ocean, there is a northeast wind in October, November, December and January. You cross the equator, and to elude the general eastern wind you go southward, or else you enter the torrid zone in places where the wind blows from west to east.

[28] [In the edition of 1758, this chapter is extended by the text of Annex 11.]