Michel de Montaigne

Essays

Book 1 · Chapter 22

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On Custom and Not Easily Changing an Accepted Law

a Whoever invented the following tale seems to me to have understood the power of custom[1] really well: There was a woman in a village who had gotten into the habit of petting and carrying a calf from the day it was born. She had kept doing it and grown accustomed to it such that, although the calf was now a full-size bull, she could still carry it.

a Custom is truly a violent and treacherous teacher. Little by little, behind our back, it establishes its authority over us. It steps softly and quietly at first, then, in time, plants its foot down firmly and soon reveals its deranged and tyrannical face against which we are no longer free to so much as lift our eyes.

a We see it breaking nature's rules all the time: c *Usus efficacissimus rerum omnium magister.*a Here, I trust c the story of Plato's cave (in his *Republic*)[2] and a the doctors who so often abandon the wisdom of their craft to defer to its authority. And this king who, with its help, trained his stomach to dine on poison;[3] and the girl who, according to Albertus, had learned to live on spiders. b Out there in the new Indies,[4] in very different regions, great nations were found who lived on them, kept them, and fed them. Grasshoppers, ants, lizards, and bats too. And a toad was sold for six crowns once when food was scarce! They cook and prepare them in different sauces. Other nations were found to whom our food and our meats were deadly and poisonous. c *Consuetudinis magna vis est: pernoctant venatores in nive: in montibus uri se patiuntur: pugiles, caestibus contusi, ne ingemiscunt quidem.*

Custom, most efficient master of all things. • Plin., HN, 26.2

Great is the power of habit: hunters sleep in the snow at night and endure the scorching sun in the mountains; boxers bruised by the gloves never groan. • Cic., Tusc., 2.40

c These examples from strange lands are not so strange if we consider what we find out every day: how much growing accustomed to something dulls our senses. No need to go looking for what is said of those who live by the cataracts of the Nile,[5] and for what philosophers believe about the music of the spheres, that as the solid and smooth bodies of these circles brush and rub against one another when they roll, they cannot fail to produce a wonderful harmony by the pauses and variations of which the movements and steps of the dances of the stars are determined. But that the ears of every creature down here, like the ears of those Egyptians, lulled to sleep by this continuous sound, cannot

perceive it, no matter how loud it is. Farriers, millers, and armorers could not endure the noise that assaults them if it pierced them as it does us. My scented vest[6] does something for my nose. But after I wear it for three days in a row, it only does something for the noses around me.

c It is stranger yet that growing accustomed to something can create and compound the effect it produces on our senses in spite of long intervals and interruptions, as those living near belfries find out. At home I sleep in a tower where a rather large bell rings out the *Ave Maria* at dawn and at dusk. Its racket shakes the tower itself. It seemed unbearable at first but it quickly became familiar to me such that, when I hear it, it does not bother me and often does not wake me.

c Platoonce scolded a child playing jacks. The child answered: "You're mad at me over nothing." To which he replied: "Growing accustomed to something is not nothing." I find that our greatest vices take shape in our earliest childhood and that the most important part of our education is in the hands of nursemaids. Mothers think it is innocent fun when they see a child wring the neck of a chicken or take pleasure in hurting a dog or a cat. A father can be foolish enough to see signs of a future soldier in his son when he catches him shamelessly beating a farmer or a servant who does not fight back, and signs of superiority in swindling a friend by some dishonest and dirty trick. In fact, these are the very seeds and roots of cruelty, tyranny, and disloyalty. They sprout here and later grow strong to thrive unchecked, molded by custom.

c It sets a dangerous example indeed to use young age or the insignificance of the matter as an excuse for these mean tendencies. First, nature itself is speaking, its voice purer and truer for being newer and finer. Second, the ugliness in the cheating is not in the difference between coins and pins.[7] It is in itself. I find it much more correct to come to this conclusion: "Why would he not cheat with coins since he cheats with pins?" than to say (as they do): "It is just pins. He would know not to do this with coins." Children must be carefully taught to hate vices for what they are. They must be taught the natural ugliness of these vices to stay far from them not only in their deeds but more so in their heart. The very thought of it must be repulsive to them, no matter the mask they wear.

c I know full well from teaching myself when I was young to always walk the main open road, and from being reluctant to mix trickery and deceit in my childhood games — it really bears saying that children's games are not just games, and that we should mind how children play them as we do in their more serious efforts — that there is no pastime so frivolous that I do not bring to it, out of my own natural and sincere disposition, an extreme aversion to cheating. I play cards and keep score for pennies as I do for gold coins, when winning or losing — against my wife and my daughter — makes no difference to me, just as when it actually does. In all things, my eyes are enough to keep me honest. No one keeps a closer watch. There is no one I defer to more.

