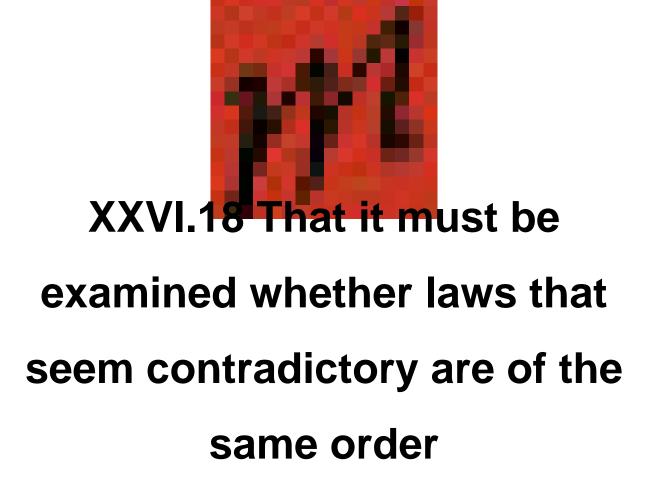
http://montesquieu.ens-lyon.fr/spip.php?article3057



- The Spirit of Law - Book XXVI. On laws in the relation they must have with the order of things on which they bear - Date de mise en ligne: vendredi 7 septembre 2018

Copyright © Montesquieu - Tous droits réservés

Copyright © Montesquieu Page 1/2

In Rome a husband was allowed to lend his wife to another. Plutarch states this formally [1]; we know that Cato lent his wife to Hortensius, [2] and Cato was not a man to violate his country's laws.

On the other hand, a husband who suffered his wife's debauchery, who did not place her in judgment, or who took her back once condemned, was punished. [3] These laws appear to contradict each other, and do not. The law that allowed a Roman to lend his wife is visibly a Lacedæmonian institution, established to give the republic children of a good kind, if I dare use that term; the object of the other was to preserve morals. The first was a political law, the second a civil law.

- [1] Plutarch, in his comparison of Lycurgus and Numa.
- [2] Plutarch, Life of Cicero.
- [3] Law 11, last § following ad Legem Juliam de adulteriis coercindis.

Copyright © Montesquieu Page 2/2