

Obstacles to Liberty:

Religion and Commerce in Montesquieu's *The Spirit of the Laws*

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## Obstacles to Liberty: Religion and Commerce in Montesquieu's *The Spirit of the Laws*

### Introduction

*The idea of the place of reward necessarily brings with it the idea of a region of penalties, and when one hopes for the former without fearing the latter, civil laws no longer have any force. Men who believe in the certainty of rewards in the next life will escape the legislator. How can one constrain by the laws a man who believes himself sure that the greatest penalty the magistrates can inflict on him will end in a moment only to begin his happiness?*

-*The Spirit of the Laws*, XXIV.14, 469.

When Montesquieu published *The Spirit of the Laws* in 1748, his work was almost immediately condemned and placed on the Catholic Church's Index of Forbidden Books. His failure to celebrate the universal applicability of Christian principles, combined with his reticence to outwardly condemn the horrifying practices of Muslims were considered appalling to European tastes (Lynch, 490). Had these critics known the true extent of Montesquieu's critique of the Catholic Church, they perhaps would have gone further in their accusations.

While the titles of his chapters indicate that only two out of a total of thirty-one books are dedicated to religion, in truth, the topic pervades his entire work. Beginning with his subordination of God to "laws" in Book I, religion is, from start to finish, at the forefront of Montesquieu's thought. This is because the influence of institutionalized religion—particularly the Catholic Church—stands directly in opposition to Montesquieu's primary project, describing the conditions under which political liberty can be established (Carrithers 2001, 9). The Christian religion in particular advances an authoritative claim to give guidance in all spheres of human life (Pangle, 249), and it frequently occurs that "religion condemns things that civil laws permit" (XXIV.14, 468). Unfortunately, "the prejudices of superstition are superior to all other prejudices, and its

reason to all other reasons” (XVIII.18). Salvation—the superior “reason” behind these supreme prejudices—is the Christian promise. That Montesquieu would wish to “cure” men of this prejudice which “makes one unaware of oneself” is a project he makes clear as early as the Preface (pf. xlv).

Because the formal introduction of the topic of religion does not take place until later in the work, these subtle intimations made in the preface do not become clear until one has read the whole work and then revisited earlier portions (Carrithers, 16). “If one wants to seek the design of the author, one can find it only in the design of the work” (pf., xliii).

My argument is not unique in that many have taken note of Montesquieu’s antipathy towards religion (Krause 2001, 252-3; Schaub 1995, 71 and 145-7). This dislike, however, does not lead Montesquieu to recommend its elimination. On the contrary, recognizing that to radically “change religion” would result in the threat of revolutionary upheaval, the proper way to change religion is by gradually exposing men to temptation. I will argue that Montesquieu sees Christianity’s softening of mores as leaving open a space for temptation—for “the commodities of life” and “the hope of wealth” (XXV.2). In the ancient republics, which Montesquieu frequently contrasts with his contemporary Europe, mores were harsh. Individuals only strove for the ends of the state, they were not tempted by money or commerce (IV.8, 40). Commerce will soften mores and will secularize Christianity until its ends can be seen as “united” with those of the state (Carrithers, 11; Kingston, 384-8; XXIV.1). Christianity will be overcome by encouraging men to secure the commodities of life. All that is required is that political writers show the way to an understanding of Christianity that is not in conflict with

devotion to commerce and comfort (Pangle, 257). Religion will be relegated to a minimal role in the lives of citizens, as they will be continually occupied with acquisition. I propose, however, that Montesquieu is not oblivious to the negative effects that emerge from the emphasis on commodious living, as Pangle mistakenly indicates (Pangle, 209). Roger Boesche promisingly identified Montesquieu's "fear of merchants," but has thus far provided inadequate explanation (Boesche 1990, 742, 758-9). In choosing commerce over religion, Montesquieu effectively chooses the lesser of two evils.

In Part One, I discuss Montesquieu's assessment of Christianity as an obstacle to political liberty, beginning with the illegitimate role of the Church as a type of police. Following an analysis of Books XXIV and XXV, the central books dedicated to religion, I conclude Part One with the suggestion that Montesquieu stresses the vulnerability of Christianity to those "invitations [which] are stronger than penalties," the allure of the comfortable life. In Part II, however, I make evident that commerce is no panacea. Although it is practically mythologized in Book XX, Montesquieu had been mentioning the insidious effects of luxury as early as Book IV, in which he praises as virtuous the orders of Lycurgus: "He seemed to remove all resources, arts, commerce, silver, walls: one had ambition there without the expectation of bettering oneself. In these ways, Sparta was led to greatness and glory" (IV.6, 36). It is clear that the commerce Montesquieu proposes can very easily be misinterpreted as a luxurious one, but in promoting it, Montesquieu masks its potentially negative effects. He differentiates, however, between commerce based on luxuries and those based on economy, preferring the latter. He so fervently endeavors to overcome the prejudices of religion that he is willing to risk the corruption that can accompany commercial enterprise. Montesquieu redirects the

attentions of the individual from the goods they can possess in the uncertain afterlife to the goods they can possess in the current life—he grants them political liberty in exchange for the indeterminate promises of faith.

## Part I

### The Obstacle of the Catholic Church

*We must warn you of one thing; it is that, if someone in the future ever dares to say that the peoples of Europe had a police [étoient policés] in the century in which we live, you will be cited to prove that they were barbarians, and the idea one will have about you will be such that it will stigmatize your century and bring hatred on all your contemporaries.*

*-Spirit of the Laws, XXV.13, 492<sup>1</sup>*

Buried deep within *The Spirit of the Laws*, a reader will find this statement, placed in the mouth of a Jew, and leveled against the Catholic inquisitors of Spain and Portugal. The Catholic Church, wielding immense control over politics and committing numerous atrocities throughout history, posed a colossal threat to political liberty as Montesquieu understood it.<sup>2</sup> “In most states, liberty is more hampered, countered, or beaten down than is required by their constitutions” (XII.1). Montesquieu is not only concerned with the *form* of liberty, i.e., how it can be established in a constitution. He is further concerned with its substance, “security, or one’s opinion of one’s security” (XII.1). Frequently, a citizen is “free by right and not in fact,” and the foremost cause of this phenomenon is that those crimes “that wound the divinity (...) bring an inquisition to a kind of action where it is not necessary; destroying the liberty of the citizens by arming against them the zeal of both timid and brash consciences” (XII.4). When he writes in the preface, “I do not write to censure that which is established in any country whatsoever (...) changes can be proposed only by those who are born fortunate enough to fathom by a stroke of genius the whole of a state’s constitution,” the emphasis is placed on *nations* and *constitutions*, but religious institutions cannot be said to be among these entities (pf., xlv). The Church

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<sup>1</sup> References to *The Spirit of the Laws* will be by book and chapter number from Montesquieu 1989. Where the chapter spans more than one page, the citation is followed by the page number. I have occasionally added the French using Montesquieu 1941.

<sup>2</sup> See also Caroll (2001) and *Spirit of the Laws*, XXV.15, 493; XXV.6 and XXV.7, 464.

does not evade Montesquieu's scrutiny, but he, too, must tread carefully in order to avoid the zeal of those timid and brash consciences.

In this first part, I discuss Montesquieu's attack on the Catholic Church, and propose that it is the foremost obstacle to establishing political liberty, in the Frenchman's eyes. Though he is "not a theologian but one who writes about politics," Montesquieu nevertheless discusses Christianity because he witnesses the effects "drawn from [it] in the civil state." Though the Christian religion believes "its roots are in heaven," it "no doubt wants [*veut sans doute*] the best political laws and the best civil laws for each people" (XXIV.1). Thinly veiled in platitudes, Montesquieu makes explicit here the danger of Christianity: inviting men to seek the benefits of the next life, Christianity imposes political and civil laws on each people in their present lives that are not necessarily in accordance with the laws established in their constitutions (Mosher 2009, 21-23). Essentially, citizens receive their laws from contradictory sources: the Church and the State. "Today we receive three different or opposing educations: that of our fathers, that of our schoolmasters, and that of the world. What we are told by the last upsets all the ideas of the first two. This comes partly from the opposition there is for us between the ties of religion and those of the world, a thing unknown among the ancients" (IV.4). Because of the influence of Christianity, the "pure mores" of the ancients are no longer possible. This religion was "unknown" to the ancients, therefore their attentions were not directed towards felicity in the next life, but towards the flourishing of the state. Montesquieu saw modern men as incapable of this type of virtue, but it is doubtful that he even saw it as desirable. My analysis will make clear that Montesquieu saw benefits in stepping away from the ways of the ancients in these regards. On numerous occasions,

Montesquieu shows the *counsels* of Christ to be conducive to a more compassionate civil life (Kingston, 389).<sup>3</sup> In order to achieve the type of political liberty Montesquieu envisions, a reinterpretation of Christianity would be necessary: the “counsels,” or teachings of Christ, should no longer be taken as “precepts,” or laws (XXIV.5). First, I will discuss the basis for Montesquieu’s charge that the Catholic Church constitutes an unlawful and unique type of “police,” functioning parallel to but without the legitimacy of the state, punishing hidden crimes of thought, and effectively creating a tyranny. Then, I conduct a careful analysis of Books XXIV and XXV, in which Montesquieu makes more concrete his specific attack on Christianity, arguing for the secularization of its counsels and the complete removal of the clergy’s influence from the political arena (Carrithers, 11; Kingston, 384-8; XXIV.1). Finally, I conclude with Montesquieu’s intimation that Christianity’s softening of mores actually created a space for an institution which could bring about the Catholic Church’s secularization: commerce.

That Montesquieu was not the most devout of Catholics is a matter well beyond debate today (Orwin 2009, 141-145). Because Christianity sets out to provide guidance in every aspect of the individual’s life, nothing evades its scrutiny. Christian dogma dictates that even the individual’s innermost thoughts, feelings, and desires are visible to God, and grants the Church the ability to punish them (Sullivan 2010, 1-30). “Laws are charged with punishing only external actions,” wrote Montesquieu, and any attempt to judge an individual’s thoughts could be considered “a great tyranny” (XII.11). In *The Spirit of the Laws*, Montesquieu treads carefully in criticizing the effects of the Church, but its complete infiltration of the private sphere made its amendment (understanding that

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<sup>3</sup> See XXV.13: “We entreat you by the Christ that you tells us took on the human condition in order to give you examples to follow, we entreat you to act with us as he himself would act if he were still on earth.”



eradication was unlikely) absolutely necessary to the preservation of liberty: “In the things that disturb the tranquility or security of the state, hidden actions are a concern of human justice. But where there is no public action, there is no criminal matter; it is all between the man and god.” He disapproves of the clergy or any government (Montesquieu writes “magistrate”) who, “confusing things, even searches out hidden sacrilege” and “destroys the liberty of citizens” through “the zeal of both timid and brash consciences” (XII.4).<sup>4</sup> To describe certain consciences as both timid and brash may strike one as a strange characterization, but it encompasses the duality of religious belief. Christians act boldly in avenging crimes against their God, but their faith, Montesquieu believes, makes their own consciences silent (XXV.13, XII.4, 190). Actions that would typically be considered against human conscience become laudable when they are done in defense of God.<sup>5</sup> “The ill came from the idea that the divinity must be avenged. Indeed, if one were guided by [this] idea, where would punishments end?” (XII.4,190). Montesquieu sees a distinct danger in letting religious zealotry dictate criminal punishments (Waddicor 1970, 145).

I will discuss in this Part some of the repercussions of consciences becoming “timid,” while religious fervor makes actions bolder, more spirited, and unfortunately, more violent. Political liberty is directly threatened by the silencing of consciences. As we will see, religion inspires fear in both the pious man and the atheist. Furthermore, Montesquieu intimates in Chapter 24 that although Christianity has the effect of cultivating timid consciences, it also has a unique effect on princes: “among Christians

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<sup>4</sup> “*zelle des consciences timide, et celui des consciences hardie.*”

<sup>5</sup> See the example on p. 27, in which masked knights take on the role of executors during the prosecution of a man avenging the honor of the Holy Virgin.

religion makes princes less timid and consequently less cruel” (XXIV.3).<sup>6</sup> Because Christianity provides its princes with the backing of divine right, they can be said to act with less reservation because they feel that their actions are justified in the name of God. However, it does not follow that these princes are “less cruel” because they are less timid. To compare Christian princes to despotic tyrants—as he does in this passage—and to say that they are perhaps “less cruel” than their counterparts says nothing about the *degree* to which these princes are less cruel. Readers must leave open the possibility that while Christian princes are “less cruel” than despotic princes, they may not be so distant in their cruelties. Additionally, the meaning of the statement relies on what the reader identifies as the subject of the sentence. Montesquieu may be speaking of Christian princes themselves, but he may also be speaking of Christian citizens’ opinions of their princes. If “among Christians,” princes are held to be “less cruel,” this may be another result of the belief that the Christian Prince is chosen by divine right, or because the people themselves are more timid in questioning authority. The Christians *consider* their princes to be less cruel, but the questions of whether this opinion is obscured by faith and whether the princes are *truly* less cruel remain.

Though Pangle argues that “religion plays a minor role” in the first twenty three books of the work, one may stand in awe of the candor with which Montesquieu discusses religion in the twelfth book, when speaking of liberty (Pangle, 249). Today, the Frenchman is considered a bulwark of liberalism. The first sentence of the book on liberty states, “It is not enough to treat political liberty in its relation to the constitution; it must be shown in its relation to the citizen” (XII.1). Clearly, Montesquieu’s liberalism is not only concerned with the “constitution” of the state but rather an intimate and nuanced

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<sup>6</sup> *La religion, chez les chrétiens, rend les princes moins timides, et par conséquent moins cruels.*

matter of the individual experience. The makeup of the constitution is only a means to an end, and “it must be considered with a different idea in view. Liberty consists in security or in *one’s opinion of one’s security*” (XII.1, my emphasis). Christianity poses a unique threat to security, because it pervades and scrutinizes consciences. Because thoughts and opinions are largely beyond the individual’s control, Christianity persecutes “hidden actions” that individuals have no capacity to curtail. Christianity’s crimes are expiable only through genuine faith—a matter which can only be deciphered by the examination of one’s soul.

Though he states that he is “not a theologian but one who writes about politics” (XXIV.1), Montesquieu does not refrain from making a bold suggestion for the improvement of religious doctrine:

A religion that envelops all the passions, that is no more jealous of acts than of desires and thoughts, that attaches us not by some few chains, but by innumerable threads, that leaves human injustice behind to begin another justice, that is made in order to lead constantly from repentance and love and from love to repentance, that puts a great mediator between the judge and the criminal, a great judge between the just man and the mediator: *such a religion should not have inexpressible crimes* (XXIV.13, my emphasis).

