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# XVIII.26 On the majority of Frankish kings

- The Spirit of Law - Book XVIII. On laws in their relationship to the nature of the terrain -

Date de mise en ligne : jeudi 6 septembre 2018

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Barbarian peoples who do not till the soil have no territory of their own, and are, as we have said, governed more by the law of nations than by civil law. Therefore they are always armed. Thus Tacitus tells us that "the Germans never conducted any business, public or private, without being armed." [1] They indicated their opinion [2] with a sign they made with their weapons. [3] As soon as they could bear them they were presented to the assembly ; a javelin was placed in their hands [4] : at that moment they left childhood behind ; they were part of the family, and became part of the republic. [5]

Childebert II was fifteen when his uncle Guntram declared him a major and able to govern by himself. [6] He said to him : "I have placed this javelin in thy hands as a sign that I have given thee my entire kingdom" ; and turning to face the assembly, continued : "You see that my son Childebert has become a man : obey him." [7]

In the law of the Ripuarians we see this age of fifteen, the ability to bear arms, and majority all going together. "If a Ripuarian has died or been killed," it is said there, "and has left a son, he may not prosecute or be prosecuted until he is fully fifteen, at which time he will answer for himself or choose a champion." [8] His mind had to be sufficiently formed to defend himself in court, and the body also to defend itself in combat. Among the Burgundians, [9] who also had the practice of combat in judiciary actions, majority was again at fifteen.

Agathias tells us that the weapons of the Franks were light. They could therefore attain majority at fifteen. Subsequently the weapons became heavy, and were already quite so in Charlemagne's time, as is apparent in our capitularies and romances : those who had fiefs, [10] and who therefore had to do military service, no longer attained majority before the age of twenty-one. [11]

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[1] *Nihil neque publicæ neque privatæ rei nisi armati agunt* (Tacitus, *De moribus Germanorum* [ch. xiii]).

[2] *Si displicuit sententia [fremitu] aspernantur ; sin placuit frameas concutiunt* ['If they disapprove his opinion, they reject it [with grumbling] ; if they approve it, they brandish their spears'] (*ibid* [ch. xi].).

[3] *Sed arma sumere ante cuiquam moris quam civitas suffecturum probaverit.* ['[no] German bears arms unless the city has recognized his ability to do so' (ch. xiii)].

[4] *Tum in ipso concilio vel principum aliquis, vel pater, vel propinquus, scuto frameaque juvenem ornant* ['Then in the presence of the council one of the chiefs, or the young man's father, or some kinsman, equips him with a spear and shield', ch. xiii].

[5] *Hæc apud illos toga, hic primus juventæ honos ; ante hoc domus pars videntur, mox reipublicæ.* ['That is their robe of manhood ; these are the first honors ; until then they were members of a family, now they become citizens'].

[6] He was scarcely five, says Gregory of Tours ([book V, ch. i](#)), when he succeeded his father in the year 575 ; therefore he was five. Guntram declared him a major in 585, therefore he was fifteen.

[7] *Guntramnus data in manu regis Childeberti hasta ait : hoc ist judicium quod tibi omne regnum meum tradidi* ['Gonthram after placing these tokens into the hands of king Childebert, said : This confers on you all or my realm.']( *ibid.*, [book VII, ch. xxxiii](#)).

[8] Tit. 81.

[9] Tit. 87.

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[10] There was no change for commoners.

[11] St. Louis attained his majority only at that age ; that was changed by an edict of Charles V in the year 1374.