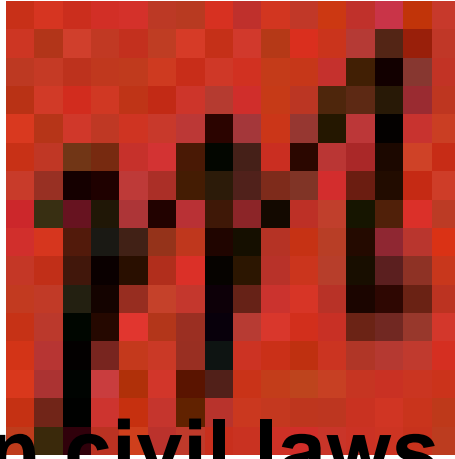


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XII.29 On civil laws that can introduce a little liberty into a despotic government

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

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XII.29 On civil laws that can introduce a little liberty into a despotic government

Although the despotic government in its nature is everywhere the same, nevertheless circumstances, a religious opinion, a prejudice, received examples, a turn of mind, manners, or morals, can make considerable differences.

It is well for certain notions to be well established. Thus, in China the prince is regarded as the father of the people, and early in the empire of the Arabs the prince was its preacher. [1]

It is appropriate that there be some holy book to serve as standard, like the Koran for the Arabs, the books of Zoroaster for the Persians, the Veda for the Indians, and the classical books for the Chinese. The religious code supplements the civil code, and fixes the arbitrary.

It is not a bad thing in doubtful cases for judges to consult the ministers of religion. [2] Thus, in Turkey the cadis [3] consult the mullahs. [4] Should the case be deserving of death, it may be appropriate for the particular judge, if there is one, to seek the opinion of the governor, so the civil and ecclesiastical powers will again be tempered by political authority.

[1] The caliphs.

[2] *History of the Tatars*, part 3, p. 277 in the remark.

[3] [*Cadi*: "the name that was given to the judges of civil causes among the Sarracins and the Turks." (*Trévoux*).]

[4] [*Mullah*: "The term used for doctors of the law of Mohammed, the priests who call the prayer on the roof of the mosques morning, noon, and evening." (*Trévoux*).]