This statement betrays Montesquieu’s feelings about Christianity. By “enveloping all the passions,” it leaves no space for the individual to pursue his or her own personal passions for their own sake. By punishing thoughts, desires, and actions all equally, religious belief leaves the individual in a permanent state of fear, knowing that he can be prosecuted severely at any moment for a “crime” that is essentially beyond his control. Though “innumerable threads” seems to be a relatively innocuous mode of attachment in comparison to “chains,” their effects are essentially alike. Indeed, this indicates the pervasiveness of religion’s effects on daily life. The image of the countless threads is effective particularly because they tangle the individual while remaining essentially

weightless, and hence unrecognized. Montesquieu hints that many of those societies most greatly affected by religion are unaware of the degree to which they are its captive. While an individual is unlikely to bear the weight of a chain without anticipating the mode by which he may one day become free, “countless threads” can attach the individual creating precisely the same effect, while keeping the enslaved completely oblivious to his bondage. In fact, while a “chain” can simply be thrown off, freeing the individual, these “innumerable threads” attach him to religion in ways that he may be unaware. The Christian ethos penetrates the family circle, the social life, and mores, manners, and practices of a nation—it cannot simply be removed without uprooting the basis of society along with it.

Furthermore, Montesquieu calls religious belief a “chain” on another occasion, in reference to its ability to put restraints on a tyrant: “A prince who fears and hates religion is like the wild beasts who gnaw the chain that keeps them from throwing themselves on passers-by” (XXIV.2).<sup>7</sup> Though Montesquieu’s discussions of these tyrants restrained by religion typically focus on the despotic regimes of the “Mohammedans,” one can certainly imagine that the Catholic Kings of France or Spain would be loath to hear that they are tethered and restrained by the Catholic Church, and prevented from doing whatever they see as necessary for the benefit of their kingdoms. Montesquieu may very well be implicitly framing his argument about the restraint that the Church imposes on the monarchies of France or England by explicitly discussing Mohammedan regimes. Because Christianity focuses on the felicity of the next life at the expense of the earthly one, it “leaves human injustice behind.” What this indicates is that Christianity does not do anything to make the present world more just or more pleasant for the individual—

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<sup>7</sup> See also III.10, 29-30, II.4, IV.10, V.14.

rather, it leaves “human injustice” as is and creates an immanifest afterlife which is supposedly just. We have reason, however, to doubt even the justice of this afterlife: “The Christian religion, which orders men to love one another, no doubt wants the best political laws and the best civil laws for each people, because those laws are, after it, the greatest good men can give and receive” (XXIV.1). Because Montesquieu qualifies his statement with “no doubt,” he implies that one may be inclined to doubt the beneficence of religion’s influence on political laws—specifically in regards to individual liberty. Indeed, he provides his reasoning in the subsequent chapters.

Though Montesquieu appears to deal with religion directly relatively late in the work (Books 24 and 25 are the only ones dedicated explicitly to the subject), this does not indicate that Montesquieu views religion as the least important consideration in the formation of the constitution—quite the contrary. Its position in the work is actually immediately preceding the Book on legislative instruction; the books on religion would be most recently read by those preparing to read it. Montesquieu dedicates the second chapter of Book 24 to an argument with Pierre Bayle, a renowned atheist (Weinstein 1999, 197; Mori 1999). Rhetorically speaking, Montesquieu places this argument at the relative beginning of his discussion because it seems to dispel the impression that Montesquieu himself is an atheist and grants him legitimacy in the eyes of the censors. A careful reading, however, indicates that Montesquieu fails to provide the strongest possible defense of Christianity (Bartlett 2001, 15-20).<sup>8</sup> Rather than vindicate faith from the hands of Bayle, Montesquieu compares religious law to civil law as means of restraint: “to say that religion is no motive for restraint because it does not always restrain

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<sup>8</sup> Bartlett explains that Montesquieu’s goal was not to oppose Bayle’s elevation of atheism so much as Bayle’s demotion of idolatry and paganism.

is to say that the civil laws are not a motive for restraint either” (XXIV.2). Focusing solely on how “useful” it is for man to believe that God exists, Montesquieu completely eschews the discussion of Christianity’s dogmas (Pangle 1973, 252-253). The implication is that when it comes to religious belief at common level of society, “it is a question of knowing which is the lesser evil, that one sometimes abuse religion or that there be none among men.” Essentially, it is “useless for subjects to have a religion,” but “not useless for princes who fear no human laws.” Evidently, Montesquieu feels that religion cannot be instituted without being abused for political purposes. He does not clarify whether these “princes who fear no human laws” use religion as a weapon of tyranny, controlling their subjects through fear of eternal punishment, or whether these princes are themselves restrained by their beliefs.

Montesquieu writes further that “it is to reason incorrectly against religion to collect in a large work a long enumeration of the evils it has produced without also making note of the good things it has done. If I wanted to recount all the evils that civil laws, monarchy, and republican government have produced in the world, I would say frightful things” (XXIV.2). By confessing the evils that these more liberal regimes have “produced in the world,” Montesquieu suggests that religious laws may be understood to stand in ideological opposition to the laws of more liberal regimes. He would not follow his statement about the evils that religion has produced with those that civil laws, monarchy, and republics have produced unless the latter were considered alternatives to the former, as Bayle proposes in his work (Bartlett 2000, xxxix). Furthermore, by proposing that “it is to reason incorrectly against religion” to collect such a list, he leaves open the possibility that someone could reason *correctly* against religion *without*

mentioning the evils it has produced. By thereafter focusing on civil effects, Montesquieu could be implying that it is in fact the *spirituality* of religion—the recourse to a world that lies both above and beyond the temporal one—that he criticizes.

Montesquieu's next step in examining the religion established in each country is a sort of comparison of religions, in which he comes to the conclusion that "the Christian religion is remote from *pure* despotism," but leaves to the reader's discretion the degree to which it is separated from run-of-the-mill despotism (XXIV.3, my emphasis). "The gentleness so recommended in the gospel stands opposed to the despotic fury with which a prince would mete out his own justice and exercise his cruelties." Here, the emphasis on recommendation indicates that Montesquieu is pointing out the vast disparity between the gentleness dictated by the gospel and the practices of the so-called Christian princes. Clearly, it is not the Christian teachings but rather the self-righteous, imperialist, tyrannical uses of the faith with which he disagrees. In other words, Montesquieu warns against the ease with which Christian doctrine can so easily be misappropriated for illiberal purposes. Though he seems to say that when one compares the "continual massacres of the kings and leaders of the Greeks and Romans," we will find that "we owe to Christianity both a certain Political right in government and a certain right of nations in war for which human nature can never be sufficiently grateful," by the end of the chapter, he has explicitly turned this statement on its head when he aligns contemporary Europe with the Roman Empire when it "became despotic and military":

One can say that the peoples of Europe today are no more disunited than were the peoples and the armies, or the armies themselves, in the Roman Empire when it became despotic and military; on the one hand, the armies waged war with one another, and, on the other, they were allowed to take the spoils of the towns and to divide or confiscate the lands. (XXIV.3, 461-462).

Owing to Christianity their political right, “the peoples of Europe” owe to it also the war that they “wage with one another.”

Two chapters later, Montesquieu makes explicit that this “war” is in fact the division between the Catholic and Protestant sects of Christianity. Christianity has become “despotic and military,” it takes for itself “the spoils of the towns” and divides and confiscates the lands it conquers. The right of nations previously discussed has the effect of leaving “to the vanquished these great things: life, liberty, laws, goods, and always religion, when one does not blind oneself.” Read carefully, we see that Montesquieu implies here that “vanquished” societies are *always* left with religion, while only proverbially or occasionally being left with all the other benefits that are typically considered conferred. Vanquished, or the French *venquis*, is a strong word that typically does not connote someone emerging advantageously from a transaction. Though they may have *believed* to be receiving liberty, laws, and goods, anyone “who does not blind oneself” sees that all they receive is religion. One can now look doubtfully at Montesquieu’s previous statement that the Christian laws are “the greatest good men can give and receive” (XXIV.1).

In Chapter Four, Montesquieu rhetorically confuses Christianity with Islam so that certain readers would identify his criticism with the latter rather than the former. “One should, without further examination, embrace the one and reject the other,” Montesquieu writes of the two religions, “for it is much more evident to us that a religion should soften the mores of men than it is that a religion is true.” Having spoken in the preceding chapter of how Christian princes are “less cruel,” one wonders which religion Montesquieu considers softens mores while being untrue. “It is a misfortune for human



nature when religion is given by a conqueror” (XXIV.4). Used as a justification for imperialism, Christianity also proselytizes with the sword. Yet there is an additional interpretation. It is Montesquieu’s characterization of this action as a “misfortune for human nature,” as well as the following anecdote, that illuminates Montesquieu’s view of religion as a direct obstacle to liberty.

When one of the pastoral kings, Sabaco, is told by a god of Thebes to murder all of the princes of Egypt, he resigns and withdraws into Ethiopia assuming that the gods must have been unhappy with his reign “because they ordered him to do things so contrary to their usual will” (XXIV.4). In this example, an individual uses his own judgment to ultimately oppose a divine order. The “misfortune to human nature” becomes now not only religion’s proselytizing fervor but also people’s resignation of their individual wills in favor of the so-called command of the gods or Church authority. Recall an earlier example in which the individual overcomes authoritative command in finding the dictum an affront to his personal honor: in the book on the laws of education, Montesquieu describes the Viscount of Orte refusing to follow Charles IX’s orders to assassinate the Huguenots. Montesquieu calls the Viscount’s reaction one of “great and generous courage” (IV.2). Because the effects of religion only become evident “when one does not blind oneself,” religion must be the force that blinds (XXIV.3,462). If one imagines the religious sphere as existing parallel to the political sphere, we see that blinding the individual to his own condition can become fundamentally detrimental to his agency as a political actor, particularly because it fosters an ethos in which the individual does not see himself as an independent actor but rather as a vessel for God’s will. Looking back at the example of Sabaco, we see direct parallels between “putting to death

the princes of Egypt” and the story of the ten plagues, in which a plague sweeps over Egypt killing all of its firstborn children (Ex. 11:1–12:36). We also see in retrospect that Sabaco must have been mistaken that the gods had ordered something “so contrary to their usual will.” Though all we are told about Sabaco’s decision is what we are told by Montesquieu, we see very evidently that though his disobedience could be judged as an act of impiety because he treats his own conscience as superior to the opinion of the gods, it can also be considered an act of extreme piety because he confers onto the gods a character more generous and less cruel than history would dictate. In either case, it is nothing other than the power of the individual will which prevents the committal of an abominable act, and this is what Montesquieu implicitly praises. Montesquieu finds atrocious the ability of religion to supplant the individual will with God’s will. From here, one need not reach far to see how this effect is related to religion as an obstacle to liberty. Individual rights presuppose the individual’s ability to make free and independent choices—but if the individual will is superceded by God’s will, one encounters a difficulty when he considers who precisely the laws are designed to protect: individuals, or God?

Having connected religious belief with political agency in Chapter Four, Montesquieu moves to a discussion of the relation between the establishment of religion and politics. The title and first paragraph indicate that “a religion is born and is formed in a state,” and that this religion “usually follows the plan of the government in which it is established” (XIV.5). Though this may be true—that religion is established after the establishment of the state—the remainder of the chapter indicates that the reverse is also very obviously true. Religion has a direct effect in shaping politics. Montesquieu

rightfully claimed not to be a theologian, but as a man who “writes about politics,” it is indubitable and unsurprising that he must write about religion because neither exists in a vacuum. Religion and politics are inextricably tied, so as a man who writes about politics, Montesquieu must write about religion because of its direct effect on politics. Oddly, “the men who make [religion] accepted entertain scarcely any ideas about the police other than those of the state in which they were born.” Though Montesquieu does not elucidate how religion and the police are related, the correlation is obvious: he implies that religious punishments are informed by state punishments, and likewise, state punishments are reciprocally influenced by religious punishments. The “spirit of independence and liberty” of the north, which inspired the adoption of Protestantism, did not exist in the south, which “kept the Catholic.” He attributes this transition to the latter’s desire to have a “visible leader”—the Pope. Their lack of independence precludes their ability to obey an invisible leader (or God) and they must instead obey a political leader who is neither literally nor symbolically their king. “In the countries in which the Protestant religion was established, revolutions were made on the plan of the political state.” The dynamic Montesquieu described in the first sentence of this chapter (the state predating religion) has been reversed. Sometimes, religion can inspire political revolution. Because Luther had to appeal to “the great princes,” he could “scarcely have given them a taste for ecclesiastical authority without outward preeminence.” Montesquieu’s previous statement regarding Protestantism’s lack of visible leaders is now brought into question. Not only is Protestantism led by Luther and Calvin, but within it, princes are offered “a taste for ecclesiastical authority.” Thus, we see the lines blurred between Protestantism and Catholicism. More dangerous, however, is the persistence of human authority in

Protestantism despite its “spirit of independence and liberty.” Though the “revolutions were made to the plan of the political state” as a result of the establishment of Protestantism, these sects do not succeed fostering the liberty of the individual because they continue to maintain “visible leaders” who instruct as to both secular and religious punishment. Montesquieu implies that Lutheranism in particular has directly political aims because it is more in conformity “with what the Apostles had done” than with what “Jesus had said” (XXIV.V).

Montesquieu returns once again to his so-called criticism of “Bayle’s Paradoxes” in the sixth chapter. Montesquieu makes explicit here the superiority of religious law to civil law within the political sphere in terms of their efficacy. Using Bayle’s idea that “a state formed by true Christians would not continue to exist” as a starting point, Montesquieu argues that Bayle shows an “inability to distinguish the orders for the establishment of Christianity from Christianity itself, and the precepts of the gospel from their counsels.” Montesquieu implies that Bayle *would have been correct* in his assertion had he not confused the precepts with the counsels and the orders for establishment with the religion itself. In a society of Christians, “the principles of Christianity, engraved in their hearts, would be infinitely stronger than the false honor of monarchies, the human virtues of republics, or that servile fear of despotic states” (XXIV.6, 464). If the task of Montesquieu’s work is to examine the laws in their relation to constitutions of states, this statement indicates that religion directly undermines the attempts of political laws to establish political liberty. Because Christianity places itself at the forefront of the individual’s heart, it relegates any other association to the proverbial backburner. It is the final sentence of this chapter, perhaps, that makes the biggest impression: “When the

legislator, instead of giving laws, has given counsels, it is because he has seen that his counsels, if they were ordained like laws, would be contrary to the spirit of the laws [l'esprit des lois]" (XXIV.6). Montesquieu's "legislator" here is none other than Jesus. If the "spirit" of Jesus' "counsels," or recommendations, is that of moderation, love, forgiveness, and gentleness, it does not seem fitting that these counsels be transformed into "precepts," or laws, punishable by death or ostracism. This explanation seems particularly plausible given the following chapter, in which Montesquieu suggests that religious laws should give "many counsels and few precepts" (XXIV.7). Yet, the fact that he uses the title of his magnum opus in describing to what these religious counsels run contrary, indicates another interpretation. Perhaps if the ultimate aim of *The Spirit of the Laws* is to establish political liberty, and religious precepts run contrary to "the spirit of the laws," *Montesquieu is persuading the reader that religion runs contrary to the establishment of political liberty.*

Because the laws of religion strive for perfection, Montesquieu asserts in Chapter Seven the degree to which such a pursuit is taxing on the human spirit:

Celibacy was a counsel of Christianity; when it was made into a law for a certain order of people, new laws had to be made every day in order to bring men to observe the first one. The legislator tired himself, he tired the society, making men execute by precept what those who love perfection would have executed by counsel (XXIV.7).

