

## Charles-Louis de Secondat, Baron de La Brède et de Montesquieu: *The Spirit of the Laws* (1748)

Book XIV

### **1. General Idea.**

If it be true that the temper of the mind and the passions of the heart are extremely different in different climates, the laws ought to be in relation both to the variety of those passions and to the variety of those tempers.

### **2. Of the Difference of Men in different Climates.**

Cold air constricts the extremities of the external fibres of the body; <sup>1</sup> this increases their elasticity, and favours the return of the blood from the extreme parts to the heart. It contracts <sup>2</sup> those very fibres; consequently it increases also their force. On the contrary, warm air relaxes and lengthens the extremes of the fibres; of course it diminishes their force and elasticity.

People are therefore more vigorous in cold climates. Here the action of the heart and the reaction of the extremities of the fibres are better performed, the temperature of the humours is greater, the blood moves more freely towards the heart, and reciprocally the heart has more power. This superiority of strength must produce various effects; for instance, a greater boldness, that is, more courage; a greater sense of superiority, that is, less desire of revenge; a greater opinion of security, that is, more frankness, less suspicion, policy, and cunning. In short, this must be productive of very different tempers. Put a man into a close, warm place, and for the reasons above given he will feel a great faintness. If under this circumstance you propose a bold enterprise to him, I believe you will find him very little disposed towards it; his present weakness will throw him into despondency; he will be afraid of everything, being in a state of total incapacity. The inhabitants of warm countries are, like old men, timorous; the people in cold countries are, like young men, brave. If we reflect on the late wars, <sup>3</sup> which are more recent in our memory, and in which we can better distinguish some particular effects that escape us at a greater distance of time, we shall find that the northern people, transplanted into southern regions, <sup>4</sup> did not perform such exploits as their countrymen who, fighting in their own climate, possessed their full vigour and courage.

This strength of the fibres in northern nations is the cause that the coarser juices are extracted from their aliments. Hence two things result: one, that the parts of the chyle or lymph are more proper, by reason of their large surface, to be applied to and to nourish the fibres; the other, that they are less proper, from their coarseness, to give a certain subtilty to the nervous juice. Those people have therefore large bodies and but little vivacity.

The nerves that terminate from all parts in the cutis form each a nervous bundle; generally speaking, the whole nerve is not moved, but a very minute part. In warm climates, where the cutis is relaxed, the ends of the nerves are expanded and laid open to the weakest action of the smallest objects. In cold countries the cutis is constricted and the papill compressed: the miliary glands are in some measure paralytic; and the sensation does not reach the brain, except when it is very strong and proceeds from the whole nerve at once. Now, imagination, taste, sensibility, and vivacity depend on an infinite number of small sensations.

I have observed the outermost part of a sheep's tongue, where, to the naked eye, it seems covered with papill. On these papill I have discerned through a microscope small hairs, or a kind of down; between the papill were pyramids shaped towards the ends like pincers. Very likely these pyramids are the principal organ of taste.

I caused the half of this tongue to be frozen, and, observing it with the naked eye, I found the papill considerably diminished: even some rows of them were sunk into their sheath. The outermost part I examined with the microscope, and perceived no pyramids. In proportion as the frost went off, the papill seemed to the naked eye to rise, and with the microscope the miliary glands began to appear.

This observation confirms what I have been saying, that in cold countries the nervous glands are less expanded: they sink deeper into their sheaths, or they are sheltered from the action of external objects; consequently they have not such lively sensations.

In cold countries they have very little sensibility tor pleasure; in temperate countries, they have more; in warm countries, their sensibility is exquisite. As climates are distinguished by degrees of latitude, we might distinguish them also in some measure by those of sensibility. I have been at the opera in England and in Italy, where I have seen the same pieces and the same performers: and yet the same music produces such different effects on the two nations: one is so cold and phlegmatic, and the other so lively and enraptured, that it seems almost inconceivable.

It is the same with regard to pain, which is excited by the laceration of some fibre of the body. The Author of nature has made it an established rule that this pain should be more acute in proportion as the laceration is greater: now it is evident that the large bodies and coarse fibres of the people of the north are less capable of laceration than the delicate fibres of the inhabitants of warm countries; consequently the soul is there less sensible of pain. You must flay a Muscovite alive to make him feel.

From this delicacy of organs peculiar to warm climates it follows that the soul is most sensibly moved by whatever relates to the union of the two sexes: here everything leads to this object.

In northern climates scarcely has the animal part of love a power of making itself felt. In temperate climates, love, attended by a thousand appendages, endeavours to please by things that have at first the appearance, though not the reality, of this passion. In warmer climates it is liked for its own sake, it is the only cause of happiness, it is life itself.

In southern countries a machine of a delicate frame but strong sensibility resigns itself either to a love which rises and is incessantly laid in a seraglio, or to a passion which leaves women in a greater independence, and is consequently exposed to a thousand inquietudes. In northern regions a machine robust and heavy finds pleasure in whatever is apt to throw the spirits into motion, such as hunting, travelling, war, and wine. If we travel towards the north, we meet with people who have few vices, many virtues, and a great share of frankness and sincerity. If we draw near the south, we fancy ourselves entirely removed from the verge of morality; here the strongest passions are productive of all manner of crimes, each man endeavouring, let the means be what they will, to indulge his inordinate desires. In temperate climates we find the inhabitants inconstant in their manners, as well as in their vices and virtues: the climate has not a quality determinate enough to fix them.

The heat of the climate may be so excessive as to deprive the body of all vigour and strength. Then the faintness is communicated to the mind; there is no curiosity, no enterprise, no generosity of sentiment; the inclinations are all passive; indolence constitutes the utmost happiness; scarcely any punishment is so severe as mental employment; and slavery is more supportable than the force and vigour of mind necessary for human conduct.

