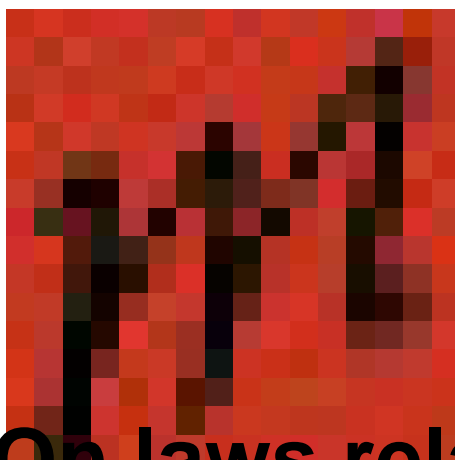


<http://montesquieu.ens-lyon.fr/spip.php?article2975>



XXIII.6 On laws relating to bastards

- The Spirit of Law - Book XXIII. On laws in their relation to the number of inhabitants -

Date de mise en ligne : vendredi 7 septembre 2018

Copyright © Montesquieu - Tous droits réservés

XXIII.6 On laws relating to bastards

In republics, where it is essential that morals be pure, bastards must be more stigmatized than in monarchies.

The provisions made against them in Rome were perhaps too harsh. But with the ancient institutions making it mandatory for all citizens to marry, marriages being moreover tempered by permission to repudiate or divorce, nothing but very great moral corruption could have led to concubinage.

We must observe that, the quality of citizen being considerable in democracies, where it carried with it the sovereign authority, laws were often enacted on the status of bastards which had less relation to the thing itself and to the respectability of marriage than to the particular constitution of the republic. Thus the people sometimes received bastards as citizens in order to increase their authority against the grandees. Thus in Athens the people excluded bastards [1] from the number of citizens in order to obtain a greater portion of the grain which the king of Egypt had sent to them. In short, Aristotle [2] tells us that in several cities, when there were not enough citizens, bastards could inherit ; and that when there were enough, they could not.

[1] See Aristote, *Politics*, book VI. ch. iv.

[2] *Ibid.*, book III, ch. iii.