

MICHEL DE MONTAIGNE
ESSAYS

Book 1 · Chapter 22



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Of custome, and how a received law should not easily be changed

MY OPINION is, that hee conceived aright of the force of custome, that first invented this tale; how a countrie woman having enured her selfe to cherish and beare a yong calfe in her armes, which continuing, shee got such a custome, that when he grew to be a great oxe, she carried him still in her armes. For truly, *Custome is a violent and deceiving schoole mistris*. She by little and little, and as it were by stealth, establisheth the foote of her authoritie in us; by which milde and gentle beginning, if once by the ayde of time, it have setled and planted the same in us, it will soone discover a furious and tyrannicall countenance unto us, against which we have no more the libertie to lift so much as our eyes: wee may plainly see her upon every occasion to force the rules of Nature: *Vsus efficacissimus rerum omnium magister. Use is the most effectuall maister of all things*. I beleeve *Platoes* anchor in his common wealth, and the *Phisitians* that so often quit there arts reason by authoritie; and the same King who by meanes of her, ranged his stomacke to be nourished with poyson; and the mayden that *Albert* mentioneth to have accustomed herselfe to live upon spiders: and now in the new found world of the *Indiaes*, there were found diverse populous nations, in farre differing climates, that lived upon them; made provision of them, and carefully fed them; as also of grasse-hoppers, pissemyres, lizards, and night-bats; and a toade was solde for six crownes in a time that all such meates were scarce amongst them, which they boyle, roste, bake, and dresse with diverse kindes of sawces. Others have bin found to whom our usuall flesh and other meates were mortall and venemous. *Consuetudinis magna est vis, Pernocant venatores in nive, in montibus vri se patiuntur: Pugiles, caestibus contusi, ne ingemiscunt quidem*. Great is the force of custome: *Huntsmen wil watch all night in snow, and endure to bee scorched on the hils: Fencers brused with sand-bags or cudgels, do not so much as groane*. These forraine examples are not strange, if we but consider what we ordinarily finde by travell, and how custome quaileth and weakeneth our customary sences. We neede not goe seeke what our neighbours reporte of the Cataractes of *Nile*; and what Philosophers deeme of the celestiaall musicke, which is, that the bodies of it's circles, being solide smooth, and in their rowling motion, touching and rubbing one against another, must of necessitie produce a wonderfull harmonie: by the changes and

entencapings of which, the revolutions, motions, cadences, and carrols of the asters and planets are caused and transported. But that universally the hearing senses of these lowe worlds creatures, dizzied and lulled asleepe, as those of the Ægyptians are, by the continuation of that sound, how loud and great soever it be, can not sensibly perceive or distinguish the same. Smiths, Millers, Forgers, Armorers, and such other, could not possibly endure the noyse that commonly rings in their eares, if it did pierce them as it doth us. My perfumed Jerkin serveth for my nose to smell unto, but after I have worne it three or foure dayes together, not I, but others have the benefite of it. This is more strange, that notwithstanding long intermissions, custome may joyne and establish the effect of her impression upon our senses; as they proove that dwell neere to bells or steeples. I have my lodging neere unto a tower, where both evening and morning a very great bell doth chime *Ave-marie* and *Cover-few*, which jangling doth even make the tower to shake; at first it troubled me much, but I was soone acquainted with it, so that now I am nothing offended with it, and many times it can not waken me out of my sleepe. *Plato* did once chide a child for playing with nuts, who answered him. *Thou chidest me for a small matter. Custome replied Plato, is no small matter.* I finde that our greatest vices, make their first habite in us, from our infancie, and that our chiefe government and education, lieth in our nurses hands. Some mothers thinke it good sporte to see a childe wring off a chickens necke, and strive to beate a dog or cat. And some fathers are so fond-foolish, that they will conster as a good Augur or fore-boding of a martiall minde to see their sonnes misuse a poore peasant, or tug a lackey, that doth not defend himselfe; and impute it to a readie wit, when by some wily disloyaltie, or crafty deceite, they see them cosine and over-reach their fellowes: yet are they the true seedes, or rootes of cruelty, of tyranny, and of treason. In youth they bud, and afterward grow to strength, and come to perfection by meanes of custome.

