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Montaigne's Essays

In Three Books. With Notes and Quotations. And an Account of The Author's Life ; With a short Character of the Author and Translator, by the late Marquis of Halifax; With the Addition of A Complete Table to each Volume

Montaigne, Michel Eyquem de

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Chap. 22. Of Custom, and that we should not easily change a Law received.

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derived from our Death and Vices; a Physician takes no Pleasure in the Health even of his Friends, says the ancient comical *Greek*; nor a Soldier in the Peace of his Country; and so of the rest. And, which is yet worse, let every one but dive into his own Bosom, and he will find his private Wishes spring, and his secret Hopes grow up at another's Expence. Upon which Consideration it comes into my Head, that Nature does not in this swerve from her general Polity; for Physicians hold, that the Birth, Nourishment, and Encrease of every Thing is the Corruption and Dissolution of another.

*Nam quodcumque suis mutatum finibus exit,
Continuo hoc mors est illius, quod fuit ante*.*

For what from it's own Confines chang'd doth pass,
Is fraight the Death of what before it was.



C H A P. XXII.

*Of Custom, and that we should not easily change
a Law received.*

HE seems to me to have had a right and true Apprehension of the Power of Custom, who first invented the Story of a Country-woman; who having accustomed herself to play with, and carry a young Calf in her Arms, and daily continuing to do so as it grew up, obtained this by Custom, that when grown to be a great Ox, she was still able to bear it. For, in Truth, Custom is a violent and treacherous School-Mistress. She, by little and little, slyly and unperceived, slips in the Foot of her Authority, but having by this gentle and humble Beginning, with the Benefit of Time, fixed and established it, she then unmaskes a furious and tyrannick Countenance, against which we have no more the Courage, or the Power so much as to lift up

* *Lucret. l. 2.*

our Eyes. We see it at every Turn forcing and violating the Rules of Nature: *Usus efficacissimus rerum omnium magister* *; *Custom is the greatest Master of all Things*: I believe *Plato's* Care in his Republick, and the Physicians, who so often submit the Reasons of their Art to the Authority of Habit; as also the Story of that King, who by Custom brought his Stomach to that pass, as to live by Poison; and the Maid that *Albertus* reports to have lived upon Spiders; and in that new World of the *Indies*, there were found great Nations, and in very differing Climates, who were of the same Diet, made Provision of them, and fed them for their Tables; as also they did Grasshoppers, Mice, Bats, and Lizards; and in a Time of a Scarcity of such Rarities, a Toad was sold for six Crowns, all which they cook, and dish up with several Sauces. There were also others found, to whom our Diet and the Flesh we eat, were venomous and mortal. *Consuetudinis magna vis est: Pernoctant wintores in nive: In montibus uri se patiuntur: Pugiles Castibus contusi, ne ingemiscunt quidem* †. The Power of Custom is very great: Huntsmen will one while lie out all Night in the Snow, and another suffer themselves to be parched in the Mountains; and Fencers, inured to Beating, when banged almost to pulp with Clubs and Whirl bats, disdain so much as to groan. These are strange Examples, but yet they will not appear so strange, if we consider what we have ordinary Experience of, how much Custom stupifies our Senses; neither need we go to be satisfied of what is reported of the Cataracts of *Nile*; and of what Philosophers believe of the Musick of the Spheres, that the Bodies of those Circles being solid and smooth, and coming to touch, and rub upon one another, cannot fail of creating a wonderful Harmony, the Changes and Cadencies of which, cause the Revolutions and Dances of the Stars; but that the Hearing Sense of all Creatures here below, being universally, like that of the *Egyptians*, deaf'd, and stupified with the continual Noise, cannot, how great soever, perceive it. Smiths, Millers, Pewterers, Forge-men, and Armorers, could never be able to live in the perpetual Noise of their own Trade, did it strike their Ears with the same

* *Plin. l. 6.*† *Cicero Tusc. l. 2.*

Violence that it does ours. My perfum'd Doublet gratifies my own Smelling at first, as well as that of others, but after I have worn it three or four Days together, I no more perceive it; but it is yet more strange, that Custom, notwithstanding the long Intermissions and Intervals, should yet have the Power to unite, and establish the Effect of it's Impressions upon our Senses, as is manifest in such as live near unto Steeples, and the frequent Noise of the Bells. I myself lie at home in a Tower, where every Morning and Evening a very great Bell rings out the *Ave Maria*, the Noise of which shakes my very Tower, and at first seem'd insupportable to me; but having now a good while kept that Lodging, I am so used to it, that I hear it without any Manner of Offence, and often without awaking at it. *Plato* reprehending a Boy for playing at some childish Game; Thou reprov'st me (says the Boy) for a very little Thing: *Custom* (reply'd *Plato*) is no little Thing. And he was in the Right; for I find that our greatest Vices derive their first Propensity from our most tender Infancy, and that our principal Education depends upon the Nurse; Mothers are mightily pleas'd to see a Child writhe off the Neck of a Chicken, or to please itself with the hurting a Dog, or a Cat; and such wise Fathers there are in the World, who look upon it as a notable Mark of a martial Spirit, when he hears his Son mis-call, or sees him domineer over a poor Peasant, or a Lacquey, that dares not reply nor turn again; and a great Sign of Wit when he sees him cheat and over-reach his Play-fellow by some malicious Trick of Treachery and Deceit; but for all that, these are the true Seeds and Roots of Cruelty, Tyranny and Treason. They bud and put out there, and afterwards shoot up vigorously, and grow to a prodigious Bulk and Stature, being cultivated and improved by Custom: And it is a very dangerous Mistake to excuse these vile Inclinations upon the Tenderness of their Age, and the Trivialty of the Subject; first, it is Nature that speaks, whose Declaration is then more sincere, and inward Thoughts more undisguis'd as it is more weak and young: Secondly, The Deformity of Cozenage does not consist, nor depend upon the Difference betwixt Crowns and Pins; but merely upon itself, for a Cheat is a Cheat be it more or less; which makes me think it