### ***3. Contradiction in the Tempers of some Southern Nations.***

The Indians <sup>5</sup> are naturally a pusillanimous people; even the children <sup>6</sup> of Europeans

born in India lose the courage peculiar to their own climate. But how shall we reconcile this with their customs and penances so full of barbarity? The men voluntarily undergo the greatest hardships, and the women burn themselves; here we find a very odd compound of fortitude and weakness.

Nature, having framed those people of a texture so weak as to fill them with timidity, has formed them at the same time of an imagination so lively that every object makes the strongest impression upon them. That delicacy of organs which renders them apprehensive of death contributes likewise to make them dread a thousand things more than death: the very same sensibility induces them to fly and dare all dangers.

As a good education is more necessary to children than to such as have arrived at maturity of understanding, so the inhabitants of those countries have much greater need than the European nations of a wiser legislator. The greater their sensibility, the more it behoves them to receive proper impressions, to imbibe no prejudices, and to let themselves be directed by reason.

At the time of the Romans the inhabitants of the north of Europe were destitute of arts, education, and almost of laws; and yet the good sense annexed to the gross fibres of those climates enabled them to make an admirable stand against the power of Rome, till the memorable period in which they quitted their woods to subvert that great empire.

#### ***4. Cause of the Immutability of Religion, Manners, Customs, and Laws in the Eastern Countries.***

If to that delicacy of organs which renders the eastern nations so susceptible of every impression you add likewise a sort of indolence of mind, naturally connected with that of the body, by means of which they grow incapable of any exertion or effort, it is easy to comprehend that when once the soul has received an impression it cannot change it. This is the reason that the laws, manners, and customs, <sup>7</sup> even those which seem quite indifferent, such as their mode of dress, are the same to this very day in eastern countries as they were a thousand years ago.

#### ***5. That those are bad Legislators who favour the Vices of the Climate, and good Legislators who oppose those Vices.***

The Indians believe that repose and non-existence are the foundation of all things, and the end in which they terminate. Hence they consider entire inaction as the most perfect of all states, and the object of their desires. To the Supreme Being they give the title of immovable. <sup>8</sup> The inhabitants of Siam believe that their utmost happiness <sup>9</sup> consists in not being obliged to animate a machine, or to give motion to a body.

In those countries where the excess of heat enervates and exhausts the body, rest is so delicious, and motion so painful, that this system of metaphysics seems natural; and Foe, <sup>10</sup> the legislator of the Indies, was directed by his own sensations when he placed mankind in a state extremely passive; but his doctrine arising from the laziness of the climate favoured it also in its turn; which has been the source of an infinite deal of mischief.

The legislators of China were more rational when, considering men not in the peaceful state which they are to enjoy hereafter, but in the situation proper for discharging the several duties of life, they made their religion, philosophy, and laws all practical. The more the physical causes incline mankind to inaction, the more the moral causes should estrange them from it.

#### ***8. An excellent Custom of China.***

The historical relations <sup>11</sup> of China mention a ceremony <sup>12</sup> of opening the ground which

the emperor performs every year. The design of this public and solemn act is to excite the people to tillage. [13](#)

Further, the emperor is every year informed of the husbandman who has distinguished himself most in his profession; and he makes him a mandarin of the eighth order.

Among the ancient Persians [14](#) the kings quitted their grandeur and pomp on the eighth day of the month, called *Chorrem-ruz*, to eat with the husbandmen. These institutions were admirably calculated for the encouragement of agriculture.

### **10. Of the Laws in relation to the Sobriety of the People.**

In warm countries the aqueous part of the blood loses itself greatly by perspiration; [15](#) it must therefore be supplied by a like liquid. Water is there of admirable use; strong liquors would congeal the globules [16](#) of blood that remain after the transuding of the aqueous humour.

In cold countries the aqueous part of the blood is very little evacuated by perspiration. They may therefore make use of spirituous liquors, without which the blood would congeal. They are full of humours; consequently strong liquors, which give a motion to the blood, are proper for those countries.

The law of Mahomet, which prohibits the drinking of wine, is therefore fitted to the climate of Arabia: and indeed, before Mahomet's time, water was the common drink of the Arabs. The law [17](#) which forbade the Carthaginians to drink wine was a law of the climate; and, indeed, the climate of those two countries is pretty nearly the same.

Such a law would be improper for cold countries, where the climate seems to force them to a kind of national intemperance, very different from personal ebriety. Drunkenness predominates throughout the world, in proportion to the coldness and humidity of the climate. Go from the equator to the north pole, and you will find this vice increasing together with the degree of latitude. Go from the equator again to the south pole, and you will find the same vice travelling south, [18](#) exactly in the same proportion.

It is very natural that where wine is contrary to the climate, and consequently to health, the excess of it should be more severely punished than in countries where intoxication produces very few bad effects to the person, fewer to the society, and where it does not make people frantic and wild, but only stupid and heavy. Hence those laws [19](#) which inflicted a double punishment for crimes committed in drunkenness were applicable only to a personal, and not to a national, ebriety. A German drinks through custom, and a Spaniard by choice.

In warm countries the relaxing of the fibres produces a great evacuation of the liquids, but the solid parts are less transpired. The fibres, which act but faintly, and have very little elasticity, are not much impaired; and a small quantity of nutritious juice is sufficient to repair them; for which reason they eat very little.

It is the variety of wants in different climates that first occasioned a difference in the manner of living, and this gave rise to a variety of laws. Where people are very communicative there must be particular laws, and others where there is but little communication.