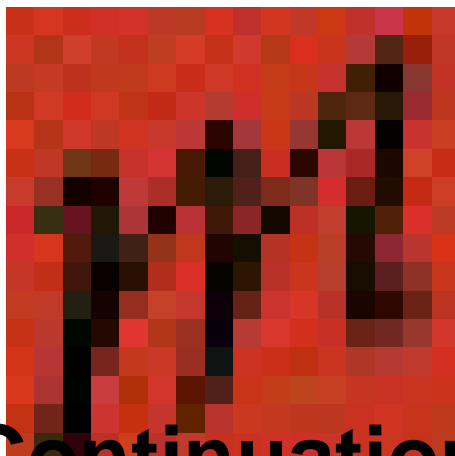


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XII.30 Continuation of the same subject

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

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It is despotic folly that decreed that a father's fall from favor should entail that of the children and wives. They are already wretched without being criminals ; and moreover the prince needs to leave supplicants between the accused and himself to assuage his anger or enlighten his justice.

It is a good custom of the Maldives [1] that when a lord falls from favor he goes every day to pay his court to the king until he returns to favor : his presence disarms the prince's anger.

There are despotic states where it is thought that to speak to a prince for a man fallen from grace is to violate the respect due him. [2] These princes seem to make every effort to deny themselves the virtue of clemency.

Arcadius and Honorius, in the law [3] which we have so much discussed, [4] declare that they will show no mercy to those who dare intercede with them for the guilty. [5] This law was very bad, since it is bad even in despotism.

The Persian custom that allows anyone who so wishes to leave the kingdom [6] is very good ; and while the opposite policy originated in despotism where subjects were considered as slaves [7] and those who left as runaway slaves, nevertheless the Persian practice is very good for despotism, where fear of the flight or withdrawal of debtors halts or moderates the persecutions of the pashas and extortionists.

[1] See François Pyrdard.

[2] As today in Persia, on Mr. Chardin's report : this custom is very old. Cabades, says Procopius, "was put in the castle of oblivion ; there is a law that forbids speaking of those imprisoned there, and even uttering their name."

[3] Law 5 in the Cod. *Ad legem Juliam majestatis*.

[4] In chapter viii of this book.

[5] Frederick copied this law in the *Constitutions of Naples*, book I.

[6] See Chardin, part III, section III, ch. 9.

[7] In monarchies, there is usually a law that forbids those who hold public positions from leaving the kingdom without the prince's permission. This law ought also to be established in republics. But in those which have singular institutions, the interdiction should be general, so one will not take with one, or bring back, foreign ways.