Deceit ought to be corrected in the greenest Years.

more just to conclude thus, Why should he not cozen in Crowns, since he does it in Pins, than as they do, who say, They only play for Pins, he would not do it if it were for Money. Children should carefully be instructed to abhor even Vices of their own contriving; and the natural Deformity of those Vices ought so to be represented to them, that they may not only avoid them in their Actions, but especially so abominate them in their Hearts, that the very Thought should be hateful to them, with what Malice soever they may be palliated or disguis'd. I know very well for what concerns myself, that for having been brought up in my Childhood to a plain and sincere Way of Dealing, and for having then had an Aversion to all Manner of Juggling and foul Play in my childish Sports and Recreations, (and indeed it is to be noted, that the Plays of Children are not performed in Play, but are to be judg'd in them as their most serious Actions) there is no Game so small wherein from my own Bosom naturally, and without Study or Endeavour, I have not an extreme Aversion for Deceit. I shuffle and cut, and make as much Clatter with the Cards, and keep as strict Account for Farthings, as it were for double Pistoles; when winning or losing against my Wife and Daughter is indifferent to me, as when I play in good Earnest with others for the roundest Sums. At all Times and in all Places, my own Eyes are sufficient to look to my Fingers; I am not so narrowly watch'd by any other, neither is there any I more fear to be discover'd by, or to offend.

I saw the other Day, at my own House, a little Fellow who came to shew himself for Money, a Native of *Nantz*, born without Arms, who has so well taught his Feet to perform the Services his Hands should have done him, that indeed they have half forgot their natural Office, and the Use for which they were design'd; the Fellow too calls them his Hands, and we may allow him so to do, for with them he cuts any Thing, charges and discharges a Pistol, threads a Needle, sows, writes, and puts off his Hat, combs his Head, plays at Cards and Dice, and all this with as much Dexterity as any other could do who had more, and more proper Limbs to assist him; and the Money I gave him he carried away in his Foot, as we do in our Hand. I have seen another, who being yet a Boy, flourished a two-handed
Sword,

Sword, and (if I may so say) handled a Halbert with the mere Motions and Writhing of his Neck and Shoulders for want of Hands, tost them into the Air, and catch'd them again, darted a Dagger, and crack'd a Whip as well as any Coachman in *France*. But the Effects of Custom are much more manifest in the strange Impressions she imprints in our Minds, where she meets with less Resistance, and has nothing so hard a Game to play. What has she not the Power to impose upon our Judgments and Belief? Is there any so fantastick Opinion (omitting the gross Impostures of Religions, with which we see so many populous Nations, and so many understanding Men, so strangely besotted; for this being beyond the Reach of human Reason, any Error is more excusable in such, as thro' the divine Bounty, are not endued with an extraordinary Illumination from above) but of other Opinions, are there any so senseless and extravagant that she has not planted and establish'd for Laws in those Parts of the World upon which she has been pleas'd to exercise her Power? And therefore that ancient Exclamation was exceeding just, *Non pudet Physicum, id est, speculatorem, venatoremque Naturæ ab animis consuetudine imbutis quærere testimonium veritatis* *? Is it not a Shame for a Philosopher, that is, for an Observer and Hunter of Nature, to derive Testimony from Minds pre-possess'd with Custom? I do believe, that no so absurd or ridiculous Fancy can enter into human Imagination, that does not meet with some Example of publick Practice, and that consequently our Reason does not ground, and support itself upon. There are People amongst whom it is the Fashion to turn their Backs upon him they salute, and never look upon the Man they intend to honour. There is a Place, where, whenever the King spits, the greatest Ladies of his Court put out their Hands to receive it; and another Nation, where the most eminent Persons about him, stoop to take up his Ordure in a Linnen Cloth. Let us here steal Room to insert a Story. A *French* Gentleman of my Acquaintance, was always wont to blow his Nose with his Fingers (a Thing very much against our Fashion) would justify himself for so doing, and was a Man very famous for pleasant Repartees, who, upon

