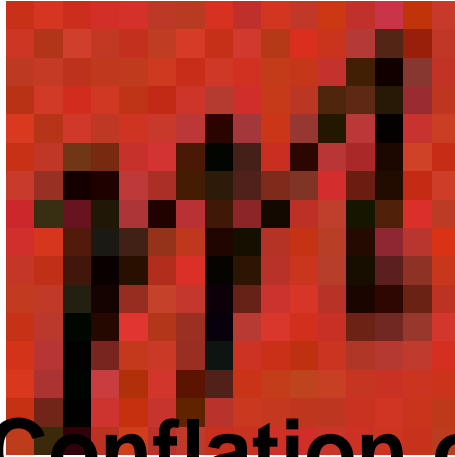


<http://montesquieu.ens-lyon.fr/spip.php?article3171>



XXXI.16 Conflation of royalty and mayoralty. Second dynasty

- 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

Copyright © Montesquieu - Tous droits réservés

The order of subject matter has led me to disturb the temporal order, with the result that I have discussed Charlemagne before dealing with that famous era of the translation of the crown to the Carolingians that took place under king Pépin : a thing which, unlike ordinary events, is perhaps more noticed today than it was at the very time it happened.

The kings were without authority, but they had a name : the title of king was hereditary, and that of mayor elective. Although the mayors in the most recent times had put on the throne whichever Merovingian they preferred, they had not chosen a king in any another family, and the ancient law that gave the crown to a certain family was not erased from the heart of the Franks. The person of the king was almost unknown in the monarchy, but royalty was not. Pépin, son of Charles Martel, thought it was time to conflate the two titles, a conflation that would always leave some uncertainty whether the new royalty was hereditary or not : and that was enough for the man who combined royalty with great might. And so the mayor's authority was combined with royal authority. In the admixture of these two authorities, a sort of conciliation came about : the mayor had been elective and the king hereditary ; the crown at the beginning of the second dynasty was elective, because the people chose ; it was hereditary because they always chose in the same family. [1]

Father le Cointe, despite the testimony of all the records, [2] denies that the pope authorized this great change [3] ; one of his reasons is that he would have been committing an injustice. Now is it not extraordinary to see an historian judge what men have done by what they ought to have done ? With this manner of reasoning, there would be no more history.

Be that as it may, it is certain that from the moment of Duke Pépin's victory, his was the reigning family, and that of the Merovingians no longer was. When his grandson Pépin was crowned king, it was just one more ceremony and one less phantom : all he acquired thereby was the royal ornaments, and nothing in the nation was changed.

I have said this to fix the moment of the revolution, so that the mistake will not be made of seeing as a revolution what was only a consequence of the revolution.

When Hugh Capet was crowned king at the beginning of the third dynasty, there was a greater change, because the state went from anarchy to some kind of government ; but when Pépin took the crown, they went from one government to the same government.

When Pépin was crowned king, he only changed his name ; but when Hugh Capet was crowned king the thing itself changed, because a great fief joined with the crown put an end to anarchy.

When Pépin was crowned king, the title of king was joined to the highest office ; when Hugh Capet was crowned, the title of king was joined with the greatest fief.

[1] See testament of Charlemagne and the division that Louis the Debonaire made with his children in the assembly of the states held in Quierzy, recorded by Goldaste : *Quem populus eligere velit, ut patri suo succedat in regni hæreditate.*

[2] The anonymous one for the year 752, and *Chronicon Centulense*, for the year 754.

[3] *Fabella quæ post Pippini mortem excogitata est, æquitati ac sanctitati Zachariæ Papæ plurimum adversatur.....* (*Annales ecclésiastiques des*

Français, vol. II. p. 319).