Montesquieu’s Treatment of Women in his Works

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Montesquieu's Treatment of Women in his Works

by

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*TABLE*:トルコを含む*LETTRES PERSANES*と*DE L'ESPRIT DES LOIS*で扱われている女性のセクションの要約。女性の役割について、権利を奪うか、権利を有するか、社会における位置をどのように定義するか等について考察されている。蒙梭ールの女性の心理についての考察も含まれている。
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PREFACE

It is my intention in this study to examine Montesquieu's treatment of women in his works. I have concentrated on his two major works Lettres Persanes (1721) and De l'Esprit des Lois (1748) not only because they are considered his best works, but also because, after reading his other writings that deal with women, I think that the ideas, expressed in these two works are clearly representative of his thoughts in general about women. I have also chosen these two works because each represents a certain period in Montesquieu's life. Lettres Persanes, written in 1721 when Montesquieu was thirty-two years old, is a work of his youth while De l'Esprit des Lois, published in 1748, seven years before his death, can be considered a work of his mature years. The ideas expressed in this work, especially, are a culmination of all Montesquieu's thoughts about women, the result of long years of study and of his travels through Europe. The difference in these two works shows us how Montesquieu's ideas about women developed and were modified in his later years.

Robert F. O'Reilly, a specialist in Montesquieu's works, has briefly considered the author's attitude to women in his writings, but the subject has never been explored in any depth.
Women's rights is a subject that has recently aroused considerable interest in many parts of the world. In addition to various feminist groups that have been formed, there have been numerous writings by feminist authors such as Germaine Greer or Simone de Beauvoir who stress the need for reform. The world-wide interest in this subject is emphasized by the yearly U.N. conferences held to deal exclusively with women's rights.

This subject has certainly generated wide interest in the last few years. In my opinion, an examination of the attitudes of Montesquieu toward women will definitely shed some light on this topic. Montesquieu attempted, especially in De l'Esprit des Lois, to study every aspect of his subject, to examine women and the laws that should govern them in relation to the rest of society. He has tried to understand what effects any changes in these laws would have on the society as a whole and it is this aspect of Montesquieu's study of women that will be of great value today to those who are currently seeking change in the roles and rights of women in our own society.

I should like to take this opportunity to express my appreciation to Dr. L. Perman for the advice and assistance she has given me in preparing this thesis.
INTRODUCTION

A significant portion of Montesquieu's two greatest works, *Lettres Persanes* and *De l'Esprit des Lois*, is devoted to his study of women. Montesquieu compares in both works the function, position and conduct of women in various societies with that of French society in the 18th century. It is from this comparison that he has attempted to deduce some general principles to explain the origin of rules governing women. Montesquieu's purpose is not only to arrive at certain conclusions, with regard to the proper treatment of women, but to understand also woman's place in relation to the rest of society. He has endeavoured to determine in what way the laws that govern women must be related to various external factors such as the form of government, the climate and the nature and customs of a particular (group of) people.

Many of Montesquieu's ideas and conclusions are the result of years of study and of his voyages through Europe in the years 1728-1731, but often they reflect certain prejudices, held by the author, with regard to women, which perhaps might have influenced these conclusions. It is the purpose of this thesis to outline Montesquieu's ideas about women with respect to
their position, function and conduct in society (in addition to other closely related subjects such as his ideas on marriage). I intend also to point out the prejudices toward women, implied in his work and to what extent these prejudices might have influenced the author's judgement.
SUMMARY OF THE SECTIONS DEALING WITH WOMEN IN 
LETTRES PERSANES AND IN DE L'ESPRIT DES LOIS

In Lettres Persanes, approximately one third of the letters are devoted to women and to the Persian harem. Out of a total of one hundred and sixty-one letters, forty-four letters deal exclusively with women. It is the letters dealing with the Persian harem of Uslek that provide the framework and plot, giving the work its local colour and also the form of a novel with its recurring theme and gradual progression to a tragic climax - the deterioration of discipline and of the virtue of the women in the harem. In fact, the last fourteen letters (147-161) deal exclusively with the threatening crisis in the harem and the final confession and suicide of Roxanne, the favorite wife of Usbek.

Montesquieu also uses the device of the travelling Persians to compare customs and institutions of other countries to those of France, especially in regard to women; he not only compares extensively the treatment of women, in Persia and in France, but also considers Spain, Moscow and the savage tribes. This theme also gives Montesquieu an opportunity to examine, with a critical eye, certain peculiarities in the treatment of women in his own society, such as the powerful position of French

women or the overall acceptance of moral corruption especially in
marriages of this period.

The following is a brief summary of the sections dealing with
women in De l'Esprit des Lois:

Book 7:

General subject of the book: how women's position in society must
be related to the basic principle of each form of government
(monarchy, republic, dictatorship).

Subjects discussed with regard to women:
1) the need for virtue in women (Chapter 5, p. 114)
2) the dangers the corruption of morals in women might bring
to the whole nation (Chapter 6, p. 113)
3) how each form of government attempts to maintain the virtue
of women (Chapter 5-15, p. 114-126)
4) the position women should hold in the family and in the
nation (Chapter 17, p. 121)

Book 12:

General subject of the book: the necessary relationship of the
laws which govern political liberty to the citizen.

Subjects discussed with regard to women: Laesquin shows how
the state should deal with violations of the laws of decency and
what punishments are necessary to prevent recurrence of these
cries (Chapters 4 and 13, p. 203-209, p. 214)

Book 16:

General subject of the book: the relationship of the laws of
domestic slavery to the climate.

Subjects discussed with regard to women:
1) explanation of the natural inferiority of women (Chapter 2,
p. 289).
2) the reasons for the seclusion of women in harems in order to
preserve their virtue (Chapter 5-12, p. 203-209)
3) the origins of polygamy (Chapter 2, 3, 4, 6, 7 p. 266-5).
4) divorce (Chapter 16 and 16, p. 290-294).

Book 18:

**General subject of the book:** to what extent the laws must be related to the terrain of the country for which they were created.

**Subjects discussed with regard to women:** the origins and limitations of the French laws of succession, the Salic laws, in which, for the most part, women are not permitted to succeed (Chapter 22, p. 315).

Book 23:

**General subject of the book:** the relationship of the laws to the size of the population.

**Subjects discussed with respect to women:**

1) the origin, importance and rules governing marriage (Chapters 1-16, p. 96-105).

2) the factors which influence the production of children (Chapters 11-15, p. 105-108).

3) how the laws can be used either to encourage or discourage marriages and the production of children (Chapters 16-28, p. 109-128).

Book 26:

**General subject of the book:** to what extent the laws must be related to the object for which they were created.

**Subjects discussed with respect to women:** the various laws necessary to govern marriage such as the rules of incest or those created to prevent adultery, abortion (Chapters 3, 4, 6, 8, 9, 10, 14, 18, 19, p. 169-139).

Book 27:

**General subject of the book:** the origins of the Roman laws governing successions.
Subjects discussed with respect to women: explanation of the reasons for the exclusion or the limitation of women's right to inherit (p.195).

Book 28:

General subject of the book: the origins of French civil laws.

Subjects discussed with regard to women: the important role of women in the development of the rules of chivalry (Chapter 22, p. 239).

As I said earlier Lettres Persanes (1721) and De l'Esprit des Lois (1748) were written at different periods in Montesquieu's life, one reflecting the ideas of his youth and the other of his mature years. This difference is reflected in the ideas presented in the two works. Although Montesquieu focuses on similar topics with respect to women in both works, his opinions change in many areas. They seem more tempered in the later work, perhaps the product of more reflection and closer examination. I will point out the various areas where Montesquieu's opinions have been modified in the later work.

The eighteenth century was a period when the declaration of the equality of men and the plea for tolerance were echoed by the principal thinkers of the time, including Montesquieu in Lettres Persanes (Letters 35,39,46,60,75,85) and in De l'Esprit des Lois (Book 25, Chapters 9,10,11,12,13). But does this
spirit of tolerance extend to women? Are women considered equal to men and free to pursue their own lives according to their personal inclinations? Montesquieu's opinions of the function of women in society do not seem to indicate this.
I  FUNCTION  OF WOMEN IN SOCIETY

1) created for the pleasure of men?

In Lettres Persanes, Montesquieu examines whether women are, as Persian custom dictated, created solely for the pleasure of men. He does this by a study of the Persian Usbek and his relationship with his wives, imprisoned in the harem in Persia. Usbek shows his belief in this tradition in several letters, particularly Letter 26, a letter to one of Usbek's wives, Roxanne.

"Quand vous relevez l'éclat de votre teint par les plus belles couleurs; quand vous vous parfumez tout le corps des essences les plus précieuses; quand vous pariez de vos plus beaux habits; quand vous cherchez à vous distinguer de vos compagnes par les grâces de la densité et par la douceur de votre chant; que vous combattiez gracieusement avec elles de charmes, de douceur et d'ajouement; je ne puis m'imaginer que vous ayez d'autre objet que celui de me plaire..."2.

Most of the women in the harem seem to accept this role without resistance, as Letter 62 from Zélis, one of the wives of Usbek, shows by her comment that it was nature that had

destined women to be an object of pleasure and that if women also
had desires of their own, it was only insofar as it would please
their husbands.

"La Nature industriouse en faveur des hommes, ne s'est
pas bornee a leur donner des desirs: elle a voulu que
nous en eussions nous-memes, et que nous fussions des
instruments animes de leur felicite; elle nous a mises
dans le feu des passions, pour les faire vivre tranquilles;
s'ils sortent de leur insensibilite, elle nous a
destinees a les y faire rentrer, sans que nous puissions
jamais goiter cet heureux etat ou nous les mettons."3.

In the harem, woman's whole existence is directed at her
efforts to distinguish herself from her husband's other wives
by her beauty, her talents and her virtue in order to win her
husband's attentions. This is a system which tends to place
women completely at the mercy of the whims of her husband. It
also leaves the husband free to do anything to satisfy his own
desires.

Throughout Lettres Persanes, however, Usbek's beliefs are
questioned by confrontation with other customs such as those of
a liberal French society where women mingled freely in society
and directed their efforts to please at women and men other than
their husbands. As the Goncourt brothers show in La Feme au
XVII sicle "le seul devoir est de mettre dans la societe l'ima-
ge du plaisir, de l'offrir et de la donner a tous".4.

3. ibid., p. 130.
4. Edmond et Jules de Goncourt, La Feme au XVII sicle, Le def

"1er voe de Goncourt (1862)"
Usbek is shocked, at first, to see women moving freely in society, their faces exposed to the regard of everyone and even seeking these attentions. He considers this treatment of women as a degradation of their sex and interprets this lack of modesty and their efforts to please others by their beauty as,

"de taches faites à leur vertu et d'outrages à leurs époux".5.

Usbek, however, remains unshaken in his confidence in Persian traditions.

Montesquieu, in his Pensées, seems to betray some agreement with Usbek's conception of the function of women. For example:

"Une femme est obligée de plaire comme si elle s'était faite elle-même."6.

It is not known, however, at what point in his life Montesquieu made these comments.

After the customs of the two countries, Persia and France, have been considered in Lettres Persanes, with respect to their treatment of women, this conception of the function of women (as being created solely for the pleasure of men) is condemned in


Roxanne's final letter to Usbëk because it is contrary to the laws of Nature:

"Comment as-tu pensé que je fusse assez crédule pour m'imager que je ne fusse dans le Monde que pour adorer tes caprices?..." 7.

2) Woman as a mother

Probably the most important function of women, in Montesquieu's view, is to produce children. As to the education of the children, Montesquieu believes that this responsibility should be given to the father because of his greater wisdom and means to support his family. Montesquieu shows that, among animals, either the male or the female can take charge of the upbringing of the children since their only responsibilities are to feed, protect and teach them the basic skills of survival. But human beings, equipped with the faculty of reason, require greater protection for a much longer period of time. Not only must they be fed, but they must also be taught social skills and their conduct must be supervised. In Montesquieu's opinion, women would be incapable of carrying out this obligation, although he never actually explains whether women, in general, lack the necessary strength of character or the means. 7, 8. He does condemn illicit unions


as being unfavorable to population growth since the father of the child, produced from this type of union, is difficult to determine for certain. The father, therefore, is often freed from his responsibilities. These obligations then fall on the mother who, because of the social stigma attached to giving birth to and raising a child outside of marriage and because of her lack of means, has great difficulty in carrying them out.

"Le père, qui a l'obligation naturelle de nourrir et d'élever les enfants, n'y est point fixé; et la mère, à qui l'obligation reste, trouve mille obstacles; par la honte, les remords, la gêne de son sexe, la rigueur des lois; la plupart du temps elle manque de moyens." 9

A prostitute also should be deprived of the right to bring up her children even if she has the means since, in Montesquieu's opinion, this type of woman lacks the virtue to teach her children the moral values of the society.

However Montesquieu's observations of the customs of various societies show that his theories with regard to the mother's role in the production and education of children were not in practice in Persian or French society of his time.

According to Montesquieu, in a nation where women are confined in the harem, it is the mother who imparts to her

9. ibid., 2:100
daughters the necessary moral teachings. It is interesting to note the lessons Montesquieu considers valuable for a mother to teach her daughters in this type of society:

"la pudeur, la chasteté, la retenue, le silence, la paix, la dépendance, le respect, l'amour, enfin une direction générale de sentiments à la chose du monde, la meilleure par sa nature, qui est l'attachement unique à sa famille." 10.

These are the only qualities necessary for a woman in this society to accept life in the harem. In the last line of this quotation, we see the emphasis Montesquieu places on the importance of women's obligations to her family as a wife and mother.