And it is a very dangerous institution, to excuse so base and vile inclinations, with the weakenesse of age, and lightnesse of the subject. First it is nature that speaketh, whose voice is then shriller, purer, and more native, when it is tenderer, newer, and youngest. Secondlie, the deformity of the crime consisteth not in the difference betweene crownes and pinnes; it depends of it selfe. I finde it more just to conclude thus. Why should not he as well deceave one of a crowne, as he doth of a pinne? Then as commonly some doe, saying, alas, it is but a pinne. I warrant you, he will not doe so with crownes. A man would carefully teach children to hate vices of their owne genuitie, and so distinguish the desormitie of them, that they may not onely eschew them in their actions, but above all, hate them in their hearts: and what colour soever they beare, the very conceite may seeme odious unto them. I know well, that because in my youth, I have ever accustomed my selfe to treade a plaine beaten path; and have ever hated to entermeddle any manner of deceit of cosoning-craft, even in my childish sportes (for truly it is to bee noted, that Childrens playes are not sports, and should be deemed as their most serious actions.) There is no pastime so slight, that inwardlie I have not a naturall propension, and serious care, yea extreame contradiction, not to use any deceit. I shuffle and handle the cardes, as earnestly for counters, and keepe as strict an accompt, as if they were double duckets, when playing

with my wife or children, it is indifferent to mee whether I win or loose, as I doe when I play in good earnest. How and wheresoever it be, mine owne eies will suffice to keepe me in office; none else doe watch me so narrowly; nor that I respect more. It is not long since in mine owne house, I saw a little man, who at *Nantes*, was borne without armes, and hath so well fashioned his feete to those services, his hands should have done him, that in truth they have almost forgotten their naturall office. In all his discourses he nameth them his hands, he carveth any meate, hee chargeth and shootes off a pistole, he threads a needle, he serveth, he writeth, puttes off his cappe, combeth his head, playeth at cards and dice; shuffleth and handleth them with a great dexteritie as any other man that hath the perfect use of his hands: the monie I have sometimes given him, he hath carried away with his feete, as well as any other could do with his handes. I saw another, being a Childe, that with the bending and winding of his necke, (because hee had no hands) would brandish a two hand-Sword, and mannage a Holbard, as nimbly as any man could do with his hands: he would cast them in the aire, then receive them againe, he would throwe a Dagger, and make a whippe to yarke and lash, as cunningly as any Carter in *France*. But hir effects are much better discovered in the strange impressions, which it worketh in our mindes where it meets not so much resistance. What cannot she bring to passe in our judgements, and in our conceits? Is there any opinion so fantasticall, or conceit so extravagant (I omit to speake of the grose imposture of religions, wherwith so many great nations and so many worthy and sufficient men have bin besotted, and drunken: For, being a thing beyond the compasse of our humane reason, it is more excusable if a man that is not extraordinarily illuminated thereunto by divine favour, do loose and mis-carrie himself therin) or of other opinions, is there any so strange, that custome hath not planted and established by lawes in what regions soever it hath thought good? And this aunient exclamation is most just: *Non pudet physicum, id est speculatorem venatorémque naturæ, ab animis consuetudine imbutis quærere testimonium veritatis?* Is it not a shame for a naturall Philosopher, that is the watch-man and hunts-man of nature, to seeke the testimonie of truth, from mindes endued and double dyde with custome? I am of opinion, that no fantasie so mad can fall into humane imagination, that meetes not with the example of some publike custome, and by consequence that our reason doth not ground and bring to a stay. There are certaine people, that turne their backs towards those they salute, and never looke him in the face whom they would honour or worshippe. There are others, who when the King spitteth, the most favoured Ladie in his court stretcheth forth hir hand; and in an other countrey, where the noblest about him, stoupe to the ground to gather his ordure in some fine linnen cloth: Let us here by the way insert a tale. A French Gentleman was ever wont to blow his nose in his hand, (a thing much against our fashion) maintaining his so doing; and who in wittie jeasting was very famous. He asked me on a time, what priviledge this filthy excrement had, that wee should have a daintie linnen cloth or handkercher to receive the same; and which is worse, so carefully folde it up, and keepe the same about us, which should be more loathsome to ones stomacke, than to see it cast away, as wee doe all our other excrements and filth. Me thought he spake not altogether without reason: and custome had taken from me the discerning of this strangenesse, which being reported of an other countrie we deeme so hideous. Miracles