a I just saw here a short man from Nantes, born without arms, who has so well accustomed his feet to do the work his hands should have done for him that, in truth, they have half forgotten their natural duty. In fact, he calls them his hands. He slices; he loads and fires a pistol; he threads his

needle; he sews; he writes; he doffs his hat; he combs himself; he plays cards and dice, and handles them with as much dexterity as anybody else. He took the money I gave him with his foot as we would with our hand.[8] When I was young, I saw another man who could wield a two-handed sword and a halberd with the crook of his neck because he had no hands. He would throw the weapons up in the air and catch them, throw a dagger, and crack a whip as well as any carter in France.

a But the effects of custom are made much more obvious by the strange impressions it makes on our soul, where it finds less resistance. What power does it not have over our opinions and beliefs? Is there any idea so c bizarre a — leaving aside the crude imposture of religions which has intoxicated so many great nations and so many capable individuals; for, this part being beyond human reasoning, it is more excusable for those who are not extraordinarily enlightened by divine favor to be confused by it — but of other ideas, are there any so strange that custom has not planted and established them by law wherever it saw fit? This ancient pronouncement is very true indeed: c *Non pudet physicum, id est speculatorem venatoremque naturae, ab animis consuetudine imbutis petere testimonium veritatis?*

Is the natural philosopher, that observer and tracker of nature, not ashamed to seek evidence of the truth in minds tainted by habits? • Cic., Nat. D., 1.83

b I do not think there is a notion, lodged in human imagination, so extreme that no example of its public use can be found and which, consequently, our ability to reason does not shore up and uphold. There are nations where they turn their backs on the person they greet and where they never look at those to whom they wish to pay their respects. There are some where, when the king spits, the most favored lady of the court holds out her hand. In another, the closest among his entourage pick up his excrement off the floor with a piece of linen.

c We need to make room for a story here. A certain French gentleman always used to blow his nose with his bare hand — something very much against our custom — and even argued in favor of it. He was also famous for his wit.[9] What privilege does this dirty excrement have, he asked me, that we should ready for it a fine and delicate piece of linen to catch it in and, what is more, wrap it and keep it carefully on us? Doing that should make us sicker than him seeing get rid of it anywhere as we do any other waste! I thought he really had a point: Custom had taken from me the awareness of this strange behavior which yet we find so revolting when it is told of another place.

c Miracles arise from our ignorance of nature, not from nature's essence. Habituation blunts the acuity of our judgment. Barbarians are no more mystifying to us than we are to them, nor with better reason, as anyone would concede if, after investigating these distant examples, they knew how to think on these matters and consider them rationally. Human reason is a dye flowing evenly through all of our opinions and customs no matter their shape: infinite in substance, infinite in variety.

c Back to what I was saying. There are nations b where, except for his wife and children, no one talks to the king but through a long tube. Among the same people, virgins leave their private parts exposed while married women carefully cover and hide theirs. This other custom from elsewhere is somewhat related: chastity there is prized only in marriage, for young

women can do as they please on that count and, if pregnant, can abort openly, with the appropriate drugs.

b Elsewhere again, if a merchant is getting married, all merchants invited to the wedding sleep with the bride before him. The more there are of them, the more she is esteemed and praised for her endurance and capacity. The same goes for an officer getting married, and for a nobleman, and so on for others. However, for a laborer or someone of the lower classes, his lord has to do it. And yet they still recommend strict fidelity in marriage.

b There are nations where they have public brothels of male prostitutes, and even marriages between men; where women go to war just like their husbands, joining their ranks to fight and to lead. Where not only do they wear rings through the nose, lips, and cheeks, and on their toes, but also heavy golden rods through the breasts and buttocks. Where, when they eat, they wipe their fingers on their thighs, their scrotum, and the soles of their feet. Where children inherit nothing, but brothers and nephews do; and elsewhere only nephews, except for the royal succession. Where, in order to regulate their communal wealth, which is their law, some sovereign magistrates are given full responsibility over the farming of the lands and the distribution of harvests, according to the need of everyone. Where they cry when children die and celebrate when the elderly do. Where they sleep ten or twelve to a bed with their wives. Where women who lose their husbands to a violent death may remarry but others cannot. Where the status of women is so low that they kill their newborn girls and buy from their neighbors the women they need. Where husbands can repudiate their wives without cause but women cannot, no matter the cause. Where husbands can sell them if they are barren. Where they cook the body of the dead and grind it to a mash, which they mix into their wine and drink. Where the most desirable burial is to be eaten by dogs, and by birds elsewhere. Where they believe that lucky souls live free, in beautiful places stocked with everything they need, and that they are responsible for the echoes we hear. Where they fight in the water, shooting their arrows true while they swim. Where they raise their shoulders and lower their heads as a sign of fealty, and where they take off their shoes when they enter the king's house. Where eunuchs, who watch holy women, are noseless and lipless so as not to be loved, and their priests put out their own eyes to make contact with demons and receive their oracles. Where anyone can turn anything into a god — a hunter a lion or a fox, a fisherman a certain kind of fish — and every human action or passion into idols; the Sun, the Moon, and the earth are their principal gods; they touch the ground and look up at the Sun to take an oath; and they eat raw meat and fish. c Where the greatest oath is sworn by the name of a dead man, one of good reputation in the land, by placing a hand on his grave. Where the king sends fire every year as a gift to the princes, his vassals; once it is received, all past fires are extinguished and neighbors must come light their fires from the new one on pain of crime of lèse-majesté. Where, when the king retires to devote himself wholly to religion (which happens often), his first heir must do the same, and thus the right to the kingdom passes to the third heir. Where they change the type of government according to what the affairs of state seem to require; they depose the king when it seems right and replace him with elders who take the helm; sometimes the community is

