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XXIX.8 That laws that appear the same do not always have the same purpose

- The Spirit of Law - Book XXIX. On the manner of composing laws -

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XXIX.8 That laws that appear the same do not always have the same purpose

In France we accept most of the Roman laws on substitutions, but substitutions here have a completely different purpose than they did for the Romans. For them, heredity was tied to certain sacrifices [1] that had to be made by the heir, and which were determined by the law of the pontiffs ; as a result, they held it a dishonor to die without an heir, they took their slaves as heirs, and they invented substitutions. The common substitution, which was the first invented, and which applied only in the case where the appointed heir should not accept the succession, is strong proof of this : its objective was not to perpetuate the inheritance in a family of the same name, but to find someone who would accept the inheritance.

[1] When the inheritance was not too laden, the right of the pontiffs was eluded by certain kinds of sales, whence the expression *sine sacris hæreditas*.