are according to the ignorance wherein we are by nature, and not according to natures essence; use brings the sight of our judgement asleepe. The barbarous heathen are nothing more strange to us, then we are to them: nor with more occasion, as every man would avow, if after he had traveled through these farre-fetcht examples, hee could stay himselfe upon the discourses, and soundly conferre them. Humane reason is a tincture in like weight and measure, infused into all our opinions and customes, what forme soever they be of: infinite in matter: infinite in diversitie. But I will returne to my theame. There are certaine people, where, except his wife and children, no man speaketh to the King, but through a trunke. Another nation, where virgines shew their secret partes openly, and married women diligently hide and cover them. To which custome, this fashion used in other places, hath some relation: where chastitie is nothing regarded but for marriage sake; and maidens may at their pleasure lie with whom they list; and being with childe, they may without feare of accusation, spoyle and cast their children, with certaine medicaments, which they have onely for that purpose. And in another country, if a Marchant chance to marrie, all other Marchants that are bidden to the wedding, are bound to lie with the bride before her husband, and the more they are in number, the more honour and commendation is hirs, for constancie and capacitie: the like if a gentleman or an officer marrie; and so of all others: except it be a day-labourer, or some other of base condition; for then must the Lord or Prince lie with the bride; amongst whom (notwithstanding this abusive custome) loyaltie in married women is highly regarded, and held in speciall accompt, during the time they are married. Others there are, where publike brothelhouses of men are kept, and where open marte of marriages are ever to be had: where women goe to the warres with their husbands, and have place, not onely in fight, but also in commaund, where they doe not onely weare jewels at their noses, in their lips, and cheekes, and in their toes, but also big wedges of golde through their pappes and buttocks, where when they eate, they wipe their fingers on their thighs, on the bladder of their genitories, and the soles of their feete, where not children, but brethren and nephewes inherit; and in some places, the nephewes onely, except in the succession of the Prince. Where to order the communitie of goods, which amongst them is religiously observed, certaine Sovereaigne Majestrates have the generall charge of husbandry and tilling of the landes, and of the distribution of the frutes, according to every mans neede, where they howle and weepe at their childrens deaths, and joy and feast at their olde mens decease. Where ten or twelve men lie all in one bed with all their wives, where such women as loose their husbands, by any violent death, may marrie againe, others not: where the condition of women is so detested, that they kill all the maiden children, so soone as they are borne, and to supply their naturall neede, they buy women of their neighbours. Where men may at their pleasure, without alledging any cause put away their wives, but they (what just reason soever they have) can never put away their husbands. Where husbands may lawfully sell their wives, if they be barren. Where they cause dead bodies first to be boyled, and then to be brayed in a mortar, so long till it come to a kind of pap, which afterward they mingle with their wine, and so drinke it. Where the most desired sepulcher that some wish for, is to be devoured of dogges, and in some places of birds. Where some thinke, that blessed

soules live in all liberty, in certaine pleasant fields stored with all commodities, and that from them proceedes that *Echo*, which we heare. Where they fight in the water, and shute exceeding true with their bowes as they are swimming. Where in signe of subjection men must raise their shoulders, and stoope with their heads, and put off their shooes when they enter their kings houses. Where Eunukes that have religious women in keeping, because they shall not be loved, have also their noses and lips cut off. And Priests, that they may the better acquaint themselves with their *Demons*, and take their Oracles, put out their eyes. Where every man makes himselfe a God of what he pleaseth: the hunter, of a Lion or a Fox; the fisher, of a certaine kinde of Fish; and frame themselves Idols of every humane action or passion: the Sunne, the Moone, and the earth are their chiefest Gods: the forme of swearing is, to touch the ground, looking upon the Sunne, and where they eate both flesh and fish raw. Where the greatest oath is to sweare by the name of some deceased man, that hath lived in good reputation in the countrie, touching his grave with the hand. Where the new-yeares gifts that Kings send unto Princes their vassals every yeare, is some fire, which when it is brought, all the old fire is cleane put out: of which new fire all the neighbouring people are bound upon paine *læsæ maiestatis*, to fetch for their uses. Where, when the King (which often commeth to passe) wholly to give himselfe unto devotion, giveth over his charge, his next successor is bound to doe the like, and conuaieth the right of the kingdome unto the third heire. Where they diversifie the forme of policie, according as their affaires seeme to require: and where they depose their Kings, when they thinke good, and appoint them certaine ancient grave men to undertake and wealde the kingdoms government, which sometimes is also committed to the communitie. Where both men and women are equally circumcised, and alike baptised. Where the Souldier, that in one or divers combats hath presented his King with seaven enemies heads, is made noble. Where some live under that so rare and unsociable opinion of the mortalitie of soules. Where women are brought a bed without paine of grieffe. Where women on both their legs weare greavs of Copper: and if a louse bite them, they are bound by duty of magnanimitie to bite it againe: and no maide dare marrie, except she have first made offer of her Virginitie to the King. Where they salute one another laying the forefinger on the ground, and then lifting it up toward heaven: where all men beare burthens upon their head, and women on their shoulders. Where women pisse standing, and men cowering. Where in signe of true friendshippe they send one another some of their owne blood, and offer incence to men which they intend to honour, as they doe to their Gods: where not onely kindred and consanguinitie in the fourth degree, but in any furthest off, can by no meanes be tolerated in marriages: where children sucke till they be foure, and sometimes twelve yeares olde, in which place they deme it a dismall thing to give a childe sucke the first day of his birth. Where fathers have the charge to punish their male-children, and mothers onely maide-children, and whose punishment is to hang them up by the feete, and so to smoke them. Where women are circumcised; where they eate all manner of hearbes, without other distinction, but to refuse those that have ill savour: where all things are open, and how faire and rich soever their houses be, they have neither doores nor windowes, nor any chests to locke; yet are all theeves much more severely punished there, than any where else; where, as monkies

