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**From Warlords to Kings: c.e. 1-752
In Search of Military and Political Legitimacy in Germanic Societies**

Ingeborg Sutherland

A Thesis

in

The Department

of

History

**Presented in Partial Fulfilment of the Requirements
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ABSTRACT

From Warlords to Kings: c.e. 1-752 In Search of Military and Political Legitimacy in Germanic Societies

Ingeborg Sutherland

This is an inquiry into the tools developed by the early Germanic aristocracy to solidify, extend and maintain their leadership roles and hence their right to rule. It applied to the individual warlord as leader of his band of followers as well as to the collectivity of warlords within a tribe who were represented in the institution of the council of leading men. During this time Germanic peoples were exposed to the cultural influences and political policies of the Roman Empire which greatly furthered the transformation of tribal societies into formal states when warlords became kings and free warriors were bound in patronage. Nevertheless, throughout the turmoil of migration and change, Germanic leadership held on to their native legitimacy originally endorsed and validated by an oath of allegiance on part of their followers. When some Germanic peoples settled on Roman soil individual leaders fought to maintain viable communities eventually transforming them into political entities. In doing so, they added to their Germanic right to rule imperial criteria of legitimization that was designed to enhance their status, acceptance, authority and power in the Romans' perception whom they eventually ruled as kings. This study follows Germanic aristocracy through the transformation of their societies and exposes the many means deployed to maintain themselves as leaders and hence uphold their legitimacy.

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List of Abbreviations

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- Blockley R.C. Blockley, *The Fragmentary Classic Historians of the Later Roman Empire: Eunapius, Olympiodorus, Priscus, Malchus*, Vol. II. Liverpool: Francis Cairns, 1982.
- Fredegarii *The Fourth book of the Chronicle of Fredegar and continuations*, tr. J.M. Wallace-Hadrill, New York: Thomas Nelson and Sons Ltd., 1960.
- Greg. of Tours Gregory, Bishop of Tours, *History of the Franks*, tr. E. Brehaut, New York: Norton & Co., 1969.
- Get. Jordanes, *The Gothic History of Jordanes*, tr. Ch. Mirowski, Cambridge, 1915. Eds. Barns and Noble, New York: Barnes & Noble, 1966.
- J. Caesar, BG Julius Caesar, *Caesar's Gallic War*, tr. J. Pearl, Woodbury, NY: Barron's Inc., 1962.
- Proc. DbG. Procopius, *History of the Wars*, 5 Vols, tr. H.B. Dewing, London, *Loeb Classical Library*, Cambridge, MA: Harvard University Library, 1961.
- Salvian, DGD Salvian, *The Writings of Salvian, the Presbyter*, tr. J.F. O'Sullivan, Washington, D.C: Catholic University Press, 1962.
- Tac. A; G; H; Tacitus, *Annals, Germania and Histories*, whereby the year indicates which edition was used. Tacitus, *Agricola and Germany*, tr. A.R. Birley, Oxford, 1999.
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Tacitus, *The Histories*, tr. K. Wellesley, London, 1986.
Tacitus, *The Complete Works of Tacitus*, tr. A.J. Church and W.J. Brodribb, New York, 1942.
- Variae Cassiodorus, Magnus Aurelius, Senator, *Cassiodorus: The Variae*, tr. S.J.B. Barnish, Liverpool: Liverpool University Press, 1992.
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From Warlords to Kings: c.e. 1-752
In Search of Military and Political Legitimacy in Germanic Societies

FOREWORD

A definition of political legitimacy or the right to rule is as varied as there are political unions that are symbolized by a group or groups claiming political legitimacy on behalf of their constituents. Political legitimacy is a process that evolves and changes as groups of people unite and search for representation on their behalf. Hence political legitimacy is a quest for consensus between rulers and ruled, whereby it is generally up to the ruled to consent to be governed by one particular leader or group of leaders.

