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# Clovis: How Barbaric, How Pagan?

By William M. Daly

Bona fide historians who prefer secondary sources, especially deceptive ones, to primary sources do not come readily to mind. In modern accounts Charlemagne prospers without the archangel Gabriel as a strategic guide. Anglo-Saxon and Norman tall stories about William the Conqueror have given way to writs, Domesday Book, and the Bayeux Tapestry. Columbus no longer astounds his contemporaries by standing eggs on their heads, and further down the road of time, George Washington's shoulders have flexed free of the burden of Mason Weems's pieties. Yet many twentieth-century historians continue to reprocess as gospel sixth-century legends and didactic fiction that portray the first Frankish king of Gaul as a thoroughgoing barbarian.

In the meantime the primary sources have rarely been allowed to speak clearly and fully, center stage, in their own voices. Instead, when they have not been neglected, what they can divulge has too often been subordinated to providing context for less trustworthy materials or to furnishing incidental grist, sometimes mistranslated, for speculative modern hypotheses. My purpose in what follows is to draw attention to what the early sources can offer on their own, individually and as a group. Random survivals by coincidence that they are, they undeniably constitute a tantalizingly incomplete jigsaw puzzle of information. Nonetheless, the features of the real-life Clovis who fragmentarily emerges from them fit together into a stunning surprise.

The mainstream portrait of Clovis, still dominant in English and American writing, derives its many negative features from secondary sources written a half-century or more after his death and abounding in grossly unreliable anecdotes.<sup>1</sup> It depicts him as a pagan Frankish warrior-leader, who emerges from

I gratefully acknowledge a grant in 1968 from the American Council of Learned Societies, which supported initial research leading to a paper on this subject given at the Ninth International Congress on Medieval Studies at Western Michigan University in 1974. Over many years Fr. Laurence W. McGrath, Librarian of St. John's Seminary Library in Boston, has generously allowed me the use of its facilities and has made several helpful bibliographical suggestions. His penetrating questions led me to investigate the possibility, which I have pursued below, that Remigius was conflating scriptural texts in his second letter to Clovis. Prof. Bernard Farragher made several helpful stylistic suggestions. With the usual exculpations, I thank them both. When quoting in English from the Vulgate I have used the Douay-Rheims translation with some modifications, which are noted. Other translations in this article are mine unless otherwise noted. Where they differ significantly from existing translations, the reason will often be that I have preferred late-classical or patristic usages to more familiar, but anachronistic, ones. Those usages will be cited mainly from Charlton T. Lewis and Charles Short, *A Latin Dictionary*, rev. ed. (Oxford, 1879; repr. 1933), hereafter cited as Lewis and Short; and Albert Blaise, *Dictionnaire latin-français des auteurs chrétiens* (Turnhout, 1954; rev. ed., 1986), hereafter cited as Blaise.

<sup>1</sup> Most of the familiar legends are embedded in the narrative of Gregory of Tours's *Libri historiarum* X, 2nd ed., MGH SSrerMerov 1 (Hannover, 1937), 2:27–43. Other legendary or fictitious materials are present in a letter of Nicetius, the so-called *Chronicle of Fredegarius*, the *Liber historiae Francorum*,

obscurity in the 480s to become an exceptionally successful conqueror. He first adds northern Gaul to the kingdom that he inherited from his father, Childeric. Obstinate resisting for some time the religious preaching of his pious Catholic wife, Clotild, he turns imminent defeat by his Alaman enemies into victory after promising her god to become a Christian. Years after his baptism, he proclaims his desire to eliminate Arianism in Gaul and defeats the Visigothic king, Alaric II, thereby integrating most of southern Gaul into his enlarging kingdom. In his last years he eliminates his remaining Frankish competitors in the north through a series of atrocious ruses and assassinations and leaves behind to the dynasty that he founded a cluster of vicious examples to follow. He stands as the paradigm of the worst kind of cunning, cruel barbarian leader who brought down Roman civilization in the fifth century. To the sophisticated modern eye his alleged assertions of lofty religious goals late in the reign exude the cunning hypocrisy of an unreconstructed pagan.<sup>2</sup>

During the past century and a half there has been extensive, if desultory, critical examination of the sources relating to Clovis. Toward the middle of the twentieth century, one current within it suddenly became an angry torrent when A. van de Vyver launched a fundamental challenge to the traditional chronology of the reign. While most elements of his and others' hypothetical redating of events no longer command widespread assent and indeed will seem, on balance, unlikely in the light of the early sources as they are examined in this article, the new chronology that they propose is not absolutely incompatible with them.<sup>3</sup>

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and some lesser works. The principal problems that these secondary sources, none of them written earlier than the second half of the sixth century, pose to a critically minded historian are surveyed by Georges Tessier, *Le baptême de Clovis*, *Trente Journées Qui Ont Fait la France* 1 (Paris, 1964), pp. 71–81, 85–89, 91–93, 104–5, 111–12. See also Ferdinand Lot, *Naissance de la France*, 2nd ed. (Paris, 1970), chap. 1, esp. pp. 11–13, 15, 19, 21, 24–25, 33–35. For citations to other critical discussions see below, nn. 3–7.

<sup>2</sup> Examples in twentieth-century American textbooks are too numerous to need citation. A notable exception is Edward Peters's informed account of Clovis in *Europe, the World of the Middle Ages* (Englewood Cliffs, N.J., 1977), pp. 103–6. Joseph Strayer, in a quiet departure from his earlier excoriation of Clovis's alleged atrocities, an approach widely shared by other American historians writing textbooks, confined mention of them to one qualified sentence: "Clovis began by eliminating rival Frankish kings by force and, if we can believe Gregory of Tours, by trickery" ("Clovis," *Dictionary of the Middle Ages*, 3:466).

<sup>3</sup> With the exception of the redating to 506 of the so-called Battle of Tolbiac, the revisionary chronology no longer commands the acceptance that it often received as late as the 1960s. Many, if not most, historians would now probably agree in the main with J. M. Wallace-Hadrill's ultimate judgment: "It may well be that Gregory sometimes got his dates wrong but yet put events in the right order . . . (*The Frankish Church*, Oxford History of the Christian Church [Oxford, 1983], p. 23). In Georges Tessier's opinion, only the late dating of the Battle of Tolbiac, but not its necessary implication for Clovis's baptism late in life, has survived detailed critical testing. For the titles of van de Vyver's articles and for Tessier's critique, see *Baptême*, pp. 119–26, 388–89. See also Tessier, "La conversion de Clovis et la christianisation des Francs," *Conversione al Cristianesimo*, Settimane di Spoleto 1966, 17 (1967), 159–60, 164–69; and Marc Reydellet, *La royauté dans la littérature latine de Sidoine Apollinaire à Isidore de Séville*, Bibliothèque des Ecoles Françaises d'Athènes et de Rome 243 (Paris, 1981), pp. 95–97. Eugen Ewig, reflecting the tendency of German historians to be even less receptive to the new chronology, considers the revisionary writing of van de Vyver and Rolf Weiss, its two leading proponents, "abweichend von der herrschenden Meinung." See "Chlodwig," *Lexikon des Mittelalters*, 2:1864–65, quotation, 1868; also Adolph Lippold, "Chlodovechus," *Paulys*

A much more important current of criticism has received proportionately less attention than it deserves. Emerging a century and a half ago, when Wilhelm Junghans drew attention to legendary materials in Gregory's narrative,<sup>4</sup> it gathered strength as one or another historian subsequently identified other legendary and fictitious elements in the secondary sources, most especially in Gregory of Tours's *Histories*. Toward and just beyond the turn of the century, Godefroid Kurth, in particular, extended the range of criticism while drawing attention to several neglected implications of the primary sources. Unfortunately his sometimes fanciful inventiveness and his willingness to let his religious predilections intrude deterred many scholars from giving his fundamental challenge the attention that it deserved.<sup>5</sup>

Since Kurth's time, others have occasionally pushed such investigations further. For those willing to disengage from accepted views, Louis Halphen's brief, but incisive, challenge in 1925 to the mainstream portrait underscored Gregory's naive, if honest, reliance on legendary materials and revealed some literary and hagiographic devices that he had used to create a unified, didactic tapestry designed to manifest God's providential shaping of history.<sup>6</sup> Wilhelm Levison was not among those who ignored or casually dismissed Halphen's challenge. At midcentury, surveying the critical studies published by then, he concluded that Gregory's "account of Clovis as well as of his immediate successors is indeed thoroughly legendary; one must be very careful not to take . . . [his] testimony in this section [of the *Histories*] too seriously."<sup>7</sup>

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*Realencyclopädie der classischen Altertumswissenschaft*, Supplement 13 (1973), 146, 147–48, 156–58. Weiss's renewal of the debate in *Chlodwigs Taufe: Reims 508*, Geist und Werk der Zeiten 29 (Bern, 1971), was criticized briefly by Wallace-Hadrill in *English Historical Review* 89 (1974), 144–45, and at length and more severely by Knut Schäferdiek in *Zeitschrift für Kirchengeschichte* 84 (1973), 270–77. For one example of the uncertain evidential base upon which van de Vyver built his hypotheses, see below, n. 65.

<sup>4</sup> Wilhelm Junghans, *Die Geschichte der fränkischen Könige Childeric und Chlodovech: Kritisch Untersucht* (Göttingen, 1857); translated into French with introduction and revisionary notes by Gabriel Monod, *Histoire critique des règnes de Childeric et Chlodovech*, Bibliothèque de l'Ecole des Hautes Etudes 37 (Paris, 1879).

<sup>5</sup> Godefroid Kurth, *Clovis*, 2nd rev. ed., 2 vols. (Paris, 1901). Two other works by Kurth contain important, though at times overly hypothetical, studies relevant to Clovis: *Histoire poétique des Mérovingiens* (Brussels, 1893); *Etudes franques*, 2 vols. (Paris, 1919). For an illuminating, judiciously critical account of Kurth's broad range of original scholarship see Henri Leclercq, "Kurth (Godefroid)," *Dictionnaire d'archéologie chrétienne et de liturgie*, 8:879–908.

<sup>6</sup> Louis Halphen, "Grégoire de Tours, historien de Clovis," in *Mélanges d'histoire du moyen âge offerts à M. Ferdinand Lot par ses amis et ses élèves* (Paris, 1925), pp. 235–44; reprinted in his *A travers l'histoire du moyen âge* (Paris, 1950), pp. 31–38.

<sup>7</sup> Wilhelm Wattenbach and Wilhelm Levison, *Deutschlands Geschichtsquellen im Mittelalter: Vorzeit und Karolinger*, 5 vols. (Weimar, 1952–73), 1:103, and see n. 226 (my translation). Recently Ian N. Wood, in "Gregory of Tours and Clovis," *Revue belge de philologie et d'histoire* 63 (1985), 261, has cautioned that "we are entitled to reject or view with suspicion any fact supplied by [Gregory] . . . unless it can be shown to have some support from earlier, reliable material." Walter Goffart emphasizes that Gregory did not conceive his great work as a history of the Franks but rather as a history of his times to which the first four books, including his account of Clovis, served as an introduction. Although not focusing on the legendary components of Gregory's Clovis, Goffart draws attention to ways in which he intentionally and selectively shaped this and many other accounts of people and events to illustrate what he saw as God's continuous, omnipresent interventions in

The body of source criticism that has accumulated since the mid-nineteenth century has been particularly slighted in English-speaking countries.<sup>8</sup> From the early twentieth century onward, however, successive editions of the *Encyclopedia Britannica* published articles that reflected slowly diminishing general acceptance of the legends at face value.<sup>9</sup> Several French and German historians have increasingly disengaged from the familiar allegations. Such disengagement became explicit in the writings of Ferdinand Lot. His account of Clovis in *The End of the Ancient World* alluded to Gregory's stories, but he later came to agree that in sum Gregory's narrative is "an epic in prose," which obscured the Frankish king's great abilities and success as a constructive leader.<sup>10</sup> Unfortunately, Lot's

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day-to-day events, a set of patterns that to him was the basic message of history. Goffart argues that the highly original result, though not the critically minded, objectivity-oriented history modern readers might want, commands our respect in several ways. See *The Narrators of Barbarian History (A.D. 550–800)* (Princeton, 1988), pp. 112–234, esp. pp. 113–36, 153–54, 159–61, 167, 177–78, 181, 183, 202 and n. 388, 205, 208, 216–21, 227–31.

<sup>8</sup> Recently Roger Collins has noted the serious limitations of Gregory's account and emphasized Childeric's and Clovis's rapport with late Gallo-Roman military and administrative practices. He even goes so far as to doubt that Clovis was ever a pagan and believes that there are "very strong arguments" that he was a practicing Arian before his conversion to Catholicism. See *Early Medieval Europe, 300–1000*, History of Europe [1] (New York, 1991), pp. 104–8. Usually, English historians have tended to overlook J. B. Bury's broadly sketched, critically minded reinterpretation of Clovis's personality and reign in *The Invasion of Europe by the Barbarians*, ed. F. J. C. Hearnshaw (London, 1928; repr. New York, 1967), pp. 231–53. In the writings of Wallace-Hadrill, the English historian who has written most extensively and influentially on Frankish history, Clovis with few exceptions appears as a quintessential barbarian. See *The Long-Haired Kings* (London, 1962), pp. 166, 169–70, 172–73; "War and Peace in the Early Middle Ages," in *Early Medieval History* (Oxford, 1975), p. 29; *Early Germanic Kingship in England and on the Continent* (Oxford, 1971), pp. 18, 120; *The Frankish Church*, pp. 24–27. For the most part he slights, when he does not ignore, the source critics. In *The Frankish Church*, p. 422, he largely dismisses Halphen's article as "a famous if grudging assessment." There and elsewhere he refers to other critical works only rarely and in passing. He attributes Gregory's "starkly majestic portrait of Clovis" to what he, unlike the critics, regards as Gregory's relatively close access to reliable information. See "Gregory of Tours and Bede: Their Views on the Personal Qualities of Kings," in *Early Medieval History* (Oxford, 1975), pp. 97–98, quotation on p. 98. See also C. W. Previté-Orton, *The Shorter Cambridge Medieval History*, 1 (Cambridge, Eng., 1952), p. 151.

<sup>9</sup> In the ninth edition, 9 (1879), 529, George W. Kitchin portrayed Clovis as "the grim Frank, vigorous and ambitious, [who] knew neither scruple nor pity. . . . [Though he] has no claim to honour as a man of constructive power, [he] still stands out in history as the founder of a new world in France. . . . Not without reason does France inscribe on the first page of her history this German conqueror, a robber, a liar, a murderer,—for it is from him that modern France rightly dates her beginning." Possibly to make amends, the editors thereafter assigned articles on Clovis to French historians who were more aware of evidential problems in the sources. References to the alleged atrocities tended to diminish until, in the fifteenth edition (*Macropaedia* 11 [1974], 926–27), Gabriel Fournier did not mention them.

<sup>10</sup> He dismissed Kurth's revisionary interpretation of Clovis as an "entreprise chimérique, presque ridicule" in *La fin du monde antique et le début du moyen âge*, L'Évolution de l'Humanité 31 (Paris, 1927; rev. ed., 1951), p. 370; English translation as *The End of the Ancient World and the Beginnings of the Middle Ages* (New York, 1931), p. 320. By 1934, however, he was expressing serious reservations about the historicity of Gregory's atrocity stories. See Ferdinand Lot, Christian Pfister, and François L. Ganshof, *Les destinées de l'Empire en Occident de 395 à 768*, Histoire Générale, Histoire du Moyen Âge 1 (Paris, 1934; new rev. ed., 1940), pp. 182, n. 7; 183, n. 13; 190, n. 52; 192, n. 61; 193–94 and n. 70; 195 and n. 81. Later still, in *Naissance de la France*, he repeatedly underlined the legendary

later works remain untranslated and still seem relatively unknown to English and American readers.

Georges Tessier's survey of Merovingian history, also given little notice in England or the United States, now provides the best assessment of the problems posed by the secondary sources. It includes several reinterpretations of major aspects of the reign.<sup>11</sup> Tessier depicts Clovis as, like his father, generally supportive of Gallo-Roman society. The evidence, meager though it is, that survives from the early years of the reign suggests to him that Clovis's territorial expansion into the Seine valley and subsequently southward bore a generally constructive character and that the majority of Gallo-Romans probably either acquiesced in or welcomed it. He regards the lively details of Gregory's atrocity stories as generally unreliable but conjectures that some dark realities may lurk far below the surface of a few of them. He sees Clovis as generally realistic and cautious in his diplomacy and military initiatives and thinks it likely that the emperor Anastasius, at least distantly, tolerated his plans and initiatives in general and secretly supported his conquest of the Visigothic kingdom in 507–8. In Tessier's opinion Clovis's conversion to Christianity is an event too remote from us to be comprehended satisfactorily, but he infers that Clovis's motives probably included both political sagacity and religious inclination. Lucien Musset's view is little different from Tessier's.<sup>12</sup> Yet while common denominators of a new portrait have thus emerged in France, the old one can still resurface.<sup>13</sup>

It is still possible to find German works that describe Clovis as a cunning, cruel *Bauernkönig*,<sup>14</sup> but the majority of recent scholarly studies have more or less disengaged from the legendary and didactic material. Like Tessier and Musset, their authors tend to envisage Clovis as supportive of the Gallo-Roman

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aspects of Gregory's narrative and emphasized both the constructive bonds that Clovis established with the Gallo-Roman populace and the broad range of his achievements. He quoted, unidentified, the opinion that Gregory's narrative is "une *geste* en prose," and in summing up the reign observed: "On voit bien qu'il fut ambitieux, fourbe, cruel, adroit politique, mais comme des centaines d'autres princes de ce type dans tous les temps et tous les mondes, et cela ne le caractérise pas suffisamment." See above, n. 1, and for quotations pp. 13, 39.

<sup>11</sup> Tessier, *Baptême*, chaps. 2, 4–5. For his views on Clovis see esp. pp. 46, 82–87, 93–94, 106, 109–14.

<sup>12</sup> Lucien Musset, *Les invasions: Les vagues germaniques*, Nouvelle Clio 12, 2nd rev. ed. (Paris, 1969), pp. 125–30; see also Musset in Robert Folz, et al., *De l'antiquité au monde médiévale*, Peuples et Civilisations, Histoire Générale 5 (Paris, 1972), pp. 71–76.

<sup>13</sup> For example, Michel Ruche, who sternly qualified his generally positive assessment of Clovis as a militarily and politically astute leader: "Païen convaincu et polygame avéré . . . fait-il massacrer six de ses proches parents par ruse ou mensonge avec une rare hypocrisie . . ." ("Clovis," *L'histoire* 23 [May 1980], 41).

