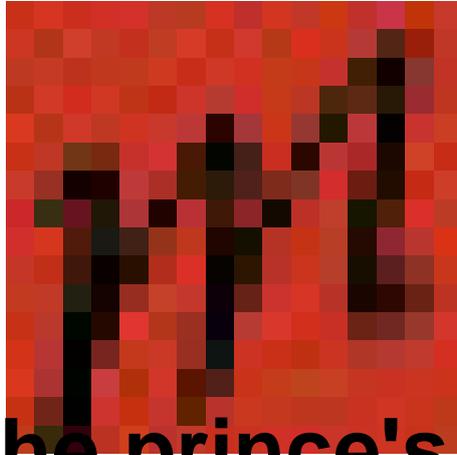


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VI.21 On the prince's clemency

- The Spirit of Law - Book VI. Consequences of the principles of the various governments with respect to the simplicity of the civil and criminal laws, the form of judgments, and the establishment of punishments -

Date de mise en ligne : vendredi 24 août 2018

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Clemency is the distinctive attribute of monarchs. In the republic, where the principle is virtue, it is less necessary. In the despotic state, where fear rules, less use is made of it, because the grandees of the state must be contained by examples of severity. In monarchies, where one is governed by honor, which often demands what the law forbids, it is more necessary. There, disfavor is an equivalent of punishment ; the very formalities of trials are punishments. In that case shame comes from every direction to constitute individual kinds of punishment.

Grandeas are so greatly punished by disfavor and by the often imaginary loss of their fortune, their influence, their frequentations, and their pleasures, that rigor applied to them is needless ; it can only serve to take away the love subjects have for the prince's person, and the respect they should have for those in authority.

As the instability of grandees is in the nature of despotic government, their security participates in the nature of monarchy.

Monarchs have so much to gain from clemency, it is followed by so much love, and they derive so much glory from it, that it is almost always a welcome thing for them to have the opportunity to exercise it ; and that is almost always possible in our lands.

Some branch of their authority may be contested, but almost never their entire authority ; and if sometimes they fight for the crown, they do not fight for life.

But, you might say, when is it necessary to punish, and when to pardon ? That is something that cannot be prescribed so much as sensed. When clemency has dangers, those dangers are quite visible ; it is easily distinguished from the weakness that leads the prince to contempt, and even to powerlessness to punish.

The emperor Maurice [1] resolved never to shed the blood of his subjects. Anastasius [2] did not punish crimes. Isaac Angelos swore that during his reign he would have no one put to death. The Greek emperors had forgotten it was not for nothing that they wore a sword.

[1] Evagrius, *Historia ecclesiastica*.

[2] Fragment of Suidas in Constantine Porphyrogenitus [p. 212-219, in Greek].