In very small groups, leadership, unless subject to terror or dictatorship, is in accord with accepted traditions, rules and procedures deriving its right to rule from an assembly of all the people. As size and group dynamics change, evolving rules and traditions change the criteria for political legitimacy and new perceptions of the people and their representative leaders emerge. Furthermore, if in a transitional situation--from tribal society to chieftainship and towards kingship, and again from kingship towards democracy--the legitimacy to rule stands in question, the government and the ruler as its representative go through a process whereby new rules will be established. The government and its representatives will again seek sanction from those constituents whose support is sought. If forced, the government may make it appear as if the new rules are adhered to by both ruled and rulers and the quest for legitimacy is disguised. Favoured for this purpose is often a change in religious beliefs that might be imposed on the total constituency to satisfy either the powerful few, a new majority or an outside force that has to be placated. Well known examples of these procedures are the policies of Constantine the Great and King Clovis. Furthermore, constitutional powers, written or oral, have to be revised, integrated and even coded to accommodate diverse groups. Traditional powers being for the most part legitimate through precedent and common use have to be made commonly acceptable.

Such political re-organization became especially vital for an amalgamation of peoples that found the beginnings of statehood in selected forms of tribalism and moved on to encompass the sophistication of Roman administration, as was the case with the Germanic successor kingdoms on Roman soil. The mutual dependency between authority and legitimacy determined the form that the quest for military and political legitimacy took. It was thus the structure of Germanic society and its regime that determined the type of legitimacy that leaders sought to exercise. It is this power structure that has to be exposed.

As the Germanic world underwent the evolutionary process from tribal society to Germanic *Gaureiche* with *duces* and/or kings ruling over small territories within larger clan holdings and to Germanic successor kingdoms within the Roman Empire, requirements in support of political legitimacy exponentially expanded. It would include not only the fulfillment of political, social and cultural expectations of the

Roman populations but also the same expectations, albeit expressed in differing terms, of the Germanic peoples in order to legitimize Barbarian leaders' right to rule over both parts. However, in the Germanic

quest for the right to rule there endured one constant, namely the entrenched custom of the Germanic nobility to select their leader from amongst themselves and for him to consult them before a final decision. It is the purpose of this paper to outline and verify this constant and to pursue the expanding evolution of political legitimacy within this constraint.

For this purpose military and political legitimacy are established within the changing world of the Germanic sphere in the first century c.e., to be used as a foundation for recognizing changing needs in the following centuries. The basic Germanic military/political/social practices are exposed in detail to arrive at a conclusion as to the seat of the Germanic right to rule. Examples will be used not only to highlight

this process but also to uncover the inroads of foreign influences and their ramifications on the Germanic right to rule down to the successor kingdoms of some successful Germanic tribes.

Part I

Introduction

In the first century c.e., west-Germanic tribes,¹ the topic of this discussion, had completed the process from archaic king-priest leadership to oligarchical representation;² yet traces of the older tradition lingered as "priests of the state" still took an active role in public proceedings.³ At the same time, Roman influences were making inroads into Germanic society. Political and social conditions in the regions occupied by mostly indigenous peoples, Celts and Germans, were thus destined to undergo profound changes. This is especially applicable after the Roman conquest of territories along the western side of the Rhine by Julius Caesar in the 50s b.c.e. Furthermore, Augustan invasions and temporary occupation of parts of Germania not only greatly increased knowledge of the peoples beyond the Rhine but added to the change of the Germanic social order. Tacitus, in his work *Germania*, the only extant Roman description of central European tribes, reported on a basic framework of political, military, social and religious institutions supposedly in existence in the first century.⁴ These institutions, however, suggest idealized republican sentiments that do not reflect the lack of consensus amongst native leaders so evident in his *Annals* and *Histories*. Leaders caused conflicts while reaching for a more permanent and prominent place for themselves and their descendants in an expanding society. Into the accounts of the *Germania*, Tacitus, a republican by conviction,⁵ clearly injected his own ideas of Roman or Ciceronian Stoicism which found its original premises in Plato's and Aristotle's ethical philosophies upon which most political philosophies rest.⁶ Stoicism was introduced to Rome by the philosopher

¹ R. Much, *Deutsche Stammeskunde*, Leipzig, 1900, pp. 67-8.