In the *Persian Letters*, Montesquieu showed how attempts by religion to control an individual's sexuality can be despotic or tyrannical. Here, he explains that celibacy was only one of Jesus' many "counsels." However, the "legislator" discussed here is no longer Jesus, but rather the Church authority. Because perfection is unnatural in human beings, Montesquieu jokes that celibacy is the natural consequence for those who seek perfection. Furthermore, this chapter, if contrasted with the previous one, shows that the

differences between the teachings of Jesus and the practices of the Catholic Church are no small discrepancy. In fact, the Catholic Church has actually supplanted Jesus as the “legislator” of Christianity. By preaching perfection, the Catholic Church partakes in tyranny and does violence to the counsels of Jesus. Unfortunately, “perfection does not concern men or things universally” (XXIV.7). It is impossible for human beings to attain the level of perfection that the Catholic Church imposes through its “precepts.”

Chapters 8-10 form a group among themselves because all three discuss “agreement of the laws of morality with those of religion.” After showing that many countries had “the misfortune of having a religion not given by god,” Montesquieu turns his focus to the effects of these “false” beliefs. The best effect is that of instilling a standard of “integrity in men” (XXIV.8). Of the three examples Montesquieu provides, the most praised by far are the Stoics. To Christian ears, many of the Frenchman’s pronouncements about the ancient philosophical sect would be blasphemous, particularly because he calls the sect a “religion” and makes prodigious use of superlatives:

There has *never* been [a religion] whose principles were more worthy of men and more appropriate for forming good men than that of the Stoics, and, if I could for a moment cease to think that I am a Christian, I would not be able to keep myself from numbering the destruction of Zeno’s sect among the misfortunes of human kind. It *alone* made great men; it alone made great emperors. (XXIV.10, my emphasis).

Because Montesquieu uses “men” twice in the first sentence, he highlights the earthly appropriateness with which the Stoic sect addressed their principles. While the Catholic Church teaches “perfection” and encourages its followers to await the pleasures that they shall enjoy in the next life, Stoics, “born for society, all believed that their destiny was to work for it.” Because Stoicism was regarded as a pagan philosophy by the Fathers of the Church, Montesquieu must “for a moment cease to think” that he is a Christian in order to mourn its loss—which obviously, he does. The logical conclusion of Montesquieu’s

statement is that Christianity's principles are not more appropriate for forming good men, nor has it ever made great men or emperors. One possibility is that Montesquieu may be implying that all the great Christian men and emperors were in fact followers of the Stoic philosophy. Montesquieu ranks the usefulness of this "pagan" philosophy above Christianity's "revealed truths," telling the reader to "momentarily lay them aside." Because Stoicism requires a tremendous degree of self-awareness, it would preclude the "blinding" that so often occurs when one becomes inundated with divine commands.

In the following chapter, Montesquieu extends the criticism to another monotheistic religion, Islam. Although it would seem that the "contemplative" life of Islam is in accordance with liberal ideas, it becomes clear by the end of the chapter that Montesquieu condemns it because contemplation is only another word for "detachment." This indifference to social and political life has grave consequences for the cause of liberty. When coupled with "the harshness of the government or of the laws concerning the ownership of land," it "gives a spirit of uncertainty, and all is lost" (XXIV.11). Here, Montesquieu makes the evident the tension between the contemplative religious life and the preservation of one's property and livelihood. Though Montesquieu is only explicitly pointing out the religious practice of Muslims, many religions have the practice of praying many times a day and "turning their backs on all that belongs to this world." Focusing on the afterlife can have the effect of encouraging individuals to ignore the injustices that are done to them in the present. Individuals concerned with the rewards of the next life will be reticent to show concern for their political liberty because they would consider it base and this-worldly.

In the following chapters, Montesquieu directs his thinking toward the reinterpreting Christianity to make it more conducive to political liberty. In Chapter 14 he writes ambiguously, “but if the religion establishes the dogma of liberty, it is something else again.” Thus far, religion had not established liberty as its “dogma.” Understanding that religion was a necessary part of political life, Montesquieu hoped that the former could at least refrain from impeding the latter, if not assist it. The civil and religious laws can work parallel to one another to correct each other’s shortcomings: “the laws should arouse men made drowsy by religion” (XXIV.14), but “on the other hand, religion can sustain the political state when the laws are powerless” (XXIV.16). One of the greatest tensions between religious and civil laws, Montesquieu makes clear, is that certain attributes of religious law can make certain civil laws ineffective: “when one hopes for [a place of reward] without fearing [penalties] civil laws no longer have any force. Men who believe in the certainty of rewards in the next life will escape the legislator” (XXIV.14).<sup>9</sup> No matter how the legislator strives to make civil laws that are conducive to political freedom, he simply cannot compete with offers of eternal felicity. It is specifically for this reason that Christianity must be reinterpreted for the ends of the state, and oddly, the way to do this is by fostering a return from the “precepts” of the Catholic Church to the original “counsels” of Christ.

Though religion can be beneficial in times of civil unrest (XXIV.16) and “as means for reconciliation” when there are “grounds for hatred in a state” (XXIV.17), these examples may strike one as comical, particularly in relation to Christianity. Because the

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<sup>9</sup> The reason Montesquieu claims individuals with heavenly aspirations “do not fear penalties” and thus “escape the legislator” is that these individuals are too easily expiated for the crimes they commit. For instance, Montesquieu provides the example of the man who feels that regardless of the crimes he commits throughout his lifetime, he will be forgiven because his ashes will be thrown into the Ganges: “what does it matter if one lives virtuously or not? One will have oneself thrown into the Ganges” (XXIV.14).



examples Montesquieu points out are non-Christian, anyone could see that Montesquieu is in fact trying to suggest that it is simply impossible for Christianity to provide such benefits. Religion, but particularly Christianity, is more often the *cause* of civil unrest than the cure of it. Recall, for example, Chapter Five's "unfortunate division" that resulted in the Protestantism and Catholicism. Also recall the example that was alluded to earlier in which the Viscounte d'Orte is asked by Henry III to execute the Huguenots living within his township (IV.2). More often than not—and particularly within the Christian kingdom—religious differences are the cause of a great deal of death and destruction. In terms of reconciliation, it cannot be said that the teachings of Jesus do not provide sufficient motive for reconciliation. Nevertheless, differences in religious practice are more often cause for division than reconciliation. The fact that Montesquieu does not cite a Christian example in either of these chapters is evidence of its status as a non-example.

But we should not lose sight of Montesquieu's primary goal: political liberty. With religion constantly threatening those things the individual holds dear—both his spiritual and physical security—and because it "envelops all the passions," religion poses a unique threat to the establishment of political liberty through the civil laws. However, because Montesquieu saw religion as having a "legislator," his political treatise, directed towards civil legislators, also could be directed towards religious legislators. For example, in Chapter 18, Montesquieu makes this very intimation when he describes "how the laws of religion have the effect of civil law." Ultimately, religion affects individuals in a way that civil law cannot, and the Frenchman envisions a way in which religious leaders understand the spirit of the *civil law* and legislate in harmony with it. It is the

*usefulness* of a law—whether civil or religious—that determines its value: “the falsest dogmas can have remarkable consequences when they are made to relate to [the principles of society]” (XXIV.19). Though Montesquieu’s work could be considered a “false dogma” if adapted by the Church, his ultimate lesson is that human beings have no way of knowing the truth or falsity of a particular religious dogma; a dogma is only as good as its effects (Kingston 2001, 388). Furthermore, they are willing to simply accept the dictum of Church authority as the word of God. If there is no standard by which to judge the truth of any church order, what difference does it make that Montesquieu is that legislator? Montesquieu makes his intimation most clear in the final sentence of this book: “Christianity is full of common sense; abstinence comes from divine right, but a particular abstinence comes from the right of the police and can be changed” (XXIV.26). The “common sense” described here is a certain prudence in accomplishing practical effects. Though Christianity claims that its precepts are a product of divine right, it also maintains a vibrant ability to punish disobedience. Though it would seem that a certain effect is the product of divine causes, Montesquieu intimates that the success of Christianity is due to none other than their “police.” Although in an ideal world Montesquieu would have it that religious laws would have no effect on civil laws, their effect is undeniable. Therefore, it is absolutely necessary that religious laws be “changed” to be more in harmony with civil laws. This would not only ease the task of creating political liberty, but would greatly decrease the amount of civil strife that ensues as a product of religious disagreement.

It comes as no surprise, after abundant allusions to religion’s excessive punishments of hidden crimes, that Montesquieu moves into a direct discussion of

“external police” in the twenty-fifth book. It is unclear from the title, however, whether the external police belongs to the religion of each country or to the country itself. In the paradoxical opening chapter, Montesquieu makes clear which entity controls the police force: “The pious man and the atheist always speak of religion; the one speaks of what he loves and the other of what he fears” (XXV.1). The force of religion touches not only those who claim to be its followers, but those who have no belief in it whatsoever. When religion is established in a particular state, it inspires both love and fear. What sort of fear would religious institutions inspire in an individual who has no allegiance to them? It is necessary to look back, particularly to the book on political liberty, to see what is the precise nature of this fear and why Montesquieu feels it is cause for concern.

When he first introduces political liberty in relation to the citizen in Book 12, Montesquieu asserts plainly that “in most states [liberty] is more hampered, countered, or beaten down than is required by their constitutions” (XII.1). Although the book is filled with Roman examples, several examples Montesquieu provides are explicitly religious. Because “the knowledge concerning the surest rules one can observe in criminal judgments is of more concern to mankind than anything else in the world” (XII.2), the Frenchman immediately proceeds to show how criminal judgments originating from religious sources are most frequently unjust or uncertain. For example, the Greek and Roman laws were correct, Montesquieu assesses, to require three witnesses to sentence a man for criminal action. “Our French laws require two. The Greeks claimed that their usage had been established by the gods, but ours was” (XII.3). After establishing earlier in this chapter that a law would be “fatal to liberty” if it required only one witness in addition to the accused, he states that the French law—which was established by the

gods—is inherently unjust and directly counters liberty. Not only is Montesquieu accusing the Christian God of being unjust, but he is also implying that religious institutions have a fundamental role in the implementation of political laws, and therefore, can have effects that are “fatal to liberty.”<sup>10</sup> Contrasting Book 11 with Book 12, a reader notices barely any mention of religion in the former<sup>11</sup> but significantly greater frequency in the latter. Because Book 12 deals with liberty in relation to the *citizen*, Montesquieu implies that although it is not necessarily established in the constitution, religion plays a significant role in the lives of all citizens—even atheists—and often thwarts the constitution’s efforts to establish political liberty. While Montesquieu admits that religious sacrilege falls under the general taxonomy of crimes, it is not to be punished in the same mode as crimes that run counter to tranquility, mores, or security (XII.4). He provides an example that shows how religious institutions punish crimes of sacrilege in such heinous ways that one would believe the offender to have threatened the security of the state itself:

[A report] paints very clearly for us what this idea of avenging the divinity can produce in weak spirits. A Jew, accused of having blasphemed the Holy Virgin, was condemned to be flayed. Masked knights with knives in their hands mounted the scaffold and drove away the executioner in order to avenge the honor of the Holy Virgin themselves... I certainly do not want to anticipate the reader’s reflections (XII.4, 190).

Montesquieu is confident that both the behavior of the knights and the punishment itself would cause revulsion in the reader. Because a citizen only “deserves death when he has violated security so far as to take or to attempt to take a life” (XII.4, 191), Montesquieu makes his feelings about dangerous religious zealotry clear: punishments concerning

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<sup>10</sup> One also wonders if Montesquieu means to transfer the plural, *gods*, over to the French example. In this case, he would not be accusing the Christian God of injustice, but rather the heads of the Catholic Church who sees themselves as expressions of Godly power. Alternately, Montesquieu could also be implying that any power that sees itself as the rightful giver or taker of human life is essentially assuming a God-like position.

<sup>11</sup> The only explicit mention is that religion was the primary purpose of the Jewish laws (XI.5).

heresy, which become “particularly dangerous in proportion to the people’s ignorance,” are “the source of infinite tyrannies if the legislator does not know how to limit [them]” (XII.5). What Montesquieu calls for here is two-fold: first, that the state must by *no means* take on the responsibility of punishing religious crimes, and second, that the state must take whatever steps necessary to prevent the Church from producing these “infinite tyrannies.” While Montesquieu is often credited with encouraging the separation of church and state, perhaps it would be more appropriate to call this the separation of church *from* state. Clearly, Montesquieu feels that the state should intercede when religious punishment threatens political liberty.

Perhaps it is also helpful to contrast the example of the knights-cum-executioners to the previously mentioned example of the Viscount of Orte (IV.2). While both the knights and Viscount acted in the way that they felt was most in accordance with their honor, the Viscount openly appeals to the King on behalf of himself and his men in order to prevent himself from committing a heinous act, while the knights, “masked,” jump at the opportunity to avenge their God and to protect the honor of the Virgin Mary. The fact that Montesquieu makes explicit mention of their concealed identities, however, indicates something far darker. Montesquieu writes in the preface, “Man, that flexible being who adapts himself in society to the thoughts and impressions of others, is equally capable of knowing his own nature when it is shown to him, and of losing even the feeling of it when it is concealed from him” (Pf, xlv). In donning masks and committing their heinous acts, the knights are aware that their behaviors are worthy of reproach. However, through their adaptation to society and the thoughts and impressions of others, they have lost the feeling of their humanity. Because man is so “flexible,” he becomes capable of and

willing to commit atrocious acts when he sees that they are acceptable within his society. One also takes note of the transformation from knight to executioner, and the parallel transformation of the noblest citizens of society into its feared vigilante police force. As readers, we catch a small glimpse of the kind of acts Montesquieu has in mind when he says that an atheist fears religion. “Political liberty in a citizen is that tranquility of spirit which comes from the opinion each one has of his security, *and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen*” (XI.6, 157, my emphasis). The situation in which the citizens of a state fear—and with good reason—that their fellow citizens will accuse or even go so far as to execute them is an obvious obstruction of liberty.<sup>12</sup> Now we gain a better understanding of what Montesquieu meant when he claimed that the magistrate who searches out hidden sacrilege (i.e., punishes religious crimes) “brings an inquisition” and “destroys the liberty of citizens” when he arms against his own people the “zeal of both timid and brash consciences.” The masked knights are an example of the sorts of individuals who have both timid and brash consciences—timid because their human consciences refuse to cry out against the wrong they are committing, and brash because they take extreme measures to execute what they believe is demanded by their faith. Once again, it is essential to reiterate that violence, injustice and obstruction of political liberty are products of religious zealotry.