* *Cicero de Nat. Deor.*

that

that Occasion asked me, What Privilege this filthy Excrement had, that we must carry about us a fine Handkerchief to receive it, and which was more, afterwards to lap it carefully up, and carry it all Day about in our Pockets, which, he said, could not but be much more nauseous and offensive, than to see it thrown away, as we did all other Evacuations. I found that what he said was not altogether without Reason, and by being frequently in his Company, that slovenly Action of his was at last grown familiar to me; which nevertheless we make a Face at, when we hear it reported of another Country. Miracles appear to be so, according to our Ignorance of Nature, and not according to the Essence of Nature. The continually being accustom'd to any Thing, blinds the Eye of our Judgment. *Barbarians* are no more a Wonder to us, than we are to them; nor with any more Reason, as every one would confess, if after having travell'd over those remote Examples, Men could settle themselves to reflect upon, and rightly to confer them. Human Reason is a Tincture equally infus'd almost into all our Opinions and Customs, of what Form soever they are, infinite in Matter, infinite in Diversity. But I return to my Subject.

There are People, where (his Wife and Children excepted) no one speaks to the King but through a Trunk. In one and the same Nation the Virgins discover those Parts that Modesty should persuade them to hide, and the married Women carefully cover and conceal. To which, this Custom in another Place has some Relation, where Chastity, but in Marriage, is of no Esteem, for unmarried Women may prostitute themselves to as many as they please, and being got with Child, may lawfully take Physick in the Sight of every one to destroy their Fruit. And in another Place, if a Tradesman marry, all of the same Condition, who are invited to the Wedding, lie with the Bride before him; and the greater Number of them there is, the greater is her Honour, and the Opinion of her Ability and Strength: If an Officer marry, 'tis the same, the same with a Nobleman, and so of the rest, except it be a Labourer, or one of mean Condition, for them it belongs to the Lord of the Place to perform that Office; and yet a severe Loyalty during Marriage is afterward strictly enjoin'd. There is a Place where Bawdy-houses
of

of Young men are kept for the Pleasure of Women, as we know there are of Women for the Necessities of Men; and also Marriages, where the Wives go to War as well as the Husbands, and not only share in the Dangers of Battle, but moreover in the Honours of Command. Others, where they wear Rings not only through their Noses, Lips, Cheeks, and on their Toes, but also weighty Gymmalls of Gold thrust through their Paps and Buttocks; Where in eating they wipe their Fingers upon their Thighs, Genitories, and the Soles of their Feet: Where Children are excluded and Brothers and Nephews only inherit; and elsewhere, Nephews only, saving in the Royal Family, and the Succession of the Crown: Where, for the Regulation of Community in Goods and Estates observ'd in the Country, certain Sovereign Magistrates have committed to them the universal Charge and overseeing of the Agriculture, and Distribution of the Fruits according to the Necessity of every one: Where they lament the Death of Children, and Feast at the Decease of old Men: Where they lie ten or twelve in a Bed, Men and their Wives together: Where Women whose Husbands come to violent Ends, may marry again, and others not: Where the servile Condition of Women is look'd upon with such Contempt, that they kill all the native Females, and buy Wives of their Neighbours to supply their Use: Where Husbands may repudiate their Wives, without shewing any Cause, but Wives cannot part from their Husbands, for what Cause soever: Where Husbands may sell their Wives in case of Sterility: Where they boil the Bodies of their Dead, and afterwards pound them to a Pulp, which they mix with their Wine, and drink it: Where the most coveted Sepulture is to be eaten with Dogs; and elsewhere by Birds: Where they believe the Souls of the happy live in all Manner of Liberty, in delightful Fields, furnish'd with all Sorts of Delicacies, and that it is those Souls repeating the Words we utter, which we call *Echo*: Where they fight in the Water, and shoot their Arrows with the most mortal Aim, swimming: Where, for a Sign of Subjection, they lift up their Shoulders, and hang down their Heads, and put off their Shoes when they enter the King's Palace: Where the Eunuchs who take Charge of the Religious Women, have moreover their Lips and Noses cut away, and