left in charge of it. Where both men and women are circumcised and baptized. Where a soldier who can bring to his king, from one or several battles, the heads of seven enemies is ennobled. b Where they live under this opinion, so rare and contrary to society, of the mortality of the soul. Where women give birth without moaning and without fear. c Where women wear copper greaves on both legs; they must also, out of magnanimity, bite back any louse that bites them; and they dare not marry before they have offered their king, should he want it, their virginity. b Where, to greet others, one touches a finger to the ground then raises it to the sky. Where men carry their load on their head and women theirs on their shoulders; women pee standing up and men squatting down. Where they send each other some of their blood as a sign of friendship, and offer incense to the men they wish to honor as if they were gods. Where kinship is tolerated in marriages neither to the fourth degree nor to any degree beyond. Where children nurse for four years, and often twelve; yet breastfeeding a child on its very first day is considered deadly there. Where fathers are responsible for disciplining boys, and mothers, separately, girls; and their punishment is to hang them by their feet over smoke. Where they circumcise women. Where they eat all sorts of leaves with no other rule than to reject those that smell bad to them. Where everything is open; and houses have no doors and no windows, no matter how beautiful and expensive they are, no safes to lock either; thieves receive twice the punishment they receive elsewhere. Where they kill lice with their teeth, like apes, and find it disgusting to see nails used to crush them. Where never once in their life do they cut their hair or nails; elsewhere only the nails of the right hand are cut while those of the left they grow out to look elegant. c Where they grow their hair out as long as possible on the right side and keep the other side very short. And in neighboring provinces, this group lets their hair grow in the front, that group in the back, and all shave the other side. b Where fathers offer their children, and husbands their wives, to their guests who can pay to have them. Where one can have children honorably with one's mother, and fathers can sleep with their daughters and their sons. c Where in banquets they offer each other their children without any regard for their parentage.[10]

a Here they eat human flesh; there killing one's father after a certain age is a matter of piety. Elsewhere fathers decide, when babies are still in their mothers' bellies, which child they want fed and raised, and which one they want abandoned and killed; elsewhere old husbands let the young borrow and use their wives; and elsewhere they belong to all, free from sin. In that country they even wear with pride beautiful fringed tassels on the hem of their dresses, one for every man they have been with.[11] Has custom not made a nation only of women? Has it not put weapons in their hands, made them raise armies, and fight battles?[12]

a And what all of philosophy cannot lodge in the heads of the wisest, does custom not teach it to the crudest by its own method alone? For we know of entire nations where death was not only sneered at but celebrated; where seven-year-old children endured being whipped to death without flinching; where wealth meant so little that the poorest inhabitant of the city would not have bothered moving a muscle to pick up a purse full of coins. And we know of regions rich in all kinds of food where, nevertheless, the most common and refined meals were bread, garden

cress, and water. b Is it not also responsible for this miracle in Cius where, for seven hundred years, there was no recollection of a woman or a girl bringing dishonor on herself? a To sum up, in my opinion, there is nothing it does not or cannot do, and Pindar is right to call it — so I am told — the queen and empress of the world.

c He who was found beating his father replied that it was the custom of his house, that his father had also beaten his grandfather, and his grandfather his great-grandfather. Then he said, pointing at his son: "This one will beat me when he reaches my age." And that father who was being dragged and roughed up by his son in the middle of the street commanded him to stop at a certain door because he had only dragged his own father that far. That was the limit of the hereditary mistreatment that children normally inflicted on their fathers in their family.

c Women pluck their hair, bite their nails, and eat charcoal and dirt as much because of custom as because of sickness, according to Aristotle. And more by custom than by nature do men sleep with men.

c The laws of conscience that we say are born of nature are born of custom. Since everyone holds dear the opinions and practices approved and accepted around them, no one can let go of them without regret, nor conform to them without applause.

b In times past, when the people of Crete wanted to curse someone, they would ask the gods for him to fall into some bad habit.

