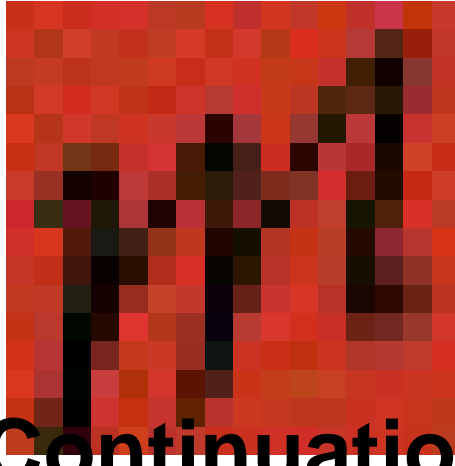


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XIX.26 Continuation of the same subject

- The Spirit of Law - Book XIX. On the laws in the relation they have to the principles that constitute the general spirit, the morals, and the manners of a nation -

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XIX.26 Continuation of the same subject

The law of Theodosius and Valentinian [1] took the causes of repudiation from earlier Roman morals and manners. [2] It numbered among these causes the act of a husband who chastised his wife in a manner unworthy of a freeborn person. [3] This cause was omitted in subsequent laws, [4] because the morals had changed in this respect : Oriental practices had taken the place of European ones. The first eunuch of the empress wife of Justinian II threatened her, history says, with the punishment applied to children in the schools. Nothing short of established morality, or a morality seeking to become established, could allow a person to imagine such a thing.

We have seen how laws follow morals ; let us now see how morals follow the laws.

[1] Law 8. cod. *De repudiis*.

[2] And the law of the Twelve Tables, see Cicero, 2nd *Philippic*.

[3] *Si verberibus quæ ingenuis aliena sunt, afficientem probaverit*.

[4] In the 117th novella, ch. xiv.