

<http://montesquieu.ens-lyon.fr/spip.php?article3075>



# XXVIII.10 Continuation of the same subject

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

Date de mise en ligne : vendredi 7 septembre 2018

---

Copyright © Montesquieu - Tous droits réservés

---

Several capitularies were appended to the law of the Lombards, to the Salic laws, and to the law of the Bavarians. The reason has been sought ; it is to be found in the thing itself. There were several sorts of capitularies. Some related to political government, others to economic government, most to ecclesiastical government, and some to civil government. Those of this last sort were appended to the civil law, in other words, to the personal laws of each nation : that is why it is said in the capitularies that nothing has been stipulated there against Roman law. [1] Indeed those which regarded economic, ecclesiastical, or political government had no relation to that law ; and those which regarded civil government related only to the laws of the barbarian peoples which were being explained, corrected, augmented and reduced. But these capitularies appended to personal laws I think caused people to neglect the body itself of the capitularies : in times of ignorance, the summary of a work often spells the end of the work itself.

---

[1] See *Edict of Pistres*, art. 20.