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<sup>12</sup> “In Rome, citizens were permitted to accuse one another. This was established in the spirit of the republic, where each citizen should have boundless zeal for the public good, where it is assumed that each citizen has all the rights of the homeland in his hands. The maxims of the republic were followed under the emperors, and one saw a dreadful kind of man, a band of informers, immediately appear. Whoever had many vices and many talents, a common soul and an ambitious spirit, would seek out a criminal whose condemnation might please the prince.” (VI.8, 81). When citizens can bring accusations against other citizens, Montesquieu fears that this would lead the most ordinary man—with vices, talents, ambition, and “a common soul” — to accuse others in order to curry favor with the prince, leading to many unnecessary accusations.

Returning again to Book 25, we can see much more clearly Montesquieu's criticism of Christianity's influence throughout Europe and the world. His first order of business is to describe the motive for attachment to religion, because in doing so, Montesquieu shows that such zealous and demanding faith is not natural to men. If he can succeed in convincing the reader of this argument, then he can effectively combat one of the strongest arguments given in religion's defense: that spirituality and religion—or rather, the reverence of a higher power—is natural to man. Furthermore, if Montesquieu can show that religion has not succeeded in “perfecting” man but has rather brought him farther away from his true self, he can successfully counter religion's second defense—that it imbues man with moral principles that perfect his nature. Once the reader has been shown, therefore, that religion is not established naturally or by necessity but rather by zealous propagation, the powers at be will no longer have to allow the obstruction of political liberty for the sake of religion. If religion is not necessary to man, religion and the state need not coexist. If possible, religion can be carefully altered or removed by the legislator, but Montesquieu warns that this is a delicate process that greatly exposes the prince to criticism and revolt.<sup>13</sup>

Montesquieu immediately calls into question man's capacity for spirituality: “We are scarcely inclined to spiritual ideas,” he writes, and “exceedingly drawn to idolatry” (XXV.2, 479). Speaking in the first person plural, we can assume that Montesquieu speaks about Roman Catholic France or Christianity, because he differentiates himself and his peers with “coarse peoples” who worship idols. What we are shown in this first

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<sup>13</sup> “A prince who undertakes to destroy or to change the dominant religion in his state is greatly exposed... [The citizens] scorn the government already established; suspicions of both religions are substituted for a firm belief in one; in a word, one gives the state, at least for some time, bad citizens and bad believers” (XXV. 11).

paragraph is that men are not spiritual because they are spiritual beings, but rather because they enjoy the self-satisfaction of being perceived as such: “It is a happy feeling that comes from the satisfaction we find in ourselves for having been intelligent enough to have chosen a religion that withdraws divinity from the humiliation in which others had placed it” (XXV.2, 479). Already, we see religious belief as forming a schism between what are considered “coarse” and “enlightened” peoples—Montesquieu implies that Christianity fosters this antagonism. Though it may not do this inherently, its interaction with those aspects of human nature that make men concerned with how he is perceived and how he is different from others are heightened. Because we are not spiritual beings, we diminish religion to the level at which it can be “felt,” and this means “joining to the idea of a supreme spiritual being, which forms the dogma, the sensible ideas that enter into the worship.” (XXV.2, 479) Though Montesquieu leaves open the possibility that the dogma may very well be a product of a supreme spiritual being, “sensible ideas,” or the desire to engage only in things that can be *felt*, lead Catholics to be “more zealous of its propagation” (XXV.2, 480). Montesquieu makes clear throughout this and the following paragraphs that an “intellectual” or spiritual religion creates “distinctions between those who profess it and those who do not profess it,” and these divisions foster antagonisms between peoples. The two things which attach individuals more strongly to religion—obliging members to practices and creating distinctions and antagonisms between its own members and other peoples—are two primary roles of the state, primarily if we see the latter as foreign policy. We see that in this sense, religious institutions essentially take the place of the state in burdening its members with practices and responsibilities and with fostering a foreign policy of antagonism. However, because



only the state has the ability to conduct wars, we see religious institutions co-opt state power in order to accomplish their own ends. This is, obviously, highly problematic for the state. Furthermore, citizens who are “continually occupied” by religious practices are consequently withdrawn from political life. While this has less effect in monarchical regimes, it has a significantly greater effect in states that are more moderate or require more direct participation. When political liberty is a function of the individual’s opinion of his own security, and religion constantly fosters antagonism between its own and outside peoples, one senses that a religion’s desire to be “more zealous of its propagation” creates a legitimate threat to the security of its members.

If one defines the state of fear as the feeling that one’s security is threatened, one sees that the entity which makes one fear runs the risk of endangering political liberty. Regardless, because “men are exceedingly drawn to hope and fear” (XXV.2, 480), the fear of hell and the promise of paradise cause even followers of religion—those pious men contrasted with atheists in the first chapter—to fear religion as well. Although the pious man and the atheist speak of religion and the former may speak of what he loves, *both* fear it. Furthermore, this is not a fear that can be allayed through the state’s efforts, it can only be combated through the avenues of religion itself, through the taking on of additional “burdensome practices.”

Having sufficiently shown that spirituality is not a natural phenomenon and that it actually threatens the security of its members by placing them—and even those who are not affiliated with it—in a perpetual state of fear, Montesquieu treats directly the second charge of religion.

In order for a religion to attach men to it, it must have pure morality. Men, rascals when taken one by one, are very honest as a whole; they love morality; and if I were not considering such a serious subject, I would say that this is remarkably clear in the

theaters: one is sure to please people by the feelings that morality professes, and one is sure to offend them by those that it disapproves (XXV.2, 481).

Here, Montesquieu comments not only on human nature but on the nature of the morality put forth by religion. If men are “rascals” one by one, they are clearly not the best judges of what is or is not a pure morality. Furthermore, Montesquieu provides within this very example the source of the morality of the people: the theater. Because morality is, apparently, not “a serious subject” he freely pronounces that the best forum in which to measure the values of a people is in its theaters. Because the public nature of the theater makes men concerned with only what is “professed” by morality or by societal norms, they react in the way that they see fitting but not necessarily in the way in which they would necessarily react if they were alone. Although he claims that religion must have “pure” morality in order to attach men to it strongly, we see that what is considered pure by the public is only what they consider to be the opinion of the majority. Because the overwhelming majority chooses to publicly adopt religious principles of morality, they are likely to be offended by things that run contrary to it when in public, but not in private. When Montesquieu claims that men are “very honest as a whole,” he does not mean that men transform from rascals to honest men when they are in the public forum, but rather, that when in public, men value honesty because it is praised. Thus, Montesquieu shows that even when it comes to the “pure morality” that religion claims to inculcate in its followers, its “honesty” is debatable, to say the least. Having questioned both whether religion is in line with human nature and whether the morality that it fosters is “pure,” as many claim, Montesquieu has brought to the attention of the legislator that the institution of religion is not only unnecessary for the state, but that its inclusion potentially does more harm than good in regards to the cause of political liberty in

particular. Thus, the “externals of worship,” are presented by Montesquieu immediately following his statements about the theater purposefully. The “magnificence” of the temples makes us “flattered” and “very attached to the religion.” Within a single chapter, Montesquieu transforms the idea of religion from a revered and natural entity that inspires pure morality to a theatrical and flattering institution that “attaches” itself to peoples and “causes their poverty” (XXV.2, 481).

In the next chapter, Montesquieu shows how the construction of temples presents a unique obstacle to criminal punishment. Because “a citizen’s liberty depends principally on the goodness of the criminal laws” (XII.2), Montesquieu finds highly problematic criminals’ ability to escape into the asylum of churches. This section’s true object, however, is so poorly hidden that one wonders whether it is hidden at all.

At first, this concerned only those who unintentionally committed murder, but when great criminals were included in the refuge, one fell into a glaring contradiction; if the criminals had offended men, there is even greater reason for them to have offended the gods. In Greece, temples were filled with insolvent debtors and wicked slaves; it was difficult for the magistrates to carry out the police; the people protected men’s crime just as they did the gods’ ceremonies; the Senate was obliged to close a great number of temples (XXV.3, 482).

Montesquieu describes, without a hint of timidity, that the churches are full of “great” criminals. These asylum-seekers are intentional murderers, insolvent debtors, and wicked slaves. One can easily draw parallels here to not only the heads of the Church—the murderers—but also the most common church-goer who feels indebted to the church for its constant absolution of his sinful thoughts. These “temples” house an entire community of insolvent debtors, because they are essentially in the business of brokering and absolving “debts” to God. “Burdened” and “continually occupied” by religious practices (XXV.2, 480), citizens of the state are transformed into wicked slaves who toil endlessly under the banner of salvation. Citing the notorious Genghis Kahn as the embodiment of

religious belief, who “could not understand that one could not worship god everywhere,” Montesquieu shows how even the most infamous of villains has a better understanding of the spiritual God than the “insolvent debtors and wicked slaves” who find temples necessary for worship.

Still, one could contend that he does not speak of Christianity directly— after all, he mentions only Greece. A reader need not look far to see the lengths to which Montesquieu goes to conceal his criticism of Christianity. Perhaps if he had made better work of the concealment, his magnum opus would have evaded the Pope’s Index of banned books. Nevertheless, when he criticizes the propagation of religion several chapters later, he protectively footnotes: “I do not speak of the Christian religion in this chapter because, as I have said elsewhere, the Christian religion is the first good” (XXV.10, fn.17) and refers the reader back to the end of the first chapter of the previous book. However, in that passage, Montesquieu also claims that in studying religions it is a matter of “judging among shadows those that are least dark and among abysses those that are least deep” (XXIV.1). When it comes to religions, identifying which is more true or more useful is essentially a matter of choosing the lesser evil. Furthermore, because he also asserts in this passage that he is not a theologian, one can wonder on what authority a critical reader should accept Montesquieu’s opinion on this matter; because he openly admits he is no expert when it comes to religious matters, we cannot accept his judgment regarding the “greatest good” that Christianity has provided. However, within this same passage he does claim to understand the workings of the civil state, and therefore by extension, the effects of institutions within it on its citizens. The same footnote can be found at the end of Book 24, where Montesquieu once again alerts the reader to his non-

authoritative opinion that Christianity is the greatest good that can be given or received. Though Chapter 25 of Book 24, which speaks of “the drawback in transferring a religion from one country to another,” discusses mostly Islam, the fact that the footnote points to Christianity actually draws the reader’s attention to how the passage can in fact be related to Christianity. Ostensibly, if one had read the chapter and considered only the religions mentioned within the passage, the reader—particularly a Christian one—would not have even thought to extend the discussion of Greek temples and Muslim mosques to Christian Churches. The note would have surely alerted him to the fact that the text could have been interpreted as referring to Christianity. The sheer redundancy of the replicated footnote, absolving Montesquieu of the responsibility for having written negatively about Christianity, in fact points to his accusation of it. Essentially, by instructing the reader *not* to think of Christianity, Montesquieu forces the reader to make the connection.

When Montesquieu discussed the “burdensome practices” in the second chapter of Book 25, the reader may not have gone so far as to assume which burdensome practices he refers to. Chapter Four makes clear that one of these practices is that of celibacy. Though he refers explicitly to Christian Law only once, noting, “There were even religions in which one thought not merely of withdrawing ecclesiastics from business, but even of relieving them of the encumbrance of a family, and this is the practice of the principle branch of Christian law” (XXV.4). Montesquieu is extremely concerned with the strain celibacy places on the suppression of human nature. When he puts forth the natural laws in the First Book of the work, we see that celibacy, when encouraged by the Christian law, is contrary to both the third and fourth laws of nature: the third because “the natural entreaty” between the sexes would be essentially

proscribed, and fourth because “withdrawing ecclesiastics from business” and “relieving them of the encumbrance of family” pulls them away from society (I.2, 7). Montesquieu invokes natural law when he speaks of “the first men,” who according to Porphyry, sacrificed only plants so that each man could be “a pontiff within his family” (XXV.4, 483). One sees clearly how this sort of practice cements the bonds of society and allows men to live in accordance with both nature and society, while asking a person to be celibate essentially asks him to do something inhuman. Recall our earlier discussion of Montesquieu’s opinion of the religious pursuit of perfection: “Celibacy was a counsel of Christianity; when it was made into a law for a certain order of people, [it made] men execute by precept what those who love perfection would have executed by counsel” (XXIV.7). Now we see that the “certain order of people” is actually the “principle branch of Christian law,” and that what was considered a “counsel” earlier is now a common “practice,” or precept. Montesquieu also claims to “not speak here of the consequences of the law of celibacy,” but proceeds to make his judgment anyway: “one senses that it could become harmful in proportion as the body of clergy becomes too large and, consequently that of the laity not large enough” (XXV.4, 483). Once again, Montesquieu shows concern for the fact that what should be religious *counsels*, or recommendations, quickly become standard practice. As more and more of the laity devote themselves to following the precepts of the church, Montesquieu fears they will withdraw from political and social life, fostering sterility and suppressing human flourishing. Once again looking back on the first chapter of the work in which the natural laws are described, Montesquieu notes that “by the attraction of pleasure [men and beasts] preserve their particular being; by the same attraction they preserve their species” (I.1, 5). By asking

men to be celibate, the church threatens a fundamental feature of self-preservation, and hence, threatens liberty. The final statement of this chapter truly makes his lesson most clear: “One senses that all these reflections are only about the too great extension of celibacy and not about celibacy itself” (XXV.4, 484). The entity that “extends celibacy” is the Church. Montesquieu clearly takes no issue with celibacy itself, if freely chosen by the individual. But making men’s salvation depend primarily on how closely they follow the precepts of the church, and by making those precepts essentially contrary to human nature, the Church presents a unique obstacle to a man’s opinion of his own security through salvation, and hence, to political liberty.