<sup>14</sup> The term is Peter Classen's, who in an otherwise sober and informative biographical article concluded that "es scheint jedoch richtig, ihn als einen klugen, verschlagenen, energischen, und oft brutalen Krieger- und Bauernkönig anzusehen, dem die Bildungsfähigkeit der Goten mangelte, der aber grosse staatsmännische Fähigkeiten bewies" (*Neue deutsche Biographie*, 3:209). The authors of articles in other standard German reference works have not always resisted the temptation to use terms such as *verschlagen*, *brutal*, *rücksichtslos*, *Intrig*, *Mord*, *List*, *Verrat*, and *Gewalt*. See, for example, H.-J. Bartmuss in *Biographisches Lexikon zur deutschen Geschichte von den Anfängen bis 1945* (Berlin, 1971), p. 112; and unsigned articles in *Biographisches Wörterbuch zur deutschen Geschichte*, 1:448–49; and in *Biographisch-Bibliographisches Kirchenlexikon*, 1:996.

order and favored at a distance by Byzantine diplomacy. They see him as a successful participant in the balance-of-power realities of the disintegrating empire, who mastered them in an intelligent, step-by-step course of territorial expansion and integration. They agree that his choice of Catholic orthodoxy over Arianism enabled him to organize and integrate Gallo-Roman and Germanic traditions toward useful political and social ends of lasting impact on European history. While all of them recognize that such pragmatic reasons lay behind his conversion, some also allow him authentic personal conviction.<sup>15</sup>

Although not all archaeologists have incorporated such revised interpretations of the written sources into their accounts, their own discoveries have tended to confirm them. Archaeological finds, especially in recent decades, have blurred clear-cut distinctions between civilized and barbaric, Roman and Germanic, Christian and pagan as categories for describing or understanding northern Gaul by the late fifth and the sixth centuries. We can now discern, however dimly and incompletely, that from the late fourth century onward, Alaman and Saxon threats to the Roman frontier had introduced a layer of Frankish warrior-leaders and their followers on top of the many scattered groups of Frankish and other Germanic farmers already settled or settling on uncultivated northern lands. These military “chiefs” became more often than not “the natural allies of Rome,” as they have recently been called.<sup>16</sup> Several of the small Frankish principalities that coalesced east and west of the Rhine toward the middle of the fifth century, including the Salians for a short while, were hostile to Roman authority. With Childeric as their leader, however, the Salians became by ca. 460 the mainstay in northern Gaul of what was left of Roman authority loyal to the emperor. With the possible exception of Clovis’s attack on Syagrius and definitive victory, archaeological findings suggest a relatively peaceful expansion of Frankish authority in northern Gaul in the late fifth and early sixth centuries. Contemporaries seem to have regarded the resulting political and administrative situation as largely a continuation of older patterns.<sup>17</sup>

<sup>15</sup> With individual variations, most or all of these views appear in the following: Heinz Löwe in Bruno Gebhardt, ed., *Handbuch der deutschen Geschichte*, 9th ed., 1 (Stuttgart, 1973), pp. 107–13; Erich Zöllner, *Geschichte der Franken bis zur Mitte des sechsten Jahrhunderts* (Munich, 1970), pp. 44–73, esp. pp. 70–72; Lippold, “Chlodovechus,” cols. 139–74; Eugen Ewig, “Chlodwig,” cols. 1863–68.

<sup>16</sup> Patrick Périn and Laure-Charlotte Feffer, *Les Francs*, 1 (Paris, 1987), p. 60. With a lucidity and balance sometimes absent from his later writing on Clovis, Wallace-Hadrill in an early work had noted the extensive fusion of Frankish, Celtic, and Gallo-Roman elements already accomplished by the early sixth century. See J. M. Wallace-Hadrill and John McManners, eds., *France: Government and Society*, 2nd ed. (London, 1970), pp. 36–38.

<sup>17</sup> Karl Werner attributes this public acceptance to the progressive fusion of Roman and German patterns in the authority and activities of military leaders during the fifth century. As a result barbarian kings were “entourés de bureaux, de scribes et de conseillers romains et capables d’exercer normalement toutes les tâches, même civiles et ecclésiastiques, de leur office. . . . [II] n’y a eu ni conquête ni persécution, le gouvernement militaire en place ayant ‘seulement’ pris également en charge le gouvernement civil” (*Les origines [avant l’an mil]*, *Histoire de France* 1 [Paris, 1984], pp. 287–88; quotation on p. 288). See also Patrick Périn, *Clovis et la naissance de la France*, *L’Histoire de France* (Paris, 1990), p. 63; Périn and Feffer, *Les Francs*, pp. 84–87, 105–9, 196–201; also Musset, *Invasions*, pp. 116–25.

Meanwhile the lifestyle of Frankish leaders had become sumptuous as they assimilated Roman ways, including in some instances possession of villas.<sup>18</sup> Although the majority of articles found in Childeric's tomb at Tournai, most of them subsequently lost to theft, were Germanic, they also included a seal ring inscribed with the Latin "CHILDERICI REGIS," a gold cruciform brooch, and gold Roman coins, the brooch and the coins possibly being gifts from the emperor.<sup>19</sup> Before the end of Clovis's reign, a new style of burial incorporating Germanic, Roman, and probably some Christian elements had begun to spread throughout northeastern Gaul, whence it would expand eastward across the Rhine and southward to the Loire and even beyond. The aligned graves of the *Reihengräberfelder*, or row-grave cemeteries, in the open countryside, with their stone sarcophagi or encasements and a frequently eastern orientation of the bodies, symbolize the emergence of a new, post-Roman civilization that was beginning to fuse disparate older components into a cultural synthesis.<sup>20</sup>

The foregoing brief survey of the progress of historical and archaeological research since Junghans suggests the need for a new look at the early written sources. Six contemporary sources and one nearly contemporary source bring us much closer to the historical Clovis than do any of the secondary sources. In roughly chronological sequence they are three letters of Remigius of Reims, two of them to Clovis, one about him; a letter, written between the first and second letters of Remigius, from Avitus of Vienne to Clovis; six letters of Theodoric the Great, two directed to Clovis, the others about him; a letter from Clovis, ca. 508, to the bishops of southern Gaul; the *Lex Salica*, presumably codified under his direction during the latter years of the reign; the canons of the Council of Orléans of 511, with whose summoning and deliberations he was extensively involved; and *The Life of Genevieve*, written about 520.

# 1. THE LIFE OF GENEVIEVE

Technically considered, the *Vita Genovefae* is not a primary source since it was written about a decade after Clovis's death. Yet because it reaches further back chronologically than do the contemporary sources, it can usefully be considered

<sup>18</sup> Hörst-W. Böhme, "Tombes germaniques des IVe et Ve siècles en Gaule du nord: Chronologie, distribution, interprétation," in *Problèmes de chronologie relative et absolue concernant les cimetières mérovingiens d'entre Loire et Rhin*, ed. Michel Fleury and Patrick Périn, Bibliothèque de l'Ecole des Hautes Etudes, 4 Sect., Sciences Historiques et Philologiques, 326 (Paris, 1978), pp. 21–38. This layer of Frankish and other Germanic aristocratic warriors, overlying as it did various strata of immigrant or imported farmers brought in under treaty arrangements, contributed "de façon décisive à la formation d'une civilisation mixte spécifiquement gallo-germanique. Celle-ci se développa bien au-delà de son pays d'origine et conduisit à un développement culturel continu jusqu'à l'époque mérovingienne grâce à la migration des Francs au Ve siècle. . . . [These groups thus prepared] le terrain sur lequel pourrait se développer au Ve siècle l'Empire franc et la civilisation des cimetières par rangées de l'époque mérovingienne qu'il engendra" (p. 38). See also Périn and Feffer, *Les Francs*, 1:64–69, and Périn, *Clovis*, pp. 83–88, 91–93.

<sup>19</sup> See Françoise Dumas, *La tombe de Childéric, père de Clovis* (Paris, 1982), introduction and items 5, 12, 13; see also Périn, *Clovis*, pp. 35–42; Périn and Feffer, *Les Francs*, 1:124–32.

<sup>20</sup> Musset, *Invasions*, pp. 191–93; Périn and Feffer, *Les Francs*, 2:133–38; and Edward James, *The Origins of France: From Clovis to the Capetians, 500–1000* (London, 1982), pp. 130–31.



before them. Once widely dismissed as a much later fabrication of little or no historical value, the *Vita Genovefae* is now recognized as an authentic, early-sixth-century work.<sup>21</sup> Indeed it is the only substantial, extant written source for events in northern Gaul during the last half of the fifth century. The author appears to have been a well-educated priest from Tours who came to Paris, possibly as a protégé of Queen Clotild, a few years after Clovis's death. Unlike Gregory, he used available oral and written accounts without extensive, detectable literary inflation. If the miracles as he received them were fictional inventions or fictionalized enlargements of actual events, he narrated them straightforwardly, and probably in roughly chronological sequence in the context of northern Gaul as he knew it.<sup>22</sup> At least some of his information about Clovis is only about a decade old, its reliability heightened by the likelihood that he witnessed the completion of Clovis's church and had direct or indirect access to what Clotild knew about her husband and father-in-law. And for one set of events involving Childeric, although they had occurred five decades or so earlier, he drew on the recollections of a participant.

Three references in the *Vita Genovefae*, one and probably two of them concerning Clovis's father, the third Clovis himself, fleetingly yield information about him and his family while allowing us to glimpse somewhat more fully their social context. The feel of life in late-fifth-century Gaul repeatedly breaks through between the lines of the narrative. Many Roman patterns persist in Genevieve's Paris and in other towns of Gaul to which her business and religious affairs bring her. During a crisis the townspeople of Paris knot together to discuss anxieties and plan civic action (c. 13). Greater and lesser clerics pass

<sup>21</sup> The best edition is *Vita Genovefae virginis Parisiensis*, ed. Bruno Krusch, MGH SSrerMerov (Hannover, 1896), 3:204–38, 685–86. For a translation of the text as edited in *Acta sanctorum*, which differs in significant ways, including chapter numbers, from Krusch's edition, see Jo Ann McNamara, John E. Halborg, and E. Gordon Whatley, eds. and trans., *Sainted Women of the Dark Ages* (Durham, N.C., 1992), pp. 17–37. Scholarly doubts, occasionally expressed from the seventeenth century onward, about the authenticity of the *Vita* were powerfully, not to say belligerently, renewed by Bruno Krusch in the late nineteenth and early twentieth centuries. Among others Louis Duchesne and, in greater detail, Godefroid Kurth argued that internal evidence proved the *Vita* to be an authentic, early-sixth-century hagiographic work. See Kurth's "Etude critique sur la vie de sainte Geneviève," *Revue d'histoire ecclésiastique* 14 (1913), 5–80. This judgment, increasingly accepted especially in France after ca. 1920, has been abundantly confirmed by the parallel historical and literary analyses that Martin Heinzelmann and Joseph-Claude Poulin have juxtaposed in *Les vies anciennes de sainte Geneviève de Paris: Etudes critiques*, Bibliothèque de l'Ecole des Hautes Etudes, 4e Sect., Sciences Historiques et Philologiques, 329 (Paris, 1986). The authors include information about other editions of the text, some of them still useful, and Heinzelmann in particular recapitulates major features of the intense and often acrimonious scholarly controversy that centered around Krusch's several attacks on the authenticity of the *Vita*. See pp. 3–49, 121–26, 147–82.

<sup>22</sup> *Ibid.*, pp. 51–80. Poulin's close analysis of the text has significantly added to what was already recognized to be the author's extensive, though not slavish, use of Sulpicius Severus's writings on St. Martin, as well as his literary use of other sources as models. See pp. 127–32, 144, 181–82. Although the author of the *Vita* neither asserts nor implies such a purpose, Heinzelmann speculates that, after Clovis's death, Clotild patronized the *Vita* as a work of anti-Burgundian propaganda to help establish Clovis as a hero of anti-Arian orthodoxy (pp. 41–42, 52–57, 105). This opinion may have the additional weakness of reading history backwards from the perspective of Gregory of Tours. See below, pp. 640 and n. 63, 658 and n. 128, also n. 139.

through the town with *éclat* (cc. 2–6, 11, 13). Merchants sell their products in the marketplace. Peasants, clerics, and others rub shoulders and gossip near one of the bridges (cc. 18, 27, 48). A tribune at Arcis-sur-Aube and a *defensor civitatis* at Meaux request Genevieve's miraculous intervention (cc. 36, 41). Although day-to-day travel on the Seine and the Loire is politically unrestricted, it readily falters in the face of the sudden storms that beset the fragile ships of the day and that on occasion dislodge cargoes fastened to their decks (cc. 35, 39, 45, 51). Despite initial doubts about the necessary wherewithal to construct a basilica to honor St. Denis, ways are found, including the discovery of long-disused lime kilns. Artisans are assembled and the project completed. Their efforts, of course, require some helpful miracles from Genevieve to abet her initial persuasiveness in conceiving and organizing the project (cc. 17–21).

This was the northern Gaul where Genevieve's and Childeric's activities and interests at times intersected. By the late 450s he had become the king of the Franks and in that capacity controlled the northern part of Belgica Secunda. He allied himself with Aegidius, the *magister militum Galliarum*, the only remaining Gallo-Roman leader supporting the emperor in opposition to Visigothic expansion northward. As a capable and loyal general, he now became the mainstay of what was left of Roman power in northern Gaul. In 463 he and his Frankish army helped repel a Visigothic thrust toward northern Gaul and, in 469, saved Angers from a similar assault. Probably at the time of the first of these victories, Aegidius granted him administrative authority over the whole province of Belgica Secunda, an authority that Clovis was to inherit along with his father's pro-imperial and anti-Visigothic orientation. Until his death in 481–82, Childeric's administrative travels from palace to palace in that province, as well as his military activities in the region of Paris and occasionally southward as far as the Loire, made him a powerful presence in northern Gaul.<sup>23</sup>

Even before Childeric met Genevieve, his duties and travels would have acquainted him with her activities and great social prestige among the populace of northern Gaul. Born at Nanterre about 420 to well-to-do parents, she had become by the late 450s one of the most prominent citizens of the Paris area. By then a woman of means, she appears to have inherited, in addition to her godmother's home in Paris, extensive landholdings in the vicinity of Meaux. She traveled extensively to supervise harvests and other business there and, at least on one occasion, in the area of Arcis-sur-Aube and Troyes.<sup>24</sup> Her name suggests at least one Frankish parent. If, as has been conjectured, her father was a Frank

<sup>23</sup> Périn, *Clovis*, pp. 29–34; Périn and Feffer, *Les Francs*, 1:106–9; Werner, *Origines*, pp. 285–86.

<sup>24</sup> Heinzelmänn infers from her travels to attend to business on her estates in the area around Meaux that her landholdings outside of Paris and Nanterre were limited to those areas (*Vies*, p. 45). He hypothesizes that she may have exercised under the *cura annonae* familial civil rights and duties including the legal obligation to make grain available to the populace in time of need. Conceivably the terminology of the *Vita* implies the core of this hypothesis, but its more elaborate features, such as the likelihood that she was regarded as a virtual bishop and *defensor civitatis*, are more open to question. His belief that the hagiographer suppressed those aspects of her political role and stature because they did not conform to the currently accepted definition of female sanctity rests on speculation (*Vies*, pp. 44–49, 91–98).

who had risen to eminence in northern Gaul during the early fifth century,<sup>25</sup> it is not surprising that Childeric and she came to know each other, perhaps well, all the more so for her prominence as a woman of great religious influence among the Gallo-Roman population.

In her youth she had taken a religious vow of virginity. When Attila's advance into Gaul in 451 left Paris untouched, there were many who credited the security of the city to her courage and her prayers. In penitential seasons she confined herself to a cell and the nearby church, where her presence attracted a following of religiously dedicated women. Meanwhile her fame as a wonder-worker grew as men and women, often of high social rank, who desired miraculous remedies for their problems sought her out at Paris or while she traveled. Reportedly Syria's famous ascetic Simeon Stylites communicated with her through itinerant merchants.

Within a decade or so after Childeric became active in the Paris region, Genevieve's faith took visible form on the main road north of Paris. There near the *castrum*, a locale likely to have been on his itinerary, her insistence overcame several obstacles and achieved the erection of a basilica at the then-neglected grave site of St. Denis (cc. 18–23). Impressive in size, with masonry walls, a wooden roof, and a covered western portico, it symbolically bespoke the force of her personality. Her frequent presence nearby in her cell, her regular coming and going in procession with her community of women at liturgical services in the basilica, and her reported miracles helped make the cult of St. Denis one of the major spiritual forces of the Merovingian era.<sup>26</sup>

One of Genevieve's most renowned accomplishments probably occurred at a time when Childeric was occupying Paris. By ca. 520 oral tradition at Paris was vaguely dating the relevant events back to "the time when Paris endured occupation by the Franks for a period, it is said, of ten years."<sup>27</sup> The author's

<sup>25</sup> Heinzelmann argues persuasively that the name is specifically Frankish, but his assumption that Genevieve represented a pro-Frankish party at Paris rests on speculation and an appeal to the argument from silence. See *Vies*, pp. 26–27, 82–86, 90–91, 98, 101.

<sup>26</sup> See Sumner M. Crosby, *The Royal Abbey of Saint-Denis from Its Beginnings to the Death of Suger, 475–1151*, completed by Pamela Z. Blum (New Haven, Conn., 1987), pp. 5, 8–27. Crosby's remarkable archaeological examination of the earliest foundations indicated that the interior of the church measured approximately sixty-five by thirty feet. Its rectangular, approximately square-plus-square proportions, possibly an unconsciously repeated Vitruvian influence, reveal "not a small funerary chapel but a stone church of some importance" (pp. 17–18). Crosby suggests ca. 475 as a reasonable date for the construction of the basilica (p. 14). It may be, however, that construction started in the late 450s or in the 460s. If the author of the *Vita* was observing rough chronological sequence, his detailed account of Genevieve's achievement in building the basilica (cc. 17–21); preceding as it does his mention of her contacts with Simeon Stylites and Childeric, suggests an earlier date than 475. Her ascetical and liturgical practices and the emergence of a small proto-monastic community around her suggest that she soon took up residence nearby for at least part of the year (cc. 22–23). Archaeological and liturgical evidence indicates that the cult of St. Denis, thus nurtured by Genevieve's prestige, soon attracted both the involvement of local nobility who wished to be buried near the saint's relics and the crowds of less prominent worshipers described by the author of the *Vita*. See Crosby, *Royal Abbey*, pp. 19–24.

<sup>27</sup> Literally, "bis quinos . . . annos" (c. 35). The author's "opsidionem Parisius" has usually been translated as siege or blockade, but in ecclesiastical Latin *obsidio* could mean occupation, the more likely sense here. See Blaise, p. 568. Although some historians have associated the trip with Clovis's

detailed narrative derives in some part at least from a participant whom he identifies as a priest named Bessus. Because of a severe shortage of food Genevieve undertook a large provisioning operation to acquire grain. Proceeding up the Seine with eleven vessels to estates in the areas of Arcis-sur-Aube and Troyes, she collected a large harvest. Despite a severe storm that lashed the expedition on its return trip, her cargo reached Paris intact, and grain became available to the populace. Her devoted associates daily busied themselves baking bread, presumably for sale. After some time they discovered that in the dark of night she had been secretly distributing some of the loaves, free and still hot, to the poorest citizens (cc. 35–39).

If this wide range of activities suggests that Childeric would have known Genevieve, one incident narrated by the author of the *Vita* reveals that he did. It tells of an encounter between the two, possibly as early as the mid-460s (c. 26). The author recounted the incident as context for the peripheral miracle that oral tradition had probably embroidered into popular reminiscence.

It is beyond my power to describe the amicable esteem in which the pagan Childeric held her when he was king of the Franks. It was so great that once, when he was planning to execute some prisoners, he left Paris in order to prevent Genevieve from getting them away from him. As he did so, he ordered the city gate closed. But a report of the king's plan reached Genevieve through a trusted go-between (*per fidus internuntius* [?]),<sup>28</sup> and she rushed off without delay to free these human beings. It was no slight miracle when, as onlookers marveled, she unlocked the gate without a key in her hands. Having reached the king by these means, she won his consent not to behead the prisoners.

The modern reader is apt to assume that behind-the-scenes influence rather than a miracle got Genevieve through the locked city gate.

The second of two specific, if incidental, references to what probably became, sooner or later, a family friendship occurs near the end of the *Vita*. About to conclude his narrative, the author pauses, almost as an afterthought, to describe the magnificent church that Clovis had put under way in the later years of his reign (c. 56). Although he gives no details about Genevieve's death or her entombment there, his audience would have known that her body lay within the church. His juxtaposition of his description of the edifice with an exhortation for the community's constant prayers to her probably implies as much.<sup>29</sup> He begins with a reminiscence about Clovis's regard for her.

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reign, the chronological imprecision of the recollection suggests the later years of Childeric's reign, possibly when he was supporting one Gallo-Roman faction of Aegidius's sons against another in the 470s. Heinzlmann has hypothetically reconstructed what he regards as the likely context in *Vies*, pp. 101–3. Werner also associates these events with the later years of Childeric's reign in *Origines*, p. 299.

<sup>28</sup> This is the reading chosen by Krusch, but he lists one manuscript with “fidelem internuntium” (*Vita*, p. 226, cap. 26, r). The reading “per fidos internuntios” is given by Charles Kohler in his edition of later texts of the *Vita* than those selected by Krusch, but he also notes “perfidum internuntium” and “perfidus iternuntius” (*Etude critique sur le texte de la vie latine de Sainte-Geneviève*, Bibliothèque de l'Ecole des Hautes Etudes 48 [Paris, 1881], p. 26 and n. 28).

