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XXV.5 On the limits which the laws must set on the wealth of the clergy

- The Spirit of Law - Book XXV. On laws in their relation with the establishment of religion and its external policy -

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XXV.5 On the limits which the laws must set on the wealth of the clergy

Individual families may perish, thus assets in them have no perpetual destination. The clergy is a family which cannot perish ; its assets are therefore attached to it forever, and cannot be estranged.

Individual families can grow, thus their assets must be able to grow as well. The clergy is a family that is not supposed to grow ; its assets ought therefore to be limited.

We have kept the provisions of Leviticus on the assets of the clergy, with exception of those that limit those assets : indeed we shall never know in our society the limit beyond which a religious community is no longer allowed to acquire property.

Those endless acquisitions seem to the people so unreasonable that whoever would wish to speak in their favor would be regarded as an imbecile.

Civil laws sometimes find obstacles to changing established abuses, because they are tied to things they must respect ; in this case, an indirect provision better indicates the legislator's good spirit than some other one that would strike at the thing itself. Instead of forbidding the clergy's acquisitions, it is better to dissuade the clergy itself : to leave the right in place, and suppress the fact.

In some countries of Europe, consideration for the rights of lords has led to the institution in their favor of a right of indemnity on properties acquired by perpetual congregations. [1] The prince's interest led him to require a right of amortization in the same case. In Castile, where there is no such right, the clergy has taken over everything ; in Aragon, where there is some right of amortization, it has acquired less ; in France, where that right and the right of indemnity are established, it has acquired still less, and one can say that the prosperity of this state is due in part to the exercise of those two rights. Increase these rights, and put an end to mortmain, if that is possible.

Make the ancient and necessary heritable domain of the clergy sacred and inviolable ; let it be, like the clergy, fixed and eternal ; but let new domains leave its hands.

Allow the rule to be violated when the rule has become an abuse ; suffer the abuse when it conforms to the rule.

In Rome they still remember an abstract which was sent there on the occasion of some contentions with the clergy. In it was found this maxim : "The clergy must contribute to the costs of the state, whatever the Old Testament may say." One assumes from this that the author of the abstract was better versed in the language of tax collection than of religion.

[1] [*Acquis par les gens de main-morte* : Trévoux defines *gens de main-morte* as "all the bodies and communities that do not die, although those who compose them do, the subrogation of persons who succeed to each other making the body of the community immortal."]