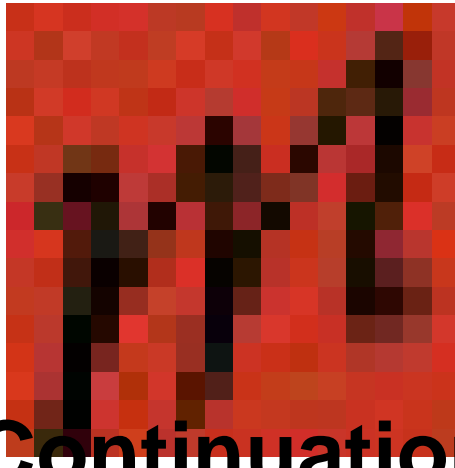


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XXX.8 Continuation of the same subject

- 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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What gave the notion of a great usurpation of Roman lands by the barbarians is that we find in the laws of the Visigoths and the Burgundians that these two peoples had two-thirds of the lands ; but these two-thirds were taken only in certain sections that were assigned to them.

Gundebald says in the law of the Burgundians that his people at its establishment received two-thirds of the lands, [1] and it is said in the second supplement to this law that they would no longer give more than half to any who might come into the country. [2] Therefore not all the lands had been divided up between the Romans and the Burgundians.

We find the same expressions in the texts of these two statutes : therefore they explain each other ; and as we cannot understand the second as a global division of lands, neither can we give that meaning to the first.

The Franks acted with the same moderation as the Burgundians ; they did not despoil the Romans through the whole range of their conquests. What would they have done with so much land ? They took the lands that suited them, and left the rest.

[1] *Licet eo tempore quo populus noster mancipiorum tertiam et duas terrarum partes accepit, etc. (Law of the Burgundians, tit. 54, §1).*

[2] *Ut non amplius a Burgundionibus qui infra venerunt, requiratur quam ad præsens necessitas fuerit, mediatas terræ (art. 11).*