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XXI.13 On commerce after the destruction of the Romans in the West

- The Spirit of Law - Book XXI. On laws in the relation they have to commerce, considered in the transformations it has seen in the world -

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Commerce was even more degraded after the invasion of the Roman empire. The barbarians at first regarded it only as an object of their plunder, and when they were established they did not honor it more than agriculture and the other professions of the conquered people.

Soon almost all commerce in Europe was at an end ; the nobility who reigned everywhere were not concerned about it.

The law of the Visigoths allowed private citizens to occupy half the bed of the great rivers, provided the other half remained free for nets and boats [1] ; there must have been very little commerce in the countries conquered by these barbarians.

In those times were instituted the insane rights of escheatage [2] and shipwrecks [3] : people thought that, foreigners being bound to them through no communication of civil law, they owed them on the one hand no sort of justice, and on the other no sort of pity.

In the narrow boundaries where the peoples of the north found themselves, everything was foreign to them ; in their poverty, everything was for them an object of wealth. Settled before the conquests on the shores of a narrow sea full of reefs, they had taken advantage of those very reefs.

But the Romans who were making laws for the whole world had made some very humane ones [4] on shipwrecks : they suppressed in this respect the banditry of those who lived along the coasts, and what was even more, the voraciousness of their treasurers. [5]

[1] Book VIII, tit. 4, §9.

[2] [*Aubaine* : "Succession to the property of a foreigner who dies in a country where he is not naturalized" (*Académie*, 1762).]

[3] [*Naufrage* : "Items retrieved from the sea when a vessel have sunk are to be divided, one-third to the king, one-third to the admiral, and one-third to the people who have hauled them from the sea." (*Furetière*).]

[4] The entirety of *De incendio ruina naufragio*, and Code *De naufragiis*, and law 3 following, *De legem Corneliam de sicariis*.

[5] Law 1, Code *De naufragiis*.