² A. Demandt, "Die Anfänge der Staatenbildung bei den Germanen," *Historische Zeitschrift*, 230 (1980), 264-91, p. 267. Demandt argues that north and east Germans were ruled under sacral kingship.

³ Translations used: P.C. Tacitus [Tac.], *Agricola and Germany* [G.], tr. A.R. Birley, Oxford, 1999. *The Histories* [H.], tr. K. Wellesley, London, Penguin, ed., 1986. *The Annals of Imperial Rome* [A.], tr. M. Grant, London, Penguin, ed. 1996. *The Complete Works of Tacitus*, tr. A.J. Church and W.J. Brodribb, New York, 1942. *The Agricola and the Germania*, tr. H. Mattingly, Harmondsworth, Penguin, ed. 1970. On Tacitus (c. A.D. 55-118): *Germania* publ. A.D. 98, *Annals* publ. A.D. 117; *Histories*, publ. during the reign of Trajan A.D. 98-117; *Germania, Annals and Histories* preserve irreplaceable information about tribal geography, Germanic history and social changes resulting from German and Roman interaction. These books cover part of the period from ca. AD 1-96. Ref. for n. 3 see Tac. G.10, p. 42, 1999 ed.

⁴ M. Todd, *The Northern Barbarians: 100 BC - AD 300*, London, 1975, pp. 27-8. Army personnel brought back first-hand accounts from north-eastern Europe. Both Livy in his lost "book civ" and Marcus Agrippa, Augustus' general and son-in-law, provided a description of Germania and documented geographical material. The elder Pliny's twenty lost books on the *German Wars*, sprang from eye-witness observations as he served on both the lower and the upper Rhine frontiers. Todd argues that his writings must have been "a vast store of information about barbarian institutions, customs and cultures" and most probably served Tacitus as mature source of information.

⁵ Tac. A.1.3, p. 4, 1942 ed.; p. 33, 1996 ed.

⁶ M.D. Bayes, *Principles of Legislation: The Uses of Political Authority*, Detroit, 1978, p. 12.

Panaetius between 185-110 b.c.e. and had become popular among an influential group of Roman nobles.⁷

Aristotle, Plato's pupil, discussed his political and ethical theories in the *Eudemian* and *Nicomachean Ethics*, in which his ideas are centered on the *polis* which he considered indispensable "for the full development of human potential...and the achievement of human good," by which he meant the "good life" or happiness. The good life entails two essential virtues: ethical and intellectual. A man of ethical virtue is courageous in battle, honest in his business dealings, liberal and generous with his friends, knows his own value in the community and is ambitious. He is rational of thought; he is temperate and keeps his physical desires under control; he is friendly, truthful, and has a ready wit. He is a happy man who also possesses a minimum of wealth, health, and friends to whom he can show largess. Intellectual virtue, most relevant to human happiness, entails above all wisdom and the ability to enter philosophical contemplation. Human happiness comprises a balanced mixture of contemplation and ethical virtue.⁸ People who can achieve this ideal state can be considered for governance and are, by necessity, part of an exclusive and leisured group who have time for contemplation.

Aristotle described the two best constitutions that would achieve maximum benefits for the city or *polis*. Firstly, there is absolute rule, and secondly, there is aristocratic rule. Both types are in accordance with prevailing laws with the stipulation that it is only the best men who are capable of ruling and furthermore it is they, who are deserving of the honor to rule.⁹ Yet, Aristotle examined the ways in which the multitude can be served by having a voice in the government of the city. He writes:

...it is not safe for them to share in the great offices (Politics III.11) [for it may lead them to err], ...but to give them no part...is cause for alarm, for when there are many who are without honor and poor, that city is necessarily filled with enemies. Thus it remains for them to share in deliberating and judging. This is why Solon has them choose and audit officials, but does not allow them to rule alone. For all of them when brought together have an adequate perception and when mixed with those who are better, they benefit cities...¹⁰

In short Aristotle says that governance belongs to the wealthy, educated elite who have the means and the mental capability, or alternatively, who have the means to develop their mental capability. They should, however, include the multitude in governing, thus giving the appearance of political involvement yet denying real decision-making power. Furthermore, the Stoicism introduced by Panaetius states that it was rational that "all men are by nature rational and reason is the law not only of human nature but of the universe as well" which brought about the increasing humanitarianism of later Roman Stoics. "Government ought to be in accordance with the general

⁷ M.T. Cicero, *On the Commonwealth*, 9th ed., tr. G.H. Sabine and S. Barney Smith, London, New York, 1989, p. 28.