The Goncourt brothers in *La Femme au XVIème siècle* show that the importance of motherhood, a role of women that Montesquieu considers of supreme importance, was no longer as highly esteemed in his own society. Mothers no longer nursed their children (especially their daughters) but placed them in the care of a wet-nurse outside the home. Later a governess took over the responsibility of bringing up and teaching the child various social graces, for example, within the home. Children were allowed little contact with their mothers, with the exception of a brief and formal interview at an appointed

time each day. Mothers showed, as a custom, little warmth or affection for their children:

"La maternité d'alors ne connaît point les douceurs familières qui donnent aux enfants une tendresse confiante. Elle garde une physionomie sévère, dure, grondeuse, dont elle se montre jalouse; elle croit de son rôle et de son devoir de conserver avec l'enfant la dignité d'une sorte d'indifférence."12.

3) Woman as an example to the rest of society

Importance of virtue in women

Montesquieu sees another important role for women as an example of virtue to the rest of society. Montesquieu considers public incontinence of women one of the greatest dangers to any government because it is an indication of a more general corruption of morals in the society. Montesquieu, however, never clearly explains why the morals of a society depend on the enduring virtue of women rather than men who, in fact, hold the positions of power in a society.13. He explains in De l'Esprit des Lois (Book 16,12) that public immodesty on the part of women is generally condemned by most nations and should be condemned because it violates the laws of nature. It is important to point out here what Montesquieu considers natural conduct for

"Il n'est donc pas vrai que l'incontinence suive les lois de la nature; elle les viole au contraire. C'est la modestie et la retenue qui suivent ces lois."

According to Montesquieu, nature has provided human beings with an instinctive reaction which guards against the danger of immodest behavior, "la pudeur", a feeling of modesty or shame. Montesquieu defines this feeling of modesty as "honte de nos imperfections".

But if this natural instinctive feeling of shame is not enough to preserve virtue in women, it then becomes necessary for the laws to take on this responsibility. It is in this way that Montesquieu justifies the confinement of women in harems, a subject I will discuss more fully in another chapter. In his earlier work, Lettres Persanes, Montesquieu rejects this imprisonment of women as being contrary to Nature and in many letters, shows a marked preference for the more humane treatment of women in French society. But in De l'Esprit des Lois, he seems more tolerant of this custom, more able to understand its necessity in some nations where natural modesty has little

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14. ibid., 1:289
15. ibid., 1:289
effect on the strong passions of the citizens. Montesquieu explains in Book 7 of *De l'Esprit des Lois* that it is necessary for legislators to require, through the laws they make, greater conservation of virtue from women than men because of the dangers the corruption of their morals might present to the government and to the society in which they live.

The degree of severity of these controls, however, may vary according to the form of government of each individual nation. Often the various forms of government vary in their treatment of women by their attitude to "luxe", a main source of corruption of the virtue of women. In a monarchy like France, for example, few controls are necessary on the conduct of women because the distinction of rank in this society forces women to devote their beauty, passions and abilities to their efforts to elevate their position in the society and to gain wealth and power. In this case, they are not dangerous to their society, according to Montesquieu, because of their natural weakness which limits them to the quest for luxury and egotistical pleasures, their sole motive being vanity.

"Chacun se sert de leurs agréments et de leurs passions pour avancer sa fortune; et comme leur faiblesse ne leur permet pas l'orgueil, mais la vanité, le luxe y règne toujours avec elles."16.

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This statement certainly seems to imply that women are incapable of any desire or motive which goes beyond pure self-interest and self-indulgence. As long as they are kept occupied by the hope of improving their fortune, their intrigue will present no danger to the state.

This freedom could not be permitted in a republic or a dictatorship. As Montesquieu explains, although women in a republic are free according to the law, their conduct must be closely controlled by the strict morals of their society. The basic principle of a republic is virtue, the virtue not only of its leaders, but of every citizen. Its survival depends on this. Any ambitions for greater wealth, power or influence at the expense of others, therefore, could be very dangerous in this State and very corruptive to its citizens. As Montesquieu says of legislators in this type of government:

"ils ont proscrit de leurs républiques non seulement le vice, mais l'apparence même du vice. Ils ont banni jusqu'à ce commerce de galanterie qui produit l'oisiveté, qui fait que les femmes corrompent avant même d'être corrompues, qui donne un prix à tous les riens, et rabaisse ce qui est important, et qui fait que l'on ne se conduit plus que sur les maximes du ridicule, que les femmes entendent se bien à établir."18.

17. ibid., 1:114.
18. ibid., 1:114.
The last line of this comment especially reveals what Montesquieu really thinks of women. The ridiculous maxims that a corrupted society adopts as its guide, are those that women understand so well. It seems as if Montesquieu is suggesting that women tend to identify more closely with the ridiculous and the worthless, perhaps a typical trait of the female personality.

Montesquieu again portrays woman as the corruptor of society and roundly condemns as the source of this corruption "ce commerce de galanterie" so common in the society of his own time. Montesquieu shows us the dangerous effects of this "galanterie". Society is corrupted to the point that its whole value system is upset, prompting it to reject what is truly of value and to respect the worthless.

In a dictatorship, Montesquieu concludes that women are treated like every other citizen - as slaves to the rulers. In this case, women are slaves to their husband. They do not endanger the government by their luxury, or the desire for luxury, that they might introduce into the state, for it is women themselves who are considered a luxury. The man with
the greatest number of wives is considered the wealthiest.
The liberty of women in a dictatorship is greatly restrained
for, to maintain their virtue, they must be physically confined
in the narem and prevented from any contact with the outside
world. Montesquieu outlines extensively the need for this
imprisonment of women under this form of government (a subject
which will be more fully developed in a later chapter). In
Lettres Persanes, the question of the need for the confinement
of women to preserve their virtue is examined throughout the
work. The reasons given by the Persians for this treatment of
women seem to suggest that virtue is perhaps an innate quality
in women, but must be constantly guarded and supervised in order
to be preserved. Their purity and innocence would be contaminated
if allowed to be exposed to society. The practice of virtue must
be taught to young girls very early in life, in order to instil
it thoroughly in them.

Perhaps it was observation of his own society that influenced
Montesquieu's strong belief in the need for preservation of virtue
among women. As the Goncourt brothers show, virtue and innocence
in women were not respected in this period. It was definitely not

19. Ibid., 1:114.
in fashion in a very fashion-conscious society. In fact, it was generally ridiculed by many of the "philosophes". According to the Goncourts:

"C'est ainsi que peu à peu, d'âge en âge, la facilité des approches, les spectacles donnés aux sens; l'irrespect de l'homme, les corrruptions de la société et du mariage, les enseignements, les systèmes de pure nature, attaquaient et déchiraient chez la femme jusqu'aux derniers restes de cette innocence qui est, dans la jeune fille, la candeur de la chasteté, dans l'épouse, la pureté de l'honneur."20.

Women were exposed to a society where new moral values "encourage la femme à la franchise de la galanterie, à l'audace de l'inconduite, par des principes commodes et appropriés à ses instincts"21.

They had completely abandoned traditional roles and morals in favour of values which freed them from restraints on their conduct and from any marital responsibilities. Marital infidelity was accepted as normal behavior for a married woman in this society. As Montesquieu openly admits in Lettres Persanes, the only virtuous women in French society were ugly women who did not have the opportunity to be anything else.22.

21. ibid., 1:180.
22. Montesquieu, Lettres Persanes, p. 117.
Usbek's shocked reaction in Letter 26 to the immodest behavior of French women and his trusting belief in some innate virtue that exists in these women to prevent them from the ultimate sacrifice of their virtue, must have been intended by Montesquieu as a satirical criticism of the morals of women in his own society and of the kind of society that accepts this conduct, for women had long abandoned any facade of virtue.

"Ce n'est pas, Roxanne, que je pense qu'elles poussent l'attentat aussi loin qu'une pareille conduite devrait le faire croire, et qu'elles portent la débauche à cet excès horrible qui fait frémir de violer absolument la foi conjugale. Il y a bien peu de femmes assez abandonnées pour aller jusque-là: elles portent toutes dans leur coeur un certain caractère de vertu qui y est gravé que la naissance donne, et que l'éducation affaiblit, mais ne détruit pas. Elles peuvent bien se relâcher des devoirs extérieurs que la pudeur exige; mais, quand il s'agit de faire les derniers pas, la nature se révolte." 23.

In concluding his discussion of women as an example of virtue in a society, Montesquieu outlines, in Book 12 of *De l'Esprit des Lois*, the punishment necessary for crimes against the morals of a nation to prevent their recurrence. As in all other crimes, the form of punishment must conform to the nature of the crime. Montesquieu recommends, in Chapter 13 of this book, that those who transgress the morals of a society, should be

23. ibid., p. 61.
deprived of all the advantages and pleasures enjoyed by the virtuous. In addition, they should be subjected to fines, public shame or even expulsion from the society. 24.

II POSITION OF WOMEN IN SOCIETY

1) inferiority vs equality

In a great portion of the sections dealing with women in Lettres Persanes and De l'Esprit des Lois, Montesquieu considers what position women should hold in a society. This question is his main preoccupation with respect to women in Lettres Persanes, first, whether women are naturally equal or inferior to men. In addition, he considers whether women should be confined or free to enjoy the company of others in society and to conduct their lives according to their needs and desires. Finally, Montesquieu attempts to show what position women are capable of holding in a society, and comments on the position of women in French society of the 18th century. Robert O'Reilly has pointed out in his article "Montesquieu: Anti-feminist" that Montesquieu attempts in one of his works Causes qui peuvent affecter les Esprits to prove scientifically that women are physically inferior to men because of the hollowness and lesser density of their organs, and the softness or laxness of the fibres that form these organs.
Women are also believed inferior because of the lack of a vital liquor which flows through the bodies of males at puberty, and finally because of the menstrual cycle which causes changeability of temperament.  

Montesquieu has a similar purpose in the 10th book of De l'Esprit des Lois, in which he attempts to explain scientifically, by his celebrated theory of climate, the inferiority or the natural dependence of women in some nations, a dependence which occurs usually in hotter climates. Earlier in Book 14, Montesquieu had explained that men in hotter climates were generally weaker, less vigorous and less courageous than their counterparts in colder regions. In this book, he explains that young girls in hot climates develop physically much more quickly and are ready for marriage much earlier than those in cold climates (8 or 9 years old). But mental development does not coincide with physical development. They may be attractive to the opposite sex and ready for marriage, yet they are still children as far as mental development is concerned, incapable of taking care of themselves. Yet, when their faculty of reason is fully developed, they have

already lost their beauty. According to Montesquieu, women in hot climates are old when they are twenty, attractive to no one just when they are mentally capable of rational independent action.

"la raison ne se trouve donc jamais chez elles avec la beauté. Quand la beauté demande l'empire, la raison le fait refuser; quand la raison pourrait l'obtenir, la beauté n'est plus."26.

Therefore, Montesquieu concludes, women must live in dependence to men in hotter climates since these two qualities, beauty and reason, never coincide and since reason does not exert the same influence over others as beauty. It is interesting to notice the importance Montesquieu attributes to beauty in women. A woman is attractive to the opposite sex for no other quality than her beauty. Intelligence is useless without beauty. An ugly woman is without hope. Montesquieu seems to suggest also in this same chapter that a woman can hold her husband's love and preserve her marriage only as long as she maintains her beauty. It is because of this view that the author can accommodate the practice of polygamy in certain climates. He explains that since women develop and age much

faster than their husbands in hotter climates, it is understandable that a husband, still in his prime, would leave a wife who has lost her beauty for a younger, more desirable mate.27.

The relationship of women to men changes, however, as one enters cooler climates. In a temperate climate, for example, women develop physically at a slower rate. Their beauty, therefore, is preserved for a longer period of time. The development of beauty and intelligence coincide more closely with each other and with the time of marriage of the young woman. For this reason, it is possible for women to enjoy more independence and equality with men. Since the aging process of women coincides more closely with that of men, there is less justification for a husband to seek a more desirable mate. In cold climates, it is women, naturally virtuous according to Montesquieu, who are given by nature, the advantage of reason and intelligence over men since they are obliged to defend their virtue constantly from their heavy-drinking male counterparts.28.

In this same chapter (Book 16,1), there is an interesting comment by Montesquieu concerning the position of men and women

27. ibid., 1:280-281.
in a society, which reveals his view of women. According to the author, men were provided with strength and intelligence to distinguish themselves from other men. But the power they wield can last only as long as their strength and reason prevail. Women's influence, on the other hand, is provided by their physical charms or beauty. As in the case of men, women can only distinguish themselves, their attractiveness to the opposite sex can last only as long as these charms are preserved. But what is interesting about this comment is the way it has been phrased by Montesquieu. The author seems to suggest that his view of women, though a purely personal one, is shared by Nature. It is Nature that created this position and role deliberately for women.

"La nature, qui a distingué les hommes par la force et par la raison, n'a mis à leur pouvoir de terme que celui de cette force et de cette raison. Elle a donné aux femmes les agréments, et a voulu que leur ascendant finît avec ces agréments."29.

Montesquieu, in order to justify and to add weight to his own opinions, seems here to attribute the source of these beliefs to natural law. But, in this case, it seems that the author's interpretation of the laws of Nature may have been coloured by a preconceived idea of woman's proper role and

29. ibid., 1:281.
position in society. This idea might coincide more closely with the ideas I have outlined earlier concerning the function of women in society.

2) **La liberté vs la Clôture des Femmes**
   a) Lettres Persanes

   In *Lettres Persanes*, Montesquieu, in contrasting the customs of Persia with those of France, considers whether women should enjoy the same liberty as men, to live freely in society and to conduct their lives as they wished, (like women in 18th century French society), or whether the customs of Persia which confine women in harems are preferable.

   *Lettres Persanes* leaves me with the impression that Montesquieu sincerely rejected the form of slavery that women were subjected to in the Persian harem and genuinely favored a more humane treatment of women. The suffering and humiliation which women were forced to endure in the harem would have afflicted his naturally fair and tolerant spirit. Usbek sees his harem as "un asile favorable contre les atteintes du vice" and "un temple sacré, où votre sexe perd sa faiblesse et se trouve invincible malgré tous les désavantages de la nature."  