In the following four chapters, Montesquieu addresses directly the wealth of the clergy and extravagance of worship. This matter is closely related to celibacy, because monies given to the church essentially become sterile—they are taken out of the economy of the state and placed in a “bank” (XXV.6) where “goods are attached to it forever and cannot pass out of it” (XXV.5, 484). This is a matter also closely tied to political liberty, because if the sacrifices demanded of individuals are too costly and they cannot complete them, they will feel that their ultimate salvation is in jeopardy. However, Montesquieu seems to be equally concerned with the political liberty of the clergy itself: “Instead of prohibiting acquisitions to the clergy, one must seek to make them distasteful, to leave the right and remove the fact” (XXV.5, 484). The liberty of the clergy *also* depends on their opinion of their own security, and proscribing acquisitions to them would directly threaten their security. Montesquieu wants to avoid this double standard. However, as it currently stood, “these endless acquisitions seem so unreasonable to the peoples that anyone who would want to speak in their favor would be regarded as imbecilic.”

Montesquieu does not wish to deprive the clergy of that which makes them feel secure, although he does wish to encourage readers to infer the damage the wealth of the clergy has caused the civil state.<sup>14</sup> This brings new light to Montesquieu's earlier statement: "Wealth in the temples and the clergy affects us greatly. Thus, the very poverty of peoples is a motive for attaching them to that religion, which has served as a pretext for those who have caused their poverty" (XXV.2, 481). Though the structure of this statement is purposefully obtuse, given Montesquieu's desire to limit the wealth of the clergy, we can see that the fact that money goes into the church but does not come out of it is reason to believe that this is in fact the cause of a great amount of poverty. Extreme and widespread poverty threatens political liberty: individuals who cannot provide for their families fear for their own preservation.

The remainder of Book 26 consists of Montesquieu's direct advice to legislators of states and religions. In order to ensure political liberty, "when the laws of a state have believed they should allow many religions, they must also oblige them to tolerate each other" (XXV.9, 487). In the tenth chapter, under the misleading banner of "continuation of the same subject," Montesquieu makes several extremely emphatic statements:

As there are scarcely any but intolerant religions that are greatly zealous to establish themselves elsewhere, for a religion that can tolerate others scarcely thinks of its propagation, it will be a very good civil law, when the state is satisfied with the established religion, not to allow the establishment of another (XXV.10).

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<sup>14</sup> There is another matter which Montesquieu may be hoping to guard against in warning the legislator to be less repressive against the clergy *other* than the preservation of the state's own liberty: "Every religion which is repressed becomes repressive itself for as soon as, by some change, it can shake off oppression, it attacks the religion which repressed it, not as a religion, but as a tyranny" (XXV. 9, 487). Though Montesquieu refers here explicitly to one religion repressing another when they are not forced to tolerate each other, it can also be inferred that it would apply to the suppression of religion by the state. If Christianity is suppressed, as soon as it regains power, it will attack the body that repressed it originally.



This is one of two statements Montesquieu qualifies with the notorious aforementioned footnote.<sup>15</sup> Though he notes that this statement does not apply to Christianity, the reader is forced to consider how Christianity could *possibly* be misconstrued as a religion “greatly zealous” of its own “propagation” and intolerant of others to boot. To a reader who is already inclined to be critical of religion, the truth of this statement will jump off the page. To the reader who is less inclined, he will at least be made to question his assumptions. He warns that “to destroy or to change the dominant religion” greatly eposes a prince within his state. Though Montesquieu does not explain why those who govern *moderate* regimes should be concerned about this exposure (he mentions only the risk of revolution to the despot), we can infer that taking away from the citizens of a state that which they believe will grant their ultimate salvation is synonymous with removing their political liberty. The feeling or opinion of security will be greatly diminished without the ability to confess their sins.

Chapter 13 is perhaps one of the most moving sections of the work. In it, Montesquieu quotes a Jew who speaks on the occasion of the burning of an eighteen-old Jewess in Lisbon at the last auto-da-fe. The style is highly reminiscent of *The Persian Letters*; Montesquieu arguably uses a character of another religion as a mouthpiece for his own thoughts, or at least, to express a philosophical sentiment through the actions of characters who cannot be traced back to himself. In using this device, Montesquieu grants himself a greater degree of literary freedom. He cannot be held accountable for the opinions of a Jew. “This small work, [I believe] is the most useless that has ever been written. When it is a question of proving such clear things, one is sure not to convince” (XXV. 13. 490). It is unclear whether the “small work” that is occasioned is this specific

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<sup>15</sup> See pg. 26-27.

remonstrance to Spain and Portugal, or *The Spirit of the Laws* itself. Though the former presents itself most directly, a reader should perhaps entertain the possibility that it is precisely situations *like* the burning of a young woman at the stake for her religious beliefs that inspires Montesquieu to be so concerned with political liberty, and in particular, with the way in which it relates to religion and the constitution. Though the Jew claims to respect and love Christianity enough so as to wish “to take away from princes who will not be Christians a plausible pretext for persecuting it,” there apparently exists a very undeniable and plausible pretext. He proceeds to state that the Japanese were justified in burning their Christian missionaries because they claimed to behave in the same manner as Christians behaved towards those who do not share their beliefs. He accuses Christians of not following the Christian counsels of Jesus, and even of being inhuman. “Do you want us to tell you our thought naively? You regard us as your enemies rather than as enemies of your religion for, if you loved your religion, you would not let it be corrupted by gross ignorance” (XXV.13, 490). Oddly, “us” resonates with the reader—it seems to imply that Montesquieu joins the Jew in his opinion. Clearly, it is not Christianity itself Montesquieu accuses but rather the form it has taken within the Catholic Church as a militant, imperialist, impoverishing, ignorant, proselytizing entity which constantly co-opts state power to meet its own ends.

This chapter is in direct response to Chapter 12, in which Montesquieu gives some of his most direct advice in regards to what the state should do with religion.<sup>16</sup> The fear which the penal laws of religion inspire, Montesquieu argues, “cancels out” any benefit done by the fear that is *impressed* (XXV.12, 489). This fear makes souls

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<sup>16</sup> It seems extremely appropriate that Chapter 12 would provide the key to Book 12, on the matter of political liberty in relation to the citizen.

“atrocious.” We have seen this atrocity before—both the masked knights and the Spanish Inquisition of the next chapter embody it. Under the veil of religion, acts are committed which are fundamentally destructive to both human nature and political liberty. Montesquieu provides a surprisingly forthright piece of advice to those who wish to alter religions:

A more certain way to attack religion is by favor, by the comforts of life, by the hope of fortune, not by what reminds one of it, but by what makes one forget it; not by what makes one indignant, but by what leads one to indifference when other passions act on our souls and when those that religion inspires are silent. *General rule: in the matter of changing religion, invitations are stronger than penalties* (XXV.12, 489, my emphasis).

Though Montesquieu explicitly advises the heads of religion here in how to approach those who they wish to convert to their own religion, it can also be seen as a lesson to civil legislators who wish to “attack religion.” Because we love in religion “everything that presumes an effort,” removing this effort will necessarily weaken attachments to religion (XXV.4, 483). Because Montesquieu earlier introduced humans as private rascals and public saints, he recognizes that appealing to individuals’ inner selves will be more successful in directing them away from religion. By making the lives of men more comfortable and more hopeful, they will have no need to recourse to religion. Favor and comforts of life make those passions that typically inspire men to turn to religion—hopelessness and misery—silent. Though many writers have taken note of the corruption caused by luxury and material goods, Montesquieu seems to prefer this to life within the Church. Thus, Montesquieu proposes the commercial life as the solution to the problem of religion. Because it keeps its members in a permanent state of fear, religion is a direct obstacle to political liberty. However, Montesquieu is hopeful that partaking in commerce will cause citizens to become prudently self-interested and indifferent to religious life. This life, however, is not without its own set of dangers. In the next Part, I

will discuss the laws of commerce and the potential obstacles they pose to establishing political liberty.

## Part II

### Commerce: The Cure and the Ill

*Today one cannot help but find Montesquieu's hopes for world pacification through commerce overly sanguine... Montesquieu seems to have been insufficiently attentive to the sources of war within the commercial spirit itself. He fails to give enough weight to the probability of war arising from competition for scarce resources or colonies, he shows in remarks elsewhere an amazing blindness to the pernicious effects on armaments of unlimited technological development.*<sup>17</sup>

-Thomas Pangle

Thomas Pangle's charge against Montesquieu in his landmark analysis of *The Spirit of the Laws* highlights one of the foremost challenges to present-day readers as they confront Book XX, where Montesquieu famously advocates commerce as a cure of destructive prejudices. Acknowledging, however, that "especially in the books on commerce Montesquieu intends his philosophy to be propagandistic," Pangle perhaps fails to recognize the degree to which the Frenchman propagandizes the promotion of commerce in service of the elimination of a greater evil (Pangle 1973, 202). In Part I, I argued that the greater evil was the influence of the Catholic Church. Pangle recognizes that "the commitment to commerce is at odds with traditional morality" and even goes so far as to say that Montesquieu therefore "needs to distract the reader's attention from the traditional moral restraints" (Pangle 1973, 202-3). Why would Montesquieu seem so oblivious to the pernicious effects of the institution he promotes? The answer, I argue, is that the Frenchman seeks to lessen the pernicious effects of an even more odious institution—the Catholic Church. To uncover what Montesquieu perhaps conceals by being "overly sanguine," one must take notice of what the institution of commerce would hopefully mitigate: the tremendous influence of Christianity on politics and its tyranny over the individual. It is due to its effect that we are no longer capable of the virtue of the

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<sup>17</sup> Pangle 1973, 209.

ancients—their virtues “astonish our small souls” (IV.4, 35). Furthermore, it is to Christianity primarily that we “owe both in government a certain political right and in war a certain law of nations for which human nature knows not how to be grateful enough” (XXIV.3). It is unclear, however, just how grateful “human nature” should be for the Spanish Inquisition, or for the crusades, or for the burning at stakes of thirteen year-old Jewesses. Christianity dominates the way both politics and wars are conducted. Ironically, the religion which teaches that all men are brothers and which encourages peace has led to violent proselytizing and numerous bloody wars (Rahe 2009, 92-93; Carroll 2001, 145-50).<sup>18</sup>

Montesquieu himself has felt firsthand the powers of censorship of the church. In the final chapter of Book XIX, directly preceding the introduction of commerce, he explains how this censorship directly threatens the possibility of liberty: “In order to enjoy liberty, each must be able to say what he thinks. A citizen would say and write everything that the laws had not expressly prohibited him from saying or writing” (XIX. 27,327). “Commerce” as Montesquieu understood it referred not only to trade, but also to a type of free communication of ideas. In encouraging commerce, Montesquieu hoped he could appeal to the human in man—the pleasure-seeking, self-serving in man. In order to do this, he would have to secularize Christianity so as to eliminate the tension between seeking well-being in the present life and seeking eternal rewards in the afterlife. He makes clear throughout the work, however, that luxury is a frequent effect of commerce, and that luxury is apt to produce corruption. This sort of corruption is particularly

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<sup>18</sup> For Montesquieu’s own examples, see IX.4, XV.13. Additionally, Montesquieu spends considerable time discussing Christianity, or “the religion of the present day,” in Book X on the Laws of Offensive Force, because he likens the Christian project to conquest. Also see *Considerations on the Romans* 13.48-51 for Montesquieu’s discussion of the Wars of Religion and the Fronde.

injurious, Montesquieu makes explicit on numerous occasions, in large republics. Montesquieu purposefully conceals the “pernicious effects” of commerce because he believes it is capable of counteracting a far greater evil: religious zealotry and absolutism. Montesquieu’s appeals to pleasure and feminine vanity thinly veil the potential for immorality in commerce. In the spirit of Hobbes, Montesquieu chooses the lesser of two evils—commerce’s corruption of pure mores over Christianity’s insidious influence.

Readers of Montesquieu should be warned: the Frenchman rarely (if ever) advocates a particular institution outright. Even in those cases where he seems to be doing so, the recommendation can be reduced to the particular situation and should not be taken as a maxim capable of being established in all countries. Although many readers understand Montesquieu’s promotion of commerce to be just short of a panacea for the ills and prejudices that befall society and religion, the application of commercial principles to a given society is no less contentious than any other recommendation. In this chapter, I will argue that Montesquieu views commerce as the best cure for religious prejudices like the killing of non-believers mentioned in Book XXV, but that the softening of mores that results from it carries its own inherent dangers. As was mentioned in the Introduction, “the prejudices of superstition are superior to all other prejudices, and its reason to all other reasons” (XVIII.18). Combating these prejudices is paramount to establishing political liberty, because these prejudices cause innumerable offenses to the security of the individual—whether through his persecution of his thoughts, beliefs, or writings. The weapon of choice in the war against religious prejudices is commerce, but the side effects of this “cure” are also injurious. They can only be counteracted by imposing strict regulations on commerce—regulations that will prevent it from devolving

into luxury. Though commerce cures several ills, it ushers in a slew of others. Roger Boesche has argued that Montesquieu in fact describes *two* theories of despotism, and that the second one, “never analyzed openly” and “replete with ambiguities” is that of the fear that the “mores of France, and of Europe in general, were becoming corrupted by the self-interest, luxury, and license that seemed to be inseparable companions of the new commercial classes” (Boesche 1990, 743). Montesquieu disguises the potential corruption that results from cosmopolitanism and commerce because he believes these compromises are perhaps necessary in order to loosen attachments to religion (Rahe 2009, 176).<sup>19</sup> If one compares Books 7, 19, and 20, one will see a much more nuanced idea of commerce. Because Book 20, in which Montesquieu directly discusses commerce and its institution, comes last in this order, Montesquieu intended for the reader to have been informed by the previous chapters before gleaning its lessons. Recognizing that man is no longer capable of the pure mores of the ancient republics because of our “small souls,” Montesquieu builds his argument around the observation that “[political men] of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury” (III.3).

