

CHAP. XXVII.

Of the Mildness of Punishments.

THE course of my ideas has carried me away from my subject, to the elucidation of which I now return. Crimes are more effectually prevented by the *certainty*, than the *severity* of punishment. Hence in a magistrate, the necessity of vigilance, and in a judge, of implacability, which that it may become an useful virtue, should be joined to a mild legislation. The certainty of a small punishment will make a stronger impression, than the fear of one more severe, if attended with the hopes of escaping; for it is the nature of mankind to be terrified at the approach of the smallest inevitable evil, whilst hope, the best gift of heaven, hath the power of dispelling the apprehension of a greater; especially if supported by examples of impunity, which weakness, or avarice too frequently afford.