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But the picture Montesquieu paints of the harem is one of oppression, blind obedience and cruel, sadistic punishments. Women, confined to preserve their virtue and jealously guarded from contaminating contact with the outside world, are entirely subjected to the vain caprices of their husband and to the ambitious efforts of the eunuchs who seek to gain the favour of the master by their ability to maintain tranquility in the harem. This is illustrated by a description, given by Usbek’s chief eunuch, of the harem of a strict master where the sadistic, governing eunuch, seeking amusement, frequently reduced the women in his charge to a state of utter humiliation in order to test their obedience. These women were treated more like cattle than human beings:

"un silence profond régnait partout; toutes ces femmes étaient couchées à la même heure, d'un bout de l'année à l'autre, et levées à la même heure; elles entraient dans le bain tour à tour; elles en sortaient au moindre signe que nous leur en faisions; le reste du temps, elles étaient presque toujours enfermées dans leurs chambres."31.

Towards the end of Lettres Persanes, Usbek’s own harem takes on a similar appearance as Usbek seeks to quell the revolt of his wives by cruel and tyrannical measures. The

31. ibid., p. 133.
Persians, typified by Usbek, justify the confinement of women in the harem as the only way to preserve their virtue and that it is love that prompts them to take these measures. But Montesquieu suggests that there are other motives in mind. He shows that what really preoccupies the Persian husbands is concern for their own honor which might be compromised by any immodest behavior of their wives. Montesquieu shows by the description of the journey taken by Usbek's wives, that the eunuchs are prepared to let all of the wives drown needlessly rather than let them be exposed to the eyes of other men and rather than compromise the honor of their master.32.

Montesquieu reveals, by a comment of Usbek, that it is not really love for their wives that prompts Persian men, in the first place, to have so many wives and to take such care to maintain their virtue. Usbek admits that, although he misses his wives, he does not really feel any desire or love for them. The continual immediate satisfaction of his desires has left him completely insensitive, satiated.

"Dans le nombreux séraï où j'ai vécu, j'ai prévenu l'amour et l'ai détruit par lui-même."33.

32. ibid., p. 96-98.
33. ibid., p. 18.
The whole life of a woman in the harem centres around her efforts to please her husband. It is his pleasure, his happiness that counts. Yet there is little effort to satisfy the needs and desires of women in the harem. Life there, was one of duty and obedience, not joy or pleasure.

"Il faut avouer que le serail est plutôt fait pour la santé que pour les plaisirs: c'est une vie unie, qui ne pique point; tout s'y ressent de la subordination et du devoir; les plaisirs mêmes sont graves, et les joies, sévères; et on ne les goûte presque jamais que comme des marques d'autorité et de dépendance."34.

Montesquieu establishes, in his letter concerning the harem in Lettres Persanes, that women, like men, have needs and desires which must be satisfied. But Usbek, as master of the harem, has little regard for the needs of his wives. He abandons them to travel around Europe in pursuit of knowledge. Montesquieu criticizes this treatment of his wives through a comment by Fatmé (one of Usbek's wives):

"Qu'une femme est malheureuse d'avoir des désirs si violents, lorsqu'elle est privée de celui qui peut seul les satisfaire: que, livrée à elle-même, n'ayant rien qui puisse la distraire, il faut qu'elle vive dans l'habitude des soupirs et dans la fureur d'une passion irritée; que, bien loin d'être heureuse, elle n'a pas même l'avantage de servir à la félicité d'un autre: or n'est-ce inutile d'un serail, gardée pour l'honneur, et non pas pour le bonheur de son époux ?"35.

34. ibid., p.73-74.
35. ibid., p. 20.
Montesquieu shows the result of this insensitivity to the needs of women. Abandoned by their husband, Usbek's wives are forced to resort to adultery and even lesbianism (Letter 147) to satisfy their natural sexual desires. They are forced to rise up and resist this senseless oppression. But Usbek responds only with more cruel and tyrannical measures leaving his wives at the mercy of his ambitious eunuchs and spreading horror, darkness and fear throughout the harem. 36.

Montesquieu contrasts this darkness and oppression to the freedom enjoyed by women in France. The two Persians are shocked by their first contact with western customs, especially by the freedom of French women. Their first reaction is negative. Usbek complains to his wife Roxanne of the "affreuse ignomnie" into which the female sex has fallen in French society and this opposition by Usbek never falters. As Charpentier points out in his commentary on Lettres Persanes, Usbek may be entirely open-minded in his views on other subjects but his mind is closed in respect to the proper treatment of women.

"Ce philosophe sans illusion sur le bonheur de la condition humaine...n'est nullement désincarné; très amoureux et très jaloux des épouses de son harem, il les maintient dans un sévère esclavage. La philosophie le quitte dès qu'il s'agit de la liberté des femmes; intraitable sur ce sujet, nullement conscient de la complète contradiction qui existe entre ses pensées et ses actes, il est la preuve que les sens constituent un obstacle au règne de la raison." 37.

36. Ibid., p. 328.
Even after much contact with French customs, Usbek still maintains his right to absolute sovereignty over the destinies of his wives.

Rica, on the other hand, is more open to other points of view with regard to women. In the beginning, he is as shocked as Usbek at the position of women in this society. In the 24th letter, for example, Rica describes a dispute that was going on in France at the time, a quarrel provoked by an edict of the Bull Unigenitus that forbade women to read the Bible. Rica is shocked that it is women who are directing this revolt, but even more so that it is women who are influencing men to support them in their struggle. Rica is furthermore stunned that women should want to read the Bible since, by the customs of his own country, women are naturally inferior and thereby excluded from any hope of reaching paradise. But gradually, as his contacts with these new values and customs increases, the faults and injustices of Persian traditions become apparent to him. It is French customs, permitting greater freedom for women and more open contact with them in society, which seem to him to conform more closely to the laws of nature. In letter 63, Rica explains

his preference for French customs. He favours the fact that, in French society, women are allowed to mingle freely with men for it encourages greater understanding and communication between the sexes and greater individuality of character. As Rica explains:

"je ne connais les femmes que depuis que je suis ici; j'en ai plus appris dans un mois que je n'aurais fait en trente ans dans un sérail."39.

This situation occurs because fear and oppression produce uniformity of character among all women in the harem. Rica suggests also that it is freedom and individuality that conform to natural law:

"Dans cette servitude du coeur et de l'esprit, on n'entend parler que la crainte, qui n'a qu'un langage, et non pas la nature, qui s'exprime si différemment, et qui paraît sous tant de formes."40.

One never sees people as they are in Persia, but what their fear forces them to be.

It is through Rica's eyes that Montesquieu shows us many scenes of Parisian life in the 18th century and the position of women in that society. In Letter 108, he shows us the great power

39. ibid., p. 131.
40. ibid., p. 131.
wielded by women in this society. They are a force rivaling the clergy. In a monarchy ruled by an old king, they ally their force with that of the clergy, but in a monarchy ruled by a young king, they triumph. It was women who governed the state in reality, not directly, but instead through the men for whom they had used their influence to put into a position of power. Montesquieu describes them as a republic, existing within a republic, striving to strengthen and maintain its hold on the power.

As Rica says:

"Mais c'est qu'il n'y a personne qui ait quelque emploi à la Cour, dans Paris ou dans les provinces, qui n'ait une femme par les mains de laquelle passent toutes les grâces et quelquefois les injustices qu'il peut faire.... et celui qui est à la Cour... qui voit agir des ministres, des magistrats, des prélats, s'il ne connaît les femmes qui les gouvernent, est comme un homme qui voit bien une machine qui joue, mais qui n'en connaît point les ressorts."\(^41\)

The Goncourt brothers seem to support this view of French

\(^41\) ibid., p. 224.
society in the 18th century and woman's dominant position in it:

"La femme au dix-huitième siècle est le principe qui gouverne, la raison qui dirige, la voix qui commande. Elle est la cause universelle et fatale, l'origine des événements, la source des choses. Elle préside au temps, comme la Fortune de son histoire. Rien ne lui échappe et elle tient tout, le Roi et la France, la volonté du souverain et l'autorité de l'opinion. Elle ordonne à la cour, elle est maîtresse au foyer. Les révolutions des alliances, et des systèmes, la paix, la guerre, les lettres, les arts, les modes du dix-huitième siècle aussi bien que ses destins, elle les porte dans sa robe, elle les plie à son caprice ou à ses passions. Elle fait les abaissements et les élévations. Elle a, pour bâtir les grandeurs et pour les effacer, la main de la faveur et les foudres de la disgrâce."

As the Goncourts indicated in the last part of this quotation, women not only possessed the power in the state, but they also, as directors of the salons, were the centre of social and intellectual life in 18th century French society. In the salons, they aroused and directed discussion and enlivened it by their intelligence, curiosity and wit. Women, also, were the patrons of the arts - literature, music, art and especially the theatre. They not only provided inspiration and direction, but also pronounced judgement on artistic works, ensuring their success or failure. Women of this period also shared or perhaps inspired

42. De Goncourt, _La Femme au XVIIIème siècle_, 2:97-98.
the tremendous curiosity and thirst for knowledge of thinkers of the 18th century. There was a great emphasis on learning and women flocked to various conferences, scientific lectures and experiments.

Montesquieu shows in Rica's letters that women held a similar dominant position in the family as they did in society. Women were free, for the most part, from any marital responsibilities and husbands were forced, by social pressures, to accept their behavior without objection.

Robert F. O'Reilly, in his article "Montesquieu: Anti-feminist", considers the focus of the discussion of the proper position of women in society to be found in Letter 38 of Lettres Persanes, a valid judgement, I think. However, although he makes some interesting observations about the true attitude of Montesquieu toward women, in my opinion, he is too harsh in his interpretation of Montesquieu's intentions. He seems to exaggerate Montesquieu's prejudices against women in this letter.

It seems to me that Montesquieu demonstrates a much more liberal, fairer attitude toward women than O'Reilly shows in his article.
O'Reilly does point out an interesting comment by Montesquieu in the opening sentence of this letter which perhaps reveals a certain bias toward women that contradicts his later remarks.

"C'est une grande question, parmi les hommes, de savoir s'il est plus avantageux d'ôter aux femmes la liberté que de la leur laisser...."43.

As O'Reilly points out, Montesquieu places men in a superior position in assuming that it is in their power to decide what position or what treatment women should be granted and to mete out whatever privileges or restraints they deem necessary.44.

At this point in Letter 38, Montesquieu summarizes the opposing points of view of the European and the Persian, justifying their treatment of women. Rica begins by commenting that both arguments are equally just and he seems to try to remain impartial for the first part of the letter at least. The Persian maintains that women should be subjected to severe constraints, such as confinement, so that men might preserve, what he considers, their natural superiority over women. The European, on the other hand, argues that it is a cruel way to treat the people you love and that

43. Montesquieu, Lettres Persanes, p. 81.
it should be a source of embarrassment for those who subjected their wives to such tyranny. The Persian, however, responds that many wives who are obedient and loyal are far less dangerous or embarrassing than one French wife who is free and openly commits adultery against her husband. But the European rejects the Persian conception of fidelity for, pleasure to him (the European), must present some challenge or obstacle to its satisfaction. Pleasures too easily obtained offer less enjoyment to the European. At the end of this series of arguments, Rica shows no favoritism for either point of view. But in the second part of the letter, in which Rica attempts to discover whether it is Natural law that has submitted women to the domination of men, it is evident that Rica (and probably Montesquieu) rejects this theory since he develops so fully the argument opposing it. The position of Montesquieu, however, is somewhat confusing here. He maintains (through the argument of the "philosophe") that the dominance of men over women has no source except in man's greater physical strength. Women, however, possess in their beauty a much greater, more irresistible force than mere physical strength and coupled with such qualities as gentleness, kindness and reason, it is they who should naturally dominate.
O'Reilly aptly points out that Montesquieu, although appearing to establish women's superiority over men, attributes to them what he considers typically feminine characteristics such as "douceur", "beauté" and "humanité". These qualities, even though he values them over physical strength, suggest weakness and condemn women to an inferior position.  

In the remaining portion of the letter, Montesquieu's position becomes clearer. The inequality of men and women is further complicated by the education women receive which, he suggests, seems to discourage the development of their talents. If men and women received the same education, one that would encourage the development of these natural abilities of both sexes, equality would be attained.

"les forces seraient égales si l'éducation l'était aussi"46.

This seems to be as strong an argument in favour of women's rights as one would find today in feminist literature. Montesquieu rejects absolutely any claims of male superiority or right to dominance, proclaiming the equality of women in every aspect but physical strength (and therefore the need for equal

45. ibid., p. 145.
treatment). The author reinforces his argument by the assertion that women's freedom depends on the degree of civilization of a region. He claims that it is only in the most civilized nations that women enjoy absolute liberty or even dominance over their husbands.

O'Reilly suggests, in his discussion of *Lettres Persanes*, that the breakdown of the harem is caused by the eruption of what Montesquieu considers women's true nature, their turbulent, uncontrollable passions and moral weakness in the face of relaxed discipline and an absent master. Yet this view does not seem to conform to Montesquieu's general attitude toward the treatment of women in Persia in the rest of this work. He seems, in my opinion, to give a much more sympathetic view of the plight of women confined in the Persian harem. Many times he establishes that women have the same needs and sexual desires as men and that it is man's responsibility to satisfy them. Usbek, having abandoned his responsibilities to his wives and having left them to the mercy of the eunuchs, it would seem only natural that his wives should react against this tyranny and reclaim the liberty and equality given them by natural law. This would not be an example of the moral weakness of the female nature but of the need of every human being for freedom and happiness. When
discipline and order does start to break down in the harem, Montesquieu describes the result as "une joie nouvelle" in the harem as old restraints are abandoned for a new-found liberty.\footnote{ibid., p. 326.}

It is natural for Montesquieu to ally himself with the oppressed and the suffering, as other 18th century thinkers, especially after the cruel and vengeful measures taken by Usbek to restore order and tranquility in the harem. His final condemnation of the confinement of women comes in Roxanne's suicide letter to Usbek, the last letter in Lettres Persanes. In this letter, Roxanne, proud of her treachery in betraying Usbek and in deceiving him into believing that she really loved him, reveals her hatred of her husband for his cruelty, his audacity and his egotism. She reveals also her rejection of Persian law which authorizes the enslavement of women, claiming the authority of a higher law - that of nature, which established the freedom and equality of all human beings. This demonstrates Montesquieu's belief in the natural freedom of women.

