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XVIII.30 On the authority of the clergy in the first dynasty

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

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Among barbarian peoples, priests ordinarily have some power, because they have both the authority which they owe to their religion and the influence which people like them place in superstition. And so we see in Tacitus that priests enjoyed great credit among the Germans, and that they maintained order in the assembly of the people. [1] They alone had the right to chastise, to bind, or to strike, which they did, not by order of the prince, nor to inflict a punishment, but as if by inspiration of the deity ever present to those who wage war. [2]

We must not be surprised if from the beginning of the first dynasty we find the bishops as arbiters of judgments, [3] if we find them appearing in the assemblies of the nation, if they so greatly influence the resolutions of the kings, and if they are given so much property.

[1] *Silentium per sacerdotes, quibus et coercendi jus est, imperatur (De moribus Germanorum [ch. xi]).*

[2] *Nec Regibus libera aut infinita potestas. [...] Cæterum neque animadvertere, neque vincire, neque verberare, nisi sacerdotibus est permissum, non quasi in poenam, nec Ducis jussu, sed velut Deo imperante, quem adesse bellatoribus credunt. (ibid [ch. vii].)*

[3] See Constitution de Clotaire of the year 560, article 6.