a But the main effect of its power is to catch and hold us such that there is little we can do to break its grip and be free again to analyze and reason about its injunctions. In truth, because we swallow them with the milk of our childhood, and because this is the shape the world takes when we first glimpse it, it seems we are born to follow this path. Common notions trusted by those around us and planted into our soul by the seed of our fathers, they seem to be universal and natural. c Which is why we think that anything outside of custom is outside of reason, God knows how unreasonably most often.

c If anyone who heard a wise phrase would immediately consider how it applies to them, as those of us who study ourselves have learned to do, they would find that it is not so much a clever saying as a good lashing for the plain stupidity of their judgment. But the warnings and teachings of truth are taken to be addressed to the masses, never to oneself, and instead of applying them to what we do, we set them aside with what we know, quite stupidly and uselessly.

c Now back to custom's rule. People raised on freedom and self-rule deem all other types of governments to be monstrous and unnatural. Those accustomed to a monarchy do the same. And should fortune provide them with any opportunity for change, as soon as they have freed themselves, with great difficulties, from the vexations of one master, they rush to establish a new one again with the same difficulties because they are unable to resolve to hate this domination. It is by way of custom that each one of us is content to be where nature put us: the wild people of Scotland do not care about Touraine, nor do the Scythians about Thessaly.

a Dariusasked some Greeks what it would take for them to adopt this custom of the Indies of eating their dead fathers (for that was their way, believing they could give them no better burial than within themselves). They replied that not a thing in the world would make them. But when he also tried to persuade Indians to give up their way and adopt that of Greece — which was to incinerate the body of their fathers — it horrified them even more. Everyone does the same because tradition hides from us the true shape of things.

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

There is nothing so great or so wonderful at first that they do not regard with less and less admiration with time. • Lucr., 2.1028

a I once had to justify some regulation of ours, one accepted with definite authority far and wide around us, but did not want to explain it, as is usually done, only by force of laws and examples. When I went back to its very source, I found its basis to be so weak that I, who had to affirm its value to another, was nearly sickened by it.

c This is the method Platoproposes to follow to drive away the unnatural and perverted loves of his time, an absolute and foremost method according to him. It was that public opinion should condemn them, and that poets and everyone else should give terrible accounts of them, a method by which the most beautiful daughters do not attract the lust of their fathers, nor the handsomest brothers the lust of their sisters. The very stories of Thyestes, Oedipus, and Macareus had disseminated this useful belief to the tender minds of children by their pleasant tunes.[13] In truth, chastity is a fine virtue whose usefulness is well known. But to cultivate and promote it according to nature is as difficult as it is easy to promote it according to tradition, laws, and rules. Primary and universal reasons are hard to dissect. Our teachers skim the surface of them or, when they are too scared to even touch them, run to the safety of custom. There success is cheap and they can impress. Those who refuse to be pulled away from this original source make an even bigger mistake. They find themselves bound to wild opinions, like Chrysippuswho peppered his writings with the little account he took of incestuous relations of any kind.[14]

a Those willing to part with custom's violent preconceptions will find several things accepted with unquestionable determination that are supported only by the wrinkles and white whiskers of tradition, their companion. But once the mask is torn off, once matters are brought back to truth and reason, they will feel their judgment upended and yet restored to a much surer state. I would ask them then, for instance, what can be stranger than seeing people forced to follow laws they never once understood, bound in all their private affairs (marriages, gifts, wills, sales and purchases) by rules they cannot know (for they are not written or published in their language) and which, therefore, they must pay to have interpreted and enforced.[15] c Nothing like this ingenious idea by Isocrates who advises his king to make the exchanges and dealings of his subjects unrestricted, free, and lucrative, and their arguments and quarrels expensive and full of heavy fees, but a startling idea instead: to put reason itself for sale and to give laws a market value. a I feel fortunate that, according to our historians, it was a gentleman of Gascony, from my

area, who first challenged Charlemagnewhen he wished to impose Roman imperial laws.

a Is there anything more appalling than a nation where it is legal custom to put up for sale the office of judge, where verdicts are simply bought for cash, where justice can be legally denied to those who cannot afford it, and where these goods are so valuable that its society should produce a fourth estate (in addition to the three old ones for the Church, the Nobility, and the People) of men who handle lawsuits, an estate responsible for the laws and granted sovereign authority over goods and lives which is constituted in a body separate from the nobility? The result is two sets of laws, those of honor and those of justice, quite opposite in many respects. The former denounce tolerating an accusation of lying as rigorously as the latter do avenging such an accusation. By the code of arms, he who suffers an affront loses his honor and nobility; by the civil code, he who takes his revenge risks capital punishment. He who turns to the law to get satisfaction for an offense to his honor dishonors himself; he who does not is chastised and punished by the law. Within these two very different bodies, connected still to the same head, one group has peace, the other war; one profit, the other honor; one knowledge, the other virtue; one speech, the other action; one justice, the other bravery; one reason, the other force; one long gowns, the other short ones.[16]

