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XXX.14 On what was called "census"

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

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When the barbarians left their country, they wanted to set their practices down in writing ; but as they found it difficult to write Germanic words with Roman letters, they put these laws into Latin.

In the confusion of the conquest and its progression, most things changed in nature ; to express them required the use of the old Latin words which were most closely related to new practices. Thus, what could evoke the notion of the old *cens* of the Romans, they called *census*, *tributum* [1] and when things had no relationship whatever to them, they expressed the Germanic words as best they could with Roman letters : thus was formed the word *fredum* of which I shall have much to say in the following chapters.

The fact that the words *census* and *tributum* having thus been used in an arbitrary manner has cast some obscurity on the meaning these words had in the first and second dynasties ; and some modern authors [2] who had their own systems, having found this word in the writings of those times, have judged that what was called *census* was precisely the *cens* of the Romans ; and from this they have concluded that our kings of the two first dynasties had put themselves in the place of the Roman emperors, and had changed nothing about their administration. [3] And as certain duties levied in the second dynasty have been by happenstance and certain modifications [4] converted into others, they have concluded that those duties were the *cens* of the Romans ; and as they have seen since the modern statutes that the crown domain was absolutely inalienable, they have said that those duties, which represented the *cens* of the Romans, and were not a part of his domains, were pure usurpations. I leave aside the other consequences.

To transfer to centuries long past all the notions of the century in which we live is of all sources of error the most fertile. To those persons who want to make all the ancient centuries modern, I will say what the priests of Egypt said to Solon : "O Athenians, you are nothing but children !" [5]

[1] The *census* was such a generic word that it was used to express the tolls on rivers when there was a bridge or ferry to pass. See capitulary III of the year 803, Baluze ed., p. 395, art. 1, and no.V of the year 819, p. 616. Also called by this name were conveyances furnished by free men to the king or his envoys, as we see in the capitulary of Charles the Bald in the year 865, art. 8.

[2] The abbé Dubos and those who have followed him.

[3] See the frailty of the reasons of the abbé Dubos, *Établissement de la monarchie française*, vol. III, [book VI. ch. xiv](#), especially the inference he draws from a passage of Gregory of Tours on a contention between his church and king Charibert.

[4] For example, by emancipations.

[5] [Plato, *Timæus*, 22b.]