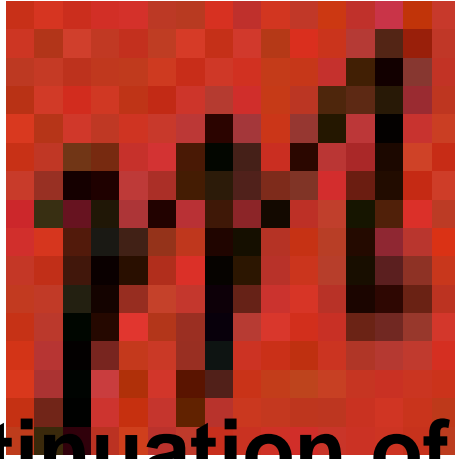


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XII.9 Continuation of the same subject

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

Date de mise en ligne : mardi 4 septembre 2018

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XII.9 Continuation of the same subject

When Paulinus had sent word to emperor Alexander that he was preparing to pursue, as guilty of lese-majesty, a judge who had decided against his edicts, the emperor replied that in such an era as his, there was no such thing as indirect crimes against majesty. [1]

When Faustinianus had written to the same emperor that, having sworn on the prince's life that he would never forgive his slave, he found himself obliged to continue his anger to avoid committing the crime of lese-majesty : "You have been unnecessarily fearful," replied the emperor, "and you do not know my maxims." [2]

A senatus consultum declared that a man who had melted down statues of the emperor which would have been rejected would not be guilty of lese-majesty. [3] Emperors Severus and Antoninus wrote to Pontius that a man who sold unconsecrated statues of the emperor would not incur the crime of lese-majesty. [4] The same emperors wrote to Julius Cassianus that a man who accidentally threw a stone at a statue of the emperor should not be pursued for the crime of lese-majesty. [5] The Julian law calls for these types of modifications, for it had made not only those who melted down statues of emperors, but also those who committed some similar act, [6] guilty of lese-majesty, which made this crime arbitrary. When numerous crimes of lese-majesty had been established, these crimes had necessarily to be distinguished from each other. Thus the jurisconsult Ulpian, after stating that the charge of lese-majesty was not voided by the death of the guilty party, adds that his ruling did not apply to all crimes of lese-majesty established by the Julian Law, but only to the one that includes an attempt on the empire or the life of the emperor. [7]

[1] *Etiam ex aliis causis majestatis crimina cessant meo sæculo*, Law 1, Cod. *Ad legem Juliam majestatis*.

[2] *Alienam sectæ meæ sollicitudinem concepisti*, law 2, Cod. *Ad legem Juliam majestatis*.

[3] See Law 4 following *Ad legem Juliam majestatis*.

[4] See Law 5 following *Ad legem Juliam majestatis*.

[5] *Ibid.*

[6] *Aliudve quid simile admiserint*], law 6 following *Ad legem Juliam majestatis*.

[7] In the last law following *Ad legem Juliam de adulteriis*.