and disguis'd, that they may not be lov'd; and the Priests put out their own Eyes, to be better acquainted with their *Dæmons*, and the better to receive and retain their Oracles: Where every one creates to himself a Deity of what he likes best, according to his own Fancy; the Hunter, a Lion or a Fox; the Fisher, some certain Fish, and Idols of every human Action or Passion; in which Place the Sun, the Moon, and the Earth, are the principal Deities, and the Form of taking an Oath is to touch the Earth, looking up to Heaven; and there both Flesh and Fish is eaten raw: Where the greatest Oath they take is, to swear by the Name of some dead Person of Reputation, laying their Hand upon his Tomb: Where the New-year's Gift the King sends every Year to the Princes, his Subjects, is Fire, which being brought, all the old Fire is put out, and the neighbouring People are bound to fetch of the new, every one for themselves upon Pain of Treason: Where, when the King, to betake himself wholly to Devotion, retires from his Administration, (which often falls out) his next Successor is oblig'd to do the same; by which Means the Right of the Kingdom devolves to the third in Succession: Where they vary the Form of Government, according to the seeming Necessity of Affairs; depose the King when they think good, substituting ancient Men to govern in his Stead, and sometimes transferring it into the Hands of the common People: Where Men and Women are both circumcis'd, and also baptiz'd: Where the Soldier, who in one, or several Engagements, has been so fortunate, as to present seven of the Enemies Heads to the King, is made noble: Where they live in that rare and singular Opinion of the Mortality of the Soul: Where the Women are deliver'd without Pain or Fear: Where the Women wear Copper Fetters upon both their Legs, and if a Louse bite them, are bound in Magnanimity to bite them again, and dare not marry 'till first they have made their King a Tender of their Virginity, if he pleases to accept of it: Where the ordinary Way of Salutation is, by putting a Finger down to the Earth, and then pointing up towards Heaven: Where Men carry Burthens upon their Heads, and Women on their Shoulders, the Women pissing standing, and the Men cowering down: Where they send their Blood in Token of Friendship, and cense the Men they would honour, like Gods:

Gods: Where not only to the Fourth, but in any other remote Degrees, Kindred are not permitted to marry: Where the Children are four Years at Nurfe, and sometimes twelve; in which Place also it is accounted mortal to give the Child suck the first Day after it is born: Where the Correction of the Male Children is peculiarly designed to the Fathers, and to the Mothers of the Females; the Punishment being to hang them by the Heels in the Smoke: Where they eat all Sorts of Herbs, without other Scruple, than of the Illness of the Smell: Where all Things are open, as the finest Houses, which are furnished with the richest Furniture, without Doors, Windows, Trunks, or Chests to lock, a Thief being there punished double to what they are in other Places: Where they crack Lice with their Teeth like Monkeys, and abhor to see them kill'd with one's Nails, Where in all their Lives they neither cut their Hair, nor pare their Nails; and in another Place, pare those of the Right-hand only, letting the left grow for Ornament and Bravery: Where they suffer the Hair on the Right-side to grow as long as it will, and shave the other; and in the neighbouring Provinces, some let their Hair grow long before, and some behind, shaving close the rest: Where Parents let out their Children, and Husbands their Wives, to their Guests to hire: Where a Man may get his own Mother with Child, and Fathers make use of their own Daughters, or their Sons, without Scandal or Offence: Where, at their solemn Feasts, they interchangeably lend their Children to one another, without any Consideration of Nearness of Blood. In one Place Men feed upon human Flesh, in another, 'tis reputed a charitable Office for a Man to kill his Father at a certain Age; and elsewhere, the Fathers dispose of their Children whilst yet in their Mothers Wombs, some to be preserved and carefully brought up, and others they proscribe either to be thrown off, or made away. Elsewhere the old Husbands lend their Wives to young Men; and in another Place they are in common, without Offence; in one Place particularly, the Women take it for a Mark of Honour to have as many gay fringed Tassels at the Bottom of their Garment, as they have lain with several Men. Moreover has not Custom made a Republick of Women separately by themselves? Has it not put Arms into their Hands, made them to raise Armies, and fight

fight Battles? And does she not by her own Precept instruct the most ignorant Vulgar, and make them perfect in Things which all the Philosophy in the World could never beat into the Heads of the wisest Men? For we know entire Nations, where Death was not only despised, but entertained with the greatest Triumph; where Children of seven Years old offered themselves to be whipped to Death, without changing their Countenance; where Riches were in such Contempt, that the poorest and most wretched Citizen would not have deigned to stoop to take up a Purse of Crowns, and we know Regions very fruitful in all Manner of Provisions, where, notwithstanding the most ordinary Diet, and that they are most pleased with, is only Bread, Cresses, and Water. Did not Custom moreover work that Miracle in *Chios*, that of seven hundred Years it was never known that ever Maid or Wife committed any Act to the Prejudice of her Honour? To conclude, there is nothing in my Opinion, that she does not, or may not do; and therefore with very good Reason it is, that *Pindar* calls her the Queen and Empress of the World. He that was seen to beat his Father, and reproved for so doing, made answer, that it was the Custom of their Family; that in like Manner his Father had beaten his Grand-father, his Grand-father his great Grand-father, and this, says he, pointing to his Son, when he comes to my Age, shall beat me. And the Father, whom the Son dragged and hauled along the Streets, commanded him to stop at a certain Door, for he himself, he said, had dragged his Father no farther, that being the utmost Limit of the hereditary Insolence the Sons used to practise upon the Fathers in their Family. It is as much by Custom as Infirmity, (says *Aristotle*) that Women tear their Hair, bite their Nails, and eat Coals, Chalk, and such Trash, and more by Custom than Nature, that Men abuse themselves with one another. The Laws of Conscience, which we pretend to be derived from Nature, proceed from Custom; every one having an inward Veneration for the Opinions and Manners, approved and received amongst his own People, cannot without very great Reluctancy depart from them, nor apply himself to them without Applause. In Times past, when those of *Crete* would curse any one, they pray'd the Gods to engage them in some ill Custom. But the principal Effect of the Power of Custom

