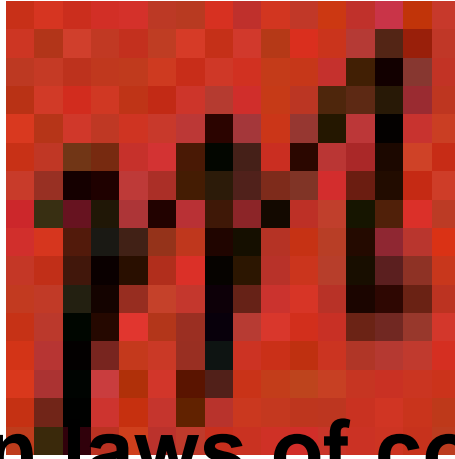


<http://montesquieu.ens-lyon.fr/spip.php?article2920>



XX.13 On laws of commerce that entail the confiscation of merchandise

- The Spirit of Law - Book XX. On laws in their relationship with commerce, considered in its nature and its distinctions -

Publication date: jeudi 6 septembre 2018

Copyright © Montesquieu - Tous droits réservés

XX.13 On laws of commerce that entail the confiscation of merchandise

The Magna Carta of the English forbids seizure and confiscation, in case of war, of the merchandise of foreign traders, except for reasons of retaliation. It is a credit to the English nation to have made this one of the articles of her freedom.

Spain, in her war against the English in 1740, made a law that punished by death any who would introduce English merchandise into Spanish states ; she imposed the same punishment on any who might bring Spanish merchandise into English states. [\[1\]](#) I do not believe an example of such an order can be found in the laws of Japan. It offends our ethos, the spirit of commerce, and the harmony that should exist in the proportion of punishments ; it confounds every notion, making what was merely a violation of public order into a crime of state.

[\[1\]](#) Published in Cadiz in March 1740.