doe, they kill lice with their teeth, and thinke it a horrible matter to see them crusht between their nailes; where men so long as they live never cut their haire, nor paire their nailes: another place where they onely paire the nailes of their right hand, and those of the left are never cut, but very curiously maintained: where they indeavour to cherish all the haire growing on the right side, as long as it wil grow: and very often shave away that of the left side: where in some Provinces neere unto us, some women cherish their haire before, and othersome that behinde, and shave the contrarie: where fathers lend their children, and husbands their wives to their guests, so that they pay ready mony: where men may lawfully get their mothers with childe: where fathers may lie with their daughters, and with their sonnes: where, in solemne assemblies and banquets, without any distinction of blood or alliance, men will lend one another their children. In some places men feede upon humane flesh:¹ in other places fathers appoint what children shall live, and be preserved, and which die and be cast out, whilest they are yet in their mothers wombe: where old husbands lend their wives to yong men, for what use soever they please: In other places, where all women are common without sinne or offence: yea in some places where for a badge of honour, they weare as many fringed tassels, fastened to the skirt of their garment as they have laine with severall men. Hath not custome also made a severall common-wealth of women? hath it not taught them to manage Armes? to leavie Armies, to marshall men, and to deliver battles? And that which strickt-searching Philosophie could never perswade the wisest, doth she not of her owne naturall instinct teach it to the grofest-headed vulgare? For we know whole nations, where death is not only contemned, but cherished; where children of seven yeares of age, without changing of countenance, or shewing any signe of dismay endured to be whipt to death; where riches and worldly pelfe was so despised and holden so contemptible, that the miserablest and neediest wretch of a Citie would have scorned to stoop for a purse full of gold. Have we not heard of diverse most fertile regions, plenteously yeelding al maner of necessary victualls, where nevertheless the most ordinary cates and daintiest dishes, were but bread, water-cresses, and water? Did not custome worke this wonder in *Chios*, that during the space of seaven hundred yeares it was never found or heard of, that any woman or mayden had her honor or honestie called in question? And to conclude, there is nothing in mine opinion, that either she doth not, or can not: and with reason doth *Pindarus*, as I have heard say, *Call her the Queene and Empresse of all the world*. He that was mette beating of his father, aunswered, *It was the custome of his house; that his father had so beaten his grandfather, and he his great-grandfather; and pointing to his sonne, said, this childe shall also beate mee, when he shall come to my age*. And the father, whom the sonne haled and dragged through thicke and thinne in the streete, commaunded him to stay at a certaine dore, for himselfe had dragged his father no further: which were the bounds of the hereditarie and injurious demeanours, the children of that family were wont to shew their fathers. *By custome, saieth Aristotle, as often as by sicknesse, doe we see women tug and teare their haire, bite their nailes, and eate coles and earth: and more by custome then by nature do men meddle and abuse themselves with men*. The lawes of conscience, which we say to proceede from nature, rise and proceede of custome: every man holding in speciall regard, and inward veneration the opinions approved, and customes received about him, can not without