a Regarding inconsequential things, like clothes, to whomever wishes to return them to their true purpose (which is the service and comfort of the body on which their original style and appropriateness depend) I would submit as among the most peculiar imaginable, according to me, our square caps, that long pleated velvet tail with its colorful accessories that hangs from the head of our women, and this useless and vain imitation of a member we cannot even properly name but which we show and parade in public.[17] Nevertheless, these considerations do not deter an intelligent man from following the common style. On the contrary, it seems to me that all unusual and individual fashions stem more from madness or ambitious affectation than real reason, and that, on the inside, the wise man ought to keep his spirit and the masses apart, and ensure that it is free and capable of judging things freely. But, on the outside, he ought to follow accepted fashions and manners completely. Society at large has no use for our inner thoughts. But the rest — our actions, our work, our wealth, and our life — we must lend and surrender to the service of society and to shared beliefs, like the great and good Socrates who refused to save his life by disobeying a law, even a very unfair and unjust one. For that is the rule of rules, the overall law of laws, that we all should observe the laws of the place where we are:

a *Νόμοις ἔπεσθαι τοῖσιν ἐγχώροις καλόν.*

It is right to obey the laws of one's country.

a Now this from another barrel: I doubt very much that one could find as clear a benefit to changing an accepted law, such as it may be, as there is harm in disturbing it. For society is like a building made from various parts; it is held together in such a way that it is impossible to knock one down without affecting the whole of it. A lawmaker of the Thurians directed anyone wishing to either abolish an old law or introduce a new one to present themselves before the people with a rope around their neck so that, should the novelty not be approved by everyone, they could

be hanged on the spot. And this one from Spartaused his life to obtain from its citizens a solemn promise to not break any of his ordinances.[18] The ephor who ripped out the two strings Phrynis had added to his instrument did not care whether they improved it or whether it played fuller chords. It was a departure from the old ways which was enough for him to condemn it. This is what that rusty sword of justice in Marseillemeant.

b I am sick of novelty, no matter its shape. And rightly so, for I have seen how much damage it does. The one that has been hounding us for so many years[19] did not carry it all out, but we can safely say that it unintentionally created and led to it all. It even has itself to blame for the evil and devastation inflicted since without it and against it.

b *Heu! patior telis vulnera facta meis.*

Alas! I suffer the wounds my own weapons have made. • Ov., Ep., Phyllis Demophoonti 48

b Those who destabilize a state are often the first engulfed by its destruction. c The profit of disruption does not remain for long with those who caused it. They beat and muddy the waters for other fishermen. b Now that novelty has broken and dissolved the bonds and the fabric of this monarchy, in its later years in particular, this great edifice is wide open and exposed to more assaults of the same kind. c It is harder for royal sovereignty to fall from the top halfway than to sink from there to the bottom. While inventors do most of the damage, imitators are more wicked when they follow examples whose horror and evil they have felt and punished. And if there is some degree of honor in doing evil, the latter must credit the former for the invention and for the courage of trying it first.

bAll manner of new unrest happily draws ideas and models to disrupt our society from this first prolific source. In our very laws, written to remedy this first evil, they read instructions and excuses for all manner of terrible deeds. And to advance public vices, they give them new, softer names to excuse them, their true titles bastardized and dulled. Yet it is meant to reform our consciences and our beliefs. *Honesta oratio est.*

The plea is fair. • Ter., An., 1.1.114

b Even the best pretext for novelty is very dangerous.[20] Frankly, it seems to me that there is much selfishness and presumption in thinking so highly of one's ideas that to institute them and introduce them into one's own country, one should upset public peace and invite so many unavoidable evils and the horrific corruption of morals which civil wars and political revolutions bring in such consequential matters. c Is it not poor management to let so many inescapable and known vices spread to fight against contested and debatable errors? Is there any worse kind of vice than that which attacks our very conscience and what we naturally know?

c In its dispute with the people of Rome over religious oversight, the Senate dared to offer this excuse: *Ad deos, id magis quàm ad se, pertinere: ipsos visuros, ne sacra sua polluantur,* matching what the oracle had answered the people of Delphi fearful of a Persian invasion during the war against the Medes. They had asked the god what they should do with the holy treasures in his temple, hide them or carry them off. He had answered that they should not move anything and only worry about themselves, and that he alone would look after what was his.

