

MICHEL DE MONTAIGNE

ESSAYS



Book 1 · Chapter 15

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Of the punishment of Cowardise

I HAVE heretofore heard a Prince, who was a very great Captaine, holde opinion, that a souldier might not for cowardise of heart be condemned to death: who sitting at his table heard report of the Lord of *Vervins* sentence, who for yeelding up of *Bollein* was doomed to loose his head. Verily there is reason a man should make a difference betweene faultes proceeding from our weakenes, and those that growe from our malice. For in the latter we are directly bandied against the rules of reason, which nature hath imprinted in us; and in the former it seemeth, we may call the same nature, as a warrant, because it hath left-us in such imperfection and defect. So as divers nations have judged, that no man should blame us for any thing we doe against our conscience. And the opinion of those which condemne heretikes and miscreants unto capitall punishments, is partly grounded upon this rule: and the same which establisheth, that a Judge or an advocate may not be called to accoumpt for any matter committed in their charge through oversight or ignorance. But touching cowardise, it is certain, the common fashion is, to punish the same with ignominie and shame. And some hold, that this rule was first put in practise by the Law-giver *Charondas*, and that before him the lawes of *Greece* were wont to punish those with death, who for feare did runne away from a Battell: where he onely ordained, that for three dayes together, clad in womens attire, they should be made to sit in the market-place: hoping yet to have some service at their hands, and by meanes of this reproch, they might recover their courage againe. *Suffundere malis hominis sanguinem quàm effundere*: Rather moove a mans blood to blush in his face, than remoove it by bleeding from his body.

It appeareth also that the Romane lawes did in former times punish such as had runneaway, by death. For *Ammianus Marcellinus* reporteth, that *Julian* the Emperor condemned tenne of his Souldiers, who in a charge against the *Parthians*, had but turned their backes from it; first to be degraded, and then to suffer death, as he saith, according to their lawes, who neverthesse, condemneth others for a like fault, under the ensigne of bag and baggage, to be kept amongst the common prisoners. The sharpe punishment of the Romanes against those Souldiers that escaped from

Canne: and in the same warre, against those that accompanied *Cn. Fulcius* in his defeate, reached not unto death, yet may a man feare, such open shame may make them dispaire, and not onely prove faint and cold friends, but cruell and sharpe enemies. In the time of our forefathers, the Lord of *Franget*, whilom Lieutenant of the Marshall of *Chatillions* companie, having by the Marshall of *Cabanes* been placed Governor of *Fonterabie*, instead of the Earle of *Lude*, and having yeelded the same unto the Spaniards, was condemned to be degraded of all Nobilitie, and not onely himselfe, but all his succeeding posteritie declared villains and clownes, taxable and incapable to beare armes; which severe sentence was put in execution at *Lyons*. The like punishment did afterward all the Gentlemen suffer, that were within *Guise*, when the Earle of *Nansaw* entred the towne: and others since. Neverthelesse if there were so grosse an ignorance, and so apparant cowardise, as that it should exceede all ordinarie, it were reason it should be taken for a sufficient prooffe of inexcusable treacherie, and knaverie, and for such to be punished.