remorse leave them, nor without applause applie himselfe unto them: when those of *Creete* would in former ages curse any man, they besought the Gods to engage him in some bad custome. But the chiefest effect of her power is to seize upon us, and so to entangle us, that it shall hardly lie in us, to free our selves from her holde-fast, and come into our wits againe, to discourse and reason of her ordinances; verily, because wee sucke them with the milke of our birth, and forasmuch as the worldes visage presents it selfe in that estate unto our first view, it seemeth we are borne with a condition to follow that course. And the common imaginations we finde in credite about us, and by our fathers seede infused in our soule, seeme to be the generall and naturall. Whereupon it followeth, that whatsoever is beyond the compasse of custome, wee deeme likewise to bee beyond the compasse of reason. God knowes how for the most parte, unreasonably. If as we, who study our selves, have learned to doe, every man that heareth a just sentence, would presently consider, how it may in any sorte belonging unto his private state, each man should finde, that this is not so much a good word, as a good blowe to the ordinary sottishnesse of his judgement. But men receive the admonitions of truth and her precepts, as directed to the vulgare, and never to themselves; and in lieu of applying them to their maners, most men most foolishly and unprofitably apply them to their memorie. But let us returne to customes soveraignety, such as are brought up to libertie, and to commaund themselves, esteeme all other forme of pollicie, as monstrous and against nature. Those that are enured to Monarchie doe the like. And what facilitie soever fortune affoordeth them to change, even when with great difficultie they have shaken off the importunitie of a tutor, they runne to plant a new one with semblable difficulties, because they can not resolve themselves to hate tutorship. It is by the meditation of custome, that every man is contented with the place, where nature hath settled, him: and the savage people of *Scotland* have nought to doe with *Touraine*, nor the Scithians with *Thessalie*. *Darius* demanded of certaine Græcians, *For what they would take upon them the Indians custome, to eate their deceased fathers.* (For such was their maner, thinking they could not possibly give them a more noble and favourable tombe, than in their owne bowels) they answered him, *That nothing in the world should ever bring them to embrace so inhumane a custome:* But having also attempted to perswade the Indians to leave their fashion, and take the Græcians, which was to burne their corpses, they were much more astonied thereat. Every man dooth so, forsomuch as custome dooth so bleare us that wee can not distinguish the true visage of things.

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

*Nothing at first so wonderous is, so great,
But all, t'admire, by little slake their heate.*

Having other times gone about to endeare, and make some one of our observations to be of force, and which was with resolute auctoritie received in most parts about us, and not desiring, as most men doe, onelie to establish the same by the force of lawes and examples, but having ever

bin from hir beginning, I found the foundation of it so weake, that my selfe, who was to confirme it in others, had much adoe to keepe my countenance. This is the receipte by which *Plato* undertaketh to banish the unnaturall and preposterous loves of his time; and which he esteemeth Sovereaigne and principall. To wit that publike opinion may condemne them; that Poets, and all men else may tell horrible tales of them. A receipt by meanes whereof the fairest Daughters winne no more the love of their fathers, nor brethren most excellent in beautie, the love of their sisters. The very fables of *Thyestes*, of *Oedipus* and of *Macareus*, having with the pleasure of their songs infused this profitable opinion, in the tender conceit of children. Certes, chaftitie is an excellent vertue, the commoditie whereof is very well knowne: but to use it, and according to nature to prevaile with it, is as hard as it is easie, to endeare it and to prevaile with it according to custome, to lawes and precepts. The first and universall reasons are of a hard preservation. And our Maisters passe them over in gleaning, or in not daring so much as to taste them, at first sight cast themselves head-long into the liberty or sanctuarie of custome. Those that will not suffer themselves to be drawne out of his originall source, do also commit a greater error, and submit themselves to savage opinions, witnesse *Chrisippus*; who in so many severall places of his compositions, inserted the small account he made of conjunctions, how incestuous soever they were. Hee that will free himselfe from this violent prejudice of custome, shall find divers things received with an undoubted resolution, that have no other anker but the hoarie head, and frowning wrimples of custome, which ever attends them: which maske being pulled off, and referring all matters to truth and reason, he shall perceive his judgement, as it were over-turned, and placed in a much surer state. As for example, I wil then aske him, what thing can be more strange, then to see a people bound to followe lawes, he never understood? Being in all his domesticall affaires, as marriages, donations, testaments, purchases, and sales, necessarily bounde to customary rules, which forsomuch as they were never written nor published in his owne tongue, he cannot understand, and whereof he must of necessity purchase the interpretation and use. Not according to the ingenious opinion of *Isocrates*, who counselleth his King to *make the Trafikes and negotiations of his subjects, free, enfranchized and gainefull, and their debates, controversies, and quarrels burthen-some, and charged with great subsidies, and impositions*: But according to a prodigious opinion, to make open sale, and traficke of reason it selfe, and to give lawes a course of marchandize, is very strange. I commend fortune, for that (as our Historians reporte) it was a Gentleman of *Gaskonie*, and my Countryman, that first opposed himself against *Charles* the great, at what time he went about to establish the Latine and Imperiall lawes amongst us. What is more barbarous then to see a nation, whereby lawfull custome the charge of judging is solde, and judgements are paide for with readie money; and where justice is lawfully denied him, that hath not wherewithall to paie for it; and that this marchandize hath so great credite, that in a politicall government there should be set uppe a fourth estate of Lawyers, breath-sellers, and pettifoggers, and joyned to the three auncient states, to wit, the Clergie, the Nobility, and the Communalitie; which fourth state having the charge of lawes, and sometimes auctoritie of goods and lives, should make a body, apart, and severall from that of Nobilitie, whence double Lawes must followe; those of honour, and those of justice; in many things

