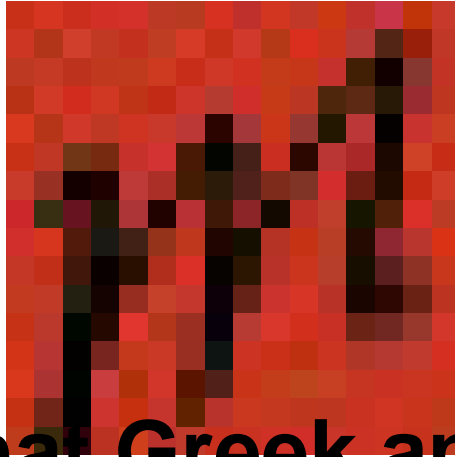


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XXIX.9 That Greek and Roman laws punished self-homicide without having the same purpose

- The Spirit of Law - Book XXIX. On the manner of composing laws -
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XXIX.9 That Greek and Roman laws punished self-homicide without having the same purpose

A man, says Plato, who has killed the man closely allied with him, in other words himself, not by order of the magistrate, nor to escape ignominy, but out of weakness, shall be punished. [1] Roman law punished this act when it had not been done out of weakness of soul, weariness of life, or lack of strength to suffer pain, but out of despair over some crime. Roman law absolved in the case where the Greek law condemned, and condemned in the case where the other absolved.

Plato's law was modeled on Lacedæmonian institutions, where the magistrate's orders were totally absolute, where ignominy was the greatest of miseries and weakness the greatest of crimes. Roman law abandoned all these fine thoughts ; it was nothing but a fiscal law.

In the time of the republic there was no law in Rome to punish persons who killed themselves : that act, in the historians, is always taken positively, and we never see any punishment against those who have done it.

In the time of the first emperors, the great families of Rome were constantly being exterminated by prosecutions. The custom arose of anticipating the condemnation by a voluntary death. It seemed to offer one great advantage : one obtained an honorable burial, [2] and the wills were executed : that was because there was no law against people who killed themselves. But when the emperors became as avaricious as they were cruel, they no longer left to those they wanted rid of the means of preserving their property, and they made it a crime to take one's life for remorse over another crime.

What I am saying about the purpose of the emperors is so true that they consented to the property of those who killed themselves not being confiscated when the crime for which they had killed themselves did not subject them to confiscation. [3]

[1] Book IX of *Laws*.

[2] *Eorum qui de se statuebant, humabantur corpora, manebant testamenta, pretium festinandi* (Tacitus [*Annals* VI]).

[3] Rescript of the emperor Pius, in law III, §1-2 following *De bonis eorum qui ante sententiam vel mortem sibi conscriverunt vel accusatorem corruerunt*.