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**XXIX.14 That laws must not be
separated from the
circumstances in which they
have been made**

- The Spirit of Law - Book XXIX. On the manner of composing laws -
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XXIX.14 That laws must not be separated from the circumstances in which they have been made

When the city was under siege, a law of Athens called for putting to death everyone who was not useful. [1] This was an abominable political law, which was a consequence of an abominable right of nations. Among the Greeks, the inhabitants of a captured city lost civil liberty, and were sold as slaves. The capture of a city entailed its entire destruction, and that is the origin not only of those obstinate defenses and inhuman actions, but also of the atrocious laws that were sometimes made.

Roman laws called for physicians to be liable for punishment for their negligence or lack of skill. [2] In these cases they sentenced to deportation the physician of fairly high standing, and to death one who was of lower standing. By our laws things work otherwise. The laws of Rome had not been made in the same circumstances as ours ; in Rome, whoever wanted to could meddle in medicine, but here physicians are obliged to study and take certain degrees : they are therefore expected to know their art.

[1] *Inutilis ætas occidatur* (Syrianus in *Scholia ad Hermogenis*).

[2] Law Cornelia, *De sicariis*, *Institutes*, book IV, tit. 3, *De lege Aquilia*, §7.