Rome—both pagan and Christian—seems to have symbolized for Montesquieu the greatest obstacles to the progress of commerce (Rahe 2009, 179). Pagan Rome stands as an example to Montesquieu of the success that was once possible when ancient virtue was still found in men; they paid little attention to commerce. An unabashed admirer of the ancient Romans, Montesquieu wrote, “I find myself strengthened in my maxims when I find the Romans on my side” (VI.15). In these cities, “which had as their principal

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<sup>19</sup> Paul Rahe writes, “In short, to embrace commerce and the peculiar spirit of cosmopolitanism that it inspires is to embrace moral corruption and turn one’s back on republican and Christian virtue alike; and Montesquieu has no compunctions whatsoever in either regard.”



object war, all labor and all the progressions conducive to monetary gain were regarded as unworthy of a free man” (XXI.7). Among the Greeks as well, “all retail trade [*tous bas commerce*] was considered vile” (IV.8). Even Plato had as the “subject of his complaints” that “[commerce] corrupts pure mores” (XX.1). While the nations around them engaged in commercial endeavors, the Romans “were never notable for jealousy over commerce...their genius, their glory, their military education, the form of their government distanced them from commerce” (XXI.14). Nevertheless, Montesquieu reveals that the Romans did, eventually develop commerce, with disastrous consequences:

[Trade with India and Arabia] procured for the Romans a great carrying trade, which is to say a great power; that the new merchandise increased commerce within the empire; that it favored the arts and encouraged industry; that the number of citizens multiplied in proportion to the new means they had for subsistence; that the new commerce produced luxury, which we have proven to be as favorable to the government of one alone as it is fatal to that of many; **that this establishment coincided in time with the fall of their republic**; that luxury at Rome was necessary; and that a town which drew to it all the riches of the universe was obliged to send those riches back in exchange for luxury goods (XXI.16, my emphasis).

Montesquieu blames Rome’s successful commerce with India and Arabia for the fall of the republic. Oddly, Montesquieu adds that the Romans themselves never recognized luxury to be the root of their downfall: “if their political constitution was opposed to commerce, their right of nations found it no less repugnant” (XXI.14). Far from taking on commerce as a principle of their government, they “rarely thought about it.”

One sees, then, how the spirit of commerce, without being established in the constitution, had infiltrated Roman society giving it a taste for luxury. Montesquieu’s stance on luxuries is clear—Rome sent back its “riches” in exchange for these worthless trinkets. In the Book on corruption, Montesquieu mobilizes an Epicurean saying in order to explain the mechanism by which corruption functions: “there are few laws that are not

good when the state has not lost its principles; and, as Epicurus said, speaking of wealth, ‘It is not the drink that is spoiled, it is the jar’” (VIII.11). While wealth itself is not a harmful thing when the appropriate principles are in place, it can have the effect of spoiling the entire jar. Thus, commerce had the effect of bringing an end to the mighty Roman republic—but could it be equally harmful wherever it is installed?

Commerce, sometimes destroyed by conquerors, sometimes hampered by monarchs, wanders across the earth, flees from where it is oppressed, and remains where it is left to breathe: it reigns today where one used to see only deserted places, seas, and rocks; there where it used to reign are now only deserted places... the history of commerce is that of communication among peoples. Its greatest events are formed by their various destructions and certain ebbs and flows of populations and devastations (XXI.5).

Perhaps the language of “ebbs and flows” sounds familiar—Montesquieu introduced his first chapter on commerce with similar words: “I should like to glide on a tranquil river; I am dragged along by a torrent” (XX.1). Commerce has a life of its own—its introduction can cause “devastations” and “destructions.” Introducing commerce to a given society ultimately subjects it to this “torrent;” its effects are typically beyond political control. While its effects can be beneficial—as Montesquieu frequently argues—he also does not fail to mention its unpredictable and powerful ability to corrupt and destroy.

The sort of self-abnegating virtue carried on by the ancient republics has now been replaced by the self-abnegation of Christianity, an institution which resides both above and beneath the state and precludes the type of citizenship that characterized the ancients. Montesquieu’s vivid descriptions of the ancient republics paint their institutions as alien; in other words, they no longer exist. Montesquieu intimates, however, very carefully, that the virtue of the ancients was carefully inculcated through education and thus it is only a defect in the contemporary education that prevents the ancient virtue. The education of the ancients “was never contradicted” while “today we receive three different or opposing educations: that of our fathers, that of our schoolmasters, and that of

the world. What we are told by the last upsets our ideas of the first two.” As he says later in the work, he is not saying vague things here. He continues: “This comes partly from the opposition there is for us between the ties of religion and those of the world, a thing unknown among the ancients” (IV.4). Fathers—both paternal and Catholic—along with our “schoolmasters,” teach the primacy of the soul over the body and the felicities of the next life over those of the worldly life. Good Christians cannot be good citizens in the way that ancient Greeks and Romans were because their loyalties ultimately lie outside the state. One sees, however, how commerce cuts against this current. By encouraging men to focus on the worldly, Montesquieu encourages them to direct their attentions away from the heavenly. Through the pleasures of commerce—that is, by stressing the worldly and diminishing the heavenly—Montesquieu hopes to diminish the “opposition” that exists between the religious and the worldly teachings. Unfortunately, now he must face the corruption that commonly accompanies the introduction of commercial enterprise and luxury.

Because the pure mores of the ancient republics are no longer possible, corruption—or the deviation from the principles of the state—is inevitable. When Montesquieu spoke of corruption, he most likely meant a deviation from the principles of the government. He also, however, meant it to encompass more than this: “The corruption of each government almost always begins with that of its principles” (VIII.1). A state cannot become corrupt for the better; despotism, for example, “is endlessly corrupt because it is corrupt by nature” (VIII.10). He implies that if the corruption of government “almost always” begins with that of its principles, it can begin outside of those principles—for example, with mores. Mores can have a profound and reciprocal

effect on the laws.<sup>20</sup> Furthermore, when the principles of a particular government are sound, even “bad laws can have the effect of good ones” (VIII.11). Therefore, we can draw from these three statements that corruption is essentially a deviation from principles in republics and monarchies, and that this digression in principle can have a significantly negative effect on mores. The corruption that befalls commercial society can be all the more damaging to political liberty. Just as religion can “blind the individual to his own condition,” commerce enhances individual ambition, making wealth and accumulation of property—at best—the greatest good toward which to strive.

When Montesquieu formally introduces the concept of luxury in the first chapter of Book VII, he claims it is “founded only on the comforts that one can give oneself from the work of others,” i.e., not those comforts from one’s own work. It is in these few introductory chapters that Montesquieu makes most clear the dangers of commerce and its devolution into luxury. Describing luxury in language evocative of the natural laws, the Frenchman explains, “if men have more than [physical necessities], inequality will be established.” In contrasting his enumeration of luxury with that of Plato, Montesquieu identifies the increase of luxury as exponential while his ancient counterpart identifies luxury as linear.<sup>21</sup> Montesquieu’s luxury, therefore, increases at an infinitely greater rate than Plato’s, indicating that Montesquieu’s luxury will reach unsustainable limits before Plato’s would. It quickly devolves to become a lamentable and enervating state:

The more men are together, the more vain they are, and the more they feel arise within them the leisure to call attention to themselves by small things. The desire to distinguish oneself redoubles because there is more expectation of succeeding. Luxury produces this expectation, each man takes the marks of the condition above his own. But, by dint of wanting to distinguish themselves, all become equal, and one is no longer

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<sup>20</sup> See my discussion of the reciprocal effects of laws and mores on pg. 68.

<sup>21</sup> See VII.1.96, where Montesquieu compares Plato’s enumeration or calculation of luxury with his own. Montesquieu’s conception can be described algebraically as  $2x+1$  (i.e., 0,1,3,7,15,31,63,127), while Plato’s is simply  $x$  (i.e., 1,2,3,4).

distinct; as everyone wants to be looked at, no one is noticed. **The result of all this is a general distress.** Those who excel in a profession put their own price on their art; the least talented follow this example; there is no longer harmony between needs and means. When I am forced to plead, I need to be able to pay a lawyer; when I am sick, I must be able to have a doctor (VII.1, 97).

Montesquieu's description of life characterized by this exponential luxury comes shockingly close to the way Leo Strauss characterized the philosophy of Locke: "the joyless quest for joy" (Strauss, 251). Individuals are haunted by the expectation of success and toil ceaselessly to distinguish themselves, but in this toil, become completely indistinct. Human creativity is no longer promoted for its own sake; humanity itself is in many ways denied because *basic needs* can be refused. As luxury increases, virtue is proportionally denigrated. It is for this reason that Montesquieu proceeds in the following chapter to contrast ancient virtue with modern voluptuousness "The less luxury there is in a republic, the more perfect it is. There was none among the first Romans; there was none among the Lacedaemonians; and in republics where equality is not altogether lost, the spirit of commerce, of work, and of virtue makes each one there able and willing to live from his own goods; consequently, there is little luxury." From this it is evident that Montesquieu's conception of the virtuous republic does not preclude private ownership, only ownership for the sake of "distinguishing oneself," a sort of vanity. "A soul corrupted by luxury has many other desires; soon it becomes an enemy of the laws that hamper it" (VII.2).

Not only does luxury lead individuals to pursue their interests at the expense of the well-being of the state, Montesquieu makes the further implication that it can also have the effect of fostering a particular social degeneracy:

As soon as the Romans were corrupted, their desires became immense. This can be judged by the price they put on things. A jug of Falernian wine sold for one hundred Roman deniers; a barrel of salt meat from the Black sea cost four hundred deniers; a good

cook, for talents; young boys were priceless. When everyone, by a common impulse, was carried to voluptuousness, what became of virtue? (VII.2)

Even the virtue of the Romans devolved into pederasty. Montesquieu's statements regarding "the condition of women" throughout the chapter indicates furthermore that sexual behaviors are in fact a mirror for or indicator of corruption due to luxury. Montesquieu argues essentially that a certain type of commerce is not suited to republics in particular, because it leads to luxury, inequality, and ultimately the denigration of virtue.

Furthermore, commerce makes boundaries between neighbors less stringent; because each depends on the other for his goods, it can be considered that the borders are no longer as strictly established as before. However, "in order to preserve the principles of the established government, the state must be maintained at the size it already has and that it will change its spirit to the degree to which its boundaries are narrowed or extended" (VIII.20). One can see clearly how the broadening of boundaries due to commerce will necessarily alter the dynamic of the principles of those countries, and consequently, corrupt them (VIII.1). If the state does not change its spirit, it will change form. It can be said, on the other hand, that once it has changed its spirit, it has changed its form. First, we will closely examine Book 20—Montesquieu's most explicit promotion of commerce. Then, working backwards, it will become evident that Montesquieu's panacea is significantly qualified. Without sufficient limitations—without a ballast—commerce opens a whole world of threats to political liberty.

Ballasts take on an interesting role in Montesquieu's philosophy. A ballast symbolizes an entity designed to counterbalance the effect of another entity. For instance, political ballasts are erected when a balance of power is established. In this way,

commerce is a ballast against religion—the one encourages individuals to seek goods on earth while the other encourages the pursuit of rewards in the afterlife. Within commerce, however, a ballast would have to be established because of its own propensity to degenerate into the endless indulgences of one’s fancies. Individuals may not be led by their fancies *alone*, as Montesquieu explains in the preface, but their fancies do, nevertheless, play an important role in guiding them. It is the legislator’s task, then, to reinforce or cultivate these *other* forces which can drive individuals irrespective of fancies.

Montesquieu opens the Book on commerce with an invocation to the Muses, creating the appearance of introducing a monumental idea—it is “that which great Atlas taught.” Already, however, a reader may notice the writer making constant differentiation between perception and reality. He jokes with the muses that he only gives them the name of “Virgins,” and asks them to give his “spirit the calm and gentleness that now flee” after having “run a long course.” Through “pleasure,” Montesquieu claims these “Virgins” can lead him to “wisdom and truth.” There is something evidently being obscured by the author—he looks upon the Muses as though they were virgins, asking them to reveal wisdom and truth to him though he has already run the long course by which he has explained the springs of government and their corruption. The “truth” which Montesquieu has discovered throughout his long course has led him to become enervated—the calm and gentleness have fled from his soul—and he chooses to look to the Muses for *pleasure*, to satisfy what is natural and human in man. He asks the Muses to “conceal the labor,” and asks for them to “make it so that one is instructed though I do not teach and that, when I announce useful things, one believes that I knew nothing and

that you told me everything.” Like Socrates, Montesquieu hopes that readers will be instructed though he does not appear to teach; he is performing Socratic midwifery. Our author, however, can only hope to avoid Socrates’ fate. Evidently, Montesquieu feels that he *has* taught the reader a great deal, and that these teachings could have far-reaching consequences. It would be safer for him if the reader could be made to believe that the information provided is divinely inspired. Keep in mind as well that this invocation precedes the chapters on religion previously described—what could be blasphemous is in fact the product of pagan muses, not Montesquieu himself. Recalling the debate between Bayle and Montesquieu, Bartlett is right in proposing that Montesquieu seeks less to defend Christianity so much as to halt the denigration of paganism—a form of spirituality which once led the ancient republics to greatness (Bartlett 2001, 15).

Revealing that his writings are “not intended as an amusement” but hoping that to many they would be a “pleasure,” Montesquieu explains that each reader would not understand his writings in the same way (XX.inv, 337). Some readers would find in Montesquieu’s writing the pleasure that accompanies a commercial society, but others would be less amused—the necessary “ballasts” would be apparent to them, they would recognize the difficulty in instituting restrictions against the pleasures that are indulged in commercially-driven societies. This becomes most clear in the final paragraph, where Montesquieu calls reason “the noblest, the most perfect, the most exquisite of our senses.” If Montesquieu’s stance on pleasure appears contradictory, it is because he differentiates the pleasure that is tempered by reason from pleasure that is unrestrained, i.e., the blind following of one’s fancies. The pleasures Montesquieu associates with the proper type of commerce are not meant to simply indulge the corporeal senses but also to



cultivate and stimulate the use of one's reason. Following one's pleasures blindly leads one to indulge in a very different type of commerce than if those pleasures are tempered by reason; this difference is elaborated when Montesquieu introduces the concept of the commerce of luxury as distinct from the commerce of economy. He poses reason in distinction to "what is sung in Tempe with the pipes or what is repeated at Delos on the lyre," indicating that reason leads to conclusions distinct from those derived from custom, tradition, and religion. When reason tempers human drives, men are truly not led by their fancies alone. In examining men, Montesquieu found that indeed they could be led to behave in ways contrary to their pleasures: religious belief is an extreme example of this. He hoped this same discipline could be imposed on commerce.

Montesquieu begins the first chapter by claiming that he would wish "to glide along on a tranquil river," but is instead "dragged along by a current" (XX.1). Because commerce "perfects mores for the same reason that these same laws ruin mores," there is a sense in which commerce changes any environment to which it is introduced, and that this change is often unpredictable. Commerce cures at the same time as it corrupts, and it is unclear if these effects are always positive. The French word *doux* Montesquieu uses to refer to the mores that are present everywhere there is commerce can be both soft or gentle—soft being pejorative, gentle being complimentary. Though it has a positive effect on barbarous or violent mores, Commerce can corrupt the "pure" or virtuous mores—the type which characterized the ancient republics. "Common commerce was disgraceful to the Greeks," writes Montesquieu in his book on the laws of education. "This idea ran counter to the spirit of Greek liberty" (IV.8, 40). The Athenians saw that it was necessary to temper their harsh mores, and thus included music in their education:

“The ancients were right, therefore [to] prefer one mode of music to another for the sake of mores” (IV.8, 40). Montesquieu concludes that “of all the pleasures of the senses, none corrupts the soul less” than music, and that it is for this reason that the ancients preferred it to commerce. The footnote of the first chapter on commerce indicates that it was primarily the Gauls’ proximity to Marseilles in commerce that makes them inferior to the Germans they had always been able to defeat. Montesquieu indicates two weaknesses of commerce in this first chapter: first, that it is difficult to control its effects, and second, that it tends to indulge the pleasures of the senses that corrupt the soul.