⁸ R.G. Mulgan, *Aristotle's Political Theory: An Introduction for Students of Political Theory*, Oxford, 1977, p. 76. This is of necessity a very short explanation yet conveys the essentials of Aristotle's theory.

⁹ *Ibid.*, p. 78.

¹⁰ R. Mayhew, *Aristotle's Criticism of Plato's Republic*, Maryland, U.S.A., 1997, pp. 25-6.

principles of justice, both in respect to the treatment of citizens and in respect to the external relations between states.”¹¹ Justice, ideally, was the glue that held civilized society together. Furthermore, the idea of a constitution that combined monarchial, aristocratic and democratic elements—the theory of the mixed state—with its aristocratic implication, was widely accepted in the later Republican era.¹² However, Tacitus perceived that in the Empire from Augustus to Domitian (27 b.c.e. – c.e. 96) liberty was absent and it was only under the emperor Nerva (c.e. 96–98) that monarchy and liberty were united.¹³ When Aristotle, Panaetius and Tacitus talked about democracy, they meant democracy among elites and for elites sharing governance that was exclusive of ordinary people in the setting of a formalized state as replacement for the *polis*. Effectively, this was the picture Tacitus tried to convey to his Roman readers as present in Germania.

From these premises, one can again look at Tacitus' work *Germania* and perceive the shape and meaning which Germanic institutions took on under Tacitus' pen. One gains the impression of an ordered society where “*principes*”¹⁴ of various stripes were in command, representing themselves at the “council of leading men”, where crucial decisions were made and which were then presented to an “assembly of warriors” who had the final decision, but were usually given the choice of only one.¹⁵ In the *Germania*, Tacitus thus depicts Aristotle’s idea of good governance, a concept he thought needed revival in imperial Rome. In the *Annals* and *Histories* he pursued his theme of how Germanic elites operated. Yet it becomes immediately clear that individual lords used these institutions to further their own military and political aspirations of nation building in their quest for single control over a clan, and in a national emergency even a confederation of nations. They were aided and abetted by a Roman administration that favored kingship for Germanic societies. On the other hand, collective elites, specifically at the council of leading men, fought for their customary rights to be part of the governing process at all levels of government and were thus opposed to a one-man rule. These sentiments were, however, offset by their fierce individual struggle to perpetuate their single hold over their clans with the unquestioned allegiance of their warrior body and thus perpetuate warlordship over very small territories. This situation was detrimental in establishing a peacetime unification of Germanic clans and rendered societies powerless against foreign and domestic aggressors. Thus, instead of

¹¹ Cicero, *On the Commonwealth*, p. 31.

¹² *Ibid.*, pp. 32-33.

¹³ C.A. Robinson, Jr., ed., *Selections from Greek and Roman Historians*, 2nd ed., Fort Worth, Chicago, San Francisco, Philadelphia, Montreal, Toronto, London, Sydney, Tokyo, 1985, p.xxxi.

¹⁴ W. Schlesinger, “Lord and Follower in Germanic Institutional History,” in F.L. Cheyette, ed., *Lordship and Community in Medieval Europe*, New York, 1962, p. 71, explains the Latin meaning of “*principes*” during the time of Tacitus. In Rome a *princeps* was a man of high standing and superior rank, who imposed himself by his authority, not by virtue of any office. The leading example was Augustus who styled himself *princeps* to indicate that he ruled because of his prestige and authority and not as king. Cicero calls Pericles as head of state a *princeps* (Cir. de Or.1,216); Livy refers to the head of the senate as *princeps senatus* (Liv.34,44,4.); hence Pompey and J. Caesar were “*principes*” and Tacitus followed Cireronian precedent and thus his Republican sentiments.

encountering at least a semblance of republican ideals of order within Germanic society, one perceives a situation where members of the oligarchy struggled to maintain their entrenched individual power bases on the clan level. At the same time, at the tribal and national level, some of the same leaders vied for single control while others hindered this quest by asserting their collective rights to remain part of governance.