This concerns the gods much more than us; it is for them alone to ensure that their holy things are not desecrated, • Livy, 10.6

b The Christian religion shows all the signs of being absolutely just and beneficial but none more apparent than its strict recommendation to obey the law and preserve institutions. Divine wisdom has given us such a remarkable example of it: It sought to establish the salvation of humankind and lead its glorious victory against death and sin only in accordance with the order of our society. And it subjected its progress and the pursuit of so high and salutary a purpose to the blindness and injustice of our rules and customs, letting flow the innocent blood of so many of the elect, its favored ones, and accepting the loss of so many years in ripening this priceless fruit.

b There is a great difference between the case of someone who follows the conventions and laws of their country and that of someone who endeavors to control and change them. The former claims as their excuse ignorance, obedience, and precedent. Whatever they do cannot be malice. It is misfortune at most. c *Quis est enim, quem non moveat clarissimis monumentis testata consignataque antiquitas?* There is also what Isocrates said, that weakness has more to do with moderation than excess. b The latter is in a much more difficult position. c For those who make it their business to pick and change usurp the authority to judge and must ensure they see the defect in what they get rid of and the good in what they introduce. This very basic argument strengthened my resolve, bridling my more daring and younger self, not to take on a burden as heavy as responsibility for such an important subject. And not to attempt with it what, in sound judgment, I would not attempt with the easiest subjects I had been taught, subjects in which presuming to judge is of no consequence. For it seems completely unjustifiable to me to hope to submit immovable and public arrangements and rules to the instability of a private fancy — private logic is but a private jurisdiction — and to attempt against divine laws what no society would tolerate against civil ones. As for them, although human reason is much more involved in them, they are still the supreme judges of their judges. And great ability is meant to explain and extend their accepted use, not to bend and change it.

For who would not be moved by antiquity's most famous historical deeds, both witnessed and recorded? • Cic., Div., 1.40

c If divine providence has sometimes circumvented the rules it needed to impose on us, it was not to release us from them. They are the effects of its divine work, not something for us to imitate but to marvel at. They are extraordinary examples, signs of specific and individual recognition, miraculous kinds of signs it gives us as testimony of its immense power, far beyond our abilities and strengths, and which it is foolish and impious to try to emulate, and which we must not follow but contemplate in awe. Actions suited to its nature but not ours. Cotta's objection fits well: *Quum de religione agitur, T. Coruncanium, P. Scipionem, P. Scaevolam, Pontifices maximos, non Zenonem, aut Cleanthem, aut Chrysippum, sequor.*

In matters of religion, I follow the high priests T. Coruncanius, P. Scipio, P. Scaevola, and not Zeno, Cleanthes, or Chrysippus. • Cic., Nat. D., 3.2

b In our present quarrel, with hundreds of articles — great and difficult ones — to eliminate and reinstate, God knows how many people can claim to have understood precisely the reasons and principles of one side and the other. That number, if it exists at all, should not worry us too much. But what happens to the rest of the crowd? What banner will they rush to rally under? Their medicine behaves like any other weak and misapplied medicine: the humors it was meant to purge from us, it inflamed, irritated, and soured by fighting, and it remains in our bodies

still. It was too weak to cleanse us and yet it weakened us so much that we cannot expel it either and only feel its effects in the lasting pains in us.

a However, fortune, who always ensures that her authority prevails over our deliberations, sometimes puts us in a situation so dire that it becomes necessary for laws to take it into account. b And when we resist the introduction of something new that was forced upon us, showing restraint and following every rule is a dangerous commitment and a dangerous imbalance against those who run wild, are free to try anything that can advance their goals, and have for only law and order the pursuit of their advantage.

c*Aditum nocendi perfido praestat fides.*

Trust gives the treacherous an opportunity to do harm. • Sen., Oed., 3.686

b In fact, the ordinary procedures of a healthy state do not provide for these extraordinary problems. They presuppose a body whose principal parts and functions are united, and a common agreement to follow and obey them. c The pace of the law is a cool, heavy, and controlled one. It is not meant to keep up with a free and reckless pace.

a We know that these two great figures, Octaviusand Cato, are still blamed for choosing to expose their country to all manner of extreme dangers in their civil wars — one with Sulla, the other with Caesar — rather than rescue it, at the expense of the law, and disrupt anything. For, in truth, in these desperate situations, when nothing is left to hold onto, it would be wiser perhaps to bow our heads and let the blow fall rather than resist the possibility of making any concessions and give violence a reason to trample over everything. And it may be best to make the laws want what they can achieve since they cannot achieve what they want. He who ordered that the laws should sleep for twenty-four hours did just that.[21] As did he who once moved a day from the calendar, and the other one who turned the month of June into another May.[22] The same Spartans, devoted followers of their country's rules, finding themselves caught between a law of theirs which forbade anyone from being elected admiral twice in a row and their affairs, which urgently required that Lysanderassume that post, made one Aracus admiral and Lysander superintendent of the navy. And, just as cleverly, when one of their ambassadors was sent to Athens to have some ordinance changed and was told by Periclesthat it was forbidden to take down a tablet on which a law had been inscribed, he advised the Athenian simply to turn it over since that was not prohibited. This is what Plutarchpraises Philopoemenfor: Being born to lead, he knew how to command according to the laws and, when public necessity required it, command the laws themselves.

