

Moral Reasoning 74:  
The Theory and Practice  
of Republican Government

Lecture 13:  
Montesquieu on Law, Taxes and Religion

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Major Themes

- I. Sumptuary Laws
- II. Against Extreme Equality
- III. For Balanced and Limited Taxation
- IV. Promotion of Commerce
- V. Religion as Social Control

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III. IDEA OF SUMPTUARY LAWS

Explicit aim of a republic must be to establish frugality.  
“Love of frugality limits the desire to possess to the mindfulness required by that which is necessary for one’s family, and even by that which is superfluous for one’s homeland. Wealth gives a power that a citizen cannot use for himself, for he would not be equal. It also procures delights that he should not enjoy, because these would likewise run counter to equality.  
Thus by establishing frugality in public life, good democracies opened the gate to public expenditures, as happened in Athens and in Rome. Magnificence and abundance had their source in frugality itself; and, just as religion requires unsullied hands so that one can make offerings to the gods, the laws wanted frugal mores so that one could give to one’s homeland.” [43]

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## I. IDEA OF SUMPTUARY LAWS

...in republics where wealth is equally divided, there can be no luxury; and, as one has seen in Book 5 that this equality of distribution is made the excellence of a republic, it follows that **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.

Laws divided the fields anew, demanded with such insistence in certain republics, were salutary by their nature. They are dangerous only as a sudden action. ...

So far as luxury is established in a republic, so far does the spirit turn to the interest of the individual. For people who 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.** [Book 7, Chapter 2, p. 96]

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## I. Idea of Sumptuary Laws

SUMPTUARY \ 'sem(p)-che-,wer-e\ adj. [L. sumptuarius, fr. sumptus expense, fr. sumptus, pp. of sumere to take, spend - more at CONSUME] 1: designed to regulate personal expenditures and esp. to prevent extravagance and luxury 2: designed to regulate habits on moral or religious grounds

M's argument: explicit aim of a republic must be to establish frugality. Frugality allows for contribution to "homeland."

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## Questions

- (1) What sort of "sumptuary laws" ought a republic to have, if any?
- (2) Ought a republic to prevent extreme inequality?
- (3) Should republics prevent or limit luxury?
- (4) What are modern-day analogs of the sumptuary law?

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## II. Dangers of Extreme Equality

“The principle of democracy is corrupted not only when the spirit of equality is lost but also when the spirit of extreme equality is taken up and each one wants to be the equal of those chosen to command. So the people, finding intolerable even the power they entrust to the others, want to do everything themselves: to deliberate for the senate, to execute for the magistrates, and to cast aside all the judges.” [Book 8, p. 112]

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## II. Montesquieu on Virtue

WARNING: THIS GETS UGLY, STUPID, RACIST, SEXIST...

“Then there can no longer be virtue in the republic. The people want to perform the magistrate’s functions; therefore, the magistrates are no longer respected. The senate’s deliberations no longer carry weight; therefore, there is no longer consideration for senators or, consequently, for elders. And if there is no respect for elders, neither will there be any for fathers; husbands no longer merit deference nor masters, submission. Everyone will come to love this license; the restraint of commanding will be as tiresome as that of obeying had been. Women, children and slaves will submit to no one. There will no longer be mores or love of order, and finally, there will no longer be virtue.” [112]

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## III. Balanced and Limited Taxation

“The revenues of the state are a portion each citizen gives of his goods in order to have the security or the comfortable enjoyment of the rest.

In order to fix these REVENUES well one must consider both the necessities of the state and the necessities of the citizens. One must not take from the real needs of the people for the imaginary needs of the state.

Imaginary needs are the ones sought by the passions and weaknesses of those who govern, the charm of an extraordinary project, the sick envy of vainglory, and a certain impotence of spirit in the face of their fancies. Often those who, with restless spirit, were at the head of public business under a prince have thought that the needs of their small souls were the needs of the state.

There is nothing that wisdom and prudence should regulate more than the portion taken away from the subjects and the portion left to them.

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## Balanced and Limited Taxation

Part 2, Book 13, Chapter 2, "That it is bad reasoning to say that large taxes are good in themselves."

"In certain monarchies one has seen that small countries that were exempt from taxes were as poverty-stricken as the places all around them that were overwhelmed by taxes..."

Yet it was concluded from the poverty of these little countries that there must be heavy burdens in order to make the people industrious. One would have done better to conclude that there must be none.

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Nature is just towards men. She rewards them for their pains; she makes them hard workers because she attaches greater rewards to greater work. But if an arbitrary power removes nature's rewards, the distaste for work recurs and inaction appears to be the only good." [214]

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## III. Balanced and Limited Taxation

"Chapter 12: The relation of the size of taxes to liberty."

GENERAL RULE: One can levy heavier taxes in proportion to the liberty of subjects and one is forced to moderate them insofar as servitude increases. This has always been and always will be.

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Chapter 13: Taxes can be increased in most republics because the citizen, who believes he is paying to himself, has the will to pay them and ordinarily has the power to do so as a result of the nature of the government.

In monarchy, taxes can be increased because the moderation of the government can procure wealth there; it is a kind of reward to the prince for his respect of the laws."

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## IV. Idea of Commercial Republic

"Commerce cures destructive prejudices, and it is an almost general rule that everywhere there are gentle mores, there is commerce and that everywhere there is commerce, there are gentle mores.

Therefore, one should not be surprised if our mores are less fierce than they were formerly. Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and good things have resulted from this.

One can say that the laws of commerce perfect mores for the same reason that these same laws ruin mores. Commerce corrupts pure mores, and this was the subject of Plato's complaints; it polishes and softens barbarous mores, as we see every day."

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#### IV. The Commercial Republic and the Limits of Commerce

“The natural effect of commerce is to lead to peace. Two nations that trade with each other become reciprocally dependent; if one has an interest in buying, the other has an interest in selling, and all unions are founded on mutual needs.” [see Hamilton, *Federalist* 6, 9]

“But if the spirit of commerce unites nations, it does not unite individuals in the same way. We see that in countries where one is affected only by the spirit of commerce, there is traffic in all human activities and all moral virtues; the smallest things, those required by humanity, are done or given for money.”

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#### V. Religion as Social Control

Part 3, Book 19, Chapter 27, “How laws can contribute to forming the mores, manners, and character of a nation.”

“Just as one can judge among shadows those that are the least dark, and among abysses, those that are the least deep, so among the false religions one can seek the ones that are most in conformity with the good of society, **the ones that, though they do not have the effect of leading men to the felicities of the next life, can most contribute to their happiness in this one.**

Therefore, I shall examine the various religions of the world only in relation to the good to be drawn from them in the civil state...”

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#### V. Religion as Social Control

Warning: Lots of anti-Islamic, anti-Arabic rhetoric here. Also anti-Catholic.

“The Christian religion, which orders men to love one another, no doubt wants to the best political laws and the best civil laws for each people, because those laws are, after it [Xtian religion], the greatest good men can give and receive.” [Book 24, p. 459]

“The Christian religion is remote from pure despotism; 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.” [Book 24, Ch 3, 461]

“From the character of the Christian religion and that of the Mohammedan religion, one should, without further examination, embrace the one and reject the other, **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.**”

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## QUESTIONS

- (1) Assume constant revenue. Choose between status quo, and Montesquieu's hypothetical system of (a) limited income "head" taxation, (b) reliance upon commodity taxation, and (c) substantial "estate" taxation? Why?
- (2) Are we to applaud religion's role in social life b/c it is a means of social control?
- (3) What role should the cultivation of virtue play in government? Which virtues?

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