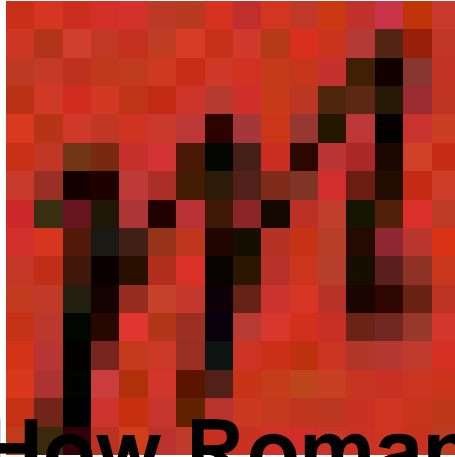


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XXVIII.6 How Roman law was preserved in the domain of the Lombards

- The Spirit of Law - Book XXVIII. On the origin and transformations of the civil laws among the French -

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It all corresponds to my principles. The law of the Lombards was impartial, and the Romans had no interest in abandoning theirs to adopt it. The motive that persuaded the Romans under the Franks to choose Salic law was not pertinent in Italy : Roman law was maintained there with the law of the Lombards.

It even happened that the Lombard law yielded to Roman law ; it ceased to be the law of the dominant nation, and although it continued to be that of the principal nobility, most of the cities set themselves up as republics, and that nobility disappeared, or was exterminated. [1] The citizens of the new republics were not prone to adopt a law which established the use of judicial combat, and whose institutions derived largely from the customs and practices of chivalry. The clergy being from that time on so powerful in Italy, and living almost entirely under Roman law, the number of those who followed the law of the Lombards must have diminished regularly.

Besides, the law of the Lombards did not have the majesty of Roman law, which recalled to Italy the memory of its domination over the whole earth ; it did not have the same extension. The law of the Lombards and Roman law could now serve only to supplement the statutes of the cities which had assumed the status of republics : now which could better supplement them, the law of the Lombards, which decided only certain cases, or the Roman law that embraced them all ?

[1] See what Machiavelli says about the destruction of the old nobility of Florence.