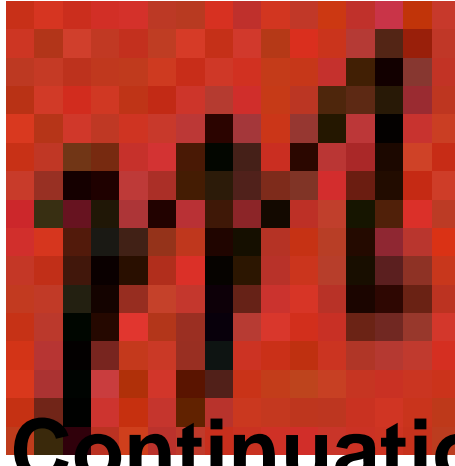


<http://montesquieu.ens-lyon.fr/spip.php?article3051>



XXVI.12 Continuation of the same subject

- The Spirit of Law - Book XXVI. On laws in the relation they must have with the order of things on which they bear -

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XXVI.12 Continuation of the same subject

One of the abuses of this tribunal is that, of two persons who are accused of the same crime, the one who denies is sentenced to death, and the one who confesses avoids execution. This is drawn from monastic notions, where the person who denies appears to be impenitent and damned, and the one who confesses seems to be in a state of repentance and is saved. But such a distinction cannot interest human tribunals : human justice, which sees only acts, has only one pact with men, which is that of innocence ; divine justice, which sees our thoughts, has two, that of innocence and that of repentance.