tom is, so to seize and ensnare us, that it is hardly in our Power to disengage ourselves from its Gripe; or so to come to ourselves, as to consider of, and to weigh the Things it enjoins. To say the Truth, by Reason that we suck it in with our Milk, and that the Face of the World presents itself in this Posture to our first Sight, it seems as if we were born upon Condition to pursue this Practice; and the common Fancies that we find in Repute every where about us, and infused into our Minds with the Seed of our Fathers, appear to be most universal and genuine. From whence it comes to pass, that whatever is off the Hinge of Custom, is believed to be also off the Hinges of Reason; and how unseasonably for the most Part, God knows. If, as we who study ourselves, have learned to do, every one who hears a good Sentence, would immediately consider how it does any Way touch his own private Concern, every one would find, that it was not so much a good Saying, as a severe Lash to the ordinary Bestiality of his own Judgment: But Men receive the Precepts and Admonitions of Truth, as generally directed to the Common Sort, and never particularly to themselves: And instead of applying them to their own Manners, do only very ignorantly and unprofitably commit them to Memory, without suffering themselves to be at all instructed, or converted by them: But let us return to the Empire of Custom. Such People as have been bred up to Liberty, and subject to no other Dominion but the Authority of their own Will, every one being a Sovereign to himself, or at least governed by no wiser Heads than their own, do look upon all other Forms of Government as monstrous, and contrary to Nature. Those who are inured to Monarchy do the same; and what Opportunity soever Fortune presents them with to change, even then, when with the greatest Difficulties they have disengaged themselves from one Master, that was troublesome and grievous to them, they presently run with the same Difficulties to create another; being not able, how roughly dealt with soever, to hate the Government they were born under, and the Obedience they have so long been accustomed to. 'Tis by the Mediation and Persuasion of Custom, that every one is content with the Place where he is planted by Nature; and the *Highlanders* of *Scotland* no more pant after the better Air of *Tourain*, than the starved *Scythian* after the

the

the delightful Fields of *Thessaly*. *Darius* asking certain *Greeks* what they would take to assume the Custom of the *Indians*, of eating the dead Corps of their Fathers, (for that was their Use, believing they could not give them a better or more noble Sepulture, than to bury them in their own Bodies) they made answer, That nothing in the World should hire them to do it; but having also tried to persuade the *Indians* to leave their barbarous Custom, and after the *Greek* Manner, to burn the Bodies of their Fathers, they conceived a much greater Horror at the Motion. Every one does the same, forasmuch as Use veils from us the true Aspect of Things.

*Nil adeo magnum, nec tam mirabile quicquam
Principio, quod non minuunt mirarier omnes
Paulatim* *.

Nothing at first so great, so strange appears,
Which by Degrees, Use in succeeding Years
Renders not more familiar.

Taking upon me once to justify something in use amongst us, and that was received with absolute Authority for a great many Leagues round about us, and not content to establish it, as Men commonly do, only by Force of Law, and Example, but enquiring still farther into it's Original, I found the Foundation so weak, that I who made it my Business to confirm others, was very near being dissatisfied myself. 'Tis by this Receipt that *Plato* undertakes to cure this unnatural and preposterous Love of his Time, which he esteems of sovereign Virtue; namely, That the publick Opinion condemns them; That the Poets, and all other Sorts of Writers, relate horrible Stories of them. A *Recipe*, by Virtue of which the most beautiful Daughters no more allure their Fathers Lust; nor Brothers of the finest Shape and Fashion their Sisters Desire. The very Fables of *Thyestes*, *OEdipus*, and *Macareus*, having with the Harmony of their Song infused this wholesom Opinion and Belief into the tender Brains of Infants. Chastity is in truth a great and shining Virtue, and of which the Utility is sufficiently known; but to govern, and prevail with it