<sup>29</sup> “Adque ideo universi . . . sine intermissione orantes, sepenumero noncupata fidelissima Dei famula Genuvefa obsecremus . . .” (c. 56). For the author's laconic narration of her death and burial see Heinzlmann, *Vies*, p. 103 and n. 481.

And then, of course, there was Clovis of glorious memory, a king justly formidable for his wars, who out of love for her repeatedly granted remission to persons confined in his workhouse. And when Genevieve pleaded for criminals, he often let them go free, even at the moment when the sword was about to strike them, rather than execute them for their offenses.<sup>30</sup> Furthermore, out of respect for her, he had begun to build the church which after his death was completed with a lofty roof through the devotion of his most excellent queen, Clotild.

This seemingly coincidental reference to Clovis involves no miracles. Except for the author's remarkable description of the architectural and artistic features of the impressive building we would know very little about it. Clovis located it on the now well known hill east of the forum and south of the Seine and dedicated it to Sts. Peter and Paul. The choice of patrons suggests both a desire to be linked to them and their church at Rome and to follow the imperial example of the more distant Constantinian Church of the Apostles at Constantinople, also located on a hill.

But the hill at Paris was important to him for another reason. On it lay the cemetery where Genevieve's body had been buried. Late in his reign he had transferred his main residence to Paris. Like others of the age, including two of his sons, he seems to have wanted himself and members of his family to be buried in a church associated with the remains of someone powerfully close to God.<sup>31</sup> By then miracles were reportedly occurring at her grave. A wooden oratory had been erected, possibly by his order, over the original, simple mound. He located his church in proximity to, or more likely over, her grave. There, earlier than he had foreseen, his own body was placed in an annex near the crypt, where it was later joined by those of his wife, a sainted grandchild, and other descendants.<sup>32</sup> Genevieve's association with the church eventually eclipsed

<sup>30</sup> "Nam et gloriose memorie Chlodovechus rex bellorum iure tremendus crebro pro dilectione sui in ergastulo retrusus indulgentiam tribuit et pro criminum animadversione sepe culpabiles, porro iam extento ense incolumes, Genuvefa supplicante, dimisit. Quin etiam honoris eius gratia basilicam aedificare coeperat, que post discessum suum studio precellentissimae Chrothechildis regine sue celsum protulit fastigium" (Krusch, ed., *Vita*, p. 12). I have here adopted Kurth's suggested emendation of "porro iam extento ense" to replace Krusch's strained and unlikely "porro iam ex Nemp-toderense." See Kurth, "Etude critique," p. 17.

<sup>31</sup> Périn thinks that she probably played "un rôle considerable" in his conversion and regards his devotion to her as one possible reason among others why he moved his major seat of activity to Paris. See his *Clovis*, p. 109. For the location, see his map in Périn and Feffer, *Les Francs*, 1:166.

<sup>32</sup> Périn's opinions about the locale and Clovis's likely motives, including the influence of imperial burial practices, are the most fully worked out of several recent hypothetical reconstructions. See "La tombe de Clovis," in *Media in Francia: Recueil de mélanges offert à Karl Ferdinand Werner* (Paris, 1989), pp. 363–78. After Genevieve's death, a wooden oratory had been built over her grave through popular devotion (Périn's suggestion in *Clovis*, p. 109) or by Clovis's order (his suggestion here). Périn thinks that Clovis erected his church at this spot, Genevieve's body thus being located beneath the crypt and still accessible to those who came to venerate it as her cult flourished. He reasons that Clovis's body and those of his immediate relatives must have been placed in an annex near the choir, a choice strongly suggested by a remark of Gregory of Tours and by Byzantine imperial burial practice. It is probably relevant that the burial church planned for and built by Clovis's son, Chlothar, was preceded by the erection of a wooden oratory over St. Médard's body, which he had ordered brought to Soissons, and that he had his church built over the saint's body. For Périn's more specific support of the likelihood that the church was built over Genevieve's grave rather than nearby, see

his or even Peter's and Paul's in public opinion, and, though the church is now gone, she still gives her name to the area.

## 2. THREE LETTERS OF REMIGIUS OF REIMS

Whereas the *Vita Genovefae* preserves a few shadows cast by Clovis in real life as they were coincidentally recalled a half generation after his death, three letters of Remigius of Reims offer personal knowledge of him.<sup>33</sup> When Clovis succeeded his father, ca. 481–82, Remigius had been the bishop of Reims for two decades or more. Socially prominent, well educated, admired by Sidonius among others for his polished speeches, he stood out as one of the most influential leaders of northern Gaul.<sup>34</sup>

In that role he wrote to the young king, perhaps not yet twenty years old.<sup>35</sup> Clovis had probably received, eight days after his birth, a pagan baptism when he was given the name Chlodweg, signifying “combat renowned.” He appears to have had at least three sisters; there is no mention of a brother. If he was an only son, he would have been less threatened by the close kin rivalry that often prevented Germanic kings, including many of his descendants, from governing successfully. He grew up trained in Frankish fighting and hunting ways; and as his father moved about Belgica Secunda carrying out his delegated Roman civil functions, he likely became familiar with the way of life and procedures to be observed in governors' palaces. He must have learned to speak Latin and possibly to read it, at least minimally.<sup>36</sup> Although the personnel of the armed forces of northern Gaul were probably by now mostly Germans, he inherited from his father and further developed what has recently been called a “quasi-professional army,” which integrated both Germanic and Roman tactics and strategy within a context of civil administration.<sup>37</sup>

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Patrick Périn, Philippe Velay, and Laurent Renou, *Collections mérovingiennes*, 2 (Paris, 1985), pp. 149–50. Crosby has remarked on the desire of contemporary members of the local nobility to be buried near the relics of St. Denis. See above, n. 26.

<sup>33</sup> In chronological order, as followed below, they appear as letters 2, 1, and 3, in *Epistulae Austrasicae*, ed. Henri M. Rochais, Corpus Christianorum, Series Latina (henceforth CCSL) 117 (Turnhout, 1957), pp. 407–11.

<sup>34</sup> See Knut Schäferdiek, “Remigius von Reims,” *Zeitschrift für Kirchengeschichte* 94 (1983), 256–78. Sidonius Apollinaris admired Remigius's high moral character and fluent literary style and extolled the pastoral conduct and scriptural exegesis of his brother, Principius, bishop of Soissons (*Lettres*, ed. André Loyer [Paris, 1970], Letters 9.7, 8.14, 9.8). As will appear in what follows, Remigius's second and third letters suggest that he, too, was proficient in scriptural theology.

<sup>35</sup> Letter 2, pp. 408–9.

<sup>36</sup> Périn, *Clovis*, pp. 42–45.

<sup>37</sup> “une armée quasi-professionnelle” (*ibid.*, p. 59). Bernard S. Bachrach has described Clovis's army as “an experienced professional fighting force which could campaign throughout the year . . . [w]ith a substantial mounted force, . . . archers and spear throwers . . . [who] provided firepower on the field, . . . siege engines and other apparatus, . . . [and with] the organizational flexibility both to fight year-round campaigns and to serve as garrisons in the many surviving fortified cities and *castra* in Gaul” (*Merovingian Military Organization, 481–751* [Minneapolis, 1972], p. 17; see also p. 124). Périn and Bachrach have expressed these revisionary views without adverting to the doubts about Gregory's overall narrative of events raised by source critics.

Remigius's opening words, prescient ones as the future was to show, reveal the remarkable blending of Gallo-Roman and Frankish military and political interests that at least two generations of interdependence had produced: "The momentous news has reached us that you have assumed the administrative direction of Belgica Secunda. There is nothing new in your undertaking to continue the tradition of your ancestors."<sup>38</sup> The paternal tone and pithy style voice the assurance of a regional leader writing to a youth whose attention and comprehension, if not necessarily his immediate compliance, could be taken for granted. A didactic Latin jingle at the end of his letter reflects the gap in their ages: "Have your fun among youths; consult about affairs with elders. If you desire to exercise royal authority, render judgments befitting a great man."<sup>39</sup>

The gist of the letter falls into two parts. The first rehearses a formulaic Roman theme. To be a good king, he should appoint honest advisers, see that administrators behave equitably, and provide justice without venality. He should establish a reputation for integrity and honor by assuring his citizens that they can obtain justice from him: "Let justice proceed from your mouth. . . . Your palace should be open to everyone so that no one departs it embittered." The second theme, enveloping the first, is more specifically Christian in tone and content than has usually been noticed.<sup>40</sup> Up to now, Remigius observes, Clovis's cultivation of humility has won him the Lord's support and merited for him the supreme height of authority. Since, "as the saying goes, man's performance is weighed in the balance (*actus hominis probatur*)," he should attend to several duties.

You should respect your bishops and always have recourse to their counsel, for if there is good interchange between you and them your province can be more secure. En-

<sup>38</sup> "Rumor ad nos magnum peruenit, administrationem uos Secundum Belgice suscepisse. Non est nouum, ut coeperis esse, sicut parentes tui semper fuerunt" (p. 408). Although this letter has usually been associated with the beginning of the reign, a few historians, including Tessier, have preferred a date following Clovis's defeat of Syagrius ca. 486 (*Baptême*, pp. 83–84). However, the implication that the succession was recent and peaceful, as well as the tone and content of the bishop's advice to a still young and inexperienced king, favor the earlier date. See Kurth, *Clovis*, 1:225–26, n. 2, and Marc Bloch, "La conquête de la Gaule romaine par les rois franques," *Revue historique* 154 (1927), 165–66 and 165, n. 5. For the territorial extent of Clovis's kingdom at this time, see Périn and Feffer, *Les Francs*, 1:199–201.

<sup>39</sup> "Cum iuuenibus ioca, cum senibus tracta, si uis regnare, nobilis iudicare" (Letter 2, p. 409).

<sup>40</sup> Wilhelm Gundlach, one of the few to take the Christian elements in this letter seriously, went so far as to conclude that it showed Clovis to be already a Christian. See "Die Sammlung der *Epistolae Austrasicae*," *Neues Archiv* 13 (1888), 381–82. According to Wallace-Hadrill at the other extreme, "the hard-headed bishop of Reims" confined himself in this letter to secular themes (*Frankish Church*, pp. 23–24). Kurth held that Remigius's advice constituted only "des conseils généraux et des recommandations banales" (*Clovis*, 1:225–26, n. 2). Marc Bloch described Remigius's tone as not specifically Christian but "si j'ose dire, purement interconfessionnelle" ("Conquête," p. 165). Tessier mentioned the religious tone only in passing (*Baptême*, p. 83). James admitted that it was "an astonishing letter to write to a pagan teenager," but he took its religious references to be hesitant veilities whose incongruity Remigius must have recognized (*Origins*, p. 29). To Ewig, the advice to protect the weaker members of society was "a simple transfer of episcopal duties to the King," which pointed toward an era in which royal duties were to be redefined along such lines (Hubert Jedin and John Dolan, eds., and Anselm Biggs, trans., *History of the Church*, 2 [New York, 1980], p. 558).

courage your citizens, relieve the afflicted, protect widows, support orphans: in sum, shine radiantly so that all may love and fear you. . . . You should require nothing from the poor nor from strangers, and certainly you should not desire to receive gifts or anything else. . . . Draw upon whatever paternal wealth you possess to liberate captives and release them from the yoke of servitude. If anyone comes into your presence, let him not feel himself to be a stranger.

Family wealth, “your palace,” “your province,” and “your citizens” will surprise only a reader harboring naive stereotypes about the barbarity of late-fifth-century Frankish kingship, but reference to “your bishops” several years before Clovis’s baptism can be surprising. If Remigius sees the role of the bishops as consultative, he deems Christian moral values to be normative for the young king. He commends him for humility, a Christian virtue, and assumes that he regards the Lord as a rewarding judge. In the spirit of the pre-Augustinian emphasis of the Gallo-Roman church on meriting God’s reward through good works, he is enjoining Clovis to heed the basic message of the Last Judgment parable from Matthew’s Gospel. He will be judged by the Lord, who will weigh his deeds, particularly those that show concern for the weak, the unfortunate, and strangers. Only the familiar Christian identification in Matthew 25.31–46 of these least of the Lord’s brethren with Jesus is left out. All in all, Remigius seems to take for granted that the youthful king has some comprehension of and respect for, and perhaps even some degree of acceptance of, the beliefs and practices of his Gallo-Roman subjects.

Remigius wrote the second of the three surviving letters about two decades after the first.<sup>41</sup> In the interval, Clovis had formally accepted Christianity and been baptized along with one of his sisters, Albofled. During the ceremony another sister, Lanthechild, exchanged Arian for Catholic Christianity in the traditional ceremony of liturgical anointing. Presumably with Clovis’s permission or encouragement, Albofled then or later became, like Genevieve, a consecrated Christian virgin. Shortly thereafter she died. Remigius wrote to console him. Like the first letter, this one is exhortatory, but avuncular condescension has given way to the empathy of a close friend.

I grieve, I grieve very deeply, for the sorrow that afflicts you because your sister of resplendent memory, Albofled, has passed on. But we can be consoled by the fact that a person such as she who has departed from the light of this world merits veneration more than lamentation. Her life was such that it may be believed that, as one of God’s elect who has emigrated to heaven, she was taken up to himself by the Lord. She lives, and if you desire to see her again, Christ lives in your faith. She has accomplished the fulfillment that is the blessing of virginity. It is a consecrated state, not to be mourned, glowing in the sight of God as a virginal flower or, if you prefer, her head bears the crown that she received as a reward for her virginity. Let it not happen that the faithful lament her who merited to become the aroma of Christ so that through him, whom she has pleased, she can provide help to those who seek it.

My lord, put sadness out of your heart. Once your soul has become reconciled through due religious observance, govern the kingdom with keener wisdom and adopt nobler counsel out of zeal for tranquillity. With joyful heart, strengthen the members.

<sup>41</sup> Letter 1, pp. 407–8.



When you have overcome the lassitude that accompanies grief, you will have a sharper eye for the public welfare. The kingdom remains to you to administer and, with God's favor, to make prosperous. You are the head of the peoples, and you shoulder the responsibility of governing them. Do not let those who have been accustomed to seeing you as the source of their good fortune behold bitterness turning you into a source of distress. Be the comforter of your own soul. Keep intact its divinely granted innate vigor lest sorrow overcome the clarity of your mind. The heavenly King rejoices over the passage from this world of her who, as is to be believed, has been joined to the choirs of virgins.

I salute your majesty and commend to you Maccolus, a priest of my household whom I have sent to you. I ask that you be so good as to overlook my having presumed to write you words of encouragement as a substitute for the visit that I should have made. If, however, you direct me through my messenger to hasten to you, I shall condemn winter's bitterness, disregard the cold, defy journey's hardships, and, with God's help, force my way through to you.

The youth, possibly more exuberant than receptive, whom Remigius had addressed two decades earlier in the first letter seems to have matured impressively and become the bishop's close friend. Perhaps the bishop's concern about his royal friend's grief hid some apprehension that his religious faith might waver. Yet he seems to take for granted that Clovis has become a knowledgeable Christian who understands several basic teachings of the church. They include the need for appropriate religious commemoration of the dead and resignation when facing the loss of loved ones, the assurance of heavenly reward for followers of Christ, the special place given to virgins in heaven, and the ability of God's elect to intercede with him in favor of those whom they have left behind in the world.<sup>42</sup>

When he turns from personal consolation to advice about converting grief to constructive purposes, Remigius draws extensively, if unobtrusively, on Scripture. Here, too, he seems to assume that these passages require no more than expository shorthand. While a few of the references probably routinely echo current religious rhetoric,<sup>43</sup> others are integral components of his spiritual counsel. "With joyful heart, strengthen the members (*Laetum cor membra confortata*)" and "You are the head of the peoples (*Populorum caput estis*)" are less innocent expressions than they may seem on the surface. They thematically blend, without directly quoting them, a group of interrelated terms and ideas characteristic of scriptural rather than classical Latin.

*Laetum cor*, a recurring expression in Psalms, became associated in Acts and

<sup>42</sup> Peter von Moos has noted the intellectual vigor and pastoral concern of this letter in contrast to the subservience and flattery characteristic of most contemporary writing in its genre. He detects in its advice foreshadowings of Carolingian and Ottonian conceptions of Christian sacral kingship. See *Consolatio: Studien zur mittellateinischen Trostliteratur über den Tod und zum Problem der Christlichen Trauer*, Münstersche Mittelalter-Schriften 3, 4 vols. (Munich, 1971–72), 1:97–98.

<sup>43</sup> The editor has noted two possible scriptural echoes: Ps. 126.5 for the reference to seeing Albofled again in heaven, and 2 Cor. 2.15 for "bonus Christi odor," for which I have used the translation of *The New Oxford Annotated Bible* (New York, 1991). Perhaps Lam. 1.16 should be added as a possible source of "Be, yourself, the comforter of your soul."

Romans with the mission to convert the Gentiles.<sup>44</sup> *Confortare* is another characteristically scriptural term associated with that mission.<sup>45</sup> At first sight “*membra confortata*” constitutes puzzling advice. The obscurity is removed by reference to St. Paul’s usage. Whereas *membra* had usually meant bodily parts in the Old and New Testaments, St. Paul transposed the term to mean all Christians as they constitute the members of Christ’s body. In a passage that is central to subsequent Christian theology, the Epistle to the Romans provides the clearest example: “For just as in one body we have many members, yet all the members have not the same function, so we, the many, are one body in Christ yet individually members one of another.”<sup>46</sup> The idea that Christians variously incorporate Christ forms a prominent part of at least two other Pauline epistles.<sup>47</sup>

When Remigius wrote, “You are the head of the peoples, and you shoulder the responsibility of governing them,” he could hardly have meant the *populus Romanus* as such. The emperor had not yet become that irrelevant to Romans in the West. The plural “*populorum*” was more characteristic of scriptural than of classical Latin. In the Old Testament, *populi* usually meant the Gentiles, and in patristic usage it had come often or even usually to mean the Christian people. To the ears of a knowledgeable contemporary Christian, “*populorum*” more likely suggested the Christian people of northern Gaul or, more broadly, the world of Gentile peoples of that area in the process of becoming Christianized.<sup>48</sup>

As for “*caput*” in the sense of political ruler, it, too, is more characteristic

<sup>44</sup> It occurs repeatedly in the Psalms (15.9, 31.11, 32.21, 85.11, 104.3) and is absorbed and reinterpreted in the New Testament, particularly in the context of the mission to convert the Gentiles. Thus, in Acts 2.26–31, Peter is reported to have related the phrase, as expressed in Ps. 15.9, to David’s foreknowledge of the Resurrection of Jesus and the consequent opening of salvation to both the Jews and Gentiles. One of the other six occurrences of *laetari* in the New Testament also connects rejoicing with the promised conversion of the Gentiles (Rom. 15.10).

<sup>45</sup> Its frequency in the Vulgate is noted in Lewis and Short, p. 416. For patristic examples see Blaise, pp. 197–98. Paul wrote of the confirmation of Abraham’s faith (“*confortatus est fide*”) in connection with the promise that he would become the father of many peoples (Rom. 4.20). See also Phil. 4.13, 1 Tim. 1.12, 2 Tim. 2.1, 4.17. Although *confortare* in the sense of encouraging or sustaining a person or fortifying a military situation appears frequently in the Old Testament, it is less frequent, except for Paul, in the New Testament. An interchangeable term, *confirmare*, appears in similar contexts in the New Testament, its occurrences constituting almost one-third of those found in all of Scripture. They include Peter’s commission to “confirm thy brethren” (Luke 22.32). Thereafter, in Acts and in several of the epistles, *confirmare*, usually in association with *fratres*, *discipuli*, or *ecclesiae*, refers to the strengthening of faith of the early followers of Christ, for example, Acts 3.16, 14.21, 15.41, 16.5; Rom. 1.11; 2 Cor. 2.8; Col. 2.7; 1 Thess. 3.2; James 5.8; 1 Peter 5.10. A few of these passages include the idea of a strengthened heart. Both *confortare* and *confirmare* occur in Acts 15.32.

<sup>46</sup> Rom. 12.4–5: “*Sicut enim in uno corpore multa membra habemus, omnia autem membra non eundem actum habent, ita multi unum corpus sumus in Christo, singuli autem alter alterius membra*” (my translation from the Vulgate).