We identify additional weaknesses of commerce in the second chapter. Although its spirit “unites nations,” it does not “unite individuals in the same way” (XX.2, 338). In fact, he gives reason to believe that it separates individuals. Montesquieu previously indicated that “[political men] of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury” (III.3), and it now becomes evident that this has greater consequences than one would assume: “there is traffic in all human activities and all moral virtues; the smallest things, *those required by humanity*, are done or given for money” (XX.2, 339, my emphasis). It seems commerce deprives certain individuals, by exclusion, of things “required by humanity.” Commerce becomes a pervasive force, driving everything, and leaving no space for softer social virtues like generosity and “hospitality, so rare among commercial countries, notable among bandit peoples.”

When Montesquieu takes up the discussion of “the poverty of peoples,” he indicates that the type which is poor because “it disdains the comforts of life” can do “great things” because its “poverty is part of its liberty” (XX.3). Montesquieu implies here that it is potentially difficult for societies in which commerce results in the comforts

of life to attain the civic virtue that was once possible in the ancient republics because they do not have the same liberty as those citizens who disdain these comforts.<sup>22</sup> There is a type of liberty that can only be felt if one disdains the comforts of life. Regardless of poverty or wealth, it is the disinterested attitude towards comforts that grants individuals access to this particular form of liberty. If citizens desire the comforts of life as an end in themselves, they will never be satisfied. Inequality will pervade, and “the desire to distinguish oneself redoubles because there is more expectation of succeeding.” This results in “a general distress” (VII.1, 97). Liberty—even as security—is threatened because certain citizens feel insecure in the face of their neighbors’ supposed superiority.

Thus, we see another drawback to commerce: in separating the citizens of gentler governments into those who disdain the comforts of life and those who favor them, the liberty of that society is only felt by the former. It can be assumed that if the comforts of life are *unknown* to citizens, their society either does not engage in commerce or engages in a particular type that places strict controls on the type of goods that can be bought and sold.

In Chapter Four, Montesquieu makes clearer the drawback of commerce he described in the previous chapters. Contrasting the commerce of luxury with the commerce of economy, he indicates that the commerce of luxury is the type that makes men aware and desirous of the comforts of life. Commerce of economy, on the other hand, seems far less pleasurable: “It is founded only on the practice of gaining little and even of

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<sup>22</sup> Because he puts forth two different types of poverty—one “made so by the harshness of the government” and hence incapable of virtue and another made so by their own disdain or unfamiliarity with the comforts of life—it is clear that Montesquieu contrasts those societies in which commerce is allowed and those in which it is discouraged. Within governments that inspire commerce, the individuals whose poverty is the product of their disdain for the comforts of life are free. The implication is that those who indulge in the comforts of life are not privy to this same liberty.

gaining less than any other nation and of being compensated only by gaining continually, it is scarcely possible for it to be done by a people among whom luxury is established who spend much and who see only great objects” (XX.4, 340). It is clear, however, that these “great objects” also become desirable in economic commerce. If “one commerce leads to another, the small to the middle, the middling to the great, he who earlier desired to gain little arrives at a position where he has no less of a desire to gain a great deal.” If strict regulations are not imposed, a love of economy quickly grows into a love of luxury. Montesquieu seems to be describing the same types of people he described in the previous chapter. Though “luxury of economy” is founded by the types of individuals who disdain the comforts of life, their awareness of these comforts make them more desirous of them. When prosperity becomes the aim of acquisition, the relation of citizens to acquisition becomes progressively like one of gambling (Rahe 2009, 175-176):

“In short, one’s belief that one’s prosperity is more certain in these states makes one undertake everything, and because one believes that what one has acquired is secure, one dares to expose it in order to acquire more; only the means for acquisition are at risk; now, men expect much of their fortune.” (XX.4, 341)

The “constitutions” of republics make them less inclined towards commerce of luxury, but we know from the first book of the entire work that this has limited influence: man is a physical being who “constantly violates the laws god has established and changes those he himself establishes” (I.1,5). Though the constitutions of republics would indicate that their citizens *should* disdain the comforts of life because “poverty” is a necessary part of their liberty, nothing prevents the citizens of these republics from desiring more—particularly if they “undertake everything” and “expose” themselves to risk in order to acquire more. Men expect much of their fortune—but in doing so, they expect less of their own virtue. When he turns to despotic states, Montesquieu finds that “it is useless to

talk about [them]” (XX.4, 341). However, prior to reading this statement, the reader may have gotten the impression that he had already discussed them in the beginning of this chapter: “In the government of one alone, it is ordinarily founded on luxury ... this principal object is to procure for the nation engaging in it all that serves its arrogance, its delights, and its fancies” (XX.4, 340). Montesquieu indicates that he was not necessarily referring to despotic states. We see rather that he describes an incredibly complex relationship between acquisition, preservation, liberty, servitude, economy, and luxury. If the “general rule” is that “in a nation that is in servitude one works more to preserve than to acquire” and “in a free nation, one works more to acquire than to preserve,” a reader may wonder how these “free nations” are intended to constantly acquire without consequently “seeing only great objects.” One might also be led to wonder what type of society, if not despotic, Montesquieu was describing when he described the one which services arrogance, delights, and fancies. The conflation of luxurious commerce with despotism—an impression made by the reader—is not accidental. Montesquieu implicitly warns that commerce of economy can quickly devolve into commerce of luxury regardless of the constitution of a state, and that this transition would quickly surreptitiously rob citizens of their liberty while indulging their pleasures.

To make himself more clear, Montesquieu provides the example of Marseilles. Because it was initially “barren,” its citizens “had to be hardworking in order to replace that which nature refused them” (XX.5, 341). Only necessity can constrain peoples through “violence and harassment” to have economic commerce. Economic commerce is founded by “fugitives” who seek “security,” but as soon as their security is ensured, their commerce expands to become one that teeters precariously between luxury and economy.

In an effort to describe more clearly the appropriate relation between luxury and economy, Montesquieu provides an allegorical example. A captain must be willing to take on a ballast—to carry marble on board his ship, if he wishes to sail. Earlier, I described the concept of a ballast as one force placed in such a way as to counterbalance another. The marble the captain takes on board his ship is symbolic of the restraints that must be placed on commerce in order to keep its corrupting effects in check. In order to do this, commerce should be made difficult by the laws. Montesquieu envisions a type of commerce in which one is willing to take on additional responsibility and weight for minimal or no gain. “Not only can a commerce that produces nothing be useful, but so can even a disadvantageous commerce” (XX.5). Individuals must be “seduced” to participate in it, because on its surface it does not appear to be greatly beneficial:

“This commerce is a kind of lottery and each one is seduced by the hope of a lucky number. Everyone loves to play, and the most sober people willingly enter the play when it does not have the appearance of gambling, with all its irregularities, its violence, its dissipation, the loss of time, and even of life.” (XX.5)

Montesquieu implies that if those “most sober people” are aware that commerce is in fact gambling—if it did not have the feeling of regularity—they would not participate. Feelings of regularity or security can only arise under the condition that the nature of the commercial enterprise has been sufficiently concealed or obscured, and individuals participate without being fully aware of its inherent risks. There are two possibilities here:

- Individuals involved in the commercial enterprise are not “sober,” they participate recklessly. In the book on the laws of climate, Montesquieu intimated that the climate of the cold countries “seems to force a certain drunkenness of the nation quite different from drunkenness of the person”

- Individuals are *constrained by necessity* to participate, even while aware of the inherent risks. This possibility is closely tied to the previous one. A citizen is compelled to participate in economic commerce when risk-taking and commercial enterprise are the fundamental values of their homeland.

It is no coincidence that Montesquieu briefly introduces England into his argument. England's commerce closely follows the third model: "Sovereignly jealous of the commerce that is done there, it binds itself with few treaties and depends only on its laws. Other nations have made commercial interest give way to political interests. England has always made its political interests give way to the interests of its commerce" (XX.7, 343). Because political interests do not take precedence in England, commerce rises above its political plane as the true sovereign. Montesquieu refrains from passing judgment on England's mode of commerce. It is unclear whether it is good or even desirable for political interests to be inferior to commercial interests. If it can be proposed that the fundamental political interest is the pursuit of political liberty, making commerce superior to it in all senses will inevitably hamper liberty. "[The English people] have best known how to take advantage of each of these three great things at the same time: religion, commerce, and liberty" (XX.7, 343). Though we have already seen that religion can be obstructive to liberty, Montesquieu has also made clear that taking advantage of

one's liberty can also be extremely injurious: "The more the people appear to take advantage of their liberty, the nearer they approach the moment they are to lose it" (VIII.2, 113). England is "sovereignly jealous" of the commerce that takes place within and outside its borders because commerce encourages citizens to take such great advantage of their liberty that they near its loss. Commercial interests obscure political interests—they supersede or make secondary the pursuit of political liberty.

Montesquieu explains this dynamic more clearly in his book on the corruption of the principles of the three governments. When commerce grows, it can have the effect of fostering a spirit of inequality. As commerce of economy becomes commerce of luxury, the magistrates will want "to keep the people from perceiving their avarice," and consequently, "they constantly encourage that of the people" (VIII.2, 113). Montesquieu implies that if commerce is to be instituted, it must foster a more moderate spirit. The people must not pursue their trade with avarice but rather with a "sober" spirit of hard work. Essentially, commerce must be "hampered" so that it is not so successful that it degenerates into a luxurious trade. "Certain monarchies," wishing to "lower the states that engage in economic commerce," forbid their traders to supply commodities from other countries. This, for Montesquieu, is a negative example. "It is better to deal with a nation that requires little and that the needs of commerce render somewhat dependent" (XX.8, 343). Montesquieu encourages a commerce that is more oriented towards building long-term relations of dependence between nations than the independent luxury and flourishing of a particular nation. The ideal nation would know "where to place superfluous commodities," will "itself make many products," will "pay promptly" and "be faithful," and, most of all, will be "peaceful on principle" (XX.8, 343). Keeping in



mind the goal of establishing political liberty or, in other words, the individual opinion of one's own security, engaging in trade will keep nations somewhat dependent on one another thereby maintaining peace. Montesquieu stresses that the best nations will seek "to gain, and not to conquer." Because conquest is typically considered gain, Montesquieu redefines "gain." By keeping nations concerned with procuring the necessary commodities for existence from one another, they will be unable to "conquer" those nations on which they are dependent. Once again, the end-goals are peace and liberty first, prosperity second. Without the proper commercial relations established—ie, if one nation becomes independently wealthy through self-sufficiency, or if certain nations are excluded from trade "without great reasons," or if "just prices on goods" are not established—commerce will certainly devolve into one of luxury. Because luxury accompanies the spirit of extreme inequality, and the spirit of extreme inequality is one that serves as a direct obstacle to liberty (VIII.2), commerce of luxury must be avoided.

In the chapter dedicated specifically to "the liberty of commerce," Montesquieu applies the concept of general liberty, or "having the power to do what one should want to do and in no way being constrained to do what one should not want to do" (XI.3), to commerce.

Liberty of commerce is not a faculty granted to traders to do what they want; this would instead be the servitude of commerce. That which hampers those who engage in commerce does not, for all that, hamper commerce. It is in countries of liberty that the trader finds innumerable obstacles; the laws never thwart him less than in countries of servitude (XX.12).

To maximize the liberty of the nation, a certain liberty must be taken from trade. If this "faculty" were permitted, the liberty of the nation would be compromised. Montesquieu trades a lesser liberty for a greater one. This conception directly counters Hobbes' idea of negative liberty, taking away from the individual the ability to do what he has the will to

achieve.<sup>23</sup> While this hampers liberty, Montesquieu wants to retain the frugality and economy that was earlier mentioned as part of the freedom of the people. Commerce supplies to them the necessities of their state—it should not be permitted to expand *ad infinitum* and to supercede the wellbeing of the state in importance.

No sooner does Montesquieu advocate the hampering of trade than he specifies which particular obstacles are excessive or themselves injurious to liberty. Excessive taxes by customs houses must be regulated (XX.13), indicating that imposing taxes and duties on luxurious items are not an appropriate way to regulate trade. The government will not confiscate commodities—particularly from foreign traders (XX.14). Although he does not say it explicitly, what Montesquieu advocates here is rights for non-citizens. Anyone conducting commerce is protected by the constitution; native citizens are not the only ones granted liberties or protection by the government. However, when it comes to corporal restraint, Montesquieu seemingly grants commerce the ability to punish crimes in a way he withheld from religion: “the debtor must fulfill his engagements at the appointed time; this assumes corporal restraint” (XX.15). The liberty of individuals often serves as necessary collateral damage in ensuring the mere *convenience* of the public. The danger of absolute individual liberty in the commercial field is exposed in the nineteenth chapter. When the wealthy—the prince or the nobility—are permitted to engage in commerce, the effect is to create monopolies. When Montesquieu writes in the preceding chapter that “in a commercial town there are fewer judges and more laws,” he means this in a dual sense: not only will there be fewer judges because laws will be more encompassing, but that there will be physically fewer “judges”—fewer members of the

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<sup>23</sup> "A free man is he that in those things which by his strength and wit he is able to do is not hindered to do what he hath the will to do." (Leviathan, Ch. XXI)

higher class, less social stratification. A nobility which engages in commerce loses the quality of a traditional nobility and becomes “warlike,” believing that “whatever degree of wealth one has, one’s fortune is yet to be made” (XX.23). Montesquieu praises this new function of the nobility. Although it retains its honorary status, its primary mission is to serve the state. Furthermore, it grants to those who are ignoble or of lower status the ability to become noble. Recalling Montesquieu’s primary definition of political liberty—the opinion one has of his own security—one may wonder whether this political liberty is threatened by this new function for the nobility. If one must always dissipate his or her fortune in order to expand it, or if one always believes that his fortune is yet to be made, fear of loss and allure of gain are his primary motivators. When “security” is expanded from one’s body to his goods and his wealth, and these fortunes are routinely dissipated, political liberty is necessarily threatened in a way that it was not before.