Notes

1 Montaigne used the French word *coutume* (*coustume* in Middle French) throughout this essay to mean two things: the custom of a place or time and a personal habit. He developed his argument by using both meanings at the same time, or by moving from one to the other. In English, neither *custom* nor *habit* perfectly matches Montaigne's *coustume*. In their translations, Donald Frame chose the former while M.A. Screech opted for the latter. I stuck with *custom*, which still has both meanings (shared and individual) in contemporary American English, even if the first dominates. Remember, as you read this essay, that Montaigne's *custom* can and does mean both.

2 In Book VII of the *Republic*, Plato imagines people who, having been confined to a cave their whole life, would have only experienced the world through images, shadows projected on a wall. He argues that, were they to be shown the real world, they would wish to return to the world of shadows they are accustomed to.

3 Mithridates (Mithridates VI Eupator, 135–63 BCE). Defeated by Pompey, Mithridates tried and failed to kill himself by taking poison. He had become immune to it from regularly drinking small amounts to avoid being poisoned by his enemies.

4 The Americas. The following anecdotes about food in the New World are from Francisco López de Gómara's *Historia general de las Indias*.

5 Cicero, in *On the Republic*, says that the hearing of those who live near the cataracts of the Nile is so overwhelmed by the sound of the rapids that they can no longer hear them.

6 Men in sixteenth-century Europe often wore a fitted sleeveless vest, called a *jerkin*, over their doublet. These vests were sometimes made of leather—the London Museum has one in its collections: londonmuseum.org.uk/collections/v/object-118831/jerkin/—which could be perfumed with floral oils.

7 In medieval and Early Modern Europe, card players sometimes used pins instead of coins to place bets in friendly games. Pins are paired or contrasted with coins, as objects of no value, in Shakespeare too. Hamlet says "I do not set my life at a pin's fee" (*Hamlet*, 1.4.73, Folger ed.) and Pistol "Give crowns like pins!" (*Henry IV, Part 2*, 2.4.175, Folger ed.).

8 This man may have been part of a traveling act. Another account exists, very similar to Montaigne's, in a journal entry dated March 17, 1579: *On Saturday … a small man claiming to be from Nantes arrived in this city. He had no arms, for which he substituted his feet. He shot an arquebus which he loaded, cocked and uncocked; he played dice, washed and cleaned himself. He could cut himself a slice of bread, wash glasses and pour wine and water in. He played cards, doffed his hat to greet people, threaded a needle, tied a knot, riffled through books and wrote quite well, all of it with his feet.… He had with him six people, including two women who performed skits.* (La Fontenelle de Vaudoré, ed. 1846. *Journal de Guillaume*

et de Michel Le Riche, avocats du Roi à Saint-Maixent (de 1534 à 1586). Saint-Maixent: Reversé. gallica.bnf.fr/ark:/12148/bpt6k65599903/f348.item)

9 Notes found on a copy of the *Essays* belonging to an acquaintance of Montaigne, Florimond de Raemond, identify this man as François IV de La Rochefoucauld, another member of Montaigne's social circle. (Boase 1928, 245) La Rochefoucauld was a Huguenot who married, in 1587, Claude d'Estissac, daughter of Louise de La Béraudière, madame d'Estissac, to whom *On the Affection of Fathers for Their Children* is dedicated. He died in 1591 at the siege of Saint-Yrieix-la-Perche.

10 Most of these anecdotes and exempla come from Francisco López de Gómara's *Historia general de las Indias*. See Villey (1920, 56–59) for itemized references.

11 This last set of exempla comes from various classical authors—Herodotus, Pliny, Aulus Gellius, etc.—but was also available to Montaigne from various contemporary sources.

12 Ancient Greek poets and historians allude to the existence of a nation of female warriors, the Amazons.

13 Thyestes raped his daughter to produce a son who could avenge him. Oedipus married his mother (and killed his father). Macareus fell in love with his sister, with whom he had a child. All three are characters from Greek myths and tragedies. Their incestuous transgressions end in disaster.

14 Some Cynic and Stoic philosophers used incest and cannibalism as test cases in the rejection of moral absolutes. Unlike Plato, who saw them as the actions of tyrannical minds who ignored taboos—and therefore as unacceptable—Chrysippus, a Stoic, and others like him regarded them as the products of circumstances and not marks of moral failure.