<sup>47</sup> 1 Cor. 6.15, 12.12–27; Eph. 4.15–16, 25.

<sup>48</sup> For *populus* as the Gentiles or the Christian people, see Blaise, p. 634, §4. It was so used in contemporary sermons; see homilies 5.2, 3; 15.3; 30.5 in *Eusebius Gallicanus, Collectio homiliarum*, ed. François Glorie, CCSL 101 (Turnhout, 1970–71), pp. 57, lines 21–22; 59, lines 64–66; 177, lines 55–58; 352, lines 83–86. In classical usage *caput* tended not to suggest *princeps* or *imperator*. See Lewis and Short, §3.2. In biblical usage, however, it was familiar in the sense of leader of God’s people or of the Christian people. See Blaise, p. 132, §§2, 3.

of scriptural than of classical Latin usage. A churchman as familiar with the Psalms as Remigius writing “*populorum caput estis*” could have had in mind a prophecy attributed to David, “Thou wilt deliver me from the contradictions of the people; thou wilt make me head of the Gentiles (*caput gentium*, Ps. 17.44).” Indeed other themes in Psalm 17 resonate with ideas elsewhere found in Remigius’s three letters. Taken for granted as they seem to be, they may echo ideas that he had already presented to Clovis during his preparation for baptism or in some subsequent instructional or liturgical context.<sup>49</sup> And they seem to echo components of the model of Constantinian, Christian kingship as it had by then emerged in what may be loosely called the political theology of the church.

The fusion of traditional Roman and Christian themes about kingship found in the first two letters recurs in the third, written shortly after the king’s death.<sup>50</sup> The letter is not without obscurities, but as a whole it seems to imply a more complex train of events than has usually been noted.<sup>51</sup> Apparently upon the recommendation of Clovis, Remigius had ordained to the priesthood a certain Claudius, whom he subsequently discovered from three remonstrating bishops to have previously abducted a man. His request that the bishops both supply further details and allow Claudius to be reconciled by doing penance had elicited what he regarded as “an emotional and venomous attack,” a refusal to accept the ordination as valid, and some unreasonable demands for further action on his part.

His angry reply cogently expounded the church’s tradition of mercy toward sinners who perform appropriate penance. It included a carefully worked out sequence of scriptural citations that displays the exegetical skills conspicuous in the second letter. Remigius reminded the three bishops that he possessed full canonical authority to ordain the candidate in the light of the facts as he had known them, and he added the warrant of Clovis’s authority: “I made Claudius a priest. I was not corrupted by a reward [but acted on] the word of the most excellent king, who was not only a preacher but a defender of the Catholic faith. You write: ‘What he ordered was not canonical.’ I exercise the authority of bishop at its highest. The protector of the provinces, the guardian of the fatherland, the conqueror of peoples enjoined it.” This letter and its immediate predecessor imply that the political and religious horizons of the king who had become the bishop’s close friend had expanded remarkably since his first letter. Other contemporary evidence amplifies this impression.

<sup>49</sup> If any of the Psalms had been quoted or otherwise used in Clovis’s religious education before, during, or after his baptism, Psalm 17 would have been a likely mine of ideas. One verse was applicable to his baptism: “He sent from on high, and took me, and received me out of many waters” (17). Several other verses provide appropriate related themes: God’s total crushing of David’s enemies in battle (38–43), God’s part in military victory (35), and his “reward . . . according to my justice” (21, 25). Remigius’s advice to Clovis to reach for higher goals as a leader may echo “Thou hast enlarged my steps under me . . .” (v. 37).

<sup>50</sup> Letter 3, pp. 409–11.

<sup>51</sup> Wallace-Hadrill among others assumed that “Remigius had to consecrate a priest, at the king’s wish, whom all knew to be canonically unfitted.” See *Long-Haired Kings*, p. 178; also James, *Origins*, p. 29, and Wood, “Gregory and Clovis,” p. 264.

## 3. AVITUS'S LETTER TO CLOVIS

A congratulatory letter, incomplete as we now have it, from Avitus of Vienne precedes in time Remigius's second and third letters and shares some themes with them.<sup>52</sup> Avitus's social prestige, personal drive, and conspicuous literary talent made him the most influential bishop in the Burgundian kingdom of his day. He left his mark on the theology and canon law of the period. His poems and letters, widely read in his own times, subsequently entered the mainstream of early-medieval literature. He managed to maintain amicable relations with King Gundobad, who consulted him about scriptural passages though remaining an Arian. With Gundobad's son, Sigismund, he had greater religious success though a less happy personal relationship.<sup>53</sup>

Unlike Remigius, Avitus seems to have known Clovis only from a distance. For that reason and probably also because he had to consider Gundobad's sensitivities, his letter tells us considerably less than we can learn from Remigius. Yet it happens to include the only surviving contemporary information about Clovis's baptism, namely, its occurrence on Christmas Day. The modicum of other specific information hidden within what Tessier has called its "elaborate language enveloping thought with artifices"<sup>54</sup> has occasionally inspired equally elaborate modern exegeses that sometimes inflate or overlook his likely meaning.

Clovis had announced to Avitus by personal messenger, and possibly by accompanying letter, that he had become a *competens*, in effect, that he was a catechumen soon to be baptized. As it now stands, the bishop's acknowledgment falls into three parts. The first and longest of these congratulates him for choosing to become a Catholic Christian and implicitly recognizes two difficulties confronting him in making the choice. One was the intellectual attraction posed to his "keen mind (*vestrae subtilitatis acrimoniā*)" by his prior investigation of other religious teachings, presumably Arianism. Avitus sensed a second difficulty, the anxiety that Germanic rulers experienced lest conversion cut them off from the cultic power of their ancestral heritage and, by implication, from the good fortune deriving from it. After reprehending the sinful timidity of unnamed leaders (here probably read Gundobad) who allege loyalty to such traditions as

<sup>52</sup> Letter 46 (41) in *Alcimi Ecdicii Aviti Viennensis episcopi opera quae supersunt*, ed. Rudolf Peiper (1883), MGH AA 6/2:75–76. In accord with the chronological sequence of Gregory of Tours Peiper assigns a date of 496/97. Setting a date as late as 506 constitutes an essential element for supporters of the new chronology. For the difficulties involved in accepting such a late date see Tessier, *Baptême*, pp. 117–22, and Reydellet, *Royaute*, pp. 94–97.

<sup>53</sup> Born ca. 460, he served as bishop of Vienne ca. 494–ca. 518. See Martin Heinzelmänn, "Gal-lische Prosopographie," *Francia* 10 (1982), 568. Pierre Riché briefly reviews his life and work in *Education et culture dans l'occident barbare* (Paris, 1962), pp. 71–72. Félix Vernet's introduction to his theological views remains enlightening: "Avit (Saint)," *Dictionnaire de théologie catholique*, 1/2:2639–44. Daniel J. Niles has recently demonstrated his use of Augustine's theology of the Fall in his poem *De spiritalis historiae gestis* in "Avitus of Vienne's Spiritual History and the Semipelagian Controversy," *Vigiliae Christianae* 38 (1984), 185–95. Avitus's skillful adaptation of traditional classical literary forms to the religious content of this poem has been closely analyzed by Michael Roberts, "Rhetoric and Poetic Imitation in Avitus' Account of the Crossing of the Red Sea (*De spiritalis historiae gestis* 5.371–702)," *Traditio* 39 (1983), 29–80.

<sup>54</sup> "une langue recherchée, qui enrobe la pensée d'artifices" (Tessier, *Baptême*, p. 120).

a bar to conversion, he underscores the great advantages that Clovis's decision has brought to himself, his descendants, and to all of the West.

The second theme conjures up the splendors of the baptismal ceremony as Avitus, though not present, imagined it. In concluding this segment of the letter, he reinforces the idea that God will now grant the newly baptized king an even larger measure of success than his ancestral *felicitas*<sup>55</sup> had previously brought him. He introduces his third theme by deferentially affirming that Clovis's knowledgeable grasp of the faith and his respectful bearing toward bishops long before his baptism make advice on these matters unnecessary. Now that his decision has released his people from captivity (presumably as followers of pagan beliefs),<sup>56</sup> there is, however,

one wish that we would add. It is that, since through you God will make your people totally his, you also provide the seeds of faith from your heart's good store to distant peoples, whom in their natural ignorance up to this time no sprouts of evil doctrines have corrupted. Do not let it cause you shame or regret to send ambassadors commissioned to argue the interests of God, who has exalted your interests so greatly. So that all foreign pagan peoples, complying with you at first on account of the authority of religion, while up to then they have had another tradition [will be chosen as a people . . . rather than by a leader . . . (?)].

This theme eludes our grasp as the text of the letter breaks off.

Avitus's rhetoric has occasionally lured modern readers into overlooking not only the underlying logical sequence but the theological context of these themes. A traditionally orthodox view of faith, like Remigius's, neither Pelagian nor unequivocally Augustinian, flows through the letter. In substance it holds that God seeks individuals who will accept the true faith through free, informed human choice of the sort that Clovis had exercised.<sup>57</sup> Avitus assures Clovis: "Divine Providence, indeed, has found a witness for our time. In making this choice for yourself you made a declaration to all; your faith is our victory."<sup>58</sup>

<sup>55</sup> "Faciet, sicut creditis, regum florentissime, faciet inquam indumentorum ista mollities, ut vobis deinceps plus valeat rigor armorum; et quicquid felicitas usque hic praestiterat, addet hic sanctitas" (Letter, pp. 75, line 33, to 76, line 3).

<sup>56</sup> "Numquid fidem perfecto praedicabimus, . . . an misericordiam, quam solutus a vobis adhuc nuper populus captivus gaudiis mundo insinuat, lacrimis deo?" (Letter, p. 76, lines 4–8). There have been various attempts to identify the *populus captivus* as Alamans, Visigoths, or other peoples, but the most evidentially sound explanation remains that of Georges Reverdy. He noted that the captive people mentioned could not be the defeated Alamans, since *captivus* does not mean defeated, nor would they as pagans have shed the penitential tears to God mentioned by Avitus. The southern Gallo-Romans whom Clovis freed from Visigothic control had been neither captives nor prisoners. As Reverdy observed, the whole passage is a logical progression: Clovis has liberated his own people, the Franks, from the captivity of sin and put them at the doorstep of conversion by God; his goal now should be to extend this activity to other pagan peoples. ("Note sur l'interprétation d'un passage d'Avitus," *Le moyen âge* 17 [1913], (274–77). This interpretation is strikingly consonant with Avitus's treatment of the theme of penitential tears and release from sin in *De spiritalis historiae gestis*. See Nodes, "Spiritual History," esp. pp. 188–89, 192–94.

<sup>57</sup> Avitus respects the choice as "quid recti unusquisque sentiat," a matter to be assayed at the Last Judgment (Letter, p. 75, lines 4–5).

<sup>58</sup> "Invenit quippe tempori nostro arbitrum quendam divina provisio. Dum vobis eligitis, omnibus iudicatis; vestra fides nostra victoria est" (*ibid.*, lines 6–7). My translation departs from the familiar

References to personal choice abound in the letter. Clovis, Avitus recalls, had habitually shown humble respect for the bishops (“humilitatem . . . nobis devotione impenditis”) and had come to perceive the faith without a preacher (“fidem . . . sine predicatore vidistis”). He chose (“voluistis”) to retain only the noble and achieving component of his pagan ancestry while adding to it salvation for himself and his descendants. His ancestors had been doers of worthy deeds; he chose to be a doer of better ones (“Habetis bonorum auctores, voluistis esse meliorum”). Those who hide behind ancestral custom “avow that they somehow do not know what to choose (*quid eligant*).” Even the Eastern Romans’ presumably recent choice of “our” emperor fits into this spiritual economy as a meritorious deed that elicited grace for them from God. Now, through the Frankish king’s decision, the West has also merited to share that grace.<sup>59</sup>

The blending of God’s grace and Clovis’s choice involves not an abolition but an enlargement of his pagan *felicitas*. It constitutes a miracle (“*talis facti miraculum*”). Throughout the letter Avitus presents his theological theme in the vocabulary of patristic light symbolism. News of Clovis’s decision to become a Catholic came as “a ray of truth (*interlucens radius veritatis*) [which] broke through in the present life.” His baptism on Christmas Day aptly draws attention to what he has received from Christ. The grace now merited in the West on account of his conversion shines in “the brilliance of a heavenly light [i.e., Christ’s] whose luster is not new (*non novi iubaris lumen*) . . . [for] the coinciding

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assumption that Avitus was asserting that Clovis had made a judgment for all. *Arbiter* in the sense of “witness” was an ecclesiastical usage probably more attuned to Avitus’s relationship with Gundobad and to his purpose here. See Blaise, p. 93, §1. If “witness” is his meaning, “iudicatis” would logically have the sense of “declare” or “proclaim” rather than “make a judgment” in the legal sense. See Lewis and Short: *judico*, §2B. Avitus would not have assumed the converse, namely, that if Clovis had accepted Arianism, he would have committed the Gallo-Roman majority to that faith. In sum, he seems to be saying here that in Clovis God had found a witness whose proclamation of his decision to choose the Catholic faith constituted a victory for all Catholics.

<sup>59</sup> “Gaudeat equidem Graecia principem legisse nostrum: sed non iam quae tanti muneris donum sola mereatur. Illustrat tuum quoque orbem claritas sua, et occiduis partibus in rege non novi iubaris lumen effulgurat” (Letter, p. 75, lines 17–19). If the theme is theological, as I have interpreted it, *donum* likely means a gift of God or divine grace. See Blaise, p. 292. As Nodde has recently demonstrated, Avitus in his later writing developed Augustine’s theology of the Fall. See above, n. 53. Here, however, his earlier view of God’s intervention in the temporal affairs of kings and kingdoms seems still to be, if indeed he later changed it, that human choice is fully free, though mutually interdependent with divine grace. This resembles the view of Faustus of Riez, who held that God takes an invitational stance toward individuals who choose him. See Thomas A. Smith, *De gratia, Faustus of Riez’s Treatise on Grace and Its Place in the History of Theology* (Notre Dame, Ind., 1990), pp. 206–7, and more generally on what are mistakenly called Faustus’s Semipelagian views, pp. 18–19, 124–25, 164–71, 203–17, 224–31. Recognition of free choice, interdependently working with divine grace, was basic to the vocabulary and beliefs of Western orthodoxy in Gaul before the influx of Augustine’s controversial theological views about salvation. Due to the deft management of Caesarius of Arles, this traditional, shared orthodoxy of both Eastern and Western Catholicism survived unobtrusively intact in the midst of a surfeit of references to Augustine’s theological terminology in the decrees of the Council of Orange of 529. See Georges de Plinval, “Césaire d’Arles (Saint),” *Dictionnaire d’histoire et de géographie ecclésiastiques*, 12:191–92, and his chapter in Augustin Fliche and Victor Martin, eds., *Histoire de l’Eglise*, 4:397, 399–400, 403, 418–19. For Caesarius’s own usage, see my “Caesarius of Arles, a Precursor of Medieval Christendom,” *Traditio* 26 (1970), 7 and n. 17, 20–26.

day of the birth of our Savior initiated its splendor.”<sup>60</sup> Even the king’s naked body in the baptismal font, as Avitus imagined the scene, “shone white as the baptismal robes,” and the symbolism continues in the honorific that follows, “most luminous of kings (*regum florentissime*).”

Less than exact translations associated with failure to note these theological ideas and symbolism have occasioned misunderstandings too numerous to discuss here in detail. They require brief mention, however, because they have clouded much that the letter has been made to say. Some assumptions to the contrary, Avitus seems unaware of the battle miracle that Gregory of Tours later associated with the conversion.<sup>61</sup> He does not say or imply that Clovis became an Arian,<sup>62</sup> nor is there anything in the letter to indicate that he feared that the Frankish king intended to exploit his baptism as an excuse for attacking Gundobad as an Arian enemy of the faith. Nor is there any support for the associated hypothesis that he pointed Clovis’s interests toward missionary activity among pagans as a ploy to distract him from such an enterprise.<sup>63</sup> It is quite clear that he did not tell him that his conversion required him to give up pagan *felicitas* for Christian *sanctitas*, a misreading of the text by J. M. Wallace-Hadrill upon which rests his view of Clovis as an anxiety-ridden, unreconstructed pagan.<sup>64</sup> Finally, as a good Roman, Avitus did not assert or imply that the Frankish

<sup>60</sup> In ecclesiastical usage *iubar* by this time could mean the light of the Holy Spirit or of the Messiah. See Blaise, p. 477.

<sup>61</sup> Avitus’s miracle is not the famed, and probably legendary, battlefield “event” but the mysterious union of God’s grace and human free will empowered by Clovis’s deliberation and choice. Historians no longer tend to associate Avitus’s reference with Gregory’s alleged miracle. See Wolfram von den Steinen, *Chlodwigs Übergang zum Christentum*, 2nd rev. ed. (Darmstadt, 1963), pp. 77/493; Wallace-Hadrill, *Long-Haired Kings*, pp. 170–71; Reydellet, *Royauté*, p. 105.

<sup>62</sup> Recently Avitus has been so interpreted. For this hypothesis see Patrick J. Geary, *Before France and Germany* (New York, 1988), p. 84 and n. 5, citing Wood and Prinz; also Edward James, *The Franks* (Oxford, 1988), pp. 122–23, and Collins, *Early Medieval Europe*, pp. 104–5. However, Avitus said only that heretics had been distracting, or deceiving, Clovis’s keen acumen: “Vestrae subtilitas acrimoniam . . . visi sunt . . . velare” (Letter, p. 75, lines 1–3). If Clovis had become an Arian, he would not have been rebaptized but would have been reconciled in the rite used for Lantechild as described by Gregory of Tours, who specifically mentions a profession of faith and anointing for her. See Gregory, *Historiae* 2.31, pp. 77–78. Rebaptism of heretics was long since canonically forbidden. The traditional rite of reconciliation had been the laying on of hands as a penitential rite, to which anointing and, by mid-fifth century, a profession of faith had been added. See Georges Bareille, “Baptême des hérétiques,” *Dictionnaire de théologie catholique*, 2/1:219–34, esp. cols. 229–31. Indeed by the late fourth and early fifth century the principle that heretics should not be rebaptized had made its way into provisions of the Theodosian Code (16.6.1–7).

<sup>63</sup> This hypothesis is entirely conjectural. Von den Steinen, accepting Gregory of Tours’s assertion that Clovis invoked anti-Arian motives when he attacked Alaric II, assumed that Avitus already feared such an attack on Gundobad (*Übergang*, pp. 70–74/486–90). Recently Reydellet has further developed this conjecture as part of his at times a priori explication of the letter, which he sees as an opening chapter in a new theology of Christian kingship (*Royauté*, pp. 99–103). That Clovis ever posed as an anti-Arian leader no longer seems likely. What are alleged to have been his anti-Arian pronouncements appear to be derived from Gregory of Tours’s misinformation or didactic reshaping of the events. See Wallace-Hadrill, *Long-Haired Kings*, pp. 65, 173–74; Levison, *Geschichtsquellen*, pp. 102–4; Tessier, *Baptême*, pp. 105–6; Wood, “Gregory and Clovis,” pp. 255–61.

<sup>64</sup> Wallace-Hadrill, *Frankish Church*, p. 25; *Long-Haired Kings*, p. 171. Avitus’s point is that Christian faith will amplify, not that it will supplant, his previous good fortune. See above, n. 55.

king had displaced the emperor in the West, nor as a well-versed Christian did he confuse the king with Christ as the source of the radiance now brightening the West on account of his conversion.<sup>65</sup>

If Avitus's letter does not sustain interpretations such as these, what does it tell us? Incomplete though it is and despite its circumlocutions, it distantly mirrors a few features of the real-life Clovis. Like the *Vita Genovefae*, it portrays him as deferential toward the church well before his conversion. Furthermore, in common with the *Vita* and Remigius's letters, it implies a gradual, rather than a sudden, conversion and one notably innocent of a battlefield miracle. Like Remigius, Avitus understood the process to have started at and reached a higher level of religious awareness and behavior than Gregory of Tours later assumed. For some time as a young man, Clovis seems to have deliberately weighed the claims of Arianism. Its attraction for him was probably somehow associated with the Arianism of two of his sisters and his royal brother-in-law. Avitus's rhetoric probably exaggerated the profundity of Clovis's theological understanding. Nonetheless he seemed to think that the king had worked his way by independent inquiry to an understanding and acceptance of the Catholic faith, though perhaps with some residual anxiety. Like Remigius a short while after the baptism, he was in effect already proposing that the newly baptized king share in the quasi-episcopal mission of the emperor by working toward the conversion of pagan peoples on the frontiers.

