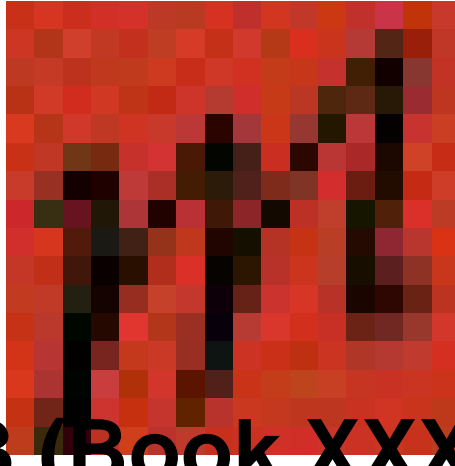


<http://montesquieu.ens-lyon.fr/spip.php?article3210>



Annex 23 (Book XXX, chapter 12)

- The Spirit of Law - Annexes to the edition of 1758 -

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The abbé Dubos goes rummaging in Justinian's code for laws to prove that military benefices among the Romans were subject to tributes, whence he concludes that the same was true for fiefs or benefices among the Franks. But the opinion that our fiefs originate in that establishment of the Romans is banished today : it seemed persuasive only back when we knew Roman history, but our own very little, and when our ancient records were buried in dust.

The abbé Dubos is wrong to cite Cassiodorus and to use what was happening in Italy and in the part of Gaul subjected to Theodoric to inform us what was being practiced among the Franks : these are things that must not be confused. I shall demonstrate some day, in a separate work, that the plan of the monarchy of the Ostrogoths was entirely different from the plan of all the ones that were founded in those times by the other barbarian peoples ; and that, far from our being able to say what something was practiced by the Franks because it was by the Ostrogoths, we have on the contrary good cause for thinking that something that was practiced by the Ostrogoths was not practiced by the Franks.

What is hardest for someone whose mind floats in vast erudition is to seek his evidence where it is not foreign to the subject, and to find, to speak like the astronomers, the position of the sun.