very contrary do those as rigorously condemne a lie pocketed up, as these a lie revenged: by the lawe and right of armes hee that putteth up an injurie shalbe degraded of honour and nobilitie; and he that revengeth himselfe of it, shall by the civill Lawe incurre a capitall punishment? Hee that shall addresse himselfe to the Lawes to have reason for some offence done unto his honour, dishonoreth himselfe. And who doth not so, is by the Lawes punished and chastised. And of these so different partes, both neverthesse having reference to one head; those having peace, and these warre committed to their charge; those having the gaine, and these the honor: those knowledge, and these vertue: those reason, these strength: those the worde, these action: those justice, these valour: those a long gowne, and these a short coat, in partage and share. Touching indifferent things, as clothes and garments, whosoever wil reduce them to their true end, which is the service and commodity of the bodie, whence dependeth their original grace and comelinesse, for the most fantastical to my humour that may bee imagined, amongst others I will give them our square caps; that long hood of plaited velvet, that hangs over our womens heads, with his parti-coloured, and that vaine and unprofitable modell of a member, which wee may not so much as name with modestie, wherof notwithstanding we make publike shewe, and open demonstration. These considerations do neverthesse never distract a man of understanding from following the common guise: Rather on the contrarie, me seemeth, that all severall, strange, and particular fashions proceede rather of follie, or ambitious affectations, then of true reason: and that a wise man ought inwardly to retire his minde from the common prease, and holde the same libertie and power to judge free of all things, but for outward matters, he ought absolutely to followe the fashions and forme customarily received. Publicke societie hath nought to doe with our thoughts; but for other things, as our actions, our travell, our fortune, and our life, that must be accommodated and left to it's service and common opinions: as that good and great *Socrates*, who refused to save his life by disobeying the magistrate, yea a magistrate most wicked and unjust. For that is the rule of rules, and generall lawe of lawes, for every man to observe those of the place wherein he liveth.

νόμοις ἔπεσθαι τοῖσιν ἐγγύριοις καλόν.

*Lawes of the the native place,
To followe, is a grace.*

Loe here some of another kind. There riseth a great doubt, whether any so evident profite may be found in the change of a received lawe, of what nature soever, as there is hurt in removing the same; forsomuch as a well settled pollicie, may be compared to a frame or building of divers partes joyned together with such a ligament as it is impossible to stirre or displace one, but the whole body must needes be shaken, and shewe a feeling of it. The Thurians Law-giver instituted, that, *whosoever would goe about, either to abolish any one of the olde Lawes, or attempt to establish a new, should present himselfe before the people with a roape about his necke, to the end, that if his invention were not approved of all men, he should presently be strangled.* And he of *Lacedemon* laboured all his life to get an assured promise of his citizens, that they would never infringe any one of his ordinances. That *Ephore* or *Tribune*,

who so rudely cut off the two strings, that *Phrinis* had added unto musicke, respecteth not whether musicke be better or no with them, or whether the accordes of it be better filled, hee hath sufficient reason to condeme them, because it is an alteration of the olde forme. It is that which the olde rustie swoorde of justice of *Marseille* did signifie. I am distasted with noveltie, what countenance soever it shew: and I have reason so to be, for I have seene very hurtfull effects follow the same. That which so many yeares since doth so presse us, hath not yet exploited all: But some may alledge with apparance, that by accident, it hath produced and engendred all, yea both the mischiefes and ruines, that since are committed without and against us: it is that a man should blame and finde fault with.