In Germanic society of the first century common era, as well as in the centuries that followed, it was thus the members of the oligarchy who were at war with each other. They struggled to maintain and further their old power structures, hindering the emergence of a unified realm. The tools employed to remain in charge for many centuries and hence to secure for themselves political, military and social legitimacy are the main topic in part I of this thesis, which is essentially theoretical by its very nature. Part II, on the other hand, delves into the actual rule of the royal houses of the Visigothic Balthi, the Ostrogothic Amals and the Frankish Merovingians, outlining the various practical and modern ways, by sixth century standards, that these kings employed to establish and maintain their legitimacy and hence their right to rule.

PHYSICAL ENVIRONMENT AND SOCIETY OF WESTERN GERMANIC TRIBES

During the early Empire, Rome's possessions along the left side of the Rhine were separated into Upper and Lower Germany. The former included today's western Switzerland, Alsace and the German Rhineland; the latter included modern Luxembourg, eastern Belgium, and the southern Dutch provinces. In Germania, along the non-Roman side of the Rhine and Danube, there was an unpopulated demilitarized zone. No barbarian boats were allowed on those two rivers heavily patrolled by a Roman river fleet. Hadrian began the construction of an artificial frontier wall, the limes, which originally began at the angle at the Upper Rhine and Danube. It was later extended, starting southwest of Regensburg and running westward across today's Wurtemberg to Lorch, turning north and then crossing the river Main through the Taunus mountains to the river Lahn, which it followed to its end at Cologne.¹⁶ In the first century, west-Germanic peoples--as opposed to the north and east Germans who inhabited Scandinavia and eastern Europe--lived east of the Rhine and north of the Danube and were grouped into tribes or "nations"¹⁷ such as the Cherusci, Chatti, Batavians, Suevi and Marcomanni to name only a few.

There were no large urban communities such as the great cities in the Roman Empire to accommodate Germanic populations. Even the cities along the Roman side of the Rhine, such as Cologne, Mainz, Worms, Strasbourg and Basel, were "more military cantonments than towns until

¹⁵ Tac. G. 7,10.-14, pp. 41-44 in 1999 ed. See also W. Schlesinger, "Lord and Follower," pp. 64-99. Schlesinger discusses how lordship over free men developed in Germanic society.

¹⁶ J.W. Thompson, *Economic and Social History of the Middle Ages: 300-1300*, vol.I., New York, 1959, pp. 14-15.

¹⁷ Tac. G. 1,2. pp. 37-8, 1999 ed., see the description of Germanic tribes.

late imperial times.”¹⁸ In the first century, they could not be designated cities in the Greek or Roman sense as they contained no imposing public buildings such as temples, forums, baths and large private dwellings. Furthermore, the population was also small.¹⁹ But these military cities were growing, especially Cologne, inhabited by the Germanic Ubii who had been allowed by Julius Caesar to resettle on Roman occupied territory when they were driven out of their own lands by the militarily stronger Suevi. The less prosperous but free Germans reviled them and envied their access to the relative luxuries that the Empire provided in a growing city such as Cologne. These envious sentiments were a continuous cause of strife between pro- and anti-Roman factions among Germanic peoples,²⁰ particularly vexing when Germans in free Germania continued to live mostly in isolated farmsteads.²¹ Few fortified habitations existed, and for protection they turned to their kindred as there was no formal state to protect them.²² Strongholds were thus scarce, and where they existed, wooden palisades as utilized by early Roman military installations might have surrounded them.

Schlesinger quite understandably argues that estates and strongholds were held by lords, wielding power over the surrounding area scattered with farmsteads. In return for his protection, free men promised warrior services.²³ The lord’s dwelling, with its surrounding area and farmsteads, was therefore an extension of the lord’s household.

