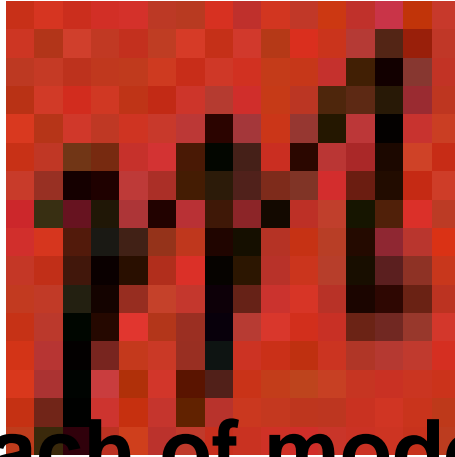


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XII.14 Breach of modesty in the punishment of crimes

- The Spirit of Law - Book XII. On laws that constitute political liberty in its relation to the citizen -

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XII.14 Breach of modesty in the punishment of crimes

There are rules of modesty observed by nearly all the nations on earth ; it would be absurd to violate them in the punishment of crimes, which must always have as its end the re-establishment of order.

Did the Orientals who exposed women to elephants trained for an abominable sort of torture intend to make law violate the law ?

An old custom of the Romans forbade putting to death girls who were not yet nubile. Tiberius found the expedient of having them raped by the executioner before sending them to their death. [1] A subtle and cruel tyrant, he was destroying morality to preserve customs.

When the Japanese magistracy had naked women exposed in the public square and made them walk in the manner of beasts, it made modesty tremble [2] ; but when it tried to force a mother... when it tried to force a son... I cannot continue : it made nature herself tremble. [3]

[1] Suetonius in *Tiberius*.

[2] *Recueil des voyages qui ont servi à l'établissement de la Compagnie des Indes*, vol. V, part II.

[3] *Ibid.*, p. 496.