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## XII.13 On writings

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

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## XII.13 On writings

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Writings contain something more permanent than words, but when they do not prepare for the crime of lese-majesty they are not material for the crime of lese-majesty.

Augustus and Tiberius nevertheless attached to them the penalty for that crime, [1] Augustus on the occasion of certain writings against famous men and women, Tiberius because of ones he thought to have been written against him. Nothing was more fatal to Roman freedom. Cremutius Cordus was charged because in his *Annals* he had called Cassius the last of the Romans. [2]

Satirical writings are all but unknown in despotic states, where dejection on the one hand and ignorance on the other supply neither the talent nor the will to write them. Under democracy they are not repressed, for the same reason that in the government of one man alone they are forbidden. As they are ordinarily composed against powerful persons, in a democracy they flatter the malice of the people who govern. In a monarchy they are forbidden, but it is considered more an administrative matter than a crime ; they can amuse the general malice, console malcontents, alleviate envy of high positions, give the people the patience to suffer, and make them laugh at their sufferings.

Aristocracy is the government that most proscribes satirical writings. Magistrates there are little sovereigns, who are not great enough to ignore insults. If in monarchy some dart is aimed at the monarch, he is so high up that the dart does not reach him, whereas a dart runs through an aristocratic lord. So it was that the decemvirs, who constituted an aristocracy, punished satirical writings with death. [3]

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[1] Tacitus, *Annals*, book I. This continued in the following reigns. See the first law in the Code *De famosis libellis* ['on defamatory libels'].

[2] Tacitus, *Annals*, book IV.

[3] Law of the Twelve Tables.