The men of this local community comprised the basis of the *Gefolgschaftswesen* or *comitatus*. They were free farmers, crafts- and tradesmen, forming themselves into a retinue under the leadership of a lord who might be a noble or at least a wealthy man of valor and distinction.²⁴ In general, one could define this pastoral setting as Homeric and thus pre-city-state and pre-Republican. Germanic populations were organized into two distinct groups: the “unfree” and the “free.” The former were mostly the conquered who had been enslaved, and persons who had been born unfree. There was also a population of freedmen “...who ranked little higher than slaves.”²⁵ The “free” were split into the nobility on one hand and farmers, crafts- and tradesmen on the other

¹⁸ J. Westfall Thompson, *Economic and Social History of the Middle Ages*, p. 15.

¹⁹ L. Benevolo, *The European City*, Cambridge, Mass., 1993, p. 3.

²⁰ E.A. Thompson, *Romans and Barbarians: The Decline of the Western Empire*, Wisconsin, 1982, p. 5. See also J. Caesar, *Caesar’s Gallic War* [BG], tr. J.Pearl, New York, 1962, Bk iv.3, p. 105.

²¹ E.A. Thompson, *Romans and Barbarians*, p. 6.

²² *Ibid.*, p. 6. Free Germans did not enjoy the same coded legal protection due a citizen of the Roman state, yet they were protected by their own military and social institutions. As to the existence of strongholds: W. Schlesinger, “Lord and Follower,” p. 94, points to the existence of strongholds referring to Tacitus’ A.1.57, p. 38, 1996 ed. where Segestes, his kinfolks and dependants are besieged, hence inferring strongholds. There is further evidence of the existence of large estates in the *Histories* (Tac. H.5.23, p.23, 1986 ed.), when in c.c. 69 the Romans left untouched the estates of the defeated rebel leader Civilis. There is no indication as to the frequency of fortified strongholds and Schlesinger denies the existence of archaeological evidence for walled fortifications in Tacitus’ age. (see W. Schlesinger, “Lord and Follower...,” n.16, p. 94) But there is the possibility of wooden palisades enforced with iron bands.

²³ W. Schlesinger, “Lord and Follower,” pp. 68-9, for detailed discussion on the subject of warrior services.

²⁴ Tac. G.11,12, p. 43, 1999 ed.

²⁵ *Ibid.*, 25, p. 50.

hand. They were those whom Tacitus termed "citizens,"²⁶ although this is a misnomer as there was no state in the republican sense that would allow for citizenship.

Free and unfree operated within four layers of jurisdiction.²⁷ At the lowest level were local communities,²⁸ led by local lords or nobles. On the second level they were grouped together into clans led by chieftains or *duces* who might be members of a *stirps regia*, a royal house. Clan chiefs to whom Tacitus referred as "kings" or "chiefs of state"²⁹ deferred to a third level, a tribal chief, on issues of war and peace. He was usually, but not always, elected from among the clan chiefs.³⁰ Maroboduus for instance was originally a non-royal Suevi chief before he defected to the Marcomanni and became their king.³¹ On the fourth level was a confederate leader who was put in charge of a confederate army gathered from like-minded tribes and chosen for the sole purpose of warding off aggression or, as in the case of Civilis, leading armed forces in rebellion against Rome.³²

At every level of jurisdiction, chiefs came together in what E.A.Thompson termed a "council of leading men" where war and peace were discussed in the first instance³³ and where local, clan, national, or confederate chiefs were selected from among village elders and leading men.³⁴ Tacitus in his *Germania* and *Histories* created some confusion about councils at different levels of jurisdictions in as much as it is often unclear which level of council was meeting. The most probable cause for this might be the fluidity of Germanic tribal society which regrouped itself as necessity dictated,³⁵ as the movements of one of the tribes, the Ubians, demonstrated.³⁶ One should not expect of groups whose total population moved from one locale to the next to transplant their governmental apparatus intact.³⁷ Neither should one expect all clan members to join, as some people would cling to their native soil. As long as they were free Germans, they might found or join a new *Gefolgschaft* or retinue and would thus be striving either to maintain their current status or, if possible, to seek a better place with a new tribe. For those Germans who were free, wealthy,

²⁶ *Ibid.*, 13, p. 44.

