

MICHEL DE MONTAIGNE

ESSAYS

Book 1 · Chapter 16



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On the Punishment of Cowardice

^a I HEARD once that a prince, an excellent officer, said that soldiers could not be punished with death for lack of courage. He had been told at dinner of the trial of the lord of Vervins, sentenced to die for giving up Boulogne.¹

^a Truth be told, it makes sense to distinguish clearly between failings caused by our weakness and those caused by our wickedness. Consider that, in the latter case, we make the decision to turn against the rules of reason, which nature has imprinted in us. In the former, we could claim that the same nature is responsible for leaving us so imperfect and flawed. That is why many have found that we should only be held accountable for things we do against our conscience. The opinion of those who condemn the capital punishment of heretics and misbelievers is based, in part, on this principle. So is the one that says that a lawyer or a judge cannot be held responsible if, for lack of information, they failed in their duty.

^a But as for cowardice, without a doubt the most common way of punishing it is with embarrassment and shame. They say that Charondas, the lawmaker, was first to apply this rule. Before him, Greek laws punished with death those who fled the battlefield. Instead, he only ordered them to sit for three days on the public square dressed in women's clothes. He hoped that he could still make use of them once this shameful experience brought them back their courage.

«Suffundere malis hominis sanguinem, quam effundere.

^a It seems that formerly Roman laws too punished with death those who ran. After all, Ammianus Marcellinus says that Emperor Julian sentenced ten of his soldiers, who had turned around during an attack against the Parthians, to be demoted and later executed in accordance, he said, with ancient laws. However, elsewhere, he condemned others guilty of the same only to stay with the prisoners and join the supply train. ^c The severe punishment imposed by the Roman people on soldiers who had fled at Cannae and, in the same war, on those who had followed Gnaeus Fulvius in his defeat, did not come to death.²

To make the wicked blush instead of spilling their blood. • TERT., APOL., 4.9

c Still, one might fear that shame could leave them desperate and turn them into enemies instead of mere distant friends.

a Back in our fathers' time, the lord of Franget,³ formerly a lieutenant in Marshal de Châtillon's⁴ company, who had been appointed by Marshal de Chabannes to replace the lord of Le Lude as governor of Hondarribia,⁵ and who had turned it over to Spain, was stripped of his nobility and, along with his descendants, made a taxable commoner, unfit to bear arms. This harsh sentence was executed in Lyon. Later, every gentleman found in Guise when the Count of Nassau took it would suffer the same punishment; and others have again since.

a However, should there be such gross or obvious ignorance or cowardice that it should surpass all ordinary ones, it would be reasonable to take it as sufficient proof of ill-intent and wickedness, and to punish it as such.

NOTES

- 1 Du Bellay explains that the lord of Vervins, in charge of defending Boulogne, was inexperienced. He lost his nerve after one of his best officers was wounded and died, and surrendered the city to Henry VIII when reinforcements were only a day away.
- 2 Montaigne is referring to the Second Punic War, between Carthage and Rome. In 216 BCE, Hannibal defeated the Roman army in Cannae, one of the worst defeats in Roman history. In 212, at the battle of Herdonia, the Romans, led by Gnaeus Fulvius Flaccus, lost again against Hannibal's army.
- 3 Du Bellay, the source of this anecdote, calls the man Frauget.
- 4 Gaspard I de Coligny, made Marshal of France in 1516.
- 5 A Basque town between France and Spain.

MONTAIGNE'S SOURCES

Amm. Marc.	Ammianus Marcellinus, <i>History</i>
Diod. Sic.	Diodorus Siculus, <i>Library of History</i>
Du Bellay, Mem.	Du Bellay, Martin, <i>Mémoires</i>
Livy	Livy, <i>History of Rome</i>

Tert., Apol.

Tertullian, *Apology*