In the final chapter of the book on commerce, Montesquieu expands his discussion to include the whole world. Not only should monopolies be prevented on the level of the state, but states themselves should not hoard their goods and become monopolies in and of themselves: “The avarice of nations disputes the movable effects of the whole universe” (XX.23, 352). Montesquieu’s advice on this point goes beyond the benefit of any individual state, it is to the benefit of the world. Discouraging certain commercial practices of states—essentially restraining their liberty—is to the benefit of the world as a whole. Although it may seem advantageous for a state to build a monopoly on a certain product, they must act contrary to their apparent interest and are compelled to engage in international trade.

The image of commerce that was seemingly glorified in the beginning now has a plethora of caveats attached to it. Although commerce cures destructive prejudices, it should not be permitted to do whatever seems in its interest or to its greatest security. A successful commerce sometimes does what is seemingly disadvantageous to it. It prohibits those who are excessively wealthy from participating, and when they do, it carefully regulates their participation to prevent them from acquiring monopolies. Commercial enterprise, having the effect of acquainting individuals with customs unlike their own and building relative dependencies on outside forces, may counteract religion, but it does so at a price. As the nation benefits, its individual citizens suffer. As the world benefits, individual nations suffer. It is clear that commerce, like Montesquieu's preferred system of government, is not left unrestrained. It is carefully balanced by the interests of a separate power. Individuals, however, fall lowest on his hierarchy. The merchant is unable to trade whatever he wants and at whatever cost—these matters are carefully regulated in order for him to participate in the enterprise. While these regulations prevent a greater evil, they have the effect of compelling the merchant to do things contrary to his advantage or to his security—and consequently, his liberty.

If Book XX describes the specific institution to be implemented, Book XIX primes the reader for its introduction, making explicit the inadequacies of the current arrangement. Without mentioning Christianity explicitly, Montesquieu makes clear that its influence can be as tyrannical as that of the worst despot when he invokes the concepts of prejudices and factions—Christianity had suffered a division which resulted in separate factions each with their distinct prejudices and superstitions. “Each [citizen] becomes as much the slave of the prejudices of his faction as he would be of a despot”

(XIX.27, 333). Religious factions are divisive, and it is only through the removal of these destructive prejudices that the spirit of moderation can take a more prominent role in politics. In the first chapter of Book XIX, Montesquieu urges readers to curb their own prejudices: because he must be “more attentive to the order of things than to the things themselves,” readers must pay less mind to differences between the nations described in Book XIX and more to the overarching themes that characterize this section and the commonalities between the different nations. Reading this way, Montesquieu goes to great lengths to establish a certain reciprocal relationship between laws and mores. Mores influence laws because they prescribe what kind of laws would be considered tyrannical (XIX.3 and XIX.14), but laws can also be used to alter or direct mores (XIX.26, 325). This latter point is introduced at the end of Book XIX: “We have seen how laws follow mores; let us now see how mores follow laws.” Because of its positioning, we can only infer that to see “how laws follow mores,” we have only to look at the final chapter of Book XIX and the introduction of Book XX. Thus, commerce is introduced as a type of law that can affect mores—both positively and negatively. Chapter 27 discusses some of these mixed effects.

Because commercial society frees passions, “hatred, envy, jealousy, and ardor for enriching and distinguishing oneself appear to their full extent.” While “each individual” retains his independence, “he would leave all his friends” and “forget both the laws of friendship and those of hatred” (326). The procurement of political liberty as defined in Book 12 is questionable: “The people would be uneasy about their situation and would believe themselves in danger even at the safest moments.” While Montesquieu explains that most of these fears would be groundless and able to be quelled by the legislative and

executive bodies who are “more enlightened than they,” there is a possibility that these terrors can arise at the “on the occasion of the overthrow of the fundamental laws,” becoming “insidious, lamentable, and heinous,” producing “catastrophes.” In order to defend its liberty, “the nation might sacrifice its goods, its ease, and its interests, and might burden itself with harsher imposts than even the most absolute prince would dare make his subjects bear.” Using the same language as in Book XX, Montesquieu describes the nation as “sovereignly jealous” of the commerce that is conducted elsewhere, “finding more distress in the prosperity of others than enjoyment in its own” (328). Up to this point, the commercial society seems relatively undesirable.

However, the final chapter of Book XIX also reveals some of Montesquieu’s greatest hopes for commercial society. “With regard to religion,” the effect is considerably advantageous:

Each citizen would have his own will and would consequently be led by his own enlightenment or his fantasies, what would happen is either that everyone would be very indifferent to all sorts of religion of whatever kind, in which case everyone would tend to embrace the dominant religion, or that one would be zealous for religion in general, in which case sects would multiply (XIX.27, 330).

Despite its causing a general *inquiétude* among citizens, Montesquieu sees only two possibilities for the effects commerce can have on religion. If citizens become indifferent, it will overcome Christianity’s having made citizenship a “secondary matter” (Rahe 2009, 93). If commerce has the effect of making “sects multiply,” this would also moderate the particular influence Christianity has on the whole. Additionally, as Montesquieu indicated earlier, “hatred between parties would endure because it would always be powerless” (XIX.27, 325). Furthermore, “religion would not be bloodthirsty,” because the laws, strengthened, would do “all the evil that can be done in cold blood.” With regard to the clergy, they “would have so little credit that the other citizens would

have more,” and would be necessarily reduced to “a more reserved conduct and purer motives” (Kingston 2001, 405). In terms of individual subject matter, Montesquieu dedicates more attention to religious matters than any other issue in this chapter—and it is no coincidence. Here, Montesquieu is not shy about the implications of his statements. The clergy are not living the reserved and “retired” lives they claim to assume; rather, their ulterior motives have been “protected” by the church, and they have garnered for themselves the “force to constrain” individuals and states to do their will without even “seeking to persuade” (XIX.27, 330).

Another desire Montesquieu hopes can be actualized in commercial society is freedom from censorship. For this reason, the final paragraphs of this chapter are addressed to writers, historians, and poets—and Montesquieu groups himself among them. Because “in order to enjoy liberty, each must be able to say what he thinks” (XIX. 27, 327), these must have the ability to speak without fear of persecution or censorship, even if “each one becomes as much a slave of the prejudices of his faction as he would be of a despot.” Although Montesquieu wished in the preface that he could “make it so that men were able to cure themselves of their prejudices” (pf, xlv), it is clear that certain prejudices are unavoidable in a free society.

Like a certain infamous Florentine before him, Montesquieu is not concerned with “imagined republics and principalities that have never been seen or known to exist,” but rather with the “effectual truth.”<sup>24</sup> The commercial society he imagines is by no means a utopia, but he hopes it will largely resolve the religious zealotry and rampant censorship he so opposed. Returning to Pangle’s initial critique, Montesquieu is by no means blind to the disadvantages of an active commercial class. Book VII makes this

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<sup>24</sup> *The Prince, Ch. 15*

most clear. In terms of order, this seventh book covers the relation of the various principles of government to their sumptuary laws and the conditions of their women and directly precedes Book VIII, which discusses the corruption of the various principles of government. Because laws and mores have reciprocal effects, Montesquieu's intimation is that certain sumptuary laws are not only a product of certain principles of government but also are a remedies for or causes of corruption. Without appropriate restraints, a commerce that exposes individuals to commodious living has the effect of unleashing a boundless acquisitiveness: "For people who have to have nothing but the necessities, there is left to desire only the glory of the homeland and one's own glory. But a soul corrupted by luxury has many other desires; soon it becomes an enemy of the laws that hamper it" (VII.2). When Montesquieu introduces commerce his language is unapologetically celebratory because he has already accomplished the task of showing the careful reader the shortcomings of commercial society; yet, even seeing its danger, he chooses nonetheless to advocate it. If one does as he advises in the preface and looks "not at some few sentences" but at "the design of the book," he would see that there is sufficient warning preceding the chapter on commerce. It is true that men are "not led by their fancies alone," i.e., by the pursuit of pleasure and the avoidance of pain. Man may be "a creature that obeys a creature that wants," but he is also a creature capable of overcoming his nature. Prior to Christianity, in the ancient republics, men did virtuous things "that could astonish our small souls" (IV.4, 35). Even in Montesquieu's contemporary aristocracies, the spring of honor "sovereignly forbids to give any importance to our life" (IV.2, 34). Laws—both political and religious—can have the effect of channeling even the most fundamental drives. What Montesquieu hoped to do in



his chapter on commerce was to channel the pursuit of pleasure towards the promotion of gentler mores: religious and cultural tolerance.

A legislator, carefully reading according to Montesquieu's directions, however, would have also heard his warning against the allure of the luxurious life. By encouraging commerce, Montesquieu hoped to ultimately achieve the secularization of Christianity—its reinterpretation so as to remove all tension between the demands of the church and the desires of the comfortable life, or, in other words, between duties to the church and duties to the state. As a teacher of legislators, Montesquieu wanted, above all, to retain for the citizen certain liberties including freedom of belief and of expression. When citizens' allegiances are to the Church alone, these rights cannot be guaranteed because their duties as citizens are in tension with the demands of the religious life. As was mentioned in the previous Part, "turning their backs on all that belongs to this world," citizens whose duties are to the Church escape the legislator because they long for the goods that are due to them in the immanifest afterlife (XXIV.11). In order to guarantee political liberty, however, this longing had to be overcome. When citizens escape the legislator, they escape not only their duties to the state but also the rights citizenship confers.

Ultimately, Montesquieu's project is one of liberalism (Carrithers, 27). In encouraging the cultivation of natural passions and commodious living, Montesquieu showed legislators the way to free men from the tyranny of the Church. By showing men that their faith was not incompatible with commercial pursuits, he redirected the ends of Christianity towards the well-being of the state, and thereby a more vibrant civic life. His praise of Stoicism, however, does not fall on deaf ears. Only Stoics—those who eschew

the allure of their pleasures and emotions—were capable of producing great men (XXIV.10, 465-6). Directing men away from the rewards of the afterlife to focus on the benefits of the worldly life was only the first step. Once this task was accomplished, Montesquieu left the task open to the philosophers, legislators, and political writers of the future to continually reign in commercialism. Without restraints, luxury can also produce a tyranny over the human spirit.

In a large republic, there are large fortunes, and consequently little moderation in spirits: the depositories are too large to put in the hands of a citizen; interests become particularized. At first a man feels he can be happy, great glorious without his homeland; and soon, that he can be great only on the ruins of his homeland (VIII.16).

Particularly incompatible with republican virtue (Rahe 2009, 228), the spirit of commerce, unchecked, denigrates social virtues: “we see that one traffics in all human activities and in all the moral virtues: the smallest things, which humanity demands, are done there or given for money” (XX.2). Commerce subverts the traditional polity by encouraging a transformation of what had once been the moral mission of Christianity into a society held together by self-interest alone (Rahe, 2001, 72-77).

Ultimately, the despotism of the Catholic Church was so abhorrent to Montesquieu that he chose Christianity’s secularization, and with it, the dangers of commercialism. “Commercial powers can continue in a state of mediocrity a long time, but their greatness is of short duration” (Montesquieu 1968, 47). Because “the effect of commerce is riches; the consequences of riches, luxury,” Montesquieu admits that it would be naïve to assume that commerce could be carried on without fostering a spirit of inequality or promoting the corruption that accompanies luxurious living (XXI.6). Nevertheless, there is at least one concept he borrows from the infamous Machiavelli: “just as all human things come to an end, so the state of which we speak will lose its

liberty; it will perish. Rome, Lacedaemon, and Carthage have in fact perished” (Rahe 2009, 240). Unlike Machiavelli, however, Montesquieu correlates the death of great states with the moment citizens lose their liberty. While commerce has the propensity for corruption, Montesquieu remains hopeful that the liberty of the individual is still a cause worth fighting for. By securing for individuals the ability to pursue their passions, he has surely given man “new reasons for loving his duties, his prince, his homeland, and his laws,” so that each “could better feel his happiness in his own country, government, and position.” And for this, we may consider him “the happiest of mortals” (pf. xlv).

## Conclusion

Montesquieu saw the influence of religious institutions—particularly of the Catholic Church—as the foremost obstacle to political liberty. Its ability to supersede the state in the hearts and minds of men created a uniquely political problem. Convinced of the rewards in the afterlife, certain citizens escaped both the punishment and the protection of the legislator. “Turning their backs on all that belongs to this world,” these men shunned their temporal lives at the expense of closing their eyes to injustices being done to them (XXIV.11). Christianity had crippled modern man: citizens of the ancient republics were capable of deeds so great “they astonished our small souls,” and the fear which the religious penal laws “make souls atrocious” (IV.4, 35 and XXV.12, 489). Because Montesquieu’s project was the identification of conditions under which political liberty was possible, it was necessary, before proceeding, for him to overcome the challenge posed by revealed religion.

Appealing to the human in man, Montesquieu felt that the surest way to lessen the grip of the Church was simply to make men happier, to provide “new reasons for loving his duties, his prince, his homeland, and his laws” (pf. xlv). Through commerce, men could pursue their passions and enrich themselves, owing their prosperity to the liberty bestowed by their legislators. Unfortunately, even this supposed “cure for destructive prejudices” (XX.1) comes replete with its own dangers: “the effect of commerce is riches; the consequences of riches, luxury” (XXI.6). Commerce could provide a ballast for religion, but it was in need of its own restraints as well. Though most readers see the role of commerce in Montesquieu’s thought as a sort of panacea curing all ills, he carefully conveys throughout the work the potential dangers of the enterprise. Because of

the nature of his enemy, however, it was necessary for him to conceal the potential drawbacks.

One could argue that before Montesquieu wrote a single chapter, he had already laid the groundwork for the secularization of Christianity. In the author's foreword, Montesquieu writes that the virtue he discusses "is not a moral virtue or a Christian virtue" but a "political virtue." With regards to their presence in the state, however, the two are not mutually exclusive: "it should be observed that there is a great difference between saying that a certain quality, modification of the soul, or virtue is not the spring that makes a government act and saying that it is not present in that government" (fw xliv). Far from disrupting the state's mission, Christianity can actually be recruited to the benefit of the state. "Plato thanked heaven that he was born in Socrates' time, and as for me, I am grateful that heaven had me born in the government in which I live and that it wanted me to obey those whom it had me love" (pf. xliii). Montesquieu gives the "heavens" an active role in instructing individuals to serve the state. However, Plato's "heaven" is of a drastically different character than that of the Christians. Montesquieu conflates the Christian and pagan traditions—he wants the Christian, like the pagan, to be directed toward the ends of the state. Heaven may perhaps grant individuals the luck or misfortune of being born in a particular government, but it gives their governance over to a temporal sovereign. This is, perhaps, the noble lie Montesquieu is willing to propagate in order to guide the actions of men away from the allures of the spiritual life and towards a more rewarding—and free—civic life.

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