Heu patior telis vulnera facta meis,

*Alas I suffer smart
Procur'd by mine one dart.*

Those which attempt to shake an Estate, are commonly the first overthrowne by the fall of it: he that is first moover of the same, reapeth not alwaies the fruite of such troubles; he beates and troubleth the water for others to fish in. The contexture and combining of this monarchie, and great building, having bin dismiss and dissolved by it, namely in hir olde yeares, giveth as much overture and entrance as a man will to like injuries. Royall Majestie doth more hardly fall from the toppe to the middle, then it tumbleth downe from the middle to the bottom. But if the inventors are more damageable, the imitators are more vicious, to cast themselves into examples, of which they have both felt and punished the horror and mischiefe. And if there be any degree of honour, even in ill doing, these are indebted to others for the glorie of the invention, and courage of the first attempt. All sortes of new licentiousnesse doe happily drawe out of this originall and frutefull source, the images and patterns to trouble our common-wealth. We may reade in our very lawes, made for the remedie of the first evill, the apprenticeship and excuse of all sortes of wicked enterprises: And in favour of publike vices, they are named with new and more pleasing words for their excuses, bastardizing and allaying their true titles: yet it is to reforme our consciences and our conceites, *Honesta oratio est. It is an honest speech and well said.* But the best pretence of innovation or noveltie is most dangerous: *Adeo nihil motum ex antiquo probabile est. So nothing moved out of the first place is allowable:* Yet me seemeth (if I may speake boldely) that it argueth a great selfe-love and presumption, for a man to esteeme his opinions so farre, that for to establish them, a man must be faine to subvert a publike peace, and introduce so many inevitable mischiefs, and so horrible a corruption of manners, as civill warres, and alterations of a state bring with them, in matters of such consequence, and to bring them into his owne countrie. It is not ill husbanded to advance so many certaine and knowne vices, for to combate contested and debatable errors? Is there any worse kinde of vices, then those which shooke a mans owne conscience and naturall knowledge? The Senate durst give this defeate in payment about the controversies betweene it and the people for the mysterie of their religion: *Ad deos, id magis quam ad se pertinere: ipsos visuros, ne sacra sua pollutantur: That that did rather belong to the Gods then to them, and the Gods should looke to it, that their due rites were not*

poluted. Agreeing with that, which the Oracle answered those of *Delphos*, in the *Medoisan* warre, fearing the inventions² of the *Persians*. They demaunded of that God what to doe with the treasures consecrated to his Temple, whether to hide, or to cary them away: who answered them, that they should remove nothing, but take care of themselves, for he was able to provide for all things that were fit for him. Christian religion hath all the markes of extreame justice and profit, but none more apparant then the exact commendation of obedience due unto magistrates, and manutention of policies: what wonderfull example hath divine wisdome left us, which to establish the well-fare of humane kinde, and to conduct this glorious victorie of hers against death and sinne, woulde not doe it but to the mercy of our politike order, and³ hath submitted the progresse of it, and the conduct of so high and worthie effect, to the blindnesse and injustice of our observations and customes, suffering the innocent bloud of so many hir favored elect to runne, and allowing a long losse of yeares for the ripening of this inestimable fruite? There is much difference betweene the cause of him that followeth the formes and lawes of his countrie, and him that undertaketh to governe and change them. The first alledgeth for his excuse, simplicitie, obedience, and example; whatsoever he doth cannot be malice, at the most it is but ill lucke. *Quis est enim, quem non moueat clarissimis monumentis testata consignataque antiquitas? For who is he whom antiquitie wil not move, being witnessed and signed with former monuments?* Besides that which *Isocrates* saith, that *defect hath more part in moderation, then excesse.* The other is in much worse case. For he that medleth with chusing and changing, usurpeth the authoritie of judging: and must resolve himselfe, to see the fault of what he hunteth for, and the good of what he bringeth in. This so vulgar consideration hath confirmed me in my state, and restrained my youth, that was more rash, from burthening my shoulders with so filthie a burthen, as to make my selfe respondent of so important a science. And in this to dare, what in sound judgement I durst not in the easiest of those wherein I had beene instructed, and wherein the rashnes of judging is of no prejudice. Seeming most impious to me, to goe about to submit publike constitutions and unmoveable observances, to the instabilitie of a private fantasie (private reason is but a private jurisdiction) and to undertake that on devine-lawes, which no policie would tolerate in civill law. Wherein although mans reason have much more commerce, yet are they soverainly judges of their judges: and their extreame sufficiencie, serveth to expound custome and extend the use, that of them is received, and not to divert and innovate the same. If at any time devine providence hath gone beyond the rules, to which it hath necessarily constrained us, it is not to give us a dispensation from them. They are blowes of hir divine hand, which we ought not imitate, but admire: as extraordinarie examples, markes of an expresse and particular avowing of the severall kinds of wonders, which for a testimonie of hir omnipotencie it offereth us, beyond our orders and forces, which it is folly and impietie to goe about to represent, and which we ought not follow but contemplate with admiration and meditate with astonishment. Acts of hir personage, and not of ours. *Cotta* protesteth very opportunely. *Quum de religione agitur, T. Coruncanum, P. Scipionem, P. Scæuolam, Pontifces maximos, non Zenonem, aut Cleanthem, aut Chrysippum, sequor. When we talke of religion, I follow Titus Coruncanus, Publius Scipio, P. Scæuola, and the professors of religion, not Zeno, Cleanthes, or Chrysippus.*

