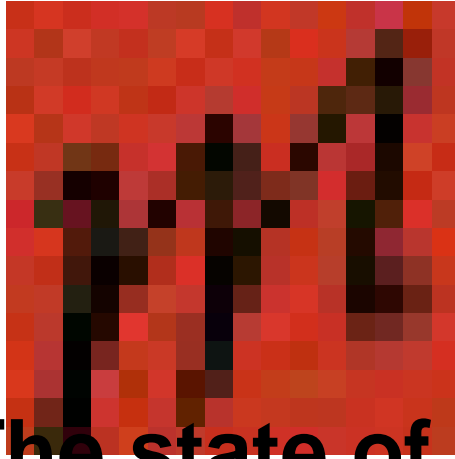


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XXXI.11 The state of Europe in the time of Charles Martel

- The Spirit of Law - Book XXXI. Theory of feudal laws among the Franks, in their relation to the transformations in their monarchy -

Date de mise en ligne : samedi 8 septembre 2018

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Charles Martel, who undertook to divest the clergy, found himself in the happiest circumstances : he was feared and loved by men of war, and he worked for them ; he had the pretext of his wars against the Saracens [1] ; however hated he was by the clergy, he had no need of them : the pope, to whom he was necessary, extended his arms to him ; we know about the famous embassy that Gregory III sent to him. [2] These two authorities were very united, because they could not do without each other : the pope needed the Franks to support him against the Lombards and the Greeks ; the Franks needed the pope as a barrier against the Greeks and to hinder the Lombards ; so Charles Martel's enterprise could not fail.

St. Eucher, bishop of Orleans, had a vision that surprised the princes. I must relate on this subject the letter which the bishops assembled in Reims wrote to Louis the German, [3] who had entered the lands of Charles the Bald, because it is most apt to show us what was the state of things in those times, and the situation of minds. They say that St. Eucher, having been taken up to heaven, saw Charles Martel tormented in lower hell by order of the saints who are to attend the last judgment with Jesus Christ ; that he had been condemned to that punishment ahead of time for divesting the churches of their properties, and thereby convicting himself for the sins of all those who had endowed them ; that king Pépin had a council called on this subject ; that he had restored to the churches all of the Church properties he could recover ; that as he could get only part of it back because of his disputes with Vaifre duke of Aquitaine, he had provisional letters in favor of the churches written on the rest, [4] and ruled that laymen would pay a tithe of the properties they held from the Church, and ten deniers for each house ; that Charlemagne did not give away the properties of the Church, that on the contrary he issued a capitulary by which committed both himself and his successors never to give them away ; that everything they are advancing is written down, and even that several of them had heard it related to Louis the Debonaire, father of the two kings. [5]

The statute of king Pépin mentioned by the bishops was issued in the council held in Leptine [6] ; the advantage in it for the Church was that those who had received some of this property henceforth held it only provisionally, and that moreover the Church was receiving its tithe and twelve deniers for each house that had belonged to it. But that was a palliative remedy and the disease was still present.

Even that much met with opposition, and Pépin was obliged to issue another capitulary in which he enjoined those who held some of these benefices to pay that tithe and those fees, and even to maintain the houses of the bishopric or monastery, under pain of forfeiting those properties. [7] Charlemagne renewed Pépin's statute. [8]

What the bishops say in that same letter that Charlemagne promised for himself and his successors, never again to parcel the churches' properties out to men of war, is consistent with that prince's capitulary issued in Aix-la-Chapelle in the year 803, made to calm the ecclesiastics' terrors on this subject ; but the donations already made still stood. [9] The bishops add, and rightly so, that Louis the Debonaire followed the conduct of Charlemagne, and did not give Church properties to soldiers.

Nevertheless, the old abuses went so far that, under the children of Louis the Debonaire, laymen established priests in their churches, or expelled them, without the consent of the bishops. [10] The churches were divided among the heirs [11] ; and when they were not decently maintained, the bishops had no other recourse than to remove the relics from them. [12]

The capitulary of Compiègne [13] establishes that the king's envoy could inspect all the monasteries with the bishop, with the agreement and in presence of whoever held it [14] ; and this general rule proves that abuse was everywhere.

It is not that laws were lacking for the restitution of church properties. The pope having reproached the bishops for their negligence in the restoration of monasteries, they wrote to Charles the Bald that they had not been affected by

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this reproach because they were not responsible for it, and they reminded him of what had been promised, resolved and decided in many assemblies of the nation. Indeed they cite nine of them. [15]

The disputes continued. The Normans came, and made everyone agree.

[1] See Annals of Metz.

[2] *Epistolam quoque, Decreto Romanorum Principum, sibi prædictus præsul Gregorius, miserat, quod sese populus Romanus relicta imperatoris dominatione, ad suam defensionem et invictam clementiam convertere voluisset* (Annals of Metz, year 741). *Eo pacto patrato, ut a partibus Imperatoris recederet* (Fredegar).

[3] *Anno 858, apud Carisiacum*, Baluze ed., vol. II, p. 101.

[4] *Precaria, quod precibus utendum conceditur*, says Cujas in his notes on book I of the *Fiefs*. I find in a diploma of king Pépin, dated from the third year of his reign, that this prince is not the first to establish these provisional letters ; he cites one written by Mayor Ebroïn, and continued since. See this king's diploma in vol. V of *Historiens de France des bénédictins*, art. 6.

[5] *Ibid.*, art. 7, p. 109.

[6] Year 743. See book V of capitulaires, art. 3, Baluze ed., p. 825.

[7] That of Metz, year 756, art. 4.

[8] See his capitulary of the year 803 issued at Worms, Baluze ed., p. 411, where he settles the precarious contract, and that of Frankfort in the year 794, p. 267, art. 24 on the reparations of houses, etc ; and that of the year 800, p. 330.

[9] As appears from the previous note and from the capitulary of Pépin king of Italy, where it is said that the king would give monasteries as fiefs to those who applied for fiefs ; it is appended to the *Leges Langobardorum*, book III, tit. 1, §30, and to the Salic laws, Collection of the laws of Pépin in Echard, p. 195, tit. 26, art. 4.

[10] See constitution of Lothaire I in the *Leges Langobardorum*, book III, loi I, §43.

[11] *Ibid.*, §44.

[12] *Ibid.*

[13] Given the 28th year of the reign of Charles the Bald, year 868, Baluze ed., p. 203.

[14] *Cum concilio et consensu ipsius qui locum retinet.*

[15] *Concilium apud Bonoilum*, 16th year of Charles the Bald, year 856, Baluze ed., p. 78.