#### 4. SIX LETTERS OF THEODORIC THE GREAT

Like opaque mirrors, six letters of Theodoric the Great, two of them to Clovis, four referring to him, faintly diffract some features of their real-life subject.<sup>66</sup> Early in his reign, Theodoric had undertaken to build a network of marriage

<sup>65</sup> On Avitus's loyalty to the empire see Reydellet, *Royauté*, pp. 110, 130–31, and on its larger context, Riché, *Education*, pp. 56–59. A chain of mistranslations of Avitus's "non novi iubaris lumen" has nurtured the opinion that Avitus meant a displacement of the emperor's authority in the West. An early source of this misunderstanding was van de Vyver's attribution of imperial rank to Clovis as the result of mistranslating the phrase. For him it is the imperial light that "illumine aussi ton empire et dans les régions occidentales, sa lumière éclate dans un roi qui n'est point au début de sa carrière. . . . [Clovis] vient de donner le signal de la renaissance de l'Occident et bientôt il sera l'égal de l'empereur grec." See "La victoire contre les Alamans et la conversion de Clovis," *Revue belge de philologie et d'histoire* 15 (1936), 907–8. A similar misunderstanding of the text appears in Wallace-Hadrill, *Long-Haired Kings*, p. 171. Pierre Courcelle misunderstood the text in a somewhat different sense: for him and those who have followed his interpretation, the lands of the West shone "d'un éclat qui lui est propre" deriving though Clovis from "la lumière d'un soleil déjà haut dans sa course" (*Histoire littéraire des grandes invasions germaniques*, 3rd rev. ed. [Paris, 1964], p. 240).

<sup>66</sup> Cassiodorus, *Variae*, ed. Theodor Mommsen (1894), MGH AA 12, Letters 2.40–41, 3.1–4; hereafter cited as *Variae*. Because Cassiodorus became quaestor in 507, the letters to or about Clovis seem to have been written no earlier than that year, their style and probably their philosophical accoutrements being largely his rather than Theodoric's. See James J. O'Donnell, *Cassiodorus* (Berkeley, 1979), pp. 59–60, 73–74. The major outlines of Theodoric's personality and career are presented in précis by Tessier, *Baptême*, p. 47, more fully by Folz and Musset, *De l'antiquité*, pp. 69–71, 103–5, and Musset, *Invasions*, pp. 92–98, 202–4. For a detailed account, see Ernest Stein, *Histoire du Bas-Empire*, rev. ed., trans. Jean-Remy Palanque (Paris, 1949–59), 2:107–56, esp. pp. 145–54.



alliances with western Germanic kings to buttress his power base in the West and to fend off the reassertion of imperial authority from the East. They included his marriage to Clovis's sister Audofled. Within a decade he allied himself also to the Vandal, Visigothic, and Burgundian kings and thus became respectively the brother-in-law of Thrasamund and the father-in-law of both Alaric II and of Sigismund, Gundobad's son.<sup>67</sup>

In or toward 507 Clovis requested his brother-in-law to find him a citharist. Through his secretary, Cassiodorus, Theodoric asked Boethius, as an indispensable consultant about music, to select a candidate suitably skilled "to perform as an Orpheus whose sweet sonority may tame the wild hearts of barbarians."<sup>68</sup> The letter that Theodoric sent north along with the citharist "to entertain your Glorious Authority" transposed derision into admiration for a valorous kinsman, but its tone soon toughened into paternalistic remonstrance. Remnants of the Alamans, whose king and other leaders Clovis had wiped out in battle, had fled to Theodoric's borders for protection. As their spokesman he objected to what he regarded as Clovis's excessive vengeance in pursuing them.<sup>69</sup>

While acknowledging that treachery on the part of the Alaman leaders had justified the war itself, Theodoric argued that to continue pursuit of the remaining Alamans would demean his brother-in-law's reputation, and he condescendingly offered as an example of moderation his own campaigns. In a more conciliatory tone, he affirmed their mutual interests as kinsmen and orally transmitted through his emissaries some intelligence bearing on an otherwise undefined project of Clovis's. He added cautionary advice about it and wished him success: "For indeed your security is our glory; and whenever we receive favorable news about you, we reckon it an advantage to the whole kingdom of Italy." Clovis may well have considered his brother-in-law's claim to moderation disingenuous, for he must have known about his long history of intermittent disloyalty to Emperor Anastasius, and he must also have heard in detail of Odoacer's savage end. But whether moved by Theodoric's request or for his own reasons, he seems to have pursued the remnants of the Alamans no further.

As Theodoric engaged in increasingly open hostilities against imperial authority in the Danube valley from ca. 500 onward, his carefully arranged network of alliances began to weaken. During those years Clovis supported Gundobad's brother in a civil war between the two brothers; but when Gundobad won, he reversed field and made an alliance with him. This arrangement cast a long

<sup>67</sup> Gregory, *Historiae* 3.31, p. 126. See Stein, *Bas-Empire*, 2:143–44. For a hypothetical reconstruction of the original advantage to Theodoric of the alliance, which as it developed may have come to include the arrangement of the marriage with Clotild, see Eugen Ewig and Knut Schäferdiek, *Die Kirche des früheren Mittelalter*, Kirchengeschichte als Missionsgeschichte 2 (Munich, 1978), pp. 119–120.

<sup>68</sup> "facturus aliquid Orphei, cum dulci sono gentilium fera corda domuerit" (*Variae* 2.40, p. 72, lines 32–33). The letter alleged that Clovis's admiration for the elegance of Theodoric's prandial hospitality had inspired his desire for a citharist.

<sup>69</sup> *Ibid.* 2.41, p. 73. The date and the implications of the contents of his letter have become one of the vigorously disputed issues in the long-running controversy about the chronology of the reign. See Tessier's survey and his acceptance of 507 as the date (*Baptême*, p. 118).

shadow forward. Soon Theodoric was finding it difficult to restrain Gundobad's growing hostility toward Alaric.<sup>70</sup> By 507 he learned that Clovis and Alaric were close to war. He thereupon dispatched two emissaries carrying letters and oral communications to Alaric. He directed the emissaries to proceed subsequently to King Gundobad, then to the kings of the Herulians, the Warnians, and the Thuringians, and finally to Clovis. They carried individual letters to Gundobad and Clovis and a common letter to the three kings. While he had each letter rhetorically crafted with an eye to the persuasive susceptibilities of the recipients, they included a common proposal that the two enemies accept mediators to settle their dispute.

Except to the three kings, to whom Theodoric was not related by marriage, he heavily stressed the obligations of kinship. He urged Alaric not to resort out of blind anger about a minor quarrel to a war that he was not well prepared to fight successfully. "We do not want anything that might diminish one of you to take place between two who are related to us by affinity." Alaric's challenge to Clovis, he counseled, should not be war but negotiation managed by kinsmen joined in a sworn alliance of worthy peoples pursuing justice.<sup>71</sup> Accordingly Alaric should avoid taking any action until Theodoric's emissaries could attempt to persuade "our brother Gundobad and other kings" to try peaceful means to settle the dispute.

Possibly because he anticipated difficulty in bringing Gundobad around, Theodoric particularly underlined the familial metaphor in the letter that he sent to him.<sup>72</sup> To the consideration of kin responsibility Theodoric added that of public opinion: "No one can believe that [Alaric and Clovis] . . . have reached this stage of imminent hostility without our full support unless it is entirely clear that we have tried even harder to prevent them from going to war." He apparently failed to convince Gundobad, for the letter finally presented to Clovis by the emissaries contained no mention of the delegation he had hoped Gundobad would send to accompany and reinforce his own.

Theodoric's letter to the three kings dispensed with the pretense of impartiality contained in the others. Perhaps with a hint of balance-of-power forces that years earlier had pitted Childeric against the Visigoths, he reminded the kings that Alaric's father had protected them from dangerous neighbors. Since they might, he warned, be the next victims of Clovis's aggression, they should support Alaric, militarily if necessary, before it became too late to stop the Frankish king from attacking them.<sup>73</sup> Apparently the three kings were unpersuaded for, like Gundobad, they did not send emissaries as part of the united stand originally contemplated by Theodoric.<sup>74</sup>

<sup>70</sup> Stein, *Bas-Empire*, 2:144–45.

<sup>71</sup> He repeats the theme of kinship: "inter duos enim nobis affinitate coniunctos . . ."; "obiciamus quamvis cognato cum nostris coniuratis eximias gentes iustitiamque . . ."; "ad fratrem nostrum Gundobadum" (*Variae* 3.1, p. 78, lines 11–12, 15–16, 19).

<sup>72</sup> In five references: "si nobis patientibus affinium clade dimicetur"; "ne affines nostri ad extremum debeant pervenire"; "legatos ad fraternitatem tuam . . . destinandos"; "filio nostro Alarico"; "fraternitas vestra" (ibid. 3.2, p. 79, lines 3, 10–11, 11–12, 16).

<sup>73</sup> Ibid. 3.3, pp. 79–80.

<sup>74</sup> There has been some confusion about the sequence and outcome of Theodoric's efforts to

Doubtless with considerable debt to Cassiodorus, Theodoric's letter to Clovis opened with an elevated philosophical rationale for peace among kings.<sup>75</sup> In suggestively postimperial overtones it asserted that kinship bonds within the community of kings derive from the desire of Divine Providence for the peace among peoples that allows their leaders to "bring them together like bees in a colony." Theodoric ordered Clovis not to misuse his military talents to settle a minor dispute ("miramur animos vestros sic causis mediocribus excitatos") but to seek a peaceful solution with Alaric.

I shall say freely, I shall say amicably, what I think: an immediate order to arms as the initial step in negotiating is an unacceptable plan. What kinsmen request may be accomplished by the selection of arbitrators. It would be acceptable to include among them persons of your choice to mediate. . . . Put down the sword, for you are choosing to fight in contempt of me. By the authority of a loving father and a friend I absolutely forbid you. He who, so warned, assumes that our conviction is to be contemned, a choice I do not expect, will encounter us and our friends as enemies.<sup>76</sup>

Theodoric soon discovered the futility of this appeal. Meanwhile the imperial fleet approached the Italian coastline. Its arrival prevented him from moving north in time to aid his son-in-law when Clovis invaded the Visigothic kingdom.<sup>77</sup>

Understandably, the four letters did not assign an entirely consistent personality to Clovis. To the three kings in the north Theodoric portrayed him as arrogant, contemptuous of the laws and rights of other peoples, bellicose, and therefore a menace to as yet unconquered neighbors. To Gundobad, the accusation was not destructive ferocity but rash, youthful impetuosity, an emotional excess that he imputed equally to Alaric. As one elder statesman to another he urged, "It is up to us to cool off the young kings by confronting them with reason, for if they really understand that their harmful intentions offend us, they cannot continue with their rash project."<sup>78</sup>

Theodoric also stressed this theme to Alaric but in doing so presented him with an image he would not find complimentary. Alaric should not deceive himself, brave man though he might be, into assuming that his populous kingdom and the military exploits of his ancestors would guarantee victory. His people had grown soft in peace and less dependable in warfare than he realized. He should not impetuously let blind anger propel him into a war about "a minor quarrel thus far limited to words. You can reach a settlement quite easily if you

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obtain diplomatic support from his fellow kings. His letter to Gundobad did not specifically ask him to send emissaries to Clovis. However, the fact that the letter to the three kings asked them to send emissaries alongside his and Gundobad's implies that such a request to Gundobad was made at least orally. The letter to Clovis, while urging him to accept friendly mediation, mentions only Theodoric's own emissaries. Its silence about others must mean that neither Gundobad nor the kings had complied with those requests.

<sup>75</sup> *Variae* 3.4, pp. 80–81.

<sup>76</sup> *Ibid.*, p. 80, lines 223–31.

<sup>77</sup> Byzantine support for Clovis, implicit in the intervention of the fleet along the Italian coast, soon became visible after his victory, when in the famous ceremony at Tours he received imperial honors from Anastasius. For the ceremony, see Wallace-Hadrill, *Long-Haired Kings*, pp. 175–77, and Tessier, *Baptême*, pp. 110–11, both with citations to relevant studies.

<sup>78</sup> *Variae*, p. 79, lines 6–8.

do not roil your feelings by resorting to arms.” Theodoric assured Alaric that if diplomatic efforts should fail, he had a kinsman’s support. “We regard your enemy as our common threat. Certainly he who opposes you will rightly have me as his opponent.”<sup>79</sup> One senses from this and the other letters that, despite his ultimate anger with Clovis, Theodoric might have in the abstract preferred him to Alaric as an ally.

### 5. CLOVIS’S LETTER TO THE BISHOPS OF AQUITAINE

On the eve of the war that Theodoric had failed to prevent, Clovis issued an order to his army forbidding harm to the church in Aquitaine. Although the order is not extant, he recapitulated its content after his victory when he wrote to the bishops of that area to define and enlarge procedures for implementing the original order. As the only extant letter issued by Clovis, as well as for its intrinsic interest, it merits complete quotation.

To the lord bishops, holy and most worthy in apostolic dignity, [from] King Clovis.<sup>80</sup>

The report of what was promulgated (*quod actum fuerit*), that is to say the order to our whole army before we advanced into the country of the Goths, could not have gone unknown to your holinesses. In the first place, with respect to the ministry of all the churches we commanded that no one should anywhere attempt theft from consecrated virgins or from widows known to be in the religious service of the Lord.<sup>81</sup> [We stipulated] similarly for clerics and the children of the aforesaid, whether of clerics or of widows, known to be living with them in their homes. Likewise, with respect to slaves of the churches who were verified by the oaths of bishops to have been seized from churches, it was commanded (*praeceptum est observare*) that care be taken that none of them suffer any violence or harm.

Therefore, in order to reestablish the original situation, we command that if any of the aforementioned have suffered violent captivity, whether inside or outside churches, they are to be returned without exception or delay. As to other laymen who were verifiably taken captive outside our peace, there shall be no refusal to accept apostolic letters (*apostolia*) granted on your authority to anyone whom you wish. And concerning those, whether clerics or laymen, who have been furtively abducted while

<sup>79</sup> Ibid., p. 78, lines 14–15, 21–23.

<sup>80</sup> *Chlodowici regis ad episcopos epistola* (507–11), ed. Alfred Boretius (1883), MGH Capit 1:1–2. A date of ca. 508 seems likely on account of Clovis’s request for a prompt response in circumstances that imply the campaign had recently ended. For the date see Carlo de Clercq, *La législation religieuse franque de Clovis à Charlemagne* (Louvain, 1936), p. 8; also Tessier, who gives the essential content briefly and accurately (*Baptême*, p. 111). Kurth’s discussion of the context, likely date, and much of the content of the letter is accurate. However, he misread Clovis’s provision for the release of captives taken outside his peace (see below, n. 82), and he accentuated Clovis’s piety to an extent not borne out by the content or tone of the letter (*Clovis*, 2:70, 132–33). Without specific or implied evidence, Lippold assumed that the letter resulted from complaints by the bishops and, like Kurth, interpreted the offer of *apostolia* to mean permission to ransom captives (“Chlodovechus,” p. 168). Pontal confuses the letter with the edict and mistakenly relates it to the beginning of the campaign (*Conciles*, p. 49 and n. 4). Wallace-Hadrill ignores the specific content of the letter while assuming that it shows “a groping for a relationship” with the bishops (*Long-Haired Kings*, p. 178 and n. 4). Wood briefly and accurately summarizes it; he is convinced that its content is congruent with a date as late as 508 for the baptism of Clovis (“Gregory and Clovis,” pp. 264, 270).

<sup>81</sup> “que se in religione domini devotas esse probarentur,” p. 1.

in our peace, if you prepare letters of verification marked below with your seal ring and send them in every instance to us, be assured that on our part the command that was published will be implemented.

With respect to the above, however, our people make this request: that whomsoever you may deign to grant surety in your letters, you act expeditiously in affirming under oath before God and with your blessing that what is being sought is valid. For there are many who have been discovered to be involved in ruses and deceptions. As has been written, "The just perishes with the wicked [loosely quoting Genesis 18.23]."

Pray for me, holy lords and fathers, most worthy in apostolic dignity.

The letter has not always received the close attention it deserves. Its style presents an arresting contrast to the diffuse rhetoric characteristic of late Roman imperial edicts. If we did not know otherwise, its verbal economy and directness, as well as the logical organization of its content and its precision about categories, might suggest the dynamic inventiveness of a late-twelfth-century Angevin writ. Its Germanic author has command of administrative forms of the sort Roman advisers and scribes could provide, yet it is his voice that animates the Latin words. "What was promulgated," "without exception or delay," "send them in every instance to us," "be assured that on our part the command that was published will be implemented": these are expressions that exude confident, well-honed authority. It is an authority that respects civilized behavior even in warfare and provides equity to aggrieved parties. It is consultative, not absolute, authority, respecting the traditional claims of fighting men to their booty while enlarging Clovis's original regulations to include procedural recourse for certified captives taken outside the royal peace.

The words of the letter bespeak a king who understands German and Roman administrative forms. Both it and the original order to the army, as recapitulated, also show familiarity with the administrative structure and ethos of the church. Clovis understands the importance within its operations not only of the clergy but of consecrated virgins and widows, women whose status had become so prominently ingrained in the life of late-fifth- and early-sixth-century Christian Gaul that they numbered one of his sisters among them. His order observed the technical distinction between these two groups of women and recognized that their status was rooted "in the religious service of the Lord." Indeed it mentioned their protection before that of the clergy while not forgetting ultimately to protect captured slaves of the church.

Furthermore, the procedure that Clovis chose for those wishing to secure the liberation of captives displayed familiarity with the *apostolium*, an established documentary means whereby a bishop certified to fellow Christians at a distance that the bearer deserved reception as a Christian who was in good standing in his own diocese. Clovis seems to have decided after his victory to enlarge its application beyond captives taken in his peace to include those taken outside his peace. His specific stipulations about its form show that he understood its technical documentary aspects. But his religious awareness ran deeper than such details or his formulaic respect for bishops in his greeting and final request for prayers. As with Genevieve, he recognized the rationale that generated the procedures, namely, the patristic tradition that clerics, most particularly bishops,

had the duty to intercede for those held in detention by secular authorities.<sup>82</sup> It is noteworthy that their Lord is his Lord. Perhaps he even had a hand in including the scriptural quotation, wittily intended or not, that ends the letter.

## 6. THE SALIC CODE

Unlike his letter to the bishops, Clovis's codification of his people's law does not bear his name. Although some editors and historians once regarded it as the product of a later age, Karl Eckhardt's heroic reconstruction of the text allows little doubt that Clovis ordered its compilation, probably some time after his conquest of Aquitaine.<sup>83</sup> The *Pactus Legis Salicae*, to use Eckhardt's preferred

<sup>82</sup> Kurth assumed that Clovis intended here to permit ransom for laymen captured outside his peace (*Clovis*, 2:133), but no permission would have been needed to purchase their freedom. Rather, Clovis is promising to see to the release of such captives upon the reception of a verifiable *apostolium*. For *apostolium* (also *epistolium* or *epistola formata*) see Blaise, p. 311; also Griffe, *Gaule chrétienne*, 3:101 and n. 112. As Pierre Timbal has observed, Clovis was here recognizing the well-established right and duty of bishops to intercede for prisoners. Timbal discusses the early history of the obligation and practice and its impact upon the emergence of ecclesiastical asylum and of imperial recognition of both intercession and asylum from the fourth century onward. See *Le droit d'asile* (Paris, 1939), pp. 109 and n. 6, 32–94. Tessier's interpretation, if less precise, accords with Timbal's (*Clovis*, p. 111). For examples of the use of *apostolia*, see Sidonius, Letters 6.8.2, and n. 24, and 7.4.1 (Loyen, ed., *Lettres*, 3:20, 39); for conciliar legislation requiring or regulating their use, see Councils of Agde (506), c. 38, in Charles Munier, ed., *Concilia Galliae, a. 314–506*, CCSL 148 (Turnhout, 1963), pp. 208–9; and Orléans (533), c. 13, Tours (567), c. 6, in Carlo de Clercq, ed., *Concilia Galliae, a. 511–a. 695*, CCSL 148A (Turnhout, 1963), pp. 101, 178.

