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XVIII.23 On the jurisprudence of judicial combat

- The Spirit of Law - Book XXVIII. On the origin and transformations of the civil laws among the French -

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The reader will perhaps be curious to see this monstrous practice of judicial combat reduced in principle, and to find the body of such a singular jurisprudence. Men, though fundamentally reasonable, subject even their prejudices to rules. Nothing was more contrary to good sense than judicial combat ; but this point once made, its execution was carried out with a certain prudence.

In order to grasp thoroughly the jurisprudence of those times, one must read with attention the statutes of St. Louis, who made such great changes in judicial order. Défontaines was a contemporary of that prince ; Beaumanoir wrote after him, [\[1\]](#) and the others have lived since him. The ancient practice is therefore to be found in the amendments which were made to it.

[\[1\]](#) In the year 1283.