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# XII.19 How the use of freedom is suspended in a republic

- The Spirit of Law - Book XII. On laws that constitute political liberty in its relation to the citizen -

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## XII.19 How the use of freedom is suspended in a republic

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In states that make the most of freedom, there are laws which violate it against one individual in order to maintain it for all. Such are what are called *bills of attainder* in England. [1] They are related to those laws of Athens which legislated against an individual, [2] provided they were voted on by six thousand citizens. They are related to those laws that were made in Rome against individual citizens which were called *privileges*. [3] These were passed only in the major assemblies of the people. But in whatever manner the people approve them, Cicero wants them abolished, because the strength of law consists only in its being written for everyone. [4] I concede, however, that the practice of the freest peoples who have ever existed on earth makes me believe there are cases where a veil must momentarily be cast over freedom, as one hides the statues of the gods.

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[1] The author of the continuation of Rapin Thoyras defines the bill of attainder as a judgment which, approved by the two houses and signed by the king, becomes an act by which the accused is declared convicted of high treason, with no further formality or appeal. (Vol. II, p. 266.) [The edition of 1758 adds [Annex 5](#) here.]

[2] *Legem de singulari aliquo ne rogato nisi sex millibus ita visum* (Andocides, *De mysteriis* : it is ostracism).

[3] *De privatis hominibus latae* ['proposed concerning private individuals'] (Cicero, *De legibus*, book III).

[4] *Scitum est jussum in omnes* ['What [the law] decrees is a command to all'] (Cicero, *ibid.*).