<sup>83</sup> *Pactus Legis Salicae*, ed. Karl A. Eckhardt (1962), MGH LL 4/1. Unless otherwise noted, subsequent references will be to this edition. There are two translations into English with commentary and bibliography: Theodore J. Rivers, *Laws of the Salian and Riparian Franks* (New York, 1986), and Katherine Fischer Drew, *The Laws of the Salian Franks* (Philadelphia, 1991). Eckhardt's edition allows comparison of major families of texts and includes a valuable glossary and index. The introduction presents his most fully developed views but, for lack of space, omits some important material from his earlier edition of the *Pactus* in the series *Germanenrechte*, Neue Folge, 3 vols. (Göttingen, 1953–57). The contents of this potentially confusing sequence of volumes are clearly delineated by Drew, *Laws*, pp. 243–44. Eckhardt surveys in detail the textual controversies and failed attempts that preceded the publication of his MGH edition, a long, arduous series of misfortunes summarized, along with a perceptive assessment of Eckhardt's remarkable editorial achievement, by R. C. van Caenegem in *Revue d'histoire ecclésiastique* 58 (1963), 590–94. Doubts about the authenticity of the *Pactus* as a document of Clovis's time were once widespread. The fullest challenge to its authenticity in recent decades has been Simon Stein's "*Lex Salica*," *Speculum* 22 (1947), 113–34, 395–418. His extended attempt to prove it a forgery of the Carolingian period has not held up against demonstration by Eckhardt and others that its specific terms and general content strongly imply an early origin. See Eckhardt in *Pactus Legis Salicae*, *Germanenrechte*, Neue Folge, 1:58 and notes 104–6; also Wallace-Hadrill, *Long-Haired Kings*, pp. 106–19, 179–81. The evidence for the origin of the *Pactus* in Clovis's reign is circumstantial, its cumulative force apt to be obscured by the stereotype of Clovis the barbarian. An epilogue following laws added to the code by Clovis's sons, Childebert and Chlothar, attributes the authorship of the first sixty-five titles to "the first Frankish king" (Eckhardt, *Pactus*, MGH edition, p. 253). This attribution is implicitly confirmed by the geographical detail of title 47.1, 3, which allows those living under the Salic Law south of the Loire a longer time to respond to a case involving stolen property than those living between the Loire and the "Carbonaria" Forest, boundaries appropriate for the years after the conquest of Aquitaine. Katherine Fischer Drew provides a clear summary of this circumstantial evidence in "Law, German: Early Germanic Codes," *Dictionary of the Middle Ages*, 7:471–72, where she concludes: "Presumably

designation, codified the customs of the Salian Franks in sixty-five Latin titles. Many of the individual laws within the titles include explanatory Frankish phrases, probably added somewhat later and now called the Malberg Glosses. Before issuing it, Clovis likely undertook extensive preparatory consultation with Salian leaders in assemblies of the sort that Germanic leaders traditionally summoned to discuss important affairs. As with the other codes issued by contemporary Germanic kings, Gallo-Roman advisers must have contributed substantially to the formulation and probably also in some ways to the content of the titles.<sup>84</sup>

Probably Childeric or even one or more of his predecessors authorized earlier changes in oral tradition that now appear to be the work of Clovis.<sup>85</sup> Yet some provisions clearly imply his authorship, and many others undoubtedly bear his imprint. All of the provisions, old or new, that involve the king display features of the kind of kingship that he practiced or sought to practice. Wallace-Hadrill memorably delineated the shadow of Clovis as the author standing behind the *Pactus*: "Here and there in *Lex Salica* we can see the king himself arbitrating, judging, extending his protection when necessary over Romans as well as Franks, watching his own interests, fiscal, military, and territorial. He does not see his subjects as of one blood or appear to desire their fusion; but he is king of them all, and a very busy man."<sup>86</sup>

At first glance Clovis's code can seem to certify him as the crude barbarian

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the laws of the Franks had existed in unwritten form before the time of Clovis, but to Clovis almost surely belongs the oldest written version of the Salic (Salian) law (the sixty-five-title version). . . ." For similar views, see Rivers, *Laws*, pp. 2–3; James, *Origins*, p. 82; and Geary, *Before France*, pp. 90–91.

<sup>84</sup> That there were important contributions to the codification of Germanic laws by Romans knowledgeable in Roman law can be inferred from Sidonius's references, albeit grudging, to the activities of two of his friends at the Visigothic and Burgundian courts. See Letters 4.22.3, 5.5.3, 8.3.3 (Loyen, *Lettres*, 2:161, 180–81, 3:87). For the varying degrees of Roman legal influence on Germanic codes see Drew, "Early Germanic Codes," pp. 469–75, and on Frankish law specifically, Wallace-Hadrill, *Long-Haired Kings*, pp. 179–81. There is an abundance of useful discussion of relevant Roman law terms and procedures in Joseph Balon, *Traité de droit salique: Étude d'exégèse et de sociologie juridiques*, Ius Medii Aevi 3, 4 vols. (Namur, 1965), but his doctrinaire interpretations require caution.

<sup>85</sup> Thus several occurrences of the Frankish term *fredus* reflect an earlier penetration of royal authority into kin law, some examples probably deriving from before Clovis's reign. For explicit references to this fine, presumably not a complete list of all that custom stipulated, see Eckhardt's "Wortregister," *Pactus*, p. 303; for a wide range of early-medieval examples after Clovis's time, see Niermeyer, *Lexicon*, pp. 451–52. The *fredus*, which was incurred in addition to the compensation due the kin and often shared by the king and local officials, related particularly to processes involving royal authority, protection, or intervention. It may also have carried overtones of a breach of the king's peace. James allows for this possibility (*Origins*, pp. 91–92); but the connection is doubted by Julius Goebel, Jr. (*Felony and Misdemeanor* [New York, 1937], pp. 9–11 and n. 14).

<sup>86</sup> *Long-Haired Kings*, pp. 180–81. Elsewhere Wallace-Hadrill has remarked on the reflection in the *Pactus* of "direct and far-reaching" judicial authority and effective administrative control of his agents. "[T]he distinctive features of royal Frankish power, as they are revealed or implied in *Lex Salica*, do not come direct from the forests of Germany but are for the most part indigenous to late Roman Gaul. Here is no mystique of barbarian kingship" (*France: Government and Society*, pp. 38–39). Edward James has observed that the *Pactus* was "drawn up on the orders of a king, deliberately emphasizing the central role of the king in early Frankish society" (*Origins*, p. 130).

he is often alleged to have been.<sup>87</sup> A closer look will suggest otherwise. At or under the surface lies a considerable component of Roman law, not all of it passively transmitted from earlier cultural interaction between Franks and Gallo-Romans in northern Gaul. The creative synthesis of Frankish custom, Roman law, and new law that Clovis brought into being had a long life. Modified and enlarged more than once in Merovingian and Carolingian times through the reign of Louis the Pious, it endured as an important, if diffused, element of the inner core of written Frankish law well past Carolingian times, even though by then it had become in many respects archaic and irrelevant to new needs.<sup>88</sup>

Many of the titles concern what we would call criminal offenses. They present an array of itemized compensations attached to various degrees of robbery, murder, kidnapping, rape, and multifarious bodily injuries. There is attention as well to lesser offenses typical of a peasant society, such as stealing a pig or a colony of bees or calling an enemy a louse or a skunk. These seemingly naive tabulations have occasioned their share of supercilious modern smiles. Yet anthropologically aware historians have taught us that substituting compensations or other forms of peaceful redress for obligatory kin vengeance constitutes a significant stage in the slow, difficult maturing of early societies.<sup>89</sup>

Twentieth-century manuals have repetitiously excerpted such tallies of compensations from the *Pactus* as examples of its alleged primitivism. Their selectivity conceals the presence of more sophisticated procedures that open access to or require the intervention of royal authority. These are particularly strong components of virtually a third of Clovis's code. The last, too often neglected, twenty-one titles bear extensively on civil law and due process of law. They largely concern inheritance, remarriage of widowers, disaffiliation from the kindred, migration to a new community, unpaid loans, witnesses, necessary modifications

<sup>87</sup> With few exceptions, the *Pactus* has been dismissed as a relatively primitive code. Emilienne Demougeot, rejecting Balon's assertion that 90 percent of the vocabulary is Roman, insisted at the other extreme that the *Pactus* was thoroughly Germanic and archaic without "aucune trace de droit romain vulgaire, ni même d'influences chrétiennes" (*La formation de l'Europe et les invasions barbares* [Paris, 1979], p. 704). Although many have detected only a minimal component of Roman law, Geary recognizes an extensive one (*Before France*, pp. 90–91).

<sup>88</sup> On the survival of the *Pactus* and its modifications within Frankish law see Drew, "Early Germanic Codes," pp. 471–72. For some examples of both survivals and modifications during Charlemagne's time, as well as Charlemagne's concern, analogous to Clovis's, for procedural safeguards, see François Louis Ganshof, *Frankish Institutions under Charlemagne*, trans. Bryce and Mary Lyon (Providence, R.I., 1968), pp. 72–75, 84, 87, 89. Gallo-Romans in the north, at least to the extent that they initiated or had initiated against them legal actions involving Franks, were subject to the procedures and penalties of the *Pactus*. In such cases, their comparable social and legal status as reflected in a wergild or other penalties equaled or approximated half that of the Franks. See Marc Bloch, "Un pseudo-problème: Le 'Romanus' des lois franques," *Revue historique de droit français et étranger*, 4th ser., 24 (1946), 1–10. Otherwise they probably lived under traditional Roman law as customarily enforced in practice or formulated in the Breviary of Alaric II. Although Clovis did not impose his code on his non-Salian Germanic subjects, he opened its provisions to any German who wished to live under it (41.1). Recent archaeological studies suggest that Germans in the area adjacent to his original kingdom readily accepted his authority and administrative system. See above, p. 624.

<sup>89</sup> See, for example, Dorothy Whitelock's memorable exposition of the originally constructive purposes of kin vengeance and of its gradual modification in Anglo-Saxon England: *The Beginnings of English Society* (Harmondsworth, 1952), pp. 37–47; also James, *Franks*, p. 212.



of old custom, and misfeasance by a king's agent. The formulation and enforcement of these procedures imply the existence of far-reaching, though clearly not absolute, royal authority of a sort unlikely to have existed very long before Clovis's time.

The king's relative preeminence in Frankish society, at least in legal theory, emerges when his wergild is compared with that of a freeman in a variety of situations. The standard wergild, or compensation for the murder of a freeman, was two hundred solidi. As an accounting equivalent it perhaps approximated the value of two hundred cows, a sum that the kin would find formidable to amass.<sup>90</sup> At the lower end of the scale, stealing the king's bull involves paying ninety solidi, whereas the theft of a subject's intrinsically more valuable bull, namely, one kept at stud for three farms, requires only half that sum (3.10–11). For more serious assaults on royal authority, ranging upward from that offense through obstructing the migration of someone under the king's protection to killing a member of his entourage or *trustis*, the penalties ascend to reach ultimately a ninefold wergild (14.4, 63.2).

The *Pactus* provides abundant evidence of royal authority where it is relevant and can operate. Admittedly, kin self-help through the feud remained, then and for long afterward, a major legal remedy, and the bulk of legal procedures in sixth-century Frankish society started and ended within local courts.<sup>91</sup> Yet, although the *Pactus* opens with a reference to the *mallus*, or people's assembly, it does so by stipulating the penalty for failure, without an excuse, to appear there when summoned under the king's laws ("legibus dominicis manitus"),<sup>92</sup> and it exempts from being summoned anyone who is engaged in the king's business.<sup>93</sup> Furthermore, royal authority underwrites the authority of the *mallus*. Title 56 concerns anyone who refuses to appear at it or to accept its judgment. While requiring that such a defendant be summoned before the king, it provides for a sequence of procedural safeguards from false charges before he must appear. However, a defendant who, without valid reason, persists in refusing to appear loses royal protection and forfeits all his property to "the public treasury or to him to whom the public treasury wishes to give it."<sup>94</sup> Here and in at least two other titles, royal authority transcends old Frankish kin custom by incorporating this formulaic Roman-law penalty into Frankish law.<sup>95</sup> The

<sup>90</sup> The *Lex Ribuaria* (40.11) in effect equates two hundred solidi with two hundred healthy, horned cows, among other equivalents (*Lex Ribuaria*, ed. Franz Beyerle and Rudolf Buchner [1954], MGH LL 3/2:94). The relative values of wergilds attached to various persons is usefully summed up by Katherine Fischer Drew, "The Family in Frankish Law," pp. 7–8, reprinted in *Law and Society in Early Medieval Europe* (London, 1988). For the social context and operation of kin justice, including developments after Clovis's time, see James, *Origins*, pp. 87–92.

<sup>91</sup> On continuing resort to vengeance as a legally accepted procedure, limits to a court's or the king's legal authority, and the slow emergence between early Merovingian and Carolingian times of what is now called civil authority in legal matters, see Goebel, *Felony*, pp. 26–36.

<sup>92</sup> Eckhardt, ed., *Pactus* 1.1, p. 18.

<sup>93</sup> "Nam si in dominica ambascia fuerit occupatus, manire non potest" (ibid. 1.4, p. 20).

<sup>94</sup> "in fisco aut [eius] cui fiscus dare voluerit" (ibid. 56.6, p. 213).

<sup>95</sup> See 60.3 and 62.2 (ibid., pp. 225, 228), which supply likely deficiencies in kin custom, one being disposition of the composition or the property of a dead man who had in the *mallus* legally separated himself from his kin, the other being disposition of the composition due when a man

borrowing was not awkward. Even a casual reader of similar passages in the Theodosian Code will detect the comparably greater verbal economy and logical lucidity of these three formulations.

Recent intensification of royal power, its beginnings probably earlier than Clovis's reign, is reflected by an array of regulations about the duties and authority of the *grafio*, most of them occurring in the last one-third of the *Pactus*.<sup>96</sup> However localized his institutional origins may have been, the *grafio* had become the most important royal official in the local area, his actions supplementing or going beyond those of the *mallus*. He ultimately carried out the expulsion of an unacceptable newcomer in a village, once the due process of forewarning within the community and at the assembly had taken place (45.2). If an accused faced with serious charges purchased a substitute procedure for the ordeal by boiling water, the *grafio* under certain conditions received a *fredus* (53.2, 4, 6, 8). His authority also extended to recalcitrant debtors. With his local assistants, the *rachinburgii*, as assessors, he was the ultimate enforcer of the law if a debtor refused, after due process and in contempt of the assembly, to pay what he had pledged to a creditor (50.3). Anyone who in contempt of the law seized a bound freeman from the *grafio* in the course of carrying out his duties incurred payment of a full wergild<sup>97</sup> rather than the fifteen to forty-five solidi assessed for tying up a free Frank or Roman (32.1–4).

If the vigor and reach of Clovis's authority are reflected in the power assigned to the *grafio*, they also lie behind measures intended to prevent this official's abuse of power. Powerful though he was, he was required to work within strictly defined procedures (50.3), and his exercise of delegated royal authority was limited: "If the *grafio* has been summoned and does not come and no necessity or valid cause or royal proceeding detains him, and if he refuses to go there or to send someone else to the hearing in his stead to demand justice under the law, he must pay with his life or redeem himself in the amount of his worth."<sup>98</sup> The same penalty applied to a *grafio* who, in the course of enforcing a decision of the *mallus*, confiscated or collected more than was lawful (51.3). Subsequent history, as the *grafio* metamorphosed into the Merovingian count, would show the wisdom, if not always the efficacy, of such restrictions, presumably worked out in consultation with those most affected by his abuse of power.

There is at least an outside possibility that Clovis's code included legislative innovation in another direction. The *Pactus* is often called a completely pagan

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without kin had been killed. Each specifies transfer of property to the fisc. Like title 56, they employ the language and institutions of Roman imperial law. Legal procedures involving the fisc are a commonplace of the Theodosian Code, for example in several laws of section 9.42.

<sup>96</sup> Mentioned once in an earlier title, 32.5, he appears in 45.2; 50.3–4; 51.1–3; 53.2, 4, 6, 8; 54.1, 2, 4; 56.6a. On the meaning of *grafio* see Niermeyer, *Lexicon: grafio and comes* §10, pp. 472, 206. Alexander Callender Murray persuasively argues that by the time of the *Pactus*, the terms *grafio* and *comes* were probably already virtually interchangeable. See "The Position of the *Grafio* in the Constitutional History of Merovingian Gaul," *Speculum* 61 (1986), 787–805.

<sup>97</sup> Literally, "de uita sua redimat" (32.5, Eckhardt, ed., *Pactus*, p. 123).

<sup>98</sup> Title 50.4 (*ibid.*, p. 195). The amount would be his wergild.

collection,<sup>99</sup> yet three of its provisions appear unobtrusively to incorporate Christian elements. They have almost universally been dismissed as later additions to the *Pactus*. This hypothesis deserves rethinking because there is reason to suspect that they may have been part of his original code. The first of the three (55.6) penalized plundering a funerary chapel (“basilicam . . . desuper hominem mortuum”) with a compensation of thirty solidi plus payments to cover both value and loss of use, a total amount more than twice that for damaging ordinary burial monuments.<sup>100</sup> The second required a heavy compensation equal to the standard wergild from anyone who “sets fire to a church where relics are kept or [if] this church is consecrated” (55.7).<sup>101</sup> The third (13.11) reformulated, with at least one significant change, the *Interpretatio* of the Theodosian Code, 3.12.3, prohibiting incestuous marriages:

If anyone should have joined to himself in impious marriage the daughter of his sister or brother or indeed a cousin further removed in degree, or indeed the wife of his brother or of his mother’s brother (*auunculi*), let them undergo this punishment, namely, let them be disjoined from such cohabitation; and also if they have children, let these not be regarded as legitimate heirs, but let them [i.e., the couple] be branded with infamy.<sup>102</sup>

Aside from the lingering assumption that Clovis was not culturally attuned to conceiving such legislation, there is seemingly cogent justification for re-

<sup>99</sup> Paul Mikat, quoting the early opinion of Karl Eckhardt that the *Pactus* is “unberührt von christlichen Ideen,” has so presented it in “Zu den Voraussetzungen der Begegnung von fränkischer und kirchlicher Eheauffassung in Gallien,” in *Diaconia et Ius: Festgabe für Heinrich Flatten zum 65. Geburtstag*, ed. Heribert Heinemann, Horst Herrmann, and Paul Mikat (Munich, 1973), p. 4 and n. 10. For a similar opinion see Demougeot, *La formation de l’Europe*, p. 704. Wallace-Hadrill, who finds “little if any Christian influence” in the *Pactus*, cites as evidence for this view eight of its provisions (2.16; 24.6; 14.10; 55.1–3, 5–6) having to do respectively with sacrificial boars, the giving of names to children on the tenth day, and the protection of graves (*The Frankish Church*, p. 27). By themselves these laws do not make Clovis’s code a totally pagan one; indeed the last of them has a Christian component. As to the seven others, such survivals are to be expected, for they concern what would now be called the property rights or traditional religious practices of Clovis’s subjects, most of whom were not as yet Christians. Even the Theodosian Code retained an edict of the emperor Julian protecting pagan sensitivities about Christian funeral processions in the streets (*Theodosiani libri XVI cum constitutionibus Sirmondianis*. 2nd ed., ed. Theodor Mommsen and Paul M. Meyer [Berlin, 1954], 9.17.5, 1/2: 465). More to the point, neither of two Carolingian editions of the Salic Law, the one-hundred-title version and the “Systematic Version,” discarded the special penalty in the *Pactus* for stealing a consecrated boar. See *Lex Salica D, E* 2.6, and *Lex Salica S* 51.14, ed. Eckhardt, MGH LL 4/2:30, 221.

