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XIV.14 Other effects of climate

- The Spirit of Law - Book XIV. On the laws in their relation to the nature of the climate -

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Our fathers the ancient Germans [1] lived in a climate where the passions were very calm. Their laws found only what they saw in things and imagined nothing more. And as they judged the violence men suffered by the size of their wounds, they put no more refinement into offenses done to women. The law of the Germans [2] is quite unusual in that respect. If you uncover a woman's head, you will pay a fine of six sols, the same amount if it is the leg as far as the knee, twice as much above the knee. It seems that the law measured the outrage done to women's persons as one measures a geometrical figure : it did not punish the crime of the imagination but of the eyes. But when a Germanic nation had transported itself to Spain, the climate found quite different laws. The law of the Visigoths forbade physicians to bleed a *freeborn* woman except in the presence of her father or mother, her brother, her son, or her uncle. The peoples' imagination was kindled, the legislators' also was aroused ; the law suspected everything for a people who could suspect everything.

These laws thus paid very close attention to the two sexes. But it seems that in the punishments they made, they had more in mind to flatter private vengeance than to exercise public vengeance. Thus, in most cases, they reduced the two guilty parties to servitude under the family or the offended husband ; a freeborn woman [3] who had given herself to a married man was turned over to the authority of his wife, to dispose of her at will. They obliged slaves to bind the wife if they caught her in adultery and present her to the husband [4] ; they permitted her children to accuse her, and to have her slaves tortured in order to convict her. [5] So they were better at refining to excess a certain point of honor than at creating a good administration ; and we must not be surprised if Count Julian thought an offense of this sort called for the loss of one's homeland and king. [6] We should not be surprised that the Moors, with such conformity of ways, found it so easy to settle in Spain, to maintain themselves there, and to delay the fall of their empire.

[1] [*Germaines*, as opposed to *Allemands*, which in French would designate modern Germans. This Germanic confederation is mentioned in Roman documents beginning in the year 213.]

[2] Ch. lviii, §1-2.

[3] *Lex Visigothorum*, book III, tit. 4, §9.

[4] *Ibid.*, book III, tit. 4, §6.

[5] *Ibid.*, book III, tit. 4, §13.

[6] [See Book XII, chapter xxviii.]