15 The justice system of sixteenth-century France was complicated. Northern France followed customary law (based on local customs and precedents) while southern France followed Roman law (based on written law). In some places, like Bordeaux, where Montaigne worked, the two systems could overlap and compete. In addition, the courts were also transitioning from Latin, which had been used for centuries, to French, after King Francis I mandated the switch in 1539 with the Ordinance of Villers-Cotterêts. However, this change did not make legal proceedings any more accessible for most people. Their language was still difficult to understand and a large portion of the French population did not speak French but Breton, Gascon, Provençal, and other "regional" languages. Finally, the number of law officers was steadily increasing, creating a class of legal professionals who, as middlemen, stood to profit from this complex situation and, therefore, had few incentives to make the law easier or cheaper to navigate. Montaigne, who worked as a magistrate and had likely studied law, was all too aware of these problems.

16 Members of the clergy, professors, doctors, magistrates, and members of *parlements* wore long gowns. Short gowns and (padded) jackets were associated with law enforcement and the military, including the knightly aristocracy who owed military service to the king.

17 Like long gowns, square caps were worn by members of the clergy, judges, and scholars. In Hans Holbein the Younger's *The Ambassadors*, the figure on the right wears one. The long velvet tail, depicted in this anonymous sixteenth-century portrait, is the back part of what was called, in England, a *French hood*. Finally, the *imitation of a member we cannot name* is a codpiece, an example of which is visible in this 1565 portrait by Giovanni Battista Moroni.

18 After Lycurgus established the laws of Sparta, he told his countrymen that he needed to consult the oracle at Delphi to proceed with his work for the city. He added that no law could be changed until he returned. Once he heard from the oracle that his work was good, Lycurgus decided to take his own life, thus never returning to Sparta and ensuring its laws would remain unchanged.

19 Between 1562 and 1598, for most of Montaigne's adult life, France went through repeated periods of civil war, collectively known as the Wars of Religion, brought on by religious and political rivalries between Catholics and Protestants. The novelty Montaigne is talking about is the Protestant Reformation.

20 The first posthumous edition (1595) adds the following quote from Livy: *Adeo nihil motum ex antiquo probabile est* (So much so that nothing of the old ways is worth changing).

21 Agesilaus II, king of Sparta, temporarily suspended a law that would have made *tresantes* ("cowards," i.e. second-class citizens) of Spartan soldiers defeated at the battle of Leuctra against Thebes. Faced with the prospect of further weakening his city by dishonoring the sons of important families and, in forbidding them to serve, reducing the number of its troops, he argued that the laws should be allowed to sleep for a day.

22 When some of Alexander the Great's generals refused to follow him into battle because they would not fight in May (*Daisios*), he ordered them to call the month a second April (*Artemisios*). Montaigne's retelling of the story differs slightly. He read it in Jacques Amyot's 1565 translation of Plutarch's *Parallel Lives* (p. 469 v.) where Amyot used June and May for the names of two months of the Macedonian calendar.

Montaigne's Sources

Arist., Eth. Nic.	Aristotle, *Nicomachean Ethics*
Cic., Div.	Cicero, *On Divination*
Cic., Nat. D.	Cicero, *On the Nature of the Gods*
Cic., Rep.	Cicero, *On the Republic*
Cic., Tusc.	Cicero, *Tusculan Disputations*

Diod. Sic.	Diodorus Siculus, *Library of History*
Diog. Laert.	Diogenes Laërtius, *Lives and Opinions of Eminent Philosophers*
Gell.	Aulus Gellius, *Attic Nights*
Gómara, Indias	Gómara, Francisco López de, *Historia general de las Indias*
Le Roy, Aristote	Le Roy, Louis, *Les politiques d'Aristote*
Livy	Livy, *History of Rome*
Lucr.	Lucretius, *On the Nature of Things*
Mex., Silva	Mexía, Pedro, *Silva de varia lección*
Ov., Ep.	Ovid, *Epistles*
PA. Franc.	Aemilius, Paulus, *De Rebus gestis Francorum*
Pl., Leg.	Plato, *Laws*
Plin., HN	Pliny, *Natural History*
Plut., Ages.	Plutarch, *Parallel Lives - Agesilaus*
Plut., Alex.	Plutarch, *Parallel Lives - Alexander*
Plut., Apoph.	Plutarch, *Moralia - Sayings of Spartans*
Plut., Comp. Phil. Flam.	Plutarch, *Parallel Lives - Comparison of Philopoemen and Titus*
Plut., Lyc.	Plutarch, *Parallel Lives - Lycurgus*
Plut., Lys.	Plutarch, *Parallel Lives - Lysander*
Plut., Mulier.	Plutarch, *Moralia - Bravery of Women*
Plut., Per.	Plutarch, *Parallel Lives - Pericles*
Sen., Oed.	Seneca, *Oedipus*
Ter., An.	Terence, *Andria*
Val. Max.	Valerius Maximus, *Memorable Deeds and Sayings*