

CIVIL DEPARTMENT

Sir Matthew Hale (1609–1676), Chief Justice of the King’s Bench (1671–1676)

to his grandchildren

1673

5 First, in relation to your inferiors, avoid in an especial manner all contentions as much as you can with inferiors. Rather forgive and pass by a small injury than use any revenge, even by court of law or otherwise. For if you prevail, you shall gain little by your victory where there is little to make recompence, and at best you shall be counted an oppressor, or at best a very hard and cruel man. But if you be worsted, it will cast a very great contempt upon you to be overmatched by your inferior.

10 But if the case be of such a nature that you are in a manner enforced to repair yourself against an injury committed by your inferior (or indeed by any person), observe that you make not yourself your own judge or avenger, but complain to the civil magistrate.

15 When you have gotten the better upon such a complaint, do not prosecute an inferior to the utmost extremity, but take a reasonable satisfaction or, if he be very poor, forgive it altogether. You have this great advantage by it, that by how much the more it was in your power to use your advantage upon him, by so much the more your mercy and goodness in forgiving him will appease and oblige him to you, and not make him only cautious of injuring you for the future, but also the more ready to serve you in all offices of kindness.

20 Overmuch familiarity will make them contemn and despise you, and on the other side too much superciliousness and strangeness to them will make them hate you. And therefore you must be careful to avoid both extremities. And to that end keep a decent distance, but yet with demonstration of kindness, affability, and respect to them according to their quality and condition.

25 For instance, in relation to your servants, if you be too familiar with them, they will quickly be your fellows. And on the other side, if you be over-imperious, insolent, and churlish to them, they will hate you or at best never love you, nor be very faithful to you. You must therefore take care that you carry yourselves towards them neither as your fellows or your slaves, but with a distance, yet a decent and becoming distance, carrying with it a suitable respect to them, and by this means they will both fear and love you. Never use any words or carriage that may savour of contumely, reproach, or scorn to the most inferior persons in the world—no, not to a beggar. If you do not give them an alms, tell them so, but give no reproachful words to the meanest.

30 In relation to your equals observe these directions:

35 Be courteous and respectful to them both in words and gestures. Offer them the precedence and take not place of an equal, unless it be earnestly pressed upon you. For such a small trifle will procure you many friends and will not abate anything of your respect. It is a foolish and ridiculous thing for any man or woman to be contending or shuffling for precedence. Give it to any rather than take it against their mind. It will not abate the value that others will have of you, and among wise and discreet persons it will give you the reputation of a discreet person.

40 In your choice of a companion, rather choose an equal than an inferior or superior. But touching this I shall say more in the next general head.

In relation therefore to superiors. Superiors are in several kinds—as superiors in age; superiors in estates; superiors in authority, as magistrates; superiors in place, as noblemen; superiors in relation, as parents, husbands, masters. And touching your carriage to all superiors observe these directions:

45 Give all due respect and reverence to your superiors, as by uncovering the head, making obeisance, giving them the place and precedence, giving them leave to speak before you, not catching the words out of their mouths

before they have done speaking, as the fashion of some giddy people is. These, and the like demonstrations of respect, cost you nothing and yet many times are of great advantage, and always are well-taken.

5 Contend not with a superior about a trifle, but rather pass it by without taking notice of it. Neither willingly upon any account go to law with them, unless it be upon a great injury and such as your condition or estate cannot well bear. And even in such cases use all due application, either by yourself or by the mediation of others, to compose the difference. For as lawsuits are always troublesome, hazardous, and expensive, so they are much more such where an inferior contends with a superior in estate, place, or authority. For if you are worsted, you are in danger to be over-run by the power of the adversary, and though you prevail and have the better in the suit, yet
10 you make him an implacable enemy that will be always watching an opportunity to be quits with you, and one time or other, it is a thousand to one, but he will do you a displeasure. Therefore let your suit at law with a man greater or more powerful than yourself be your last refuge, and that in ease of great and extreme necessity.

15 Never make a man that is much your superior in wealth or honour your ordinary companion, for the reasons given before in the foregoing chapter.

Visit your superior at his house sometimes to testify your respect, but let it be very seldom, and that not at meals, but in an afternoon. For your often visits will be but troublesome and your visiting at meals, besides other inconveniences, will draw into this great one—that you will draw the like inconveniency upon yourself, in which
20 if you do not equal his it will make you ridiculous, and if it do equal his it will be too chargeable for you to bear.

And what I say touching visits of superiors I would have you observe as to equals, for one entertainment invites another, which if it fall out often will not be only a perpetual trouble, but an occasion of excessive expense. If my friend comes to me to eat with me uninvited, he must content himself with welcome and what he finds, but if it
25 once come to an invitation, the preparation must be more costly than ordinary or it answers not expectation.

And therefore never invite any great man to your house to an entertainment, for possibly his ordinary meals are as good as your feast or better, and then you shall be laughed at for your parsimony, and if you go to exceed you shall be laughed at for your prodigality. However, your purse shall suffer beyond what it is well able to bear.
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Never receive any kindness from any man, either superior or equal, which you are not able to repay without great charge and detriment to yourself. For then you are in very great danger to be made his slave or his enemy, and many times great kindnesses from great men are but preambles to some great kindness to be done to them, and if they are disappointed therein they become the most bitter enemies. I have oftentimes known when
35 extraordinary respect and favours or kindness are shown from great men to their inferiors that within a little time after, a message has been sent or desire made to be bound for him, or to sell him such a parcel of land that lies convenient for him, or to do him such piece of service as is either unseemly or dangerous. And the man that received the kindness is either so taken or mollified by the kindness received that he must perform that which is requested; or, if he be so hardy as to deny it, the great man becomes his great enemy. Therefore be wary how you
40 receive great kindnesses from great men, lest they be attended with an expectation of such services from you as are either unfit, unsafe, or inconvenient to be performed by you.

It is an excellent rule of Sir Francis Bacon to his son that if there be occasion for an inferior to make a present to his superior that it be not too costly, nor such as is in danger to be quickly forgotten. But the present is to be small
45 and such as may have continuance and always in view, as some slight picture, or a staff, or a book. But never present a judge with anything of what kind soever, for if he be wise and just, he will suspect your business and reject your present as a bribe, and if he be unjust and receive your present, you may be overcome by your adversary and so lose your gift and your cause too. And bribery is a base offence both in the giver and the taker.

50 And thus much shall serve touching your civil department to your inferiors, equals, and superiors.