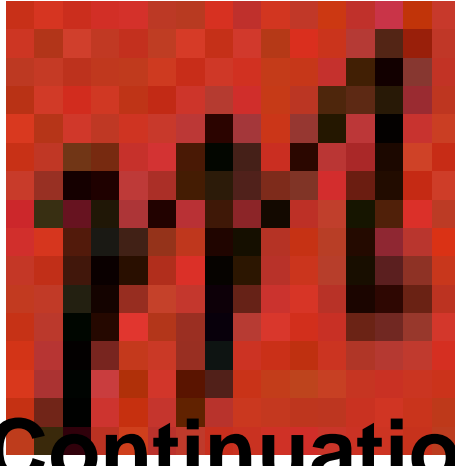


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XXIX.5 Continuation of the same subject

- The Spirit of Law - Book XXIX. On the manner of composing laws -

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XXIX.5 Continuation of the same subject

The law I am about to address is found in this oath which Æschines has preserved for us : "I swear I shall never destroy a city of the Amphictyones, and that I shall never divert its running waters ; if any people dares do such a thing, I shall declare war on them, and destroy their cities." [1] The last article of this law, which appears to confirm the first, is in reality contrary to it. Amphictyon wants the Greek cities never to be destroyed, and his law opens the door to the destruction of those cities. To establish a good law of nations among the Greeks, he had to accustom them to thinking that it was an atrocious thing to destroy a Greek city ; therefore he ought not to destroy even the destroyers. Amphictyon's law was just, but it was not prudent ; this is proved by the very way it was abused. Did Philip not demand the power to destroy the cities, under the pretext that they had violated the Greeks' laws ? Amphictyon could have inflicted other penalties : he could have decreed, for example, that a certain number of magistrates of the destroying city, or heads of the violating army, would be punished with death, that the destroying people would cease for a time to enjoy the privileges of Greeks, that they would pay a fine until the restoration of the city. The law should above all address reparation of the loss.

[1] *De falsa legatione.*