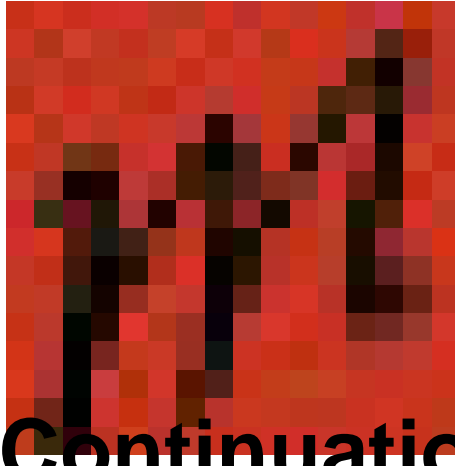


<http://montesquieu.ens-lyon.fr/spip.php?article3154>



XXX.24 Continuation of the same subject. A reflection on the root of the system

- The Spirit of Law - Book XXX. Theory of feudal laws among the Franks, in the relation they have to the establishment of the monarchy -

Date de mise en ligne : vendredi 7 septembre 2018

Copyright © Montesquieu - Tous droits réservés

The abbé Dubos wants to do away with any thought that the Franks entered the Gauls as conquerors : according to him, our kings, called by the people, had only to put themselves in place and succeed to the rights of the Roman emperors.

This pretension cannot apply to the time when Clovis, entering the Gauls, sacked and took the cities, nor can it apply to the time when he defeated Syagrius, a Roman officer, and conquered the country he was holding ; it can therefore relate only to that time when Clovis, now master of a good part of the Gauls through violence, was presumably called, by the choice and love of the people, to domination of the rest of the country. And it does not suffice for Clovis to have been accepted, he must also have been called : the abbé Dubos needs to prove that the people preferred to live under the domination of Clovis rather than live under the domination of the Romans or under their own laws. Now the Romans of that part of the Gauls that had not yet been invaded by the barbarians were, according to the abbé Dubos, of two sorts : some were members of the Armorican confederation, and had driven out the officers of the emperor in order to make their own defense against the barbarians and govern themselves by their own laws ; the others obeyed the Roman officers. Now does the abbé Dubos prove that the Romans who were still subjects of the empire called on Clovis ? Not at all. Does he prove that the republic of the Armoricas called on Clovis, and even made some kind of treaty with him ? Again, not at all. Far from being able to tell us what the fate of that republic was, he has no way even of proving its existence ; and although he follows it from the time of Honorius up to Clovis's conquest, although he relates to it all the events of those times with admirable art, it has remained invisible in the texts. For there is quite a difference between proving with a passage from Zozimus [1] that the Armorican country [2] and the other provinces of the Gauls revolted and formed a kind of republic under the empire of Honorius, and showing that, despite the various pacifications of the Gauls, the Armoricas still formed a separate republic which subsisted until Clovis's conquest. Yet to establish his system, he would require very strong and very precise evidence. For when one sees a conqueror enter into a state and subdue a large part of it by force and violence, and sometime after that one sees the entire state subdued, in the absence of an historical account of how it happened, one has very good reason for believing that the business ended the way it began.

This point once missed, it is easy to see that the abbé Dubos's whole system crumbles from top to bottom, and every time he draws some consequence from the principle that the Gauls were not conquered by the Franks, but that the Franks were called in by the Romans, we will always be able to deny it to him.

The abbé Dubos proves his principle by the Roman dignities in which Clovis was cloaked ; he would have it that Clovis succeeded Childeric his father for the title of master of the militia. But these two positions are purely of his creation. The letter of St. Remigius to Clovis on which he bases his argument [3] is a mere congratulation on his accession to the throne. When the purpose of a writing is known, why give it one which is not ?

At the end of his reign, Clovis was made consul by the emperor Anastasius ; but what right could give him authority for just a year ? But it would seem, says the abbé Dubos, that by the same charter the emperor Anastasius made Clovis proconsul. And I say it would seem he did not. On a fact that is based on nothing, the authority of him who denies it is equal to the authority of him who attests it. I even have a reason for that. Gregory of Tours, who mentions the consulate, says nothing about the proconsulate. Even this proconsulate would not have lasted more than about six months. Clovis died one year and a half after being made consul ; it is not possible to make the proconsulate into an hereditary position. Finally, when the consulate, and if you wish the proconsulate, were conferred on him, he was already the master of the monarchy, and all his rights were established.

The second proof that the abbé Dubos attests is the cession made by the emperor Justinian to the children and grandchildren of Clovis, of all the rights of empire over the Gauls. I would have many things to say about that cession. One can judge the importance which the Frankish kings placed on it by the manner in which they executed its conditions. Besides, the Frankish kings were masters of the Gauls ; they were peaceable sovereigns ; Justinian

XXX.24 Continuation of the same subject. A reflection on the root of the system

did not possess an inch of land there ; the western empire was long since destroyed, and the eastern empire had no rights to the Gauls except as representing the western emperor : these were rights to rights ; the monarchy of the Franks was already founded ; the statute establishing them was done ; the reciprocal rights of persons and of the diverse nations living in the monarchy were agreed upon ; the laws of each nation were given, and even set down in writing. What could be the effect of this foreign cession on an already formed establishment ?

What does the abbé Dubos mean by the declamations of all the bishops who, in the disorder, the confusion, the total collapse of the state, and the ravages of the conquest, try to flatter the conqueror ? What does flattery suppose other than the weakness of the party who is obliged to flatter ? What do rhetoric and poetry prove but the very use of those arts ? Who would not be surprised to see Gregory of Tours, who, after speaking of Clovis's assassinations, says that nevertheless God brought his enemies to their knees every day, because he was walking in his paths ? Who can doubt that the clergy was most delighted by Clovis's conversion, and even derived great advantages from it ? But who can doubt at the same time that the peoples underwent all the woes of conquest, and that the Roman government yielded to Germanic government ? The Franks did not wish, nor were they even able, to change everything ; and few conquerors have even had that madness. But for all of the abbé Dubos's consequences to be true would have required not only that they had changed nothing for the Romans, but also that they had changed themselves.

I could promise to prove likewise, following the abbé Dubos's method, that the Greeks did not conquer the Persians. First, I would evoke the treaties which some of their cities made with the Persians ; I would evoke the Greeks who were in the Persians' pay, as the Franks were in the Romans'. Now Alexander entered into the land of the Persians, and besieged, captured and destroyed the city of Tyre : that was a private matter, like that of Syagrius. But see how the pontiff of the Jews comes to meet him ; listen to the oracle of Jupiter Ammon ; remember how it had been predicted at Gordium ; see how all the cities run, so to speak, to greet him ; the crown of satraps and grandees who come ! He dresses like the Persians : it is Clovis's consular gown. Did Darius not offer him half his realm ? Is Darius not assassinated like a tyrant ? Do the mother and wife of Darius not weep at the death of Alexander ? Were Quintus Curcius, Arrian, and Plutarch contemporaries of Alexander ? Has printing not given us insight that those writers lacked ? See the abbé Dubos's preliminary discourse. Such is the *History of the Establishment of the French monarchy in the Gauls*.

[1] *Hist.*, book VI.

[2] *Totusque Tractatus Armoricus, aliæque Galliarum provinciæ (ibid.)*.

[3] Vol. II, book III, ch. xviii, [p. 270](#).