* *Lucret. l. 2.*

according

according to Nature, is as hard, as 'tis easy to do it according to Custom, and the Laws and Precepts of sober Practice. The original and fundamental Reasons are of very obscure and difficult Search, and our Masters either lightly pass them over, or not daring so much as to touch them, precipitate themselves into the Liberty and Protection of Custom; such as will not suffer themselves to be withdrawn from this Original Source, do yet commit a greater Error, and submit themselves to wild and beastly Opinions; witness *Chryssippus*, who in so many of his Writings has strew'd the little Account he made of incestuous Conjunctions committed with how near Relations soever. Whoever would disengage himself from this violent Prejudice of Custom, would find several Things receiv'd with absolute and undoubting Opinion, that have no other Support than the hoary Head and rivell'd Face of ancient Use; and Things being referr'd to the Decision of Truth and Reason, he will find his Judgment convinced and overthrown, and yet restor'd to a much more sure Estate. For Example, I shall ask him, what can be more strange than to see a People oblig'd to obey and pay a Reverence to Laws they never understood, and to be bound in all their Affairs, both of private and publick Concern, as Marriages, Donations, Wills, Sales, and Purchases, to Rules they cannot possibly know, being neither writ nor publish'd in their own Language, and of which they are of Necessity to purchase both the Interpretation and the Use? Not according to the ingenious Opinion of *Socrates*, who counsell'd his King to make the Trafficks and Negotiations of his Subjects, free, frank, and of Profit to them, and their Quarrels and Debates burdenson, and tart, and loaden with heavy Impositions and Penalties; but by a prodigious Opinion to make Sale of Reason itself, and to allow the Law a Course of Traffick. I think myself oblig'd to Fortune that (as our Historians report) it was a *Gascon* Gentleman, a Countryman of mine, who first oppos'd *Charlemain*, when he attempted to impose upon us Latin and imperial Laws. What can be more severe or unjust, than to see a Nation, where, by lawful Custom, the Office of a Judge is to be bought and sold, where Judgments are paid for with ready Money, and where Justice may legally be denied to him that has not wherewithal to pay; a Merchandise

chandise in so great Repute, as in a Government to serve a fourth Estate of wrangling Lawyers, to add to the three ancient ones of the Church, Nobility and People; which fourth Estate, having the Laws in their Hands, and sovereign Power over Men's Lives and Fortunes, make another separate Body of Nobility: From whence it comes to pass, that there are double Laws, those of Honour, and those of Justice, in many things positively opposite to one another; the Nobles as rigorously condemning a *Lie* taken, as the other do a *Lie* reveng'd: By the Law of Arms, he shall be degraded from all Nobility and Honour who puts up an Affront; and by the Civil Law, he who vindicates his Reputation by Revenge incurs a capital Punishment: Who applies himself to the Law for Reparation of an Offence done to his Honour, disgraces himself; and who does not is censur'd and punish'd by the Law. Yet of these two so different Things, both of them referring to one Head, the one has the Charge of Peace, the other of War; those have the Profit, these the Honour; those the Wisdom, these the Virtue; those the Word, these the Action; those Justice, these Valour; those Reason, these Force; those the *long Robe*, these the short divided betwixt them.

For what concerns indifferent Things, as Clothes, who would debauch them from their true and real Use, which is the Body's Service and Convenience, and upon which their original Grace and Decency depend, for the most fantastick, in my Opinion, that can be imagin'd: I will instance amongst others, our flat Caps, that long Tail of Velvet that hangs down from our Womens Heads, and that lascivious and abominable Model of a Member we cannot in Modesty so much as name, which nevertheless we shamefully strut withal in Publick. These Considerations notwithstanding will not prevail upon any understanding Man to decline the common Mode; but on the contrary, methinks all singular and particular Fashions are rather Marks of Folly and vain Affectation, than of sound Reason, and that a wise Man ought within to withdraw and retire his Soul from the Crowd, and there keep it at Liberty, and in Power to judge freely of Things; but as to this outward Garb and Appearance, absolutely to follow and conform himself to the Fashion of the Time. Publick Society has nothing to do with our Thoughts, but the rest, as our Actions, our Labours,

Labours, our Fortunes, and our Lives, we are to lend and abandon them to the common Opinion and publick Service, as did that good and great *Socrates*, who refus'd to preserve his Life by a Difobedience to the Magistrate, though a very wicked and unjust one: For it is the Rule of Rules, and the general Law of Laws, that every one observe those of the Place wherein he lives.

Νόμοις ἔπεισθαι τοῖσιν ἐγχωρίοις καλόν.

The Country's Custom to observe,
Is decent, and does Praise deserve.

Besides it is a very great doubt, whether any so manifest Benefit and Advantage can accrue from the Alteration of a Law or Custom receiv'd, let it be what it will, as there is Danger and Inconvenience in doing it; forasmuch as Government is a Structure compos'd of several Parts and Members join'd and united together, with so strict Affinity and Union, that it is almost impossible to stir so much as one Brick or Stone, but the whole Body will settle and be sensible of it. The Legislator of the *Thurians* ordain'd, That whosoever would go about either to abolish old Laws, or to establish new, should present himself with a Halter about his Neck to the People; to the End, that if the Innovation he would introduce should not be approv'd by every one, he might immediately be hang'd; and that of the *Lacedæmonians* made it the Business of his whole Life, to obtain from his Citizens a faithful Promise, that none of his Laws should be violated. The *Ephorus*, who so rudely cut the two Strings that *Phrynis* had added to Musick, never stood to examine whether that Addition made better Harmony, or that by that Means the Instrument was more full and complete; it was enough for him to condemn the Invention, that it was a Novelty, and an Alteration of the old Fashion. Which also is the Meaning of the old rusty Sword, carried before the Magistracy of *Marseilles*. For my own Part, I have myself a very great Aversion for Novelty, what Face, or what Pretence soever it may carry along with it, and have Reason, having been an Eye-witness of the great Inconveniencies it has produc'd. A Man cannot, I confess, truly say, that the Miseries, which for so many Years have lain so heavy upon the Kingdom of *France*, are wholly occasion'd by it; but a Man may say, and

with Colour enough, that it was accidentally produc'd, and begot both the Mischiefs and Ruins that are since continued both without and against it, and it is principally That we are accuse for these Disorders.