"Comment as-tu pensé que je fusse assez crédule pour m'imaginer que je ne fusse dans le monde que pour adorer tes caprices ? que, pendant que tu te permets tout, tuusses le droit d'affliger tous nos désirs ? Non! J'ai pu vivre dans la servitude, mais j'ai toujours été libre: j'ai réformé tes lois sur celles de la nature, et mon esprit s'est toujours tenu dans l'indépendance."\footnote{ibid., p. 334.}
Roxanne, like Usbek's other wives, is willing to face death rather than continue a life of humiliation, suffering and self-sacrifice in the harem.

This letter contains also a condemnation of the Persian conception of virtue, for whose preservation women were imprisoned. Roxanne shows that, to a Persian, virtue has nothing to do with moral purity. It is, instead, a submission to their every whim. Roxanne also condemns another justification for the confinement of women which was to maintain their fidelity. She shows that the harem has done nothing but maintain an outward appearance of virtue and fidelity, while she, herself, appeared to be a loving, devoted wife, her true feelings were nothing but scorn or contempt for his pride and credulity.

The harem produces a total lack of communication or understanding between man and woman, an idea which goes back to an earlier comment by Rica that it is only in a society where women are free that one really achieves any understanding of them.

Women's freedom - under study.
In my opinion, this letter, by its condemnation of Persian customs, with regard to women, and especially because of its position as the final letter in the work, shows clearly Montesquieu's attitude toward women at the time in his life when he wrote Lettres Persanes. This final letter represents a plea for a more humane treatment of women, founded on the liberty granted to them by natural law.

b) De l'Esprit des Lois - Montesquieu's position in respect to "liberté" vs "clôture" in this work.

As I have said earlier, many of Montesquieu's opinions are modified in his later work De l'Esprit des Lois. His ideas on the liberty of women change considerably in the second work. No longer do we see the same enthusiastic belief in the equality of the sexes, found in Lettres Persanes (Letter 38). His ideas show more moderation and a greater attempt to understand, to explain why a situation is the way it is, rather than to favour or condemn it.

Instead of roundly condemning customs of oriental nations which confine women, Montesquieu studied these customs, in order to discover and explain their origins and their necessity in
some areas. Again Montesquieu explains the necessity for the confinement of women in some regions by his theory of climate. In hot climates, he demonstrates, there is usually a greater number of women born than men, a situation which often produces polygamous marriages. Because of the hot climate, passions are more violent and uncontrollable than in colder regions. Moral rules, therefore, have much less of a prohibitive effect on their behavior.

"Il y a de tels climats où le physique a une telle force que la morale n'y peut presque rien. Laissez un homme avec une femme; les tentations seront des chutes, l'attaque sûre, la résistance nulle."\(^\text{49}\).

The only solution, therefore, to this tumultuous situation must be, according to Montesquieu, a separation of the sexes, a confinement of women from the rest of society for the preservation of their virtue and of the morals of the society in general. The author explains that this confinement is necessary so that women might devote all their time and energy to the practice of strict moral conduct:

"Les femmes ont naturellement à remplir tant de devoirs qui leur sont propres, qu'on ne peut assez les separer de tout ce qui pourrait leur donner d'autres idées, de tout ce qu'on traite d'amusements et de tout ce qu'on appelle des affaires."\(^\text{50}\).

\(^{49}\) Montesquieu, De l'Esprit des Lois, 1:285

\(^{50}\) ibid., 1:287
Montesquieu concludes that the degree of moral virtue, maintained in a nation where there is a hot climate, depends directly on the extent women are maintained in confinement.

Montesquieu explains that the harem serves also as a means of restoring the family unit, destroyed by polygamous marriages. Each of a man's wives, together with her children, is separated not only from the rest of society but also from her husband's other wives. It is within this family that moral values are taught to young girls.

As Montesquieu showed in an earlier book of De l'Esprit des Lois, the corruption of virtue in women can have very far-reaching effects on the society, in which it occurs, and especially on its government. This, therefore, is an important justification for the confinement of women. But, as Montesquieu shows, women can have other dangerous effects, particularly on the government of a despot. A dictatorship requires order and tranquility in order to survive. This is usually achieved by the enslavement of all the citizens, and principally, by the confinement of women, for women, by their plotting and scheming would hasten the overthrow
of the government. A despotic government is usually found in a large, sprawling territory where the possibility of a tyrant being able to supervise the conduct of each one of his citizens is greatly diminished. It is necessary for him to take stringent, preventative measures before the crime occurs. In justifying the use of confinement of women to preserve order in the State, however, Montesquieu does reveal definite views of what he considers to be the typical character of a woman.

"Supposons un moment que la légèreté d'esprit et les indiscretions, les goûts et les dégoûts de nos femmes, leurs passions grandes et petites, se trouvaient transportés dans un gouvernement d'Orient, dans l'activité et dans cette liberté où elles sont parmi nous; quel est le père de famille qui pourrait être un moment tranquille ? Partout des gens suspects, partout des ennemis; l'État serait ébranlé, on verrait couler des flots de sang."\textsuperscript{51}

Women as Montesquieu portrays them in this paragraph seem to be ignoble creatures. Their sole motivations appear to be their personal desires and the sole limitations to their conduct, their personal likes and dislikes, with little regard for moral considerations.

Montesquieu warns, however, in the 19th book of \textit{De l'Esprit des Lois} (Chapter 27) that women who are permitted to live

\begin{flushright}
\textsuperscript{51} ibid., 1:286.
\end{flushright}
freely, mingling with men in society, can have destructive effects on the manners of the society because of the mutual desire of men and women to please one another. Manners, founded on natural law which should be invariable, suddenly fluctuate like the latest fashion.

"Les femmes y sont ordinairement enfermées, et n'ont point de ton à donner. Dans les autres pays où elles vivent avec les hommes, l'envie qu'elles ont de plaire, et le désir que l'on a de leur plaire aussi, font que l'on change continuellement de manières. Les deux sexes se gâtent, ils perdent l'un et l'autre leur qualité distinctive et essentielle; il se met un arbitraire dans ce qui était absolu, et les manières changent tous les jours."52

Montesquieu seems to be suggesting here that this destruction of absolute unchangeable values, which perhaps give each sex its distinctive roles and characteristics, leads to a converging of the sexes in which the distinctive qualities of each are lost, adopted probably by the other sex.

52. ibid., 1:334-335.
3) The Position Women should hold in the Family and in Society - l'Administration des Femmes.

In the 16th book of *De l'Esprit des Lois*, Montesquieu indicates precisely what position women should hold in the family and in society. *In Lettres Persanes*, although Montesquieu does support freedom and equality for women and does favour a situation where women and men can communicate freely in society, he seems critical of the powerful position women held in his own society, not only over every aspect of government but also in the family over a husband who had to accept her infidelities without question. He was critical also of the influence of women on the values of society, values which tended to fluctuate according to the "mode" or according to women's likes and dislikes. It is only in *De l'Esprit des Lois*, however, that Montesquieu establishes precisely women's position. In his opinion, women should not be permitted to be head of a household because of their natural weakness which makes them incapable of taking on a position of such power and responsibility (although he does not elaborate whether it is weakness of character or physical weakness that prevents this undertaking). Montesquieu even goes so far as to say that a woman, governing a household, would violate the laws
of reason and nature, a rather strong statement in comparison to Montesquieu's earlier statements about women in *Lettres Persanes*. Again he claims as the source of his *personal* opinions the laws of Nature and reason, thereby making his arguments seem more credible. In a later chapter of the work, Montesquieu tries to justify these opinions. He explains that, in eastern nations, where polygamous marriages are common, women could not have charge of the household since wives were so frequently replaced by others who were more favored by the master. This responsibility, therefore, was given to the eunuchs to avoid confusion.

It might seem contradictory that even though Montesquieu considers that it would be an absurd situation to allow a woman to govern the affairs of the household, he considers women capable of taking charge of the affairs of state. We soon discover, however, that it is precisely because of this same natural weakness, these same qualities of beauty, gentleness and moderation, which Montesquieu considers typical of women (rather than her virtue, strength or wisdom), that make her a suitable leader.
Montesquieu clearly associates the stronger qualities "les vertus dures et féroces" with masculinity, virtues which might be valuable in protecting one's home and property, but which might be detrimental in relations with other nations.53.

53. ibid., 1:121
"C'est un sexe bien ridicule que les femmes"\textsuperscript{54}.

This condescending statement, found in \textit{Les Pensees} of Montesquieu, although it probably is not entirely representative of the author's attitudes towards women, does reveal, to some extent, his opinions of the female sex. In this case, he certainly does not seem to regard women as a group to be taken seriously, a sex which could in no way be considered physically or mentally on the level of men.

A useful method of discovering an author's attitude to women could be found in an examination of the female characters he portrays in his works. Not one of the women, that appear in \textit{Lettres Persanes}, shows any traits of character that differ from the general picture he has drawn for us of the typically female character - that of gentleness, weakness, vanity, deception and coquetry.

\textsuperscript{54} Montesquieu, \textit{Oeuvres Completes: Mes Pensees}, 2:1311.
The majority of Usbek's wives tend to fade into a blur, with the exception of Poxanne. This seems to support the allegation by Pica that oriental women, because of the tyranny and the atmosphere of fear that they are constantly subjected to, tend to manifest a uniformity of character. The women in Usbek's harem are reduced to this state of dependence by eunuchs who know how to use their weaknesses and faults against them. The eunuchs exploit their vanity, rivalry and ambition to dominate them, pitting one against another in their efforts to gain the attentions of the master.

There is very little character development in any of Usbek's wives. Each wife is like a representative of an idea, an aspect of harem life. There is Zachi, for example, who describes the preoccupation of the women with their desire to please the master by their beauty and talents and the rivalry among them to show themselves superior. Zachi also describes the perilous journey of the women to the country and the dangers they are forced to endure in order to preserve their virtue. Fatme shows us not only the efforts of the women to please their husband and their devotion to him, but also the suffering of women whose needs

and desires are ignored by an insensitive master. Zéphis illustrates the extremes to which a woman in the harem is forced to resort in order to satisfy her sexual desires. It is Zéphis who has turned to lesbianism because of the absence of her husband. Zélis, in Letter 62, shows the acceptance of the women of their natural inferiority to men and of the need for harems as a means of preserving virtue.

"C'est en vain que l'on nous parle de la subordination où la nature nous a mises. Ce n'est pas assez de nous la faire sentir: il faut nous la faire pratiquer..."56.

It is Zélis who encourages the imposition of harem life on girls of an even younger age in order to guarantee their complete submission to this life of obedience and duty. However, after the cruel measures of Usbek to restore his authority in the harem, she rejects the tyranny he represents and renounces her love for him.

Roxanne is the only one of Usbek's wives that emerges in any way as a complete personality. Yet she, too, is a symbol, at first the symbol of modesty and virtue, the ideal qualities of a Persian woman, but later she represents all women confined in the

harem. It is she who exemplifies their suffering and degradation at the hands of egotistical and insensitive husbands. But she is the only one of Usbek's wives who, in the end, has the strength of character and conviction to take the final positive step of revolt in committing adultery against her husband and in ending her own life by poison as a rejection of Usbek's values and his right to dominance over her life.

In the group of letters dealing with French women, Montesquieu, using as models women in his own society, shows what he seems to consider typical feminine characteristics; these characteristics are expressed by his Persian Rica. In Letter 52, he describes the vanity of French women and their ability to see the faults of others while remaining unconscious of their own. In relating the story of four women in French society, ranging from 20 to 80 years old, he shows the vanity of each in their efforts to appear and to convince others that they are younger than their true age and therefore their susceptibility to flattery because of this vanity. Here, we see woman as the coquette, forever seeking the attentions of men no matter what her age. Rica also shows the eagerness of these women to point out vanity in others and their inability
to recognize the same fault in themselves. As Rica concludes:

"les femmes qui se sentent finir d'avance par la perte de leurs agréments voudraient reculer vers la jeunesse. Eh! comment ne chercheraient-elles pas à tromper les autres? Elles font tous leurs efforts pour se tromper elles-mêmes et se dérober à la plus affligeante de toutes les idées." 58.

In a subsequent letter (56), we see, through Rica's observation of French society, woman's passion for games of risk in this period. This attachment to gambling although it appears occasionally in youth, he says, rarely is developed because it is in competition with other passions which tend to dominate. It is in old age that it manifests itself in its full strength at a time when other passions have mellowed and when one's beauty has faded. Rica suggests that this is merely another manifestation of woman's ultimate ambition - to bring ruin to her husband.

A visit by Rica to the family courts shows us several other aspects of women's character. Throughout the letter, Rica emphasizes in each example the total lack of modesty or self-restraint. In each example, the woman is willing to risk any scandal, to reveal intimate details of her marriage or of her extramarital affairs in order to free herself of the bonds of

marriage. There seems to be almost a total absence of virtue or moral principle in every example. Nor do they exhibit any loyalty to their husbands or fathers.

Rica gives an amusing and satirical description of the daily "toilette" which the Goncourts referred to as the most important hour of a woman's day in 18th century French society. Rica describes this ritual with mock seriousness, comparing the woman who is at the centre of all the activity, giving orders and directions to her maids, to the general of an army directing his troops. This is an analogy which tends to emphasize the vanity, the ridiculous side of woman's character. Women were kept amused at these gatherings by "badinage", a light and witty banter. This badinage was closely related to the need, utmost in the minds of women of this period always appear as if they were amused even if this were not the case, revealing again the vanity and pettiness of women in addition to their extreme concern for public opinion.

