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# **XXVI.5 A case in which one can judge by the principles of civil law, by modifying the principles of natural law**

- 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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## XVI.5 A case in which one can judge by the principles of civil law, by modifying the principles of natural

A law of Athens obliged children to feed their fathers who had fallen into indigence [1] ; it excepted those who were born to a courtesan, [2] those whose father had exposed their chastity through an ignominious commerce, and those to whom he had taught no trade by which to earn their living. [3]

The law considered that, in the first case, the father being uncertain, he had made his natural obligation dubious ; that in the second he had defiled the life he had given, and done as much harm as he could do to his children by depriving them of their character ; in the third, that he made unbearable to them a life they had such difficulty supporting. The law was no longer seeing the father and son as anything more than two citizens, and was deciding now based only on political and civil points of view ; it was considering that in a good republic there must above all be morality. I do believe that the law of Solon was right in the first two cases, whether nature leaves the son uncertain who his father is, or nature even seems to require that he not own him ; but we can hardly approve him in the third, where the father had violated only a civil obligation.

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[1] On pain of infamy ; another, on pain of prison.

[2] Plutarch, *Life of Solon*.

[3] Plutarch, *Life of Solon*, and Galen, in *Adhortatio ad artes addiscendas*, ch. viii.