<sup>100</sup> For this translation of *basilica*, see Niermeyer, *Lexicon*, §5. Damaging ordinary burial mounds or monuments required a compensation of fifteen solidi without additional fees (55.2–3; Eckhardt, ed., *Pactus*, p. 206).

<sup>101</sup> “Si quis basilicam, ubi reliquiae sunt inserta(e), aut ipsa basilica est sanctificata, incenderit . . .” (Eckhardt, ed., *Pactus*, p. 209). A less reliable, appended provision to the *Pactus* assigned a wergild of two-hundred solidi to the burning of any church: “Si quis uoluntario ordine aut fortasse per negligentiam basilicam incenderit . . .” (65b, *ibid.*, p. 234).

<sup>102</sup> “Si quis sororis aut fratris filiam aut certe ulterius gradus consobrinam aut certe fratris uxorem aut auunculi sceleratis nuptiis sibi iunxerit, hanc poenam subiaceant, ut de tale consortio separentur; atque etiam, si filios habuerint, non habeantur legitimi heredes, sed infamia sint notati” (Eckhardt, ed., *Pactus*, pp. 62–63). My translation here departs from that of Rivers but is in substantial agreement with that of Drew.

garding these three texts as later interpolations. It derives from the fact that they are found only in the C family of manuscripts, whose origin Eckhardt and others have considered later than that of the A family, the group of manuscripts that provide the greater proportion of early material. There are two problems with his argument. As Alexander Murray has shown, Eckhardt's attribution of authorship of the version of the *Pactus* underlying the C manuscripts to Asclipiodotus in the late sixth century rests on unconvincing stylistic assumptions.<sup>103</sup> While Murray suspects, though without citing evidence for his opinion, that the origin of this family of manuscripts may be even later, he agrees with Eckhardt that it could be no earlier than 567. They both select this date because they assume that one of several texts in canon 22 of the Council of Tours in that year forbidding incestuous marriages was subsequently interpolated into the C manuscripts to become title 13, article 11. However, the two texts are quite dissimilar.<sup>104</sup>

There is a second difficulty. As Eckhardt has observed, textual material known only from the C redaction constitutes approximately one-sixth of the total of the reconstructed text of the *Pactus*, and sometimes it provides the only correct reading of a text.<sup>105</sup> Comparison of the A and C redactions will show that several laws or portions of laws, including some concerning the most obviously traditional Frankish customs, appear in C and not in A texts.<sup>106</sup> It would seem, therefore, that the three laws that contain Christian elements cannot be assumed necessarily to be later interpolations unless an argument against their authenticity more convincing than the standing ones emerges from further discussion of the question.

The formulation of 13.11 in the *Pactus* differs not only from the *Interpretatio* known to the bishops at Tours but from contemporary Germanic legislation on the subject. Three Germanic codes prior to the *Pactus* had already dealt with incestuous marriage. The provisions of two of them, Euric's Code (ca. 480) and

<sup>103</sup> Alexander Callender Murray, *Germanic Kinship Structure* (Toronto, 1983), pp. 123–27. For Eckhardt's association of title 13.11 with Tours c. 22, see *Pactus*, p. 63, n. 5–5.

<sup>104</sup> The canon quotes a version of the *Interpretatio* of the Theodosian Code, 3.12.3 (396): “. . . ut quisque illi aut sororis aut fratris filiam aut certe gradu consubrinam aut certe fratres uxorem sceleratis sibi nuptiis iunxerit, huic poenae subiaceat, ut de tali consortio separetur . . .” (de Clercq, ed., *Concilia*, p. 189). Noteworthy differences in the Tours version when compared with *Pactus* 13.11 include its introductory phrase, its specification about cousins, the absence of the impediment regarding the wife of an *avunculus*, and the consistent use of singular verb forms. It might be further noted that a late-sixth-century edict of Childebert II forbidding incestuous marriages, whose formulation Asclipodotus was more likely to have influenced, differs from the law in the *Pactus* in its phraseology and penalties, as well as in forbidding marriage to the wife of a paternal rather than of a maternal uncle. See the *Decretio Childeberti*, ed. Eckhardt, *Pactus* [*Capitula Legi Salicae addita*], p. 267. For the significantly different formulation in the *Interpretatio* of the Theodosian Code embodied in Alaric's Breviary, see below, p. 654 and nn. 108, 111.

<sup>105</sup> See *Pactus* in Germanenrechte edition, p. 122, and in MGH edition, p. x, as well as his discussion of the controversies about the comparative reliability of these texts, pp. xxvii–xlii.

<sup>106</sup> For example, the C 5 and C 6 texts, but not the A group, preserved laws relating to specific types of theft of pigs (2.2, 3, 6), of cattle (3.5, 6), and of birds (7.4–7), as well as the specifically pagan definition of time span, “infra nouem noctibus” (24.6), relating to killing a recently born child before it has been named.

the Burgundian Code (483 or later), are quite unlike 13.11.<sup>107</sup> The ambitious and influential code that Alaric II issued ca. 506 for his Gallo-Roman subjects, the *Lex Romana Visigothorum*, or Breviary as it is sometimes called, included both the original constitution from the Theodosian Code and an *Interpretatio* that forbade a man to marry a brother's or sister's daughter, a first cousin, a cousin even further removed, or his brother's wife but, unlike 13.11, did not forbid marriage to the wife of an *avunculus*.<sup>108</sup>

The specific formulation and content of 13.11 seem to be distinctive. Whether it derives from an *Interpretatio* directly available to the editors of the *Pactus*<sup>109</sup> or was their revision of the *Interpretatio* embodied in Alaric's Breviary is not clear, but they should be credited with having written a clearer, more succinct law on the subject than is found in the Roman original or the other derivatives.<sup>110</sup> And the inclusion of the impediment concerning the wife of an *avunculus* adds an original quality.<sup>111</sup>

<sup>107</sup> See *Leges Visigothorum*, ed. Karl Zeumer (1902), MGH LL 1:28, sec. 2, and *Leges Burgundionum*, ed. Ludwig R. von Salis (1892), MGH LL 2/1:69, sec. 36.

<sup>108</sup> "... quisque ille aut sororis aut fratris filiam aut tertii gradus consobrinam aut certe ulterioris gradus consobrinam aut certe fratris uxorem sceleratis sibi nubitiis iunxerit, huic poenae subiaceat, ut de tali consortio separetur, atque etiam si filios habuerint, non habeantur heredes. Sed infamia sint notatae utraeque personae..." (*Codex Theodosianus* [vols. 1–8], ed. Paul Krueger [Berlin, 1923–26], 3.12.3, p. 113). Haenel's earlier reconstruction of the text lacks "aut tertii gradus consobrinam" and instead of "non habeantur heredes" has "non habeantur legitimi nec heredes" (*Lex Romana Visigothorum*, ed. Gustav Haenel [Leipzig, 1849], 3.12.3, p. 90). It will be noted that both versions differ from that cited in the canon of Tours as well as from *Pactus* 13.11; see below, n. 110. Subsequent Visigothic law elaborated impediments and increased penalties with exceptional rigor. See P. D. King, *Law and Society in the Visigothic Kingdom* (Cambridge, Eng., 1972), p. 233.

<sup>109</sup> For the characteristics and probable origin of the glosses embodied in the *Interpretationes*, which were probably the work of Gallo-Roman legal scholars in the latter half of the fifth century, see Jean Gaudemet, "Théodosien (Code)," *Dictionnaire de droit canonique*, 7:1230–31.

<sup>110</sup> "Si quis," picking up the preferred introductory phrasing of the *Pactus*, replaced "quisque ille"; the by now possibly confusing "legitimi" and "heredes" were united into a single "legitimi heredes"; and the verbs of clauses following the initial defining clause became consistently plural to apply to both parties in the incestuous union.

<sup>111</sup> Marriage to the wife of an uncle, whether paternal or maternal, is forbidden in Lev. 20.20. This impediment is found in the edict but not the *Interpretatio* of Theodosian Code 3.12.1 (342), both of which are included in Alaric's Breviary. The Burgundian Council of Epaon in 517 specified both relationships as canonical impediments already in force ("quae sunt antierius instituta") when it added new ones (c. 30). Both impediments are also included in decrees of Clermont (535), c. 12, and Orléans III (538), c. 11 (10), and are quoted from them, along with the whole series of prohibitions in Leviticus and Deuteronomy, by Tours (567), c. 22 (21) (Gaudemet and Basdevant, *Canons*, 1:116, 216, 240; 2:376–78, 380). Until a much-needed history of late Roman and early-medieval legislation concerning incestuous marriage is written, it will be difficult to gauge the old Roman and Christian components within the explosion of Germanic and canonical legislation in the late fifth and the sixth century. Meanwhile useful reference may be made to Fritz Klingmüller, "Incestus," *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, new ed. (1916), 9:1246–49; also Wolfgang Kunkel, "Matrimonium," *ibid.* (1930), 14:2266–67. It is noteworthy that a formula of Cassiodorus seems to assume that the Old Testament prohibitions of incestuous marriages had been accepted long before his time into Roman law and that imperial authority had been empowered to make exceptions to them (*Variae* 7.46, pp. 225–26). Likely Christian influences can be glimpsed in some fourth- and fifth-century imperial legislation. See Theodosian Code 12.1–4. For the limited canonical and the more general pastoral attention given the subject by the church before the late fifth century, see Joseph-Eugène Mangenot, "Inceste," *Dictionnaire de théologie catholique*, 7/2:1546.

It would be rash to assert that the three laws containing Christian elements were undoubtedly the work of Clovis and his legal advisers. Conversely, it would arguably be ill-advised to insist unqualifiedly that they were not, unless weightier arguments against their authenticity than those that have been so far advanced are formulated. Each of the three provisions containing Christian elements is relevant to the other laws in its title. The appearance of the law forbidding incestuous marriage among several other laws in title 13 dealing with illegal marital unions may suggest that its inclusion had something to do with determining the inheritance rights of distant kin.<sup>112</sup> This likelihood is supported retrospectively by the close juxtaposition of edicts on inheritance by distant kin and on incestuous marriages in the *Decretio Childeberti* of the late sixth century.<sup>113</sup> There can be no doubt, however, that Clovis would have known that such a prohibition had Christian dimensions. As will be seen, the Council of Clermont, which he summoned and provided with an agenda and whose decisions he reviewed, legislated on the subject.<sup>114</sup>

Whatever conclusions may be drawn about these three laws in the *Pactus*, its overall codification of old Frankish custom and its substantial innovations in secular law and administration, involving as they did selective, clearheaded use of Roman law, make it a remarkable legal and administrative document. The Gallo-Roman legists who worked on the text must have been skilled. They and the leading men who in assemblies testified to old custom, and probably other Frankish leaders before them, deserve great credit for this result. But if we grant that it was Clovis whom his sons had in mind as its author, and not some other unnamed, putative ancestor, he must have actively and powerfully influenced the formulation of the whole aggregate of precise regulations and penalties affecting assemblies, litigants, defendants, and officials. That he was capable of such an achievement is confirmed by the central role he played in the legal deliberations and decisions of the Council of Orléans shortly before his death.

## 7. THE CANONS OF THE COUNCIL OF ORLÉANS OF 511

Whereas we can reliably infer that Clovis ordered and oversaw the compilation of the Salic Code, we know that he personally involved himself in the other major legal effort of his reign. The First Council of Orléans, which met in 511, opened a century and a half of vigorous Merovingian canonical legislation. Several of its decrees would become part of the fabric of medieval canon law.<sup>115</sup>

<sup>112</sup> While the title *De reipis* (44), which also includes Roman-law components, may not be directly related to title 13.11, its definition of kin relationships with respect to the right to marry a widow includes the *avunculus*. For the controverted meaning and significance of this title see Murray, *Kinship Structure*, pp. 163–75.

<sup>113</sup> See Eckhardt, ed., *Pactus [Capitula Legi Salicae addita]*, p. 267.

<sup>114</sup> See below, p. 659 and n. 133.

<sup>115</sup> Its canons are edited by de Clercq, *Concilia*, pp. 3–19. There are some emendations, a translation into French, and useful commentary in Jean Gaudemet and Brigitte Basdevant, eds. and trans., *Les canons des conciles mérovingiens (VIe–VIIe siècles)*, 2 vols., Sources Chrétiennes 353, 354

According to the thirty-two bishops who attended, Clovis summoned the council, provided its original agenda, and received its canons from them for approval:

To their lord, son of the Catholic church, most glorious King Clovis, [from] all of the bishops whom you have ordered to come into council.<sup>116</sup>

Your sense of responsibility for the venerable faith has so aroused your concern for the condition of the Catholic religion that, out of respect for episcopal opinion,<sup>117</sup> you have commanded the bishops to come together to discuss important matters. Accordingly, we are responding by decree as seemed appropriate to us concerning those matters about which you expressed your wishes in the inquiry and agenda that you conveyed. Thus if our enactments are sanctioned as just by your judgment, the assent of so great a king and lord may by its greater authority (*maiori auctoritate*) augment the observance of the decree of so many bishops.<sup>118</sup>

Rhetorical enhancement aside, the bishops' words allow no doubt that Clovis's role was substantial. It was not soon forgotten. The decree of the council at Tours of 567 forbidding incestuous marriages cited the authority of "the Synod of Orléans, whose convening the most victorious King Clovis supplicated." In our own century several historians have noted the importance of his initiative.<sup>119</sup>

Although his action and the enthusiasm of the bishops can seem remarkable to us, contemporaries would have expected it. At Orléans the fathers in council were resuming, and to some extent developing in a new direction, the Constantinian tradition of royal coresponsibility with bishops for the governance of the church. Constantine's relatively modest claims had in subsequent reigns

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(Paris, 1989), 1:67–91. The latter will be cited below unless material in de Clercq's edition is required. Several of the canons of Orléans I had a wide range of influence on the subsequent development of canon law through Merovingian and Carolingian times into the era of Gratian. See *ibid.*, 1:68–69, as well as the footnotes for several individual canons; also Pontal, *Conciles*, p. 58.

<sup>116</sup> "quos ad concilium uenire iussistis" (Gaudemet and Basdevant, *Canons*, p. 70).

<sup>117</sup> The reading of the text by de Clercq is "Qui tanta ad religionis catholicae cultum gloriosae fidei cura uos excitat, ut sacerdotalis mentis affectum sacerdotes de rebus necessariis tractaturos in unum collegi iusseritis . . ." (*Concilia*, p. 4). However, I am here following Gaudemet's emendation, which substitutes "Quia tanta" for "Qui tanta" and "sacerdotalis mentis affectu" for "sacerdotalis mentis affectum." This reading removes the familiar, but unlikely, attribution of a priestly character to Clovis, for example, Kurth's "dans le zèle d'une âme vraiment sacerdotale" (*Clovis*, 2:152) and Pontal's "dans un esprit tout sacerdotal" (*Conciles*, p. 56).

<sup>118</sup> "ut . . . tanti consensus regis ac domini maiori auctoritate seruandum tantorum firmiter sententiam sacerdotum." It has been common to assume that the authority to which the bishops refer is their own, but neither the flow of the sentence nor contemporary usage is in that direction. For example, comparable episcopal recognition of royal authority had occurred a few years earlier at Rome during the Laurentian Schism (498–506), when the supporters of Pope Symmachus specifically acknowledged their own weakness and their reliance on the power of the Arian king, Theodoric, to settle the dispute under way. They cited the royal *potestas* as warrant for the full restoration of the pope's authority. See Francis Dvornik, *Early Christian and Byzantine Political Philosophy: Origins and Background*, 2 (Washington, D.C., 1966), pp. 809–10.

<sup>119</sup> C. 22 (21), Gaudemet and Basdevant, *Canons*, 2:380. Carlo de Clercq has noted the remarkable consequences of Clovis's initiative: "[T]out à coup la forte personnalité de Clovis, sa conversion, ses conquêtes et celles de ses filles, nous mettent en présence d'une Eglise franque qui continue la tradition des réunions conciliaires et se donne une législation originale du plus haut intérêt. Un moment interrompue par la décadence qui marque la fin des temps mérovingiens, l'oeuvre est reprise, sous les premiers Carolingiens et Charlemagne, avec une plus grande intervention du pouvoir civil . . ." (*Législation*, p. v).

assumed some quasi-episcopal elements. While the emperor's authority did not extend to defining matters of faith or regulating the liturgy, it came to include summoning and guiding councils, keeping peace among Christians, and forwarding the conversion of those outside the church.<sup>120</sup> At Chalcedon, where the most recent ecumenical council had met, the bishops sought the opinion of the emperor Marcian, who had summoned the council despite papal hesitations. During their proceedings they extended him honorific recognition and offered prayers for him.<sup>121</sup> The influence of this Christian imperial tradition had extended to lesser royalty by 506, when the Council of Agde accorded honorific titles to Alaric II, thanked him for permitting them to convoke the council, and prayed that he might reign long and successfully, all of this despite his Arian faith.<sup>122</sup>

The bishops at Orléans went even further, but their deference did not constitute subservience. As true successors to several generations of their predecessors who had legislated with increasing confidence for the church in Gaul up to the time of troubles in the mid-fifth century, they spoke of themselves as the authors of the canons in their final form. Their canons show that they worked independently and creatively from within the tradition of their Gallic predecessors.<sup>123</sup> Nor did they hesitate to modify some provisions of the Theodosian Code in the direction of increasing ecclesiastical authority at the expense of rights of secular lords, including the king.<sup>124</sup>

Clovis probably had several reasons for calling the council. His quotation from Scripture when writing to the bishops of Aquitaine a few years earlier, as well as several canons of the council, imply that he knew that not all was right within the church. It would be surprising if the bishops had not heard other criticism of clerical behavior from him before 511. While one of his major purposes must have been to persuade the church to safeguard certain interests of the great lay lords, himself included, the bishops granted him a much larger religious horizon than that. The recent conciliar activity in what had been Alaric's kingdom as well as conversations with several bishops must have motivated him, at least in part, yet the canons of the recent Council of Agde exerted comparatively little influence at Orléans.<sup>125</sup> Some have suggested that Clovis was acting

<sup>120</sup> Dvornik, *Political Philosophy*, 2:724–811.

<sup>121</sup> See Gustav Bardy's discussion of the emperor Marcian's extensive influence and the respect shown him by the bishops, in Augustin Fliche and Victor Martin, eds., *Histoire de l'Eglise*, 4:225–40; also Dvornik, *Political Philosophy*, 2:772–82.

<sup>122</sup> Munier, ed., *Concilia*, prologue, p. 192, and c. 48, p. 212.

<sup>123</sup> Some canons of Orléans I imply an intensive review, before or during their deliberations, of some aspects of previous canonical legislation. See cc. 14, 15, 17, 29.

<sup>124</sup> Kurth, citing Loening, *Geschichte des deutschen Kirchenrechts*, 2:150 ff., noted their independence and departures from the code (*Clovis*, 2:168–69). On the council's increased protection for accused persons and its stipulation that slaves be free from work on Rogation days, see below, p. 659 and n. 132.

<sup>125</sup> Although Carlo de Clercq termed the influence of Agde “très limitée,” he remarked, as an unsubstantiated afterthought, that the council interested itself “d’une façon spéciale” with Arian clerics and churches of Aquitaine (*Législation*, pp. 7–13, quotations on pp. 9, 13). The footnotes of Gaudemet and Basdevant for cc. 18, 22, 23, 25, 26, 30 of Orléans I seem to relate those canons to canons of Agde. However, two of the canons (61 and 59) cited as relevant to Orléans (cc. 18



to settle territorial or political problems left over from the conquest of the Visigothic kingdom.<sup>126</sup> Wallace-Hadrill, for example, considered the council to be “overwhelmingly . . . an Aquitainian occasion . . . [whose] main concern . . . was the disposal and control of property falling to the Aquitainian churches through Frankish conquest and reallocated (in part at least) by the conqueror himself.”<sup>127</sup> This hypothesis, however, does not square with the evidence.

