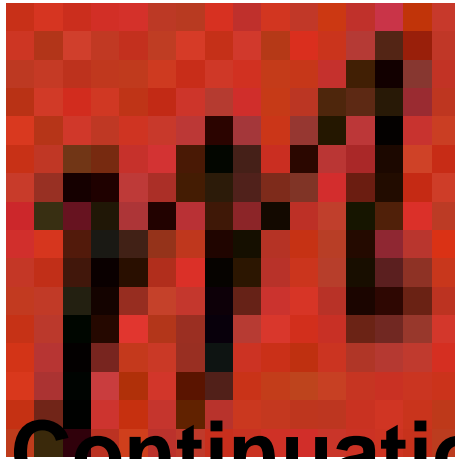


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XXVI.17 Continuation of the same subject

- 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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Ostracism should be examined by the rules of political law, and not by the rules of civil law ; and far from this custom being able to stigmatize popular government, it is on the contrary very apt to prove its moderation ; and we would have sensed that if, exile always being a punishment among us, we had been able to separate the idea of ostracism from the idea of punishment.

Aristotle tells us everyone agrees that there is something humane and popular about this practice. [1] If at the times and in the places where this judgment was exercised, it was not found odious, is it for us, who see things from such a distance, to think otherwise than the accusers, the judges, and the accused himself ?

And if we note that this judgment of the people crowned with glory the man against whom it was issued ; that when it had been abused in Athens against a man of no merit [2] they ceased at that moment to practice it, [3] we shall see that we have acquired a false impression of it, and that it was an admirable law that prevented the ill effects that could result from the glory of a citizen by heaping additional glory on him.

[1] *Républic*, book III, ch. xiii.

[2] Hyperbolus. See Plutarch, *Life of Aristotle*.

[3] It was found opposed to the spirit of the legislator.