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VI.19 On the law of retaliation

- 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 -

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VI.19 On the law of retaliation

Despotic states, which like simple laws, make great use of the law of retaliation. [1] Moderated states sometimes accept it, but with the difference that the former have it applied rigorously, and the others almost always introduce concessions.

The law of the Twelve Tables recognized two : it sentenced to retaliation only if it had not been possible to appease the plaintiff. [2] One could, after the verdict, pay damages with interest, [3] and the corporal punishment was converted to pecuniary punishment. [4]

[1] It is established in the Coran ; see the chapter on the cow [II, 178].

[2] *Si membrum rupit ni cum eo pacit, talio esto* ['If a limb has been broken, and no agreement is made, there will be retaliation'] (Aulus Gellius, book XX., ch. i).

[3] *Ibid.*

[4] See also *Lex Visigothorum*, book VI, tit. 4, §3 and 5.