"ennuyez-les tant que vous voudrez, elles vous le pardonneront, pourvu que l'on puisse croire qu'elles se sont réjouis."59.

59. ibid., p. 228.
Montesquieu rarely attempts any examination of the female character in *De l'Esprit des Lois*. There are a few exceptions, however. In the 9th chapter of the 23rd book, in which the author is discussing marriage and the laws necessary to govern this institution, he does reveal his view of young girls, a very harsh and unsympathetic one. His remarks about young girls make one wonder if he attributes the same qualities to the women they will soon become. In his opinion, it is not necessary to encourage young girls to marry since they are eager for the freedom and pleasure marriage offers. Montesquieu goes on to describe them as empty-headed, insensitive, ridiculous creatures:

"Les filles..., qui ont un esprit qui n'ose penser, un coeur qui n'ose sentir, des yeux qui n'osent voir, des oreilles qui n'osent entendre, qui ne se présentent que pour se montrer stupides; condamnées sans relâche à des bagatelles et à des préceptes..."

Montesquieu does not seem puzzled that young girls are eager for marriage. But he is surprised that they would be able to find any man willing to marry them.

However, in the 31st book in which Montesquieu outlines the history of the feudal laws in France, he does show his admiration for the Queen Brunehaut.

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"Il paraît d'abord extraordinaire que cette reine, fille, soeur, mère de tant de rois, fameuse encore aujourd'hui par des ouvrages dignes d'un édile ou d'un proconsul romain, née avec un génie admirable pour les affaires, douée de qualités qui avaient été si longtemps respectées..."Cl.

The author admires this queen because of her courage and integrity in attempting, despite great opposition from her countrymen, to eliminate the corruption in her nation.

It was probably his admiration for Brunehault that inspired his belief that women would make good heads of government, owing to their qualities of beauty, gentleness and moderation.

In summary, Montesquieu makes little attempt, for the most part, to portray his female characters in a favorable light, although he does, through his Persian Rica, show great sympathy for their plight in many letters and he condones any ignoble aspects of their character since they are the result of the fear and oppression in the harem. But Montesquieu seems to show little sympathy toward the French women he describes (through Rica). In every instance, we see them as scheming, egotistical, vain and often ridiculous. They are slaves to public opinion and the "mode". Any redeeming qualities such as virtue, loyalty

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\[\text{Cl. ibid., 2:353.}\]
or strength of conviction seem to be foreign to their nature.

Montesquieu's portrayal of women in *Le l'Esprit des Lois* is much more difficult to determine. Although he does seem very harsh toward young girls, it is clear that there are some aspects of women's character that appeal to him. But it must also be remembered that the characteristics Montesquieu esteems in women (beauty, gentleness), those that would contribute greatly to leadership of a nation are the same qualities that serve to justify (in the same work) their position of inferiority and imprisonment in some regions.
Marriage is one of the basic institutions of any society and one on which so many other considerations depend, for instance, the production of children or the laws of succession. It also plays a significant role in the life of most human beings. It is, therefore, understandable that Montesquieu devoted a large portion of at least two books (16 and 23) to the laws necessary to govern and preserve this institution.

Montesquieu considers marriage of vital importance to a society. In the 26th book of *Le l'Esprit des Lois*, he refers to it as being:

"de toutes les actions humaines, celle qui intéresse le plus la société"62.

He also seems to consider marriage as a means of preserving the morals of a society. Celibacy, in his opinion, was very dangerous to society, not only because it was unproductive in regard to population growth, but also because it tended to corrupt the marriages that existed.

"C'est une règle tirée de la nature que, plus on dirinue le nombre des mariages qui pourraient se faire, plus on corrompt ceux qui sont faits; moins il y a de gens mariés, moins il y a de fidélité dans les mariages; comme lorsqu'il y a plus de voleurs, il y a plus de vols."63.

63. *ibid.*, 2:123.
In *Lettres Persanes*, Montesquieu also examines throughout the work, the merits of polygamous marriages and, to some extent, compares them to marriages in France in the 18th century. Marriage and the position Montesquieu gives to women in this union are extremely important in an attempt to determine the author's attitude to women.

1) The Purpose and Requirements for Marriage

Montesquieu offers a very practical, logical explanation for marriage in Book 23, Chapter 2 of *De l'Esprit des Lois*. Marriage was established not only to produce children, but also to establish, in the eyes of the law, the identity of the father whose responsibility it is, in most civilized nations, to feed and care for the child. As I explained earlier, according to Montesquieu, it is the father rather than the mother to whom this duty is entrusted because of the extreme importance of this protection, human beings requiring care for a much longer period. They must not only be fed, but their conduct must also be closely guided for many years.

Marriage for Montesquieu has little resemblance to today's conception of this institution. One did not marry for love. Marriage had been completely removed from the realm of emotions.
Montesquieu doesn't even acknowledge love as an element of marriage. In his opinion, there are many other more important considerations, all very practical. The first and most fundamental requirement for the union of two people in marriage is sustenance. Marriage can only take place in a region where there is enough food and water to support two lives. (Book 23,10)

a) Consent of the Father

Marriage, in Montesquieu's eyes, was basically a financial arrangement, as it was in the author's own time. This is probably why he supports the right of the father to arrange his children's marriage. The father's consent, therefore, is another important requirement for marriage. Montesquieu attributes this right to a father because of his natural authority over his children, granted to him by Nature, to care for and guide his children and also because of his love and greater wisdom. It is necessary too, because of the lack of wisdom of his children whose decisions might be influenced by their emotions.

"Mais, dans les institutions ordinaires, c'est aux pères à marier leurs enfants; leur prudence à cet égard sera toujours au-dessus de toute autre prudence."64.

In addition, the wisdom and natural concern of a father for his children's welfare will inspire him to seek an advantageous

64. ibid., 2:103
match for them - a sizable dowry in case of a son, a good successor (for himself) in case of a daughter.

Montesquieu is convinced that this power over his children was provided for fathers by nature:

"Il peut y avoir des lois qui donnent aux magistrats une inspection sur les mariages des enfants des citoyens, que la nature avait déjà donnée aux pères." 65.

The author's interpretation of natural law might have been influenced in this case by experiences in his own life. Robert Shackleton's biography of the author Montesquieu, *A Critical Biography* shows that Montesquieu, himself, arranged the marriages of his three children according to purely practical, financial considerations (dowry, social class, succession, for example) ignoring completely the will of his children. This is especially evident in the marriage of his youngest daughter Denise. Since the marriage of his only son Jean-Baptiste had remained childless, Montesquieu feared that he would have no male heir to carry on the family name. Because of this, he forced Denise to marry Godefroy de Secondat, her third cousin, against her will.

Shackleton describes Montesquieu's attitude to marriage in his own private life as nothing more than "a simple business

transaction, inspired by Montesquieu's desire inexpensively to ensure his posterity."66. This conception of marriage, as we can see, has carried into Montesquieu's writings.

Montesquieu may also have felt the need to reassert this natural authority of a father over his children because of events in his own society. Montesquieu shows in Letter 86 of Lettres Persanes, that even this right was being challenged in the family courts. In these trials, children could bring charges against their fathers and the judges usually ruled against fathers. Such was the case of the daughter who was eager to be free of her father's authority by her marriage. Seeking revenge against her father who was reluctant to arrange a marriage for her, she threatened to abandon the chastity she had been forced to preserve for so long.

It is interesting to note that in one letter (70) of Lettres Persanes, Montesquieu expresses sympathy for the difficulties to which a father, who tries to arrange a suitable marriage for his daughter, is exposed. The author shows how a father can be forced by his prospective son-in-law to continually raise the amount of his daughter's dowry in order to achieve a

satisfactory agreement. After the ceremony and consummation of the marriage, the son-in-law could legally turn his wife out if he suspected she was not a virgin at the time of her marriage. Montesquieu shows how the honour of a family can be endangered by a malevolent person who abuses the law. But the author shows little concern for the outrages to the daughter in question, whose virtue has been questioned and whose honour is in jeopardy. It is only the honour of the father and of the family which interests him.

The will of a father, in arranging a marriage, should be limited in some cases, according to Montesquieu. The size of the dowry, for example, must depend on the type of government, under which the nation is governed. This consideration is closely related to the amount of wealth or luxury among its citizens that a government can permit without endangering itself. Dowries must be large in a monarchy, since it is necessary for a man to maintain his position in a society based on classes and since wealth presents no danger to the State. But, in a republic where virtue must be maintained and where, therefore, wealth must be limited, dowries can not be very large. In a
dictatorship, dowries are unknown, since women are enslaved and themselves, the only luxury permitted.

Other financial arrangements of the marriage must also be regulated by the laws according to the type of government. After the marriage the amount of sharing of wealth (communauté des biens) between husband and wife must depend on this consideration. Montesquieu considers sharing of wealth beneficial in a monarchy because it arouses women's interest in the care of the home, since they have a share in its success or failure. This sharing of wealth could be very dangerous, however, in a republic for it could corrupt women's virtue and consequently the whole society. It would be absurd in a dictatorship since women are never sharing partners in any aspect of the marriage. They are the slaves and their husbands, the masters. Any gains that a wife might receive from her husband's property are useless under any form of government, in Montesquieu's opinion. What is most interesting, is Montesquieu's explanation of why it is useless for a woman to have the benefit of any gains from her husband's possessions. Montesquieu seems to suggest that, since women are naturally inclined toward marriage, this is sufficient reward for them. 67.

67. Montesquieu, *De l'Mspirit des Lois*, 1:120.
In a country like England, where a woman is given no other alternative to a marriage arranged by her father, she must not be denied the right to consent to or refuse the marriage. Even though Montesquieu agrees in principle with British law, in this case, he criticizes it for going too far. He is especially opposed to a British law which granted young girls of seven years of age the right to choose a husband. This law, in his opinion, is contrary to nature in the sense that it ignores the natural rate of physical and mental maturation, in giving a child responsibilities far beyond her years. 68.

But, in France, the situation is different for women have an alternative. If they do not want to accept the marriage, arranged by their father, they can retreat to a convent and a life of absolute celibacy. Fathers, therefore, should have absolute authority over their daughter's future in France, in the author's opinion. That Montesquieu considers the choice between an arranged marriage and life in a convent sufficient for a woman, is indicative of his general attitude to women. Again he places women in a subordinate role, with men in a position to control their destinies. He shows little concern

68. ibid., 2:170.
that women, like men, should be entitled to a satisfying, rewarding life or have any freedom to choose how their lives should be lived. Women are given a choice of a domestic role in the family or a life of celibacy in exile from society and from their families. Montesquieu's opinions on the possibilities for a woman in society seem biased by a preconceived idea that a woman's needs are sufficiently satisfied by marriage with any man or by religion.

b) Approval of the State

The right of a father to arrange the marriage of his daughter must be limited according to the will of the State. This power of the State to oversee marriages occurs mainly in small republics but Montesquieu attributes this right to any nation to prevent a marriage between two individuals or two families, which it considers hazardous to its survival.69.

c) Importance of Beauty

In the 16th book of *De l'Esprit des Lois*, Montesquieu attempts to explain woman's natural inferiority to men in hotter climates. He shows, in Chapter 2, that this occurs because their two basic qualities, beauty and intelligence, never coincide.

69. ibid., 2:191-192.
in women. Intelligence never develops until a woman is old and her beauty is gone. Montesquieu considers that the practice of polygamy results from this. In his view, a woman is attractive to a man only as long as her beauty is maintained and that it is natural for a man, when his wife has lost her beauty, to seek a new mate. Again, in a later chapter of this same book, Montesquieu expresses a similar belief in the importance of beauty in women to attract a husband. In outlining the laws necessary to regulate divorce, Montesquieu explains that a woman is reluctant to discard her husband and go in search of another because it is so difficult to find a second husband when her beauty has faded. Montesquieu suggests that it is only by her beauty that a woman attracts a man and that it is only by the memory of this beauty that she can hold his love in old age.\(^{71}\).

As we have seen in both examples, beauty, in Montesquieu's view, is woman's most important quality and the only one that makes her desirable to the opposite sex. The qualities he associates with the female sex, such as beauty or gentleness, tend to relegate her to a more passive role while intelligence,
wit and strength of character are qualities attributed to and respected in men. Because of these qualities that Montesquieu attributes to women, it is easy to see why, in many instances, he considers them in a subordinate position, necessary to be controlled and guided by the wiser and stronger man.

2) Polygamy

a) The factors governing it

Montesquieu's theory of climate again serves as a means of explaining the origin of polygamy. According to his theory, in cold climates, there are more men born than women, while in hot climates the situation is reversed with a much greater number of women than men. Because of the disproportion in the population in Asian countries, it is the custom for a man to take many wives although, in Montesquieu's opinion, the disproportion must be very great to justify it. Another important reason for the development of polygamy is again based on his theory of climate. In hotter climates, nature provides for all man's needs. A man, therefore, can keep more wives since it would cost less to support them and their children.
As he says:

"La polygamie est moins un luxe, que l'occasion d'un grand luxe chez des nations puissantes." 72.

The third reason for the development of polygamy has already been outlined in an earlier chapter, discussing the origin of women's natural dependence. In Montesquieu's opinion, it is understandable that a husband would want to seek a new mate when his first wife had lost her beauty since women age and deteriorate so quickly in hotter regions. Monogamy occurs in areas where the development of beauty and intelligence in women coincides with one another and with the rate of male maturity.

b) Dangers of Polygamy

Montesquieu, however, discourages polygamy, except in situations of extreme disproportion, since it can have very destructive effects not only on men and women, but also on the children of this type of union.

