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# XVIII.29 On the national assemblies of the Franks

- 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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## XVIII.29 On the national assemblies of the Franks

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We have said above that peoples who do not till the land enjoyed great freedom. This was the case for the Germans. Tacitus says that they gave their kings or chiefs only very limited power, [1] and Cæsar that they had no common magistrate in peacetime, but that in each village the princes dispensed justice among their subjects. [2] Indeed, the Franks in Germania had no king, as Gregory of Tours proves quite well. [3]

"The princes," says Tacitus, "deliberate on the petty things, and the whole nation on the great ones, in such a way, however, that the affairs of which the people become informed are likewise taken before the princes." [4] This practice was maintained after the conquest, as we see in all the records. [5]

Tacitus says that capital crimes could be taken before the assembly. [6] The same was true after the conquest, and the great vassals were judged there.

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[1] *Nec Regibus libera aut infinita potestas. [...] Cæterum neque animadvertere, neque vincere, ne verberare quidem [...].* ["These kings have not unlimited or arbitrary power. [...] But to reprimand, to imprison, even to flog [...], etc."] (*De moribus Germanorum* [ch. vii].)

[2] *In pace nullus est communis magistratus, sed principes regionum atque pagorum inter suos jus dicunt* (*De bello Gallico*, book VI) [see same quotation in XII.6].

[3] Book II.

[4] *De minoribus principes consultant, de majoribus omnes ; ita tamen ut ea quorum penes plebem arbitrium est, apud principes pertractentur* (*De moribus Germanorum* [ch. xi].)

[5] *Lex consensu populi fit et constitutione regis* (Capitularies of Charles the Bald, year 864, art. 6).

[6] *Licet apud Concilium accusare et discrimen capitis intendere* (*De moribus Germanorum* [ch. xi]).