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XXVI.18 That it must be examined whether laws that seem contradictory are of the same order

- The Spirit of Law - Book XXVI. On laws in the relation they must have with the order of things on which they bear -
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XXVI.18 That it must be examined whether laws that seem contradictory are of the same order

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 coercendis*.