²⁷ W. Schlesinger, "Lord and Follower," p. 65, on the different levels of communities.

²⁸ Tac. G.10,11, pp. 42-3, 1999 ed.

²⁹ *Ibid.*, G.10, p. 10, 1970 ed.

³⁰ Tac. A.1.55, p. 37, 1942 ed.; also p. 65, 1999 ed. Arminius was the national leader in A.D. 9 when he successfully warred against the Empire and defeated the Roman general Varus.

³¹ *Ibid.*, G. p. 59, 1999 ed.

³² *Ibid.*, H. 4.14, p. 601, 1942 ed. Civilis invited Batavian leaders to a clandestine banquet where he convinced them to support his rebellion and himself as their leader.

³³ *Ibid.*, G.11, p. 43, 1999 ed.

³⁴ *Ibid.*

³⁵ W. Schlesinger, "Herrschaft und Gefolgschaft in der germanisch deutschen Verfassungsgeschichte," W. Schlesinger, *Herrschaft und Staat im Mittelalter*, Darmstadt, 1956. See also A.Demandt, "Die Anfänge der Staatenbildung bei den Germanen," *Historische Zeitschrift*, Bd. 230(1980), 265-291, p. 267.

³⁶ J. Caesar, BG, IV.3. p. 105.

³⁷ R. Much, *Deutsche Stammeskunde*, pp.80-1; also Tac. H. 4.28, p. 160, 1942 ed.; p. 223, 1986 ed. Tacitus writes that the Ubii forswore their native country and assumed the Roman name "Agrippinenses." It is not unusual for tribes to become "clients" of Rome. See Tac. G.42, p. 59, 1970 ed.; and Tac. G. n.42, p.128, 1999 ed., concerning the Marcomanni and Quadi who accepted financial and military subsidies from Rome after c.e. 18 and thus became technically "clients" of the Roman state.

strong, and with a reputation of valor, new opportunities existed, as evidenced by Maroboduus who left the Suevi to become king of the Marcomanni.³⁸

Various retinues came together at the "Assembly of Warriors," in German *Ding* or *Thing*, where proposed or previously-selected leaders stood for an official election and acclamation by the Assembly.³⁹ Again, this took place at all jurisdictions. E.A. Thompson claims that the "Assembly of Warriors" came only into existence between the time of Julius Caesar and Tacitus.⁴⁰ Yet Julius Caesar wrote "when a chief announces in an assembly that he is going to be the leader of a raid, and that those who wish to follow him should volunteer...they [volunteers] would then be highly praised by the assembly."⁴¹ Hence, there existed a *Thing* but most likely it was not as formal and structured as Tacitus tried to make it appear. Tacitus himself wrote that warriors tended to dally for days on their way to a convened assembly.⁴²

In the first century, election thus resembled a democratic process, but assemblies were offered a limited choice, leaving the real decision making in the hands of leading men and their councils.⁴³ Acclamation was duly ritualized by shouting of dissent if any, and much clashing of spears if the warriors acquiesced,⁴⁴ and further symbolized by lifting the new leader on a shield.⁴⁵

Gefolgschaften and the institution of "chieftainship" were thus closely linked to the election and acclamation of a *Heerführer*, a military leader who could be a *dux* [duke] or *rex* [king],⁴⁶ as the Romans preferred to call native leaders. This position could lead to tribal and/or confederate chieftainship—providing traditional qualifications were met to occupy these overlapping political and military positions.

HEERKÖNIGTUM and GEFOLGSCHAFTSWESEN

The Germanic *Gefolgschaft*, the union between a leader and his clansmen was, after the household, the smallest and most common military and political structure in the Germanic sphere.

This union led to what A. Demandt termed a *gefolgschaftliches Heerkönigtum*⁴⁷ during the first two centuries c.e. Otto Höfler, when referring to northern Germanic organizations, calls the same institution a *Thing-Königtum*. In Scandinavia the *Thing* or *Volksversammlung* was also an assembly of all free and weapon-carrying men, yet they were able to oust a king, in contrast to

³⁸ A.Demandt, "Anfänge der Staatenbildung bei den Germanen," p. 269; Tac. G.10, 12, pp. 42-3, 1999 ed.

