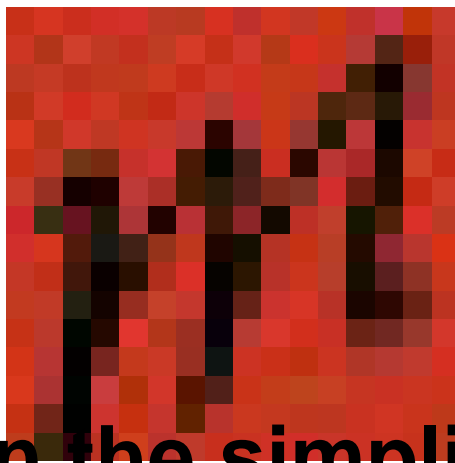


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VI.2 On the simplicity of criminal laws under the various governments

- 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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VI.2 On the simplicity of criminal laws under the various governments

People are forever saying that justice should be dispensed everywhere the way it is in Turkey. Has the most ignorant of all peoples thus seen correctly the one thing on earth it is most important for men to know ?

If you examine the formalities of justice in terms of the trouble a citizen has getting his property back or obtaining satisfaction for some offense, you will doubtless find too many ; if you look at them in terms of the freedom and security of citizens, you will often find too few ; and you will see that the difficulties, the expenses, the delays, and even the dangers of justice are the price which each citizen pays for his freedom.

In Turkey, where very little attention is paid to the fortune, life, or honor of the subjects, all disputes are quickly resolved one way or the other. The manner of ending them is of no importance provided they are ended. The pasha, once informed, has a cane applied at his discretion to the soles of the litigants' feet and sends them home.

And it would be very dangerous for the litigants' passions to be admitted there : they suppose a burning desire to be vindicated, a hatred, an action in the mind, an unflagging pursuit. All of these must be avoided in a government where no sentiment must be allowed but fear, and where everything leads suddenly to revolutions that cannot be foreseen. Everyone should understand that the magistrate must not hear of him, and that he owes his security solely to his effacement.

But in moderated states, where the head of the least of citizens is important, he is deprived of his honor and possessions only after a long examination, and his life not taken unless the homeland itself calls for it, which it never does without leaving him every possible means of defending it.

Thus, when a man makes himself more absolute, [1] his first thought is to simplify the laws. One begins, in that state, to be more struck by particular negatives than by the freedom of the subjects, which is of no interest at all.

It is apparent that in republics there must be at least as many formalities as in monarchies. In both of these governments they increase proportionately with the value ascribed to honor, fortune, life, and the citizens' freedom.

Men are all equal in a republican government, and they are equal in a despotic government : in the first, because they are everything, in the second, because they are nothing.

[1] Cæsar, Cromwell, and so many others.