Although in the 16th book of De l'Esprit des Lois, Montesquieu seems to suggest that the custom of polygamy does violate natural law, he admits that, in some areas, it is not

72. ibid., 1:282
as contrary to nature as in others. He says, for example:

"Cela veut dire seulement que la pluralité des femmes, 
ou même la pluralité des hommes, s'éloigne moins de 
la nature dans de certains pays que dans d'autres."

Even though Montesquieu does not approve of this custom, he admits that it can be useful in certain regions, where, because of the climate, all the necessary conditions for polygamy exist. In this case, it can conform to the nature of the climate and the people.

Montesquieu points out in Dook (16,6) that there can be many unfavorable effects from the practice of polygamy. The author suggests, however, that it is men rather than women, who suffer the worst effects. The fact that a man possesses many wives can lead to greed, just as in the case of material wealth where a man is never satisfied with what he has, but constantly desires more wives and greater pleasure. Placed in a situation where his every desire is immediately gratified, he can find no satisfaction. In Lettres Persanes, he shows us another effect of polygamy on men. The immediate satisfaction of his every desire has rendered Usbek satiated and completely insensitive. He admits in Letter 6 that he does not love or

73. ibid., 1:263.
feel any desire for his wives. Instead, he must seek pleasure constantly elsewhere, in this case, in a quest for knowledge. At this point, Usbek is capable of feeling nothing more than jealousy, the fear that anyone else might have any pleasure from his wives. In another letter of the same work (Letter 114), Montesquieu expresses a similar thought. In his view, the possession of many wives, rather than bringing a man happiness, instead makes his life more difficult. Burdened with the responsibility to see to the needs of his wives, he is soon reduced to a state of fatigue, weakness and indifference:

"Je regardue un bon Musulman comme un athlète destiné à combattre sans relâche; mais qui, bientôt faible et accablé de ses premières fatigues, languit dans le champ même de la victoire et se trouve, pour ainsi dire, enseveli sous ses propres triomphes." 74.

This condition is very dangerous not only for the man, but especially for the State for, in this condition of weakness and indifference, man loses his will and his capacity to reproduce. This makes it very difficult to maintain population growth in a nation where polygamy is in wide use. As Montesquieu illustrates, in some harems, a man will have many wives, but very few children. He explains this phenomenon by the workings of nature which resist

74. Montesquieu, Lettres Persanes, p. 240.
any immoderate behavior. In this case, polygamy violates the laws of Nature because it is a sign of lack of moderation or self-restraint:

"elle veut de la tempérance; elle ne va jamais qu'avec règle et mesure; si on la précipite, elle tombe bientôt dans la langueur; elle exploite toute la force qui lui reste à se conserver, perdant absolument sa vertu productrice et sa puissance générative."75.

Polygamy is also the source of other problems for the State with respect to population growth. The many wives of a Persian husband must be guarded by eunuchs to preserve their virtue and maintain tranquility in the harem. But this great number of celibate men, incapable of procreation, is very harmful to a nation whose survival depends on maintaining a large population. Wives, in the harem, also require female slaves to serve them, women who, like the eunuchs, are never permitted to leave the harem to marry. They, too, can contribute little to the State.

Throughout Lettres Persanes, as I have outlined earlier, in the letters dealing with the harem, Montesquieu illustrates the tragic results of polygamy on the eunuchs and on the women.

75. ibid., p. 240.
He shows them, reduced to a state of subservience and suffering, subjected to the caprices and cruelties of their husband and completely without any rights or any opportunity to contribute anything to society. Montesquieu sums up his condemnation of polygamy in these words:

"Voilà comment un seul homme occupe à ses plaisirs tant de sujets de l'un et de l'autre sexe, les fait mourir pour l'État, et les rend inutiles à la propagation de l'espèce."76.

It is interesting to remark that although Montesquieu, in his earlier work Lettres Persanes, emphasizes the many harmful effects of polygamy on women, he excludes this consideration completely from his study of polygamy in De l'Esprit des Lois. Instead, he concentrates on the dangers to men, children and the nation. In Lettres Persanes, he expresses great sympathy for the plight of women, imprisoned in the harem but this attitude is absent from De l'Esprit des Lois. Montesquieu seems convinced that this confinement is necessary and justified in hotter climates to preserve women's virtue.

Montesquieu shows in De l'Esprit des Lois that polygamy can have very harmful effects on the family also causing disunity.

76. ibid., p. 241.
Children of these unions never receive the same love and attention as those from monogamous marriages since the father who has many wives and many children from each wife cannot give them his full attention. But the situation is even more serious, when it is reversed, with many husbands to one wife. It is impossible for a father to develop any emotional attachment to his children since he can never be sure if they belong to him.\textsuperscript{77}

Montesquieu, then, disapproves of polygamy, in general, but he accepts its existence or apparent necessity in certain parts of the world. He therefore outlines in \textit{L'Esprit des Lois}, some laws necessary to regulate any abuses that might arise.

In Chapter 7 of the 10th Look, for instance, he suggests that if a man has several wives, he must treat each wife equally. There can be no special privileges for his \textit{favourites or for his new wives}. Later, in the 26th Look (Chapter 10), he suggests that

wives of a polygamous marriage should be given compensation, either by the State or by the husband, if he should abandon them to adopt a religion that forbids polygamy.

3) Rules of Incest

Montesquieu also explains the origin of and the need for the laws that exist to regulate marriage in the 26th book of *De l'Esprit des Lois*. The most significant is his very logical explanation of the laws of incest, regulating marriage among members of the same family. Incest can be controlled by two types of law, natural law or civil (man-made) law, depending on the customs of a particular nation. They were created, in general, to preserve the purity and virtue of the home. It is interesting to note that Montesquieu’s explanation of the origin of rules governing marriage between members of the same family completely ignores the biological consequences of this type of marriage. In his view, the prohibition of marriages between close relatives was for purely social reasons. At no time does he attempt a scientific explanation, such as he had done in the case of polygamy or the natural dependence of women. One must conclude from this that the biological dangers of intermarriage had probably not yet been
Montesquieu outlines the various reasons for the prohibition of certain marriages in Chapter 14 (Book 26). Marriage between a mother and her son is forbidden because of the respect a son must, according to natural law, show to his mother, and the mother to her husband. This type of marriage would also violate natural law because it would be unproductive, since the mother would probably have long passed the child-bearing age at a time when her son was in his prime.

The marriage between a father and his daughter also violates natural law, but less seriously and for different reasons. This type of marriage is prohibited because of the father's natural duty to protect his daughter's virtue and innocence. This responsibility would be violated if a father tried to seduce his daughter.

"Il a donc fallu une barrière insurmontable entre ceux qui devaient donner l'éducation et ceux qui devaient la recevoir, et éviter toute sorte de corruption, même pour cause légitime." 78.

The same law applies to marriages between a father-in-law and his daughter-in-law or between a mother-in-law and her son-

78. ibid., 2:182.
in-law, since it was generally the custom, in Montesquieu's
time, for married children to reside with their parents,
thereby endangering the purity of the home.

It is for a similar reason that marriages between brother
and sister are considered contrary to natural law. Parents
must discourage this type of union in order to prevent corruption
of the morals of their children and the purity of their home.
This rule could extend also to first cousins if, as in former
times, the immediate family includes uncles and cousins, who
consider themselves brothers and sisters, and who reside in
the same house. Marriages of this type, however, violate natural
law only in nations where first cousins live under the same roof.
In this case, they must be regulated by civil law, according to
the customs of a particular nation. The same law applies to
marriages between brothers-in-law and sisters-in-law.

"Les lois civiles défendent les mariages, lorsque,
par les usages reçus dans un certain pays, ils se
trouvent être dans les mêmes circonstances que ceux
qui sont défendus par les lois de la nature; et
elles les permettent lorsque les mariages ne se trou­
vent point dans ce cas. La défense des lois de la na­
ture est invariable, parce qu'elle dépend d'une chose
invariable: le père, la mère, et les enfants habitant
nécessairement dans la maison. Mais les défenses des
lois civiles sont accidentelles, parce qu'elles dépen­
dent d'une circonstance accidentelle, les cousins ger­
rains et autres habitant accidentellement dans la maison."79.

79. ibid., 2:164.
4) **Laws Necessary to Govern Marriage**

In Montesquieu's view, all marriages should be governed not only by the sacred laws, but also, because of the importance they have for society, by the civil laws. The marriage ceremony and the fruitfulness of the marriage depend on religious laws, while the consequences of the marriage, the financial arrangements, for example, the consent of the father and the rights of each partner in the union are in the domain of civil law. But Montesquieu emphasizes that these civil laws must not be in conflict with, or contradict, the other laws that govern a society and its citizens and they especially must not violate the laws of Nature. In showing the inconsistencies or injustices of some existing laws, created to control the conduct of women, Montesquieu reveals what he considers laws governing marriage should be, and consequently, what the rights of women in this union should be.

Montesquieu criticizes, for example, a British law, introduced by Henry 8th which compelled a woman to publicly confess, before her marriage, any affairs that she had previously had with other men. The author objects to this law because it violates natural law in forcing a woman to abandon her only
source of protection—her natural modesty. Montesquieu explains:

"il est aussi déraisonnable d'exiger d'une fille qu'elle fasse cette déclaration, que de demander d'un homme qu'il ne cherche pas à défendre sa vie."80.

Here, as in other examples in subsequent chapters, Montesquieu's natural sense of fairness becomes evident. He displays a sincere effort to see that justice is done and a genuine desire to see things from women's point of view.

Montesquieu explains, in another example, his opposition to an ancient French law which forced (under threat of slavery) a wife or a son to reveal a crime committed by her husband or his father. Similarly, he condemns a law (la loi de Recessuinde) that allowed a woman's husband and her children to accuse her of adultery and to interrogate her slaves for information to use against her. Montesquieu objects to these two laws because, to force a husband or wife to testify against his (or her) spouse, or a child against his parents, would be a greater crime than the original one for it violates the natural love and unity of the family. Montesquieu also objects to this type of law because it puts a woman at the mercy of her servants. A law of this type which allows and even encourages the testimony of slaves or servants could be suitable.

80. Ibid., 2:169
in a nation where women are confined in harems and entrusted
to the care of eunuchs.

Montesquieu's acceptance of the laws governing adultery
does tend to show a certain bias against women since, in every
case, Montesquieu shows woman as the one who commits adultery
and the husband as the victim of her deception. It is she who
is always the perpetrator of the crime. But Montesquieu rarely
sees the situation in reverse with man as the adulterer and
woman as the victim. This is perhaps because of a belief in
woman's fundamentally treacherous nature and in her natural
moral weakness.
5) PROPAGATION OF THE SPECIES

a) Factors governing it

One of the most important reasons for marriage in any society, in Montesquieu's view, is to produce children in an environment where they can be cared for and nourished. In fact, Montesquieu emphasizes that it is of utmost importance that a marriage be fruitful for the good of the nation. This accentuates the significance of woman's basic role as a mother, giving birth to and raising children. Because of the great emphasis Montesquieu places on procreation as the most important reason for marriage and as woman's most important role, his attitude to women and the position they should hold in a marriage and in society was probably influenced by his opinions on the factors that influence procreation. It would consequently be his intention to create conditions that would encourage women to have many children and that would diminish the influence of the factors that inhibit female fertility.

As in his explanation of the origin and reasons for marriage, Montesquieu links the number of children, produced in a family,
to economic and social rather than emotional reasons. It is not love of children that inspires a married couple to have a large family, but rather, the prosperity of the nation, the climate, the possibility of subsistence or the need for a successor.

In both Lettres Persanes (Letters 113-122) and De l'Esprit des Lois (Book 23), Montesquieu outlines the factors influencing population growth, a study which, in Lettres Persanes, seems to give him opportunities to criticize whatever customs he is opposed to (slavery, celibacy) or to show his support of others (divorce). In De l'Esprit des Lois, however, he gives evidence of more moderation, a genuine attempt to study this question in an impartial manner and to understand, rather than express any opinion.

Natural disasters such as famine, flood or disease can wipe out an entire nation. But it is often the customs of a nation or the attitudes of a people that are even more dangerous and can counter its efforts to maintain population growth. Montesquieu illustrates this, in the case of women, by comparing the fertility of women to that of female animals. The ability to reproduce is almost constant in animals but varies in civilized women, not because of any physical disability but because of various social
attitudes and influences which artificially inhibit their fertility. The personal attitude of the individual woman to child-bearing can influence the rate of reproduction in human beings as can their changing passions. Often the reluctance of a woman to sacrifice her beauty or her social obligations to have children can also be a factor in determining how many children she has. The concern of a woman that she will not be able to feed and care for a family that is too large could also be an important determining factor.

Montesquieu shows in another chapter of Book 23, that the attitude of people in society towards marriages has a great influence on their fertility. The author illustrates this point by the example of the Romans who, because of a general corruption of morals, scorned marriage until there were more unmarried people in the nation than married. Montesquieu shows that this can have a very corrupting influence on those marriages that do exist, a disastrous situation for a nation like the Roman state that could maintain its dominance over other nations only by the size and strength of its population. It is probably for this reason that Montesquieu puts so much
emphasis on preserving the virtue of women to avoid this general corruption that afflicted the Romans.

As mentioned earlier, Montesquieu considers polygamy very harmful to population growth since the possession of many wives can have an enervating effect on men, reducing their desire and their ability to reproduce and since the guards and servants of his wives are forced to endure a life of enforced celibacy. It was probably Montesquieu's belief that polygamy was detrimental to reproduction that convinced him that this practice violated natural law and inspired him to show such opposition to the treatment of women in Persia.

The lack of divorce laws to put an end to unhappy marriages can also have an inhibitive effect on reproduction, since few children are produced in a union where there is no love between the parents. Montesquieu may have been influenced, because of this, to attribute to women as well as men the right of repudiation to end a marriage.