There is nothing explicit in the canons to support an Aquitainian focus. Only one canon, the tenth, refers to the south as such. Minimalist and conciliatory in spirit, it concerns not redistribution of Arian property but canonical and liturgical procedures for the reconciliation of Arian clergy and reconsecration of their churches.<sup>128</sup> Some have cited the fifth canon to support the Aquitainian hypothesis; but even though that canon may have affected some confiscated Arian property, its formulation is directed to the full range of Clovis’s past and possible future gifts to the church. The large representation of southern bishops at Orléans I has also been cited as evidence for an Aquitainian orientation, but the central location of Orléans, as well as the greater population density and more established traditions of diocesan life of that part of Gaul, are sufficient to explain its choice as a meeting place.<sup>129</sup> Taken as a whole, the canons of Orléans I imply that Clovis and the bishops regarded the council not as an Aquitainian but as a kingdomwide “occasion.”<sup>130</sup>

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and 23) are not authentic canons of Agde; see Munier, ed., *Concilia*, p. 189. The concerns of the other four, while broadly similar, are so different in detail as to make a derivative relationship doubtful.

<sup>126</sup> Carlo de Clercq saw Clovis’s purpose as consolidating the unity of his kingdom (*Législation*, p. 8). With some anachronism, Pontal has attributed his intervention to a range of political concerns (*Conciles*, pp. 48–50, 56).

<sup>127</sup> *Frankish Church*, p. 95; see also *Long-Haired Kings*, including exaggeration of the influence of Agde, p. 177. A major Aquitainian emphasis is also favored by James, *Origins*, pp. 29–30, and Gaudemet and Basdevant, *Canons*, p. 67. After mistakenly confusing Clovis’s letter to the bishops with his nonextant edict before the campaign, Pontal proceeds to impose upon it a promise before the campaign to redress grievances from depredations that would occur, and therein the implication that a council would be necessary to do so. She further asserts that he saw the council as a way to legitimize his territorial authority in the south. Neither the letter nor the canons of the council will bear the weight of this hypothesis (*Conciles*, pp. 49–50).

<sup>128</sup> On this comparative leniency, see Kurth, *Clovis*, 2:146, and in particular Wood, “Gregory and Clovis,” p. 264 and n. 123.

<sup>129</sup> Kurth, noting that the largest representation was from the three Lyonnaises in the heartland of the new kingdom, suggested that the absences and deficits from the north, as well as the content of the canons, imply the relative collapse of the diocesan structure in that area (*Clovis*, 2:139–41). For the extent of this collapse, see Griffe, *Gaule chrétienne*, 2:134–35. Lippold includes other possible reasons as well, such as travel difficulties (“Chlodovechus,” p. 169); see also Tessier, *Baptême*, p. 114. A similar pattern of attendance characterized the Second Council of Orléans in 533, when the condition of the kingdom at last allowed another “national” council to meet. See de Clercq, *Législation*, pp. 14–15; Gaudemet and Basdevant, *Canons*, 1:194; Pontal, *Conciles*, map 2 following p. 388.

<sup>130</sup> Several historians have seen the horizon of the council as the whole church of Gaul. Kurth’s comprehensive analysis of the canons notes that most of them concerned the whole Latin-speaking church of the Frankish kingdom, with particular attention to patterns of Christian life and administration (*Clovis*, 2:138–52). Carlo de Clercq specifically enumerates a broad range of such concerns (*Législation*, pp. 9–13). See also Lot, *Naissance de la France*, pp. 35–38; Tessier, *Baptême*, pp. 114, 290–92; and Lippold, “Chlodovechus,” pp. 168–69.

Our opinions about the king's interest in what was done at Orléans must rest on inference. Most or all of the first ten canons have usually been attributed to his initiative.<sup>131</sup> He and other large landholders would have been personally concerned about a few other canons that affected their property rights,<sup>132</sup> but they probably had only peripheral interest in most of the disciplinary and liturgical enactments contained in the last two-thirds of the decrees. Yet, since the bishops attributed without qualification the origin of the whole body of their canons to his "inquiry and agenda," we should allow for the possibility that he was more knowledgeable and concerned than the modern stereotype dictates. If Clovis's introduction into Frankish law of legislation forbidding incestuous marriages remains debatable, his role in the council, whose canon 18 opened the important chapter of Merovingian canonical legislation on the subject, is not.<sup>133</sup>

Nonetheless it is the first ten canons that include matters most directly affecting royal concerns. The first three regulated ecclesiastical sanctuary for murderers, adulterers, thieves, kidnappers of women, and slaves who had fled a master after committing an offense. Although citing Roman- and canon-law precedents, the bishops in effect increased traditional ecclesiastical protection for these offenders and moderated the punitive measures available to plaintiffs. For the crimes dealt with in the first two canons, both parties must agree to a compensation (*satisfactio*), a penalty familiar to Frankish law. The third canon required agreement on mutually satisfactory terms before an offending slave who sought sanctuary must be returned to his master. If the basic familial and property rights of the plaintiff were thus somewhat reduced by these canons, refusal by the accused to accept the still severe alternatives that the canons substituted for the traditional penalties of Roman law meant that he would lose the protection of sanctuary. Conversely, a plaintiff who reneged on an oath to observe the reduced penalties would suffer full excommunication.<sup>134</sup>

<sup>131</sup> Duchesne regarded all of the first ten as directly related to royal interests (*L'Eglise au VI<sup>e</sup> siècle* [Paris, 1925], p. 501). De Clercq would exclude c. 9 but include at the very least cc. 4–7 (*Législation*, p. 13, n. 2). Wallace-Hadrill would exclude only canon 9 of the first ten (*Long-Haired Kings*, p. 177, n. 3). Canons 4–7 are regarded as clearly royal and the remainder probably so by Jocelyn N. Hillgarth, ed., *Christianity and Paganism, 350–750*, 2nd rev. ed. (Philadelphia, 1986), p. 98.

<sup>132</sup> For example, the requirement newly established by canon 27 that at Ascension time slaves and maidservants be freed from all work during the three Rogation days "so that the people can assemble more completely as a community (*quo magis plebs uniuersa conueniat*)."<sup>133</sup> Other examples include the bishops' regulations about donations made to the church by laymen and attempts to privatize church property (cc. 14, 15, 17, 23).

<sup>133</sup> When in its long decree on incestuous marriages the Council of Tours of 567 quoted this canon, it recalled Clovis's role in calling the council (Gaudemet and Basdevant, *Canons*, c. 22 [21], 2:380). It should be emphasized that Orléans I, not Agde as is still occasionally asserted, initiated the long, significant history of Merovingian canonical legislation on the subject. The so-called canon 61 of Agde on incestuous marriages is not an authentic canon of that council. See Munier, ed., *Concilia*, introductory comments and canon 14 (61) with note, pp. 189, 227.

<sup>134</sup> In working out the wording and provisions of these three canons, Clovis and the bishops delineated the offenses involved more specifically, balanced secular and ecclesiastical authority more clearly, and provided more due-process protection for offenders than is found in the relevant prior Roman- and canon-law texts. See Sirmondian Constitutions 13; Theodosian Code 9.45.3–5; the Council of Orange (441), c. 5; and the canonical collection called "The Second Council of Arles,"

Roman law had prohibited ordaining *curiales* to the priesthood.<sup>135</sup> The fourth canon extended the prohibition to include all freemen and required prior royal assent, or that of the count, to their ordination. The reformulation favored the king, whose major interest in it probably concerned sufficient manpower for his armies.<sup>136</sup> The eighth canon echoed Roman law by prohibiting the ordination of slaves without the permission of their masters. Yet both of these canons included ecclesiastical reservations. A freeman who was the direct descendant of a cleric could be ordained, and a slave who had been ordained a deacon or priest without his master's permission retained his ministry. The slave's owner, however, received double compensation either from the bishop, if he had ordained the slave knowingly, or from the informant who had deceived the bishop about the slave's status.

These two canons reveal the extensive control that by 511 Clovis had come to exercise over the ordination of clerics. They seem to imply also that he was already exerting influence of the sort that subsequent Frankish kings exercised in the election of bishops.<sup>137</sup> Some have imagined that he was seizing new power over the church and that he thus created what has often been called a *Landeskirche*. It is probably less anachronistic to view what he did as the resumption, with some modification, of traditional rights and duties of Christian rulers. Emperors since Constantine's time, as well as their officials and local people of high social rank, had at times assumed or been granted a preponderant role in the selection of clerics and the election of bishops.<sup>138</sup> In reality, the return of effective political authority in Gaul had revived these familiar, older patterns while reshaping them somewhat to serve new needs.

The king likely had considerable interest in five other canons among the first

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c. 30 (29), in Munier, ed., *Concilia*, pp. 79, 120. Pontal has called the canons bearing on slaves (cc. 3, 8) an attempt to "concilier les droits du maître et les siens propres" (*Conciles*, pp. 52–53). Comparable recognition of murderers' right to sanctuary came into Byzantine law only in the tenth century. See R. J. Macrides, "Killing, Asylum, and the Law in Byzantium," *Speculum* 63 (1988), 510–11.

<sup>135</sup> In 452 Valentinian III had prohibited outright that *inquilini*, slaves, and *coloni* be ordained clerics or accepted as monks (Novellae 35.3).

<sup>136</sup> This reason is suggested by de Clercq, who notes that Arian churches probably recognized that any freeman wishing to become a cleric needed prior royal permission (*Législation*, p. 9).

<sup>137</sup> The possibility was noted by Duchesne, *Eglise*, p. 502. See also Lippold, "Chlodovechus," p. 169. Perhaps, however, the practice emerged toward mid-century.

<sup>138</sup> The emergence of a *Landeskirche* is assumed by, among many others, Löwe, in *Handbuch* (above, n. 15), p. 111, and Ewig, in Jedin, ed., *History of the Church*, 2:528. Baus has drawn attention to the increasing intervention of late Roman emperors, imperial officials, and "the socially leading class of members of the community, such as *curiales*, senators, and others who came to a decision in private discussions, while the rest of the people only acclaimed" (Jedin, ed., *History of the Church*, 2:282). See also Jean Gaudemet, "La participation de la communauté au choix de ses pasteurs dans l'Eglise latine: Esquisse historique," *Ius canonicum* 14/2 (1974), 313–16, reprinted in *La société ecclésiastique dans l'Occident médiévale* (London, 1980). Citing earlier actions of *magistri militum* in Gaul, Karl Werner persuasively argues that "Successeur des généraux romains, le roi des Francs qui fera de même n'innovera donc pas, et cela n'aura rien à voir avec une prétendue 'germanisation' de l'Eglise" (*Origines*, p. 287). See also Werner's "Le rôle de l'aristocratie dans la christianisation du Nord-Est de la Gaule," pp. 49–51, reprinted in *Structures politiques du monde franc (VIe–XIIe siècles)* (London, 1979).

ten because they involve an interplay of secular and religious interests.<sup>139</sup> Among the thirty-one canons of Orléans I, however, the fifth more personally articulates his interests than do the others.

As to oblations or lands with attached grants of immunity from public charges on lands and clerics, which out of generosity our lord the king has deigned to bestow on churches, and also as to similar bequests which with God's inspiration he shall have conferred on churches not yet having them, we have ordained the following as the most just provision. Whatever God shall deign to bestow as income from [such gifts] must be used for repairs of churches, alms for priests and the poor, or the redemption of captives. Clerics are to be required to assist the church's charities. If any bishop shall show insufficient concern and devotion to this duty, he is to be rebuked publicly by his fellow bishops of the province. If, despite the reprimand, he does not set the matter straight, he shall be held unworthy of communion with his brother bishops until he corrects the fault.

This canon yields in length to only two others, which bear respectively on asylum for criminals and the regulation of monastic life.<sup>140</sup> It comes in the middle of the group most likely to have been of direct concern to Clovis. It does not adjoin canon 10 on the reconciliation of Arian clergy and churches, nor is there any other evidence for the frequent assumption that it relates only or mainly to lands confiscated from the Goths. Rather, it specifically and strenuously voices the king's personal determination to safeguard the purposes of all his past and future gifts to the church. He knew that not all was honesty and charity in the operations of the church, and he was doing his best to prevent clerical misappropriation from thwarting his intent in making charitable gifts. The fifth canon of the Council of Orléans is a particularly personal revelation. It tells us that he valued what Genevieve, Remigius, Avitus, and undoubtedly many others had taught him about meriting God's grace through good deeds.

Like the letter to the bishops of southern Gaul and the *Pactus*, the canons of Orléans reveal a forceful, astute, clearheaded king, concerned about equitably balancing rights. Also as in the letter, he shows himself to be knowledgeable about the inner workings of the church. His declared concern for its ministry and specifically for the unfortunate members of society reveals that he was not only a knowledgeable but a committed Christian. Nonetheless, unlike Kurth, we must not assume perfection. Two generations later, as Carlo de Clercq has noted, the bishops in council at Paris lamented that Clovis had long ago granted church

<sup>139</sup> One prohibits the excommunication of anyone suing a bishop for return of property (c. 6). Another forbids churchmen to acquire benefices from lords without their bishop's permission (c. 7). Priests or deacons guilty of a capital crime are to lose their office and undergo excommunication (c. 9). As has already been remarked, canon 10 does not concern itself with dividing up Arian booty. Rather it provides that members of the Arian clergy who are living good lives and freely choose to accept the Catholic faith can receive episcopal ordination and an ecclesiastical office considered appropriate by the bishop. It also orders Arian churches to be reconsecrated with the use of the orthodox liturgical rite.

<sup>140</sup> Its 89 words compare with 113 words for canon 1 and 101 words for canon 19.

lands to laymen whose heirs were still refusing to return them to church control.<sup>141</sup>

The real-life Clovis whose features can be glimpsed in the seven, relatively neglected, early sources differs strikingly from the familiar stereotype projected by the legend-soaked, didactically enhanced secondary sources. Three discrepancies stand out. One is the absence of ruses and atrocities. To contemporaries he would have seemed too formidable to need such expedients. Even the one hostile witness in the group, Theodoric the Great, recognized justifiable, if in one instance minor, grievances for two of his major wars. At worst Theodoric's complaint was rather that confidence in his military prowess made him too ready to resort to war and to intimidate weak neighbors. In the rhetoric of Remigius, however, Clovis had become by the time of his death "not only a preacher but defender of the Catholic faith . . . the protector of the provinces, the guardian of the fatherland, the conqueror of peoples." Modern archaeology tends to support, if not the fervor of the bishop's praise, its underlying implication that to most Gallo-Romans and Germans his territorial expansion and governance probably seemed acceptable or desirable, even though it involved the violence and subterfuges implicit in warfare. A second discrepancy between the early and late sources is the total silence of the former, including Theodoric's letters, about anti-Arian objectives or pretensions. Indeed Arianism shows up in them only twice, early as a form of Christianity whose claims Clovis seriously investigated as a young man and, at the end of his life, in the comparatively benign procedures which his Council of Orléans established for the ecclesiastical reconciliation of Arians. A third discrepancy concerns the famous miracle central to Gregory's account of the so-called Battle of Tolbiac. It seems completely unknown to the authors of the early sources.

What kind of person do the early sources reveal? Clearly he was not the *Bauernkönig*, the barbarian warrior-chieftain, dear to many textbooks. He was certainly a Germanic king, probably uneasy as he approached baptism that it might nullify the good fortune inherited from his royal ancestors. A *trustis* surrounded him. Yet archaeologically informed opinion now assumes that Clovis must have learned to speak, and possibly minimally to read, Latin and that he grew up knowing the ways of palace life in Roman administrative centers. His one extant letter reflects the presence of well-educated Romans at his court. It exhibits deft skill at balancing the conflicting needs of his military officers and the bishops. It says what he wants it to say in his own voice, clearly and authoritatively.

His ease not only with Roman ways but with Romans ranged from searching out an excellent Italian citharist for his palace, through erecting a basilica in imperial style, to summoning and guiding the activities of the Council of Orléans, the scope, content, and long-term impact of whose canons further reveal his administrative skills. The bishops' testimonial to his constructive leadership in calling the council reveals that he had picked up their challenge to become a

<sup>141</sup> Third Council of Paris (556–73), canon 1, Gaudemet and Basdevant, *Canons*, 2:416. See de Clercq, *Législation*, p. 11, n. 2, and p. 44.

Constantinian leader in the church. They respected and trusted him in that role, though perhaps none of them had established the affectionate, personal and spiritual give-and-take so powerfully implied in the three extant letters from Remigius to his close friend.

The *Pactus* discloses a Romanized German king, foresighted, knowledgeable, diligent, innovative, securely in control of his problems, and attentive to providing equity for all his subjects. Not all historians accept this remarkable code as his work; but to those who see it as beyond serious doubt the result of his initiative and oversight, it embodies qualities strikingly similar to those reflected in his letter to the bishops and in the canons of Orléans. The provisions of the code respected the customs of the late-fifth-century Franks, including some pagan traditions, but its king was not merely a Germanic king. Written in Latin, it drew substantially on procedural and substantive Roman law and may even have incorporated a few Christian elements. The resulting legal synthesis allowed non-Frankish Germans and Gallo-Romans either to live under their own laws or to choose those of the king. To subjects denied justice it offered access to the king while providing a variety of due-process protections to the accused. The traditional Frankish *grafio* survived as perhaps a more powerful royal agent than earlier, but, in law at least, he was a strictly regulated official. All in all, it is difficult to imagine a staff of Gallo-Roman legists producing the *Pactus* on their own or to identify a king other than Clovis as the originator of such a synthesis.

The legends and didactic rhetoric in the secondary sources have led many to see Clovis as a cryptopagan. Assuredly, we cannot read his mind or his soul. Undoubtedly, components of the religious traditions of his family and his youth survived within him and influenced his perception of Christianity before and after his baptism. But whether he chose to be baptized early or late, his rapport with Catholic orthodoxy as it developed over three decades exhibits striking religious dimensions, both external and internal. Childeric's friendly relations with St. Genevieve and Remigius's advice to the young king imply that he already understood, and possibly half accepted, the simpler elements of the Christian economy of personal salvation. His early diplomacy introduced Arianism directly into his family and likely occasioned his allegedly perceptive investigation of its teachings, but he did not become an Arian. Whatever may have been his reasons for finally preferring Catholicism, they seem far removed from the supercilious lectures attributed to Clotild or from testing her god's power in the midst of battle, though her quiet personal example and influence must have complemented Genevieve's.

Both Remigius and Avitus assumed that Clovis could comprehend religious ideas beyond the level of simple catechesis. In writing to him Avitus, and more especially Remigius, employed advanced scriptural concepts without feeling it necessary to explain them. Clovis's one extant letter cites Scripture relevantly. He precisely adapted the episcopal *apostolium* as a documentary means to validate the release of prisoners of war. His profound devotion to St. Genevieve, alongside what must have been permission for his sister, Albofled, to become a consecrated virgin, explains the otherwise surprising respect for the ministry of such women within the church expressed in his one surviving letter. He often

commuted sentences of civil offenders and even criminals out of respect for the religious values of Genevieve. After the Aquitainian campaign he showed exceptional generosity about releasing prisoners of war. His motives for summoning the Council of Orléans of 511 seem to have included religious as well as personal and political considerations. He approved its canons, which enlarged the rights of criminals and slaves. One of its most specific canons voices his particular insistence that none of his gifts to the church be diverted from sustaining "repairs of churches, alms for priests and the poor, or the redemption of captives." Overall, his religious outlook reflected acceptance of the insistent teaching of Gallo-Roman Catholicism that divine grace and human good works interact profoundly in the economy of personal salvation. Like canon 5 of Orléans I, but in stone, his church at Paris tells us that he understood the value articulated by Genevieve's biographer epitomizing the force that energized her life: "For she knew the truth of the prophet's saying that the person who gives to the poor honors God" (c. 40).

If unlikely coincidence were to turn up a long-lost description of Clovis worthy of Sidonius's best pen pictures, it would probably astound us. The few early sources are probably all that we shall ever have. Limited though they are, they tell us that he deserves far better than the character assassination which, however unintentionally, so many historians from the sixth century to our day have inflicted on him. He not only embodied the extensive cultural synthesis of Frankish, Roman, and Christian elements that archaeological discoveries have been revealing for northern Gaul in the late fifth and early sixth centuries, but he impressively, and on balance peacefully, furthered its progress in several important ways. He must have been one of the most remarkable, possibly even one of the most likable, Germanic monarchs who set medieval Europe on its way.