Heu patior telis vulnera facta meis.*

Alas! The Wounds I now endure
Which my own Weapons did procure.

They who give the first Shock to a State are voluntarily the first over-whelm'd in it's Ruin; the Fruits of publick Commotion are seldom enjoy'd by him who was the first Motor; he only troubles the Water for another's Net, and beats the Bush whilst another gets the Hare. The Unity and Contexture of this Monarchy having been manifestly in her old Age ripp'd and torn by this Thing call'd Innovation, has since laid open a Rent, and given sufficient Admittance to the like Injuries in these latter Times. The Royal Majesty does with greater Difficulty stoop and debase itself from the Height to the Middle; than it falls and tumbles headlong from the Middle to the Foundation. But if the Inventors did the greater Mischief, the Imitators are more vicious, to follow Examples, of which they have felt and punish both the Horror and the Offence. And if there can be any Degree of Horror in ill doing, these last are indebted to the other for the Glory of contriving, and the Courage of making the first Attempt. All Sorts of new Disorders easily draw, from this primitive and overflowing Fountain, Examples and Precedents to trouble and discompose our Government. We read in our very Laws made for the Remedy of this first Evil, the Beginning and Pretences of all Sorts of naughty Enterprises; and in Favour of publick Vices, give them new and more plausible Names for their Excuse, sweetning and disguising their true Titles, which must be done to win forsooth, and reclaim us; *Hænesta oratio est*, but the best Pretence for Innovation is of very dangerous Consequence; and freely to speak my Thoughts, it argues, methinks, a strange Self-love, and a great Presumption of a Man's self, to be so fond of his own Opinions, that a publick Peace must be overthrown to este-

* *Ovid in Ep.*

blish them, and to introduce so many inevitable Mischiefs, and so dreadful a Corruption of Manners, as a Civil War, and the Mutations of State consequent to it, always brings in it's Train; and to introduce them in a Thing of so high Concern, into the Bowels of a Man's own Country. Can there be worse Husbandry than to set up so many certain and detested Vices, against Errors that are only contested, and disputable whether they be such or no? And are there any worse Sort of Vices than those committed against a Man's own Conscience, and the natural Light of his own Reason? The Senate, upon the Dispute betwixt it and the People about the Administration of their Religion, was bold enough to return this Evasion for current Pay: *Ad Deos id magis quam ad se pertinere; ipsos visuros, ne sacra sua polluantur: That those Things more belonged to the Gods to determine, than to them; let them therefore have a Care their sacred Mysteries were not profan'd*: According to that the Oracle answered to those of *Delphos*, who, fearing to be invaded by the *Persians*, in the *Median War*, enquir'd of *Apollo*, how they should dispose of the holy Treasure of his Temple, whether they should hide, or remove it to some other Place? He return'd them Answer, that they should stir nothing from thence, and only take Care of themselves, for he was sufficient to look to what belong'd to him. Christian Religion has all the Marks of the utmost Utility and Justice: But none more manifest than the severe Injunction it lays indifferently upon all to yield absolute Obedience to the Civil Magistrate, and to maintain and defend the Laws: Of which, what a wonderful Example has the divine Wisdom left us, who to work and establish the Salvation of Mankind, and to conduct this his glorious Victory over Death and Sin, would do it after no other Way, but at the Mercy of our ordinary Forms of Justice, submitting the Progress and Issue of so high, and so salutiferous an Effect, to the Blindness and Injustice of our Customs and Observations, suffering the innocent Blood of so many of his Elect, and so long a Loss of so many Years to the maturing of this inestimable Fruit? There is a vast Difference betwixt the Cases of one that follows the Forms and Laws of his Country, and another that will undertake to regulate and change them; of which the First pleads Simplicity, Obedience and Example for his Excuse, who, whatever