The religious beliefs of a nation are also a great influence on reproduction. The Catholic church, for example, encourages
many of its followers to devote themselves to a life of celibacy. Montesquieu considers this practice a greater threat to the human species than a natural disaster and condemns it since it serves no useful purpose:

"c'est chez les Chrétiens la vertu par excellence; en quoi je ne les comprend pas, ne sachant ce que c'est qu'une vertu dont il ne résulte rien."81

The geographical position or terrain can be an important factor in determining the size of the population. In a territory, for example, where, to earn a living, one must constantly face danger and risk one's life, it might be expected that there would be a small population because of the smaller number of men than women. In a region where sustenance is easily acquired, there will be a large population.

The source of income of a particular nation can have an effect on the number of children it produces. In Lettres Persanes, Montesquieu illustrates the example of the savage tribes, who live by hunting and fishing and who scorn cultivation of the land. This leads to a precarious existence and a small population since, if the hunt is not successful one year, they will suffer certain famine and since hunting and fishing cannot support a large sedentary

population because of the movement of the animals. In *De l'Esprit des Lois* (23,1v), he explains how the size of the population depends, to a great extent, on what the land is used for. In regions where the land is used as pasture for the raising of animals, there will be a very small population since there are few people required to care for the animals. But, in regions where the land is cultivated, there is a greater number of people needed to work the land and, therefore, a greater population.

Montesquieu shows that the laws of succession of certain nations can also have a significant influence on the number of children produced in each family. In *Lettres Persanes* (Letter 119), he condemns the law of many European nations by which the inheritance of a father is bestowed on his oldest child, neglecting the other children. The law is harmful because it destroys the equality among citizens, conferring great wealth on a chosen few, but also because it discourages parents from having many children, since only the oldest can be sufficiently provided for. But another law of succession, by which a woman at the time of her marriage passes into the family of her husband, encourages reproduction since succession is thereby fixed to males and since a man, in order
to have an heir, must continue to have children until a son is
born. But the greatest factor influencing population growth, is
the type of government that rules a particular nation, a fact that
Montesquieu acknowledges in both works. A just and moderate
government will attract immigrants from other countries because
of the liberty it offers to its citizens. This type of government,
in considering itself a representative of the people, will see
it to it that there is an equal distribution of wealth in the nation,
rather than a concentration of riches among the King and his
nobles. Because of the prosperity in the nation and the possibility
of nourishing children without suffering any personal privation,
marrid couples will be encouraged to have large families, (as
Montesquieu shows in De l'Esprit des Lois). Even though a man
may be poor himself, he will have many children if he lives in
a prosperous nation since he himself will not be burdened with
their care, but will transfer this expense to the State. But
those living in poverty under a harsh, tyrannical government will
produce few children, since they are unable to feed them. As
Montesquieu explains in Lettres Persanes:

"Les hommes sont comme les plantes, qui ne croissent
jamais heureusement si elles ne sont bien cultivées:
chez les peuples misérables, l'espèce perd et même
quelquesfois dégénère." 83.

82. Montesquieu, De l'Esprit des Lois, 2:105.
b) Laws necessary to govern propagation

It is the laws of a nation which must counter any harmful effects of these factors influencing the fertility of human beings, in Montesquieu's opinion. He shows, through the example of the Romans, how the laws can be used to encourage or discourage marriages and the production of children. During the republic, because of a general corruption of moral values, there were few marriages, a situation which greatly endangered the nation because of a rapidly decreasing population. The Roman government remedied this situation by establishing a system of penalties and rewards. Those who were married and had more than three children were given many privileges. They were preferred for example, for any important positions, open in government, and exempt from any personal expenses. They were permitted to receive inheritances and free-born women and freed slave-women were released from the control of a guardian. But those who were not married, or married with few or no children were seriously restricted in their freedom to inherit and a man who abandoned his wife, without sufficient reason, was forced to endure the same restrictions. A father who was reluctant to arrange a marriage for his child was also similarly punished by the State.
The Roman government also created legislation governing the kinds of marriages that could be made, restricting them solely to unions that would produce children. Marriages of men over sixty or of women over fifty, were not permitted since both were past the child-bearing age. Men or women, who were divorced or widowed, were allowed only a short time to find another mate.

Montesquieu acknowledges that France, in his own time, was in need of laws to encourage the production of children. But, in his opinion, rewards, given to those who have very large families (a practice of Louis XIV) are not enough. It is necessary to alter completely the values of one's countrymen towards this objective. But more important, it is necessary to correct the source of this problem, whether it be a poor government or abuses of some other institutions. A government must re-establish conditions suitable for a larger birth rate redistributing the wealth equally among all the citizens of a nation, giving each man a share and a way to earn a living to support a larger family.

Montesquieu also outlines ways in which the population can be limited artificially. He condemns both methods, however.
One of these is the exposure of unwanted children, practised by the Romans. But Montesquieu shows that this practice persisted only because of a general moral corruption among the people. This practice was not a result of Roman laws which, in fact, obliged parents to raise all of their children and which allowed only deformed children to be put to death after they had been seen by witnesses.

The other method of artificially controlling population is practised by women of the savage tribes because of their fear that they would no longer be attractive to their husbands. Montesquieu considers this custom "pernicious". It is because of the danger of this practice that drastic measures were taken in France to prevent it from spreading. A pregnant, unmarried woman, who had not previously publicly declared her pregnancy and whose baby subsequently died, was condemned to death. In *Lettres Persanes*, Montesquieu seems to think that this law is necessary. Later, however, in *De l'Esprit des Lois*, Montesquieu opposes this law because it violates woman's natural modesty and her right to defend herself from public scorn. It violates the education woman has received all her life to maintain
her natural modesty. In the author's opinion, it should be
eough for a woman in this situation to declare her condition
to her closest relatives so that there would be someone to see
that nothing happened to the child. Here, we can see again the
instinctive fairness of Montesquieu. Even though he abhors
abortion, he is anxious to see that there is not a greater crime
committed in its punishment, by violating natural law.
6) Laws of Succession

Men and women marry, in Montesquieu's opinion, for one main reason: procreation. The production of children ensures each human being a measure of immortality as the family, name and wealth is carried on from generation to generation. But, in order to ensure the continuation of the family, succession must be governed by certain laws. Montesquieu emphasizes in the 26th Look of De l'Esprit des Lois, that any laws governing succession are man-made laws (civil or political rather than natural laws).

There was a great deal of criticism of ancient French feudal laws of succession such as the salic laws or the Roman Votenian law because of their exclusion of a woman's natural right to inherit the possessions of her father. But Montesquieu, in response to this criticism, shows that, although it may be the natural duty of a father to nourish and care for his children, he is not under any obligation, according to any natural law, to pass his wealth on to his children at his death. Any laws, therefore, which authorize this transfer of property, are the product of a particular society according to its individual needs or attitudes to women:

"L'axime générale: nourrir ses enfants, est une obligation du droit naturel; leur donner sa succession, est une obligation du droit civil ou politique."54.

a) Roman Laws

Laws of succession had their origin with the Romans when Romulus divided up the land among its citizens. These laws were governed by one principle: the law of the division of land whereby the property and possessions of one family can not pass into another family. This could happen if a woman were allowed to inherit since, at her marriage, her possessions would become the property of the family of her husband.

According to Roman Law, a woman on the male side of the family, "l'héritier-sien", a member of the immediate family, or "l'agnat", a relative on the male side, could inherit since, even if she married, her possessions would return to the original family. But the "cognats", the relatives on the mother's side of the family could not inherit because of this law of the division of land. This would mean that although a daughter could inherit from her father, her children would be excluded from succession since the property of the mother's family would be transferred to another family. Montesouieu sums up the attitude of the Roman laws of succession in these words:

"Ainsi, chez les premiers Romains, les femmes succédaient, lorsque cela s'accordait avec la loi de la division des terres; et elles ne succédaient point, lorsque cela trouvait la choquer." 35.

35. Ibid., 2:196.
The first Roman laws of succession allowed women on the male side of the family to succeed. But later, under the republic, new laws such as the "loi Voconienne" were introduced which imposed restrictions on women's right to inherit. This law limited or removed entirely the right of women, married or single, to freely inherit. Even if a father had no other children, he could not make his daughter his heir. These rigid measures were taken to limit wealth among women in an attempt to avoid the moral corruption this great wealth could introduce in a republic that depended, for its survival, on the virtue of its citizens. Again we see proof of Montesquieu's conviction that women are the source of moral corruption in a society. There seems to be a general acceptance of a weakness of character in women that would make her unable to handle wealth responsibly, as would a man, without using it to serve her own interests.

This law was instituted to control wealth among women by limiting the amount of money or property they could receive in an inheritance. But Montesquieu condemns this law because it compels fathers to go against their natural love for their children and to turn against the law in order to find a way to satisfy this fundamental need of a father to provide for his children.
b) **Salic Laws**

In the 22nd chapter of the 18th book of *De l'Esprit des Lois*, Montesquieu examines also the salic laws of succession, from which the French laws were developed. The salic laws excluded women from the right to inherit, for the most part. Montesquieu, however, shows that the salic laws are not really biased against women. They were a set of economic laws, concerned with seeing that those who would live on the land and cultivate it, should inherit. They were not so much interested in the continuation of the family line. Montesquieu gives a very logical explanation of the reasons for the exclusion of women, showing that these laws did not indiscriminately prohibit female succession.

The salic laws prohibited women from inheriting property because it was the males of the family who would inhabit the home and lands, while the woman, at her marriage, would live in the home of her husband's family. But the author shows that in a situation where a man died without any children, women were eligible to inherit. If a man died without heirs, for example, his mother or father would succeed. If they were no longer
living, his wealth would pass to his sister or brother and, if there were none, it would be the sister of the mother, rather than the sister of the father, who would inherit. In this case, men are not favored over women when the family relationship is close and, if the only male relative is very distant, women are preferred. The sister of the mother is preferred over the sister of the father because, according to salic laws, when a woman passes into a family by her marriage, it is to the female members of the family that she is more closely related, than to the male members.

But this situation, where women could succeed, only occurred when a man died with no children. If there were children, it was always the males who succeeded. It was only sons (or brothers) that excluded women from succession, for, even if there was a grandson, Montesquieu shows that it was the daughter who inherited, in preference to the grandson.

"Il me sera aisé de prouver que la loi salique n'exclut pas indistinctement les filles de la terre salique, mais dans le cas seulement où des frères les excluraient."86.

86. ibid., 1:318-319.
Montesquieu seems to show by these two examples of the laws of succession, that he favours the right of women to inherit on an equal basis with men, but within limitations in necessary situations, such as those outlined in these examples, in order to preserve the virtue of its citizens or to maintain an equal division of land. Women can only succeed when this does not upset other customs or laws of a society.

7) **Divorce**

a) *Lettres Persanes*

Montesquieu considers divorce an important element of marriage. In both *Lettres Persanes* and *De l'Esprit des Lois*, he makes a strong argument in favour of divorce which greatly resembles those put forward today by advocates of more liberal divorce laws, although his later views seem to show more moderation.

It is only in Christian countries, Montesquieu explains, that divorce is not permitted. But he suggests in *Lettres Persanes* that the lack of divorce, rather than protecting marriages, can have the opposite effect. Marriage is an act of the heart rather
than the mind, subject to changing emotions. It should be allowed to remain a free act as it was in the beginning, ending when the love which inspired it, has ended. The lack of divorce changes the character of marriage, denying the inconstant nature of the emotions and imposing permanence and constraint on it. This conception of marriage differs greatly from his later views, expressed in De l'Esprit des Lois, in which love has no place. Marriage is no longer a union based on sentiment. In fact, Montesquieu discounts this as a justification for marriage entirely since one's emotions can be deceptive. It is because of this that he does not think children should be allowed to choose their own marriage partners. All the marriage arrangements should be made by the fathers who are capable of a wiser choice. Marriage in Montesquieu's later work amounted to little more than a financial arrangement.

Divorce is necessary, according to Montesquieu, to strengthen the bond between marriage partners rather than weaken it because the possession of this right puts them in control of their own future. The fact that a man and woman have it in their power to end their marriage at any time makes them reluctant to use it and more willing to try to resolve their marital difficulties.
But in nations where divorce is not permitted, any marital problems are exaggerated out of proportion. They seem more serious when there is no hope of escaping them.

"il ne voit dans les désagréments du mariage que leur durée et, pour ainsi dire, leur éternité." 87.

This kind of situation can only result in a total breakdown of the actual union. The marriage remains in name only with each member pursuing his own separate life.

"A peine a-t-on trois ans de mariage qu'on en néglige l'essentiel; on passe ensemble trente ans de froideur; il se ferme des séparations intestines aussi fortes et peut-être plus perverses que si elles étaient publiques; chacun vit et reste de son côté..." 88.

These circumstances are very dangerous to a society because of their tragic consequences. Not only does it lead to a corruption of moral values, with both husband and wife openly committing adultery, a situation very close to the one in France in the 18th century, but, because of the estrangement of the marriage partners, the very purpose of marriage, procreation, can no longer be carried out. It is for this reason, Montesquieu concludes, that marriages in Christian nations produce so few children.

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87. Montesquieu, Lettres Persanes, p. 244.

88. Ibid., p. 244.
b) In *Le l’Esprit des Lois*, Montesquieu does not show such ardent enthusiasm for divorce. Although he does consider it necessary in certain circumstances, he no longer seems to think of it as an essential element of marriage as he did in his earlier work. In his later work, Montesquieu distinguishes two methods of ending a marriage, divorce and repudiation. Divorce is accomplished by the consent of both partners to end the union because of mutual incompatibility, while repudiation is achieved by the consent of only one partner and usually for his or her own profit. Montesquieu no longer believes the right to divorce or repudiate one’s mate should be attributed to everyone in every situation. It should, instead, be rigidly controlled by the laws, especially in nations where polygamy is practised. But he does think that in any nation where men are given the right to repudiate their wives, this right should be attributed to women also. At first, one might believe that this is a plea for a more liberal treatment of women, for equal rights, but this impression is soon dispelled by Montesquieu’s explanation. ‘Woman, in his view, should be given the right to repudiate because of her own naturally inferior position in the home’, Montesquieu believes that women will not abuse this right.
They will use it only as a last resort in a situation that is intolerable, not only because of their natural inclination to marriage, but also because of the difficulty for a woman, who has lost her beauty, to find another mate. As I have shown earlier, this statement seems to imply that these are typical feminine characteristics and that it is only beauty that would make a woman desirable to a man.