May God know it in our present quarell, wherein are a hundred articles, yea great and deepe articles, to be removed and altered, although many there are, who may boast to have exactly survaid the reasons and foundations of one and other faction. It is a number, if it be a number, that should have no great meane to trouble us. But whither goeth all this other throng? Under what colours doth it quarter it selfe? It followeth of theirs, as of other weake and ill applied medicines, the humors, that it would have purged in us, it hath enflamed exasperated, and sharpened, by hir conflict, and still doth remaine in our bodies. It could not by reason of hir weakenes purge us, but hath rather weakned us; so that we cannot now voide it, and by her operation we reape nothing but long, continuall, and intestine griefes and aches, yet is it, that fortune, ever reserving hir authoritie above our discourses, doth sometimes present us the urgent necessitie, that lawes must needes yeeld hir some place: And when a man resisteth the increase of an innovation, brought in by violence, to keepe himselfe eachwhere and altogether in rule and bridle against those that have the keyes of fields, to whom all things are lawfull, that may in any sorte advance their desseigne, that have nor law, nor order, but to follow their advantage, it is a dangerous obligation and prejudiciall inequalitye.

Aditum nocendi perfido præstat fides.

*Trust in th'untrustie, may
To hurt make open way.*

For so much as the ordinarie discipline of an estate, that hath his perfect health, doth not provide for these extraordinarie accidents, it presupposeth a body holding it selfe in his principall members and offices, and a common consent to observe and obey it. Lawfull proceeding, is a cold, dull, heavie, and forced proceeding: and is not like to hold out against a licentious and unbridled proceeding. It is yet as all men knowe, a reproch to those two great personages, *Octavius* and *Cato*, in their civill warres; the one of *Scilla*, the other of *Cæsar*, because they rather suffered their countrie to incurre all extremities, then by hir lawes to aide hir, or to innovate any thing. For truely in these last necessities, where nothing is left to take hould by, it were peradventure better, to shrugge the shoulders, stoope the head, and somewhat yeelde to the strooke, then beyond possibilitie to make head and resist, and be nothing the better, and give violence occasion to trample all under-foote: and better were it, to force the lawes to desire but what they may, since they may not what they would. So did he that ordained them to sleep foure and twentie houres: And he who for a time removed one day from the Calender: And another who of the moneth of June made a second May. The Lacedemonians themselves, so strict observers of their countries ordinances, being urged by their lawes, which precisely forbad and inhibited to chuse one man twice to be their Admirall, and on the other side their affaires necessarily requiring, that *Lysander* should once more take that charge upon him, they created one *Aræus* Admirall, but instituted *Lysander* superintendent of al maritime causes. And with the same sutteltie, one of their Ambassadors being sent to the Athenians for to obtaine the charge⁴ of some ordinance, *Pericles* alleadging, that *it was expressly forbid to remove the table, wherein a lawe had once bene set downe*, perswaded him but to turne it, for that was not forbidden. It is that

whereof *Plutarke* commendeth *Philopæmon*, who being borne to commaund, could not onely comaund according to the lawes, but the lawes themselves, whensoever publike necessitie required it.

NOTES

- 1 “, and in others, where it is deemed an office of pietie in children to kill their fathers at a certaine age” is missing.
- 2 A mistake. “inventions” should be “invasion.”
- 3 Printed text has a typo here: “aud.”
- 4 Another mistake. “Charge” should be “change.”