he shall do, it cannot be imputed to Malice, 'tis at the worst but Misfortune. *Quis est enim, quem non morseat clarissimis monumentis testata, consignataque antiquitas* *? For who is it that Antiquity, sealed, and attested with so many glorious Monuments, cannot move? Besides what *Isocrates* says, that Defect is nearer ally'd to Moderation than Excess. The other is a much more ruffling Gamester: For who ever shall take upon him to chuse, to alter, and to usurp the Authority of Judging, ought to look well about him, and make it his Business to discover the Defect of what he would abolish, and the Virtue of what he is about to introduce. This so easy, and so vulgar Consideration, is that which settled me in my Station, and kept even my most extravagant and ungovern'd Youth under the Rein, so as not to burthen my Shoulders with so great a Weight, as to render myself responsible for a Science of that Importance; and in this to dare, what in my better and more mature Judgment, I durst not do in the most easy, and indifferent Things. I had been instructed, and wherein the Temerity of Judging is of no Consequence at all. It seeming to me very unjust to go about to subject publick and establish'd Customs and Institutions, to the Weakness and Instability of a private and particular Fancy, (for private Reason is but a private Jurisdiction) and to attempt that upon the Divine, which no Government will endure a Man should do upon the Civil Laws. With which, though human Reason has much more Commerce than with the other, yet are they sovereignly judg'd by their own proper Judges, and the utmost Sufficiency serves only to expound and set forth the Law and Custom receiv'd, and neither to wrest it, nor to introduce any Thing of Innovation. And if sometimes the Divine Providence hath gone beyond the Rules, to which it has necessarily bound and oblig'd us Men, it is not to give us any Dispensation to do the same; those are only Master-strokes of the Divine Hand, which we are not to imitate, but admire; and extraordinary Examples, Marks of purpos'd and particular Testimonies of Power, of the Nature of Miracles presented before us for Manifestations of it's Almighty Operation, equally above both our Rules and

* *Cicero de Divin.*

Forces, which it would be Folly and Impiety to attempt to represent and imitate; and that we ought not to follow, but to contemplate with the greatest Reverence and Astonishment: Arts proper for his Person who has Power to do them, and not for us. *Cotta* very opportunely declares, that when Matter of Religion is in Question, he will be governed by *T. Coruncanus*, *P. Scipio*, *P. Scævola*, who were the High-Priests, and not by *Zeno*, *Cleanthes*, or *Crypsippus*, who were Philosophers. God knows in the present Quarrel of our Civil War, where there are a hundred Articles to dash out and to put in, and those great and very considerable ones too, how many there are who can truly boast, they have exactly and perfectly weighed and understood the Grounds and Reasons of the one and the other Party. 'Tis a Number (if it make any Number) that would be able to procure us very little Disturbance: But what becomes of all the rest? Under what Ensigns do they march? In what Quarter do they lye? Theirs have the same Effect with other weak and ill applied Medicines, they have only set the Humours they would purge more violently in working, stirred and exasperated them by the Conflict, and left them still behind. The Apozem was too weak to purge, but strong enough to weaken us; so that it does not work, but we keep it still in our Bodies, and reap nothing from the Operation but intestine Gripes and Dolours; so it is nevertheless, that Fortune still reserving her Authority in Defiance of whatever we are able to do or say, does sometimes present us with a Necessity so urgent, that 'tis requisite the Laws should a little yield and give way; and when one opposes the Encrease of an Innovation that thus intrudes itself by Violence, to keep a Man's self in so doing in all Places, and in all Things, within the Bounds and Rules prescribed, against those who have the Power, and to whom all Things are lawful, that may any Way serve to advance their Design, who have no other Law nor Rule but what serves best to their own Purpose, is a dangerous Obligation, and an intolerable Inequality.

Auditum nocendi perfido præstat fides *.

So simple Truth does her fair Breast disarm,
And gives to Treachery a Power to harm.

* *Seneca in Oedip. Act 3. Scene 1.*

Forasmuch as the ordinary Discipline of a healthful State does not provide against these extraordinary Accidents, she pre-supposes a Body that supports itself in it's principal Members and Offices, and a common Consent to it's Obedience and Observation. A legal Proceeding is cold, heavy, and constrained, and not fit to make Head against a headstrong and unbridled Proceeding. 'Tis known to be to this Day cast in the Dish of those two great Men, *Octavius* and *Cato*, in the two Civil Wars of *Scylla* and *Cæsar*, that they would rather suffer their Country to undergo the last Extremities, than to relieve their Fellow Citizens at the Expence of it's Laws, or to be guilty of any Innovations; for, in Truth, in these last Necessities, where there is no other Remedy, it would peradventure be more discreetly done, to stoop, and yield a little to receive the Blow, than by opposing without Possibility of doing any good, to give Occasion to Violence to trample all under Foot; and better to make the Laws do what they can, when they cannot do what they would. After this Manner did he who suspended them for four and twenty Hours, and he who for once shifted a Day in the Calendar, and that other who in the Month of *June* made a Second of *May*. The *Lacedæmonians* themselves, who were so religious Observers of the Laws of their Country, being straitned by one of their own Edicts, by which it was expressly forbidden to chuse the same Man to be Admiral; and on the other Side, their Affairs necessarily requiring, that *Lysander* should again take upon him that Command, they made one *Aratas* Admiral, 'tis true, but withal, *Lysander* went Superintendant of the Navy. And by the same Subtilty and Equivocation, one of their Embassadors being sent to the *Athenians* to obtain the Revocation of some Decree, and *Pericles* remonstrating to him, that it was forbid to take away the Tablet, wherein a Law had once been engrossed, he advised him to turn it only, that being not forbidden at all; and *Plutarch* commends *Philopæmen*, that being born to Command, he knew how to do it, not only according to the Laws, but also to over-rule even the Laws themselves, when the publick Necessity so required.