But Montesquieu believes that it is especially necessary for women to have the right of repudiation (the right to end the marriage without the consent of her husband) in nations where women are confined in harems, while their husbands should only be given the right to divorce (requiring the consent of both marriage partners). If repudiation is permitted to husbands in this situation, it must be rigidly controlled. A husband, for example, could not end a marriage because of the sterility of his wife since he has so many other wives to provide him with children. Nor could a marriage of this type be ended because of the immoral conduct of a wife, since it is the duty of a husband to see that her virtue is maintained.

Montesquieu emphasizes in De l'Esprit des Lois that, although the arrangement of the marriage, in the first place,
is the duty of the father, divorce or repudiation must be a decision of the two people involved only.

Montesquieu concludes that divorce is useful both to the husband and wife who will have the opportunity of finding a happier marriage and to the State since a happier union will be more likely to produce more children. But divorce can be harmful to the children involved since they will be deprived of the love and attention of one parent.

8) The Ideal Marriage - the story of the Troglodytes

In *Lettres Persanes*, Montesquieu shows us his conception of the utopic society through his description of the Troglodytes (Letters 10-14). This illustration reveals to some extent what Montesquieu considers the ideal marriage and coincides with many of the ideas expressed in *De l'Esprit des Lois* about the purpose and function of marriage. The perfect marriage was one arranged by the fathers of the man and woman involved, characterized by mutual love and fidelity. A woman in this type of marriage devoted herself entirely to the happiness of her husband and family. The purpose of marriage in this ideal...
society was procreation to increase the number of virtuous citizens and to pass on this virtue to their offspring.

"Il eurent bientôt la consolation des pères vertueux qui est d'avoir des enfants qui leur ressemblent. Le jeune peuple qui s'élève sous leurs yeux s'accrut par d'heureux mariages; le nombre augmenta; l'union fut toujours la même, et la vertu, bien loin de s'affaiblir dans la multitude, fut fortifiée, au contraire, par un plus grand nombre d'exemples." 89.

9) Marriage in 18th Century French Society

Montesquieu's description of the ideal marriage in Trogloodyte society has little resemblance to the marriages in 18th century France that the author describes in Letter 55 of Lettres Persanes. Perhaps, in a sense, it was his observation of marriages in his own society that inspired such a contrary view in his story of the Trogloodytes of what the ideal marriage should be like. It probably also inspired in De l'Esprit des Lois such a practical view of marriage, a total denial of the emotional aspect of marriage.

We learn from the Goncourt brothers' description of marriages in 18th century France, that they had a great

89. ibid., p. 32-33.
resemblance to Montesquieu's practical conception of marriage. Marriages in this period, were arranged by the families without any regard for the wishes of the individual according to "des considérations de position et d'argent, des convenances de rang et de fortune." 90.

It was financial and social considerations that were of utmost importance. Marriage was no longer considered an emotional attachment requiring respect for its vows and with responsibilities to one's partner. There was no place for sentiment or for romantic ideals in these arrangements.

"Ainsi considéré, le Mariage du dix-huitième siècle ne semble plus une institution ni un sacrament, mais seulement un contrat en vue de la continuation d'un nom, de la conservation d'une famille, un contrat qui n'engage ni la constance de l'homme, ni la fidélité de la femme... Il n'évoque point chez l'homme, chez la femme même, les émotions que donne la conscience d'un engagement du cœur. Il n'implique pas l'idée de l'amour, et c'est à peine s'il la comporte." 91.

Women were eager for marriage, according to the Goncourts, just as Montesquieu showed earlier in his description of young girls in De l'Esprit des Lois (23,9), so that they could take part in the luxury and pleasures of society which they entered soon after marriage.

90. De Goncourt, La Femme au XVIIIème siècle, 1:32.
91. ibid., 1:236-237.
Montesquieu gives a critical, satirical description of marriages in his own society in Letter 55. Women, as in every aspect of this society, were in a dominant position. Because of the acceptance of a permissive society, women had abandoned many of the traditional responsibilities of married women such as devotion and loyalty to their husbands or giving birth to, nursing and raising children. They were free to do as they wished, unimpeded by the opposition of public morality or by their husband's jealousy. The infidelity of wives was generally accepted in this society and husbands, because of social pressure, were forced to acquiesce. The Goncourt brothers explain that this lack of unity between husband and wife occurred often because of the frequent absences of husbands who, in fulfilling various government or military duties, were obliged to leave their bored, idle wives to their own contrivance in a society that ridiculed romantic ideals such as love or fidelity. As Montesquieu showed in *Lettres Persanes*, enduring love was considered an enigma. To vow eternal love was pointless, since no one had the power to control destiny. The Goncourts support this statement:

"L'amour conjugal est regardé par le temps comme un ridicule et une sorte de faiblesse indigne des personnes bien nées: il semble que ce soit un bonheur roturier, bourgeois, presque avilissant, un bonheur fait pour les petites gens, un sentiment bas, en un mot, au-dessous d'un grand mariage et capable de compromettre la réputation d'un homme ou d'une femme usagés."92.

92. ibid., 1:239
The title of husband was merely a formality, carrying no rights or privileges. Most husbands reacted to the exploits of their wives with passive acceptance. They felt no threat to honour or good name or any need to defend it from these affronts.

"ils sembleront assister passivement ou complaisamment à l'inconduite de leurs femmes. Ils joueront l'amitié pour les amants qu'elle aura, la familiarité avec les amants qu'elle aura eus."93.

Instead, a typical husband led a similar existence to his wife, openly committing adultery. Nothing was more contemptible in this society than a man who went against this accepted moral code in expecting love and fidelity from his wife, according to Montesquieu. He was considered a kill-joy, trying to spoil everyone else's happiness;

"comme un perturbateur de la joie publique et comme un insensé qui voudrait jouir de la lumière du soleil à l'exclusion des autres hommes."94.

Montesquieu gives a long list of the insults heaped upon a man who would dare to love his wife and oppose the conventions of his society. He was accused of being self-centred and self-indulgent, in depriving the rest of society of his wife's company

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93. Ibid., 1:239-240.
or, of so little merit that he had to exercise his authority over his wife for fear that, if he lost her, he could find no one else who would love him. Values in this society were so upset that it was the man who accepted his wife's adultery with complacency who was admired. Marriages, in this society, closely resembled as the Goncourts describe them, those illustrated in Letter 116 of Lettres Persanes, in which Montesquieu makes a plea for more liberal divorce laws by showing the tragic results of the lack of divorce in Christian nations when a marriage has broken down. Marriages, in this period, gradually lapsed into a state of indifference. Finally, there was a total separation although the marriage remained intact externally. Both partners resided in the same house, but each led a separate life, rarely having contact with one another and free to do as they wished.

"Cette séparation dans l'union, cette réciprocité de liberté dans le ménage, cette tolérance absolue n'est pas un trait du mariage, elle en est le caractère."95.

Marriages of this type could lead only to a total legal separation, although divorce was never permitted. This type of separation soon became very popular, the fashion among women who considered it a status symbol to have had a legal separation. It was achieved by the consent of both parties and was the only official way of ending a marriage in this period. At this time, husbands still had great potential powers over their wives if they caught them in an adulterous act. In this case, a husband could have his wife imprisoned in a convent for the rest of her life, if he so desired. Although this right of husbands was rarely used, a legal separation freed women from any fear of punishment. These legal separations were often achieved in defamatory trials before a special tribunal which judged family disputes, such as Montesquieu illustrates in Letter 86 of Lettres Persanes. He describes, for example, one case in which the wife was willing to bare the most intimate details of her marriage or of her relationship to her husband to the judges and to the whole of society, in order to free herself of her husband; These trials were heavily prejudiced against the husband. The author emphasizes the lack of modesty of women in these circumstances. Another woman who, in order
to justify separation from her husband, was willing to reveal all her past adultery or to endure any scandal or damage to her reputation to free herself from the bonds of marriage.

It is evident that Montesquieu was probably inspired in his ideas on marriage by the attitudes of his own time and by actual marriages he observed in his own society, both favorably and unfavorably. Several of Montesquieu's ideas on the character of a marriage, as a practical rather than emotional union, resemble considerably the customs of his own society. His attitudes toward women probably had their source, to some extent, in the conduct of women in French society (his belief, for instance, that the only married women who were faithful to their husbands, were those who were too ugly to find anyone else). His pessimistic view of love, in his later work, coincides with attitudes of his own period. It was probably inspired by his observation of the relationships of men and women in his society, where love could only be found outside of marriage. His conception of the ideal Troglodyte society, in which the mutual love between marriage partners played a much more positive role, indicates that in his earlier years, Montesquieu did not yet hold these unfavorable views on love.
It was probably a reaction against the immoral, unproductive aspects of marriages in his own time that prompted Montesquieu's theories on the origin and purpose of marriage which emphasized the production and upbringing of children. These ideas had clearly been relegated to relative insignificance in the 18th century. And, finally, it was probably the total failure of the institution of marriage that Montesquieu saw in his society that inspired his support of divorce as the only way to re-establish virtue and fulfillment of the original functions of marriage, both for the individual and for the State.
Montesquieu was a man with a profound respect for truth and with an instinctive sense of justice. These qualities exerted considerable influence over his thoughts and attitudes towards women throughout his life. There is evidence of this in both Lettres Persanes and De l'Esprit des Lois, including the sections dealing with women. In his earlier work Lettres Persanes, Montesquieu expressed a very liberal attitude towards the treatment of women, probably inspired by this sense of fairness. He supported equality and freedom for women in every situation because he believed that it is their natural right, exemplified by Letter 38 in which Montesquieu suggested that education was the key to attainment of equality of the sexes. Even though he was perhaps concerned that women held too much power in his own society or that their open display of immodesty might have disastrous effects on the society in general, he was convinced, nevertheless, that French laws, allowing women greater freedom and equality, conformed to the laws of Nature. Montesquieu's sense of fairness prompted him to
reject entirely Persian customs which allowed a man to have many wives and to imprison them in harems because they were, in his view, violations of Natural law. Montesquieu naturally identifies with the suffering of the Persian women and he consistently portrays their plight with sympathy. The enthusiasm Montesquieu exhibits in his attitudes towards women is characteristic of the spirit of tolerance in the 18th century. But the opinions expressed in this work are strikingly similar to the ideologies of many contemporary feminists who are striving also for more freedom and equality for women in our own society.

In his work *De l'Esprit des Lois*, Montesquieu's attitudes towards women are modified. They seem to be the result of more careful consideration by the author and reflect perhaps his greater knowledge and experience. Montesquieu no longer seems to show as much compassion towards women as he did in his earlier writings. No longer does he favour freedom and equality for women. These considerations must now be related to the climate and to the type of government as do most other laws governing the conduct of women. In this work,
Montesquieu establishes man as the head of the household and of the family, completely in charge of the care and upbringing of his children, placing women in a subordinate position in the family. However, Montesquieu does consider women suitable to take charge of a government because of the gentleness and moderation he admires in them. He establishes the preservation of virtue as one of women's most important obligations in society and also one of the primary functions of the laws.

But perhaps it is not that Montesquieu has become more intolerant towards women but more aware of the complexities of this issue. He has not studied women as an isolated subject, but in relation to the rest of society. He seems to have tried to analyze his subject in its totality considering all possible influencing factors. In examining the question of the laws that should govern women in civilized society, Montesquieu has realized that, in order to preserve the delicate balance of all the interacting elements of society, the law cannot be pushed to extremes. Radical changes in the laws that govern women could very well have profound and unforeseen consequences that might destroy the whole. These
laws must be in harmony with the laws and customs of a particular society, its government, the climate of the region and, most important, the nature of its people. Because Montesquieu understood the complex relationships of each element of society, he realized that, in some cases, although certain customs or laws might seem unjust and contrary to natural law in his own society, they could be acceptable in other regions where they conformed to the climate or the nature of its people. Montesquieu no longer condemned these customs because he understood the reasons for them.

Many of Montesquieu's attitudes towards women were probably formed by his observations of and experiences with women in his own society, also to some extent, by the attitudes and conventions of his own society. These two influences were undoubtedly responsible for undermining Montesquieu's efforts to remain impartial and objective in his study of women and the laws that should govern them, creating certain prejudices in him. Although he tries to maintain a fair and impartial outlook with regard to women, his judgement is often influenced by these prejudices. They appear in passages where Montesquieu associates certain
traits with women as if they were an inherent part of the character of every woman (qualities such as beauty, gentleness, moderation, treachery, vanity, and moral weakness). Although these theories are his personal opinions, the product only of his own observations and experience, Montesquieu attempts to give them more weight by claiming that they were inspired by natural law. However, the natural laws Montesquieu cites are purely theoretical. There is no positive truly scientific proof to substantiate them. It is clear that Montesquieu has attempted to deduce universal, invariable laws of nature from his own limited knowledge and experience.

Despite these faults, Montesquieu's works are invaluable to thinkers of any century, particularly to those who are currently studying the question of women's rights, because of the vast scope of his understanding. Montesquieu was able not only to perceive the obvious superficial aspects of the problem, but to study society as a whole with the complex web of interacting forces of which it is composed. His study shows that the question of women's rights is not a simple one but one for which many related factors must be taken into consideration. It could indicate to legislators of our own time the possible consequences and long-term effects that any change in the laws that govern women might have on the society as a whole.
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