³⁹ Tac. G.11, p. 43, 1999 ed.

⁴⁰ E.A.Thompson, *The Early Germans*, Oxford, 1965, n.2, p. 12.

⁴¹ J. Caesar, BG, VI.23, p. 199.

⁴² Tac. G.11, p. 42, 1999 ed.

⁴³ *Ibid.*, 11,14, pp. 43-4.

⁴⁴ *Ibid.*, 11, p. 42.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ A.Demandt, "Anfänge der Staatenbildung bei den Germanen," p. 271.

western Germanic customs.⁴⁸ Although Otto Höfler does not specify the period in which this took place, nevertheless it is an indication that different political developments were happening in various locales. In this context, concentration will be on western tribes where the key to military and political legitimacy rested on the *Gefolgschaftswesen* because Germanic clans and their leaders were unwilling to institute social order within lasting "nations."⁴⁹ The cause was the Germanic nobility and their clan members who, at the slightest indication of *regnum* building at the tribal level, would step in to subdue any such efforts in order to protect their individual power base or legitimacy.⁵⁰

This is one reason why one sees so much conflict among clan leaders of the same tribe and families such as those of the royal Cherusian and Batavians. Inguiomerus, the uncle of Arminius, as well as his father-in-law, Segestes, were bent on at least maintaining their individual status and positions and thus their military and political legitimacy.⁵¹ Despite Arminius' reputation as a champion of freedom and the deliverer of Germania (from the Romans),⁵² when the nobles perceived that he was looking towards kingship, and hence usurping the individual power of the clan chiefs, they promptly assassinated him.⁵³ Another reason creating conflict was a pro-Roman stance as upheld by Segestes,⁵⁴ whose family had to be admitted into the Roman fold for the sake of their safety.⁵⁵ He embraced such new ideas as private ownership of land which he most likely expected to receive from Rome for his support against Arminius, thus personally enriching himself and putting his well-being before that of his clan. Maroboduus, while king of the Suevi nation, was expelled when striving for *regnum*.⁵⁶ He had been forced into peace by Tiberius in c.e.16/17 and the title of "king" rendered to him by the Romans was hated by his Suevi countrymen.⁵⁷ Yet when fleeing to the Marcomanni in c.e. 18 or 19 he was nominated their "king" because as such he received outright subsidies from Rome for his support of the Empire.⁵⁸ Soon, even monetary support did not convince the anti-Roman opposition to help the Empire and when his position became indefensible, Tiberius had to install him as an exile in Ravenna while his troops remained at the Danube.⁵⁹ Hence, the position of puppet king for Rome was another cause of conflict. Inguiomerus admitted to internal rivalry when defecting to Maroboduus because he refused to

⁴⁸ O. Höfler, "Der Sakralcharakter des germanischen Königtums," E.J. Brill, ed., *Studies in the History of Religions: The Sacral Kingship*, vol..IV., Leiden, 1959, p. 692.

⁴⁹ "Nations," such as associations of clans mentioned by Tacitus at the end of the first century, mostly disappeared by the end of the third century. ie. the Cherusian, Chatti, Batavian, Ubii, Usipi, Tencteri, etc. They were replaced by unions or *Bünde*, such as the Franks, Alamani, Goths.

⁵⁰ A.Demandt, "Anfänge der Staatenbildung bei den Germanen," p.275.

⁵¹ Tac. A.1.58, p. 66, 1996 ed. Segestes defended his political legitimacy against Arminius already in c.e. 9 after the latter's victorious battle against the Roman general Varus.

⁵² *Ibid.*, 2.44, p. 99.

⁵³ *Ibid.*, 2.88, p. 119.

⁵⁴ *Ibid.*, 1.55,57,58, pp. 65-66.

⁵⁵ *Ibid.*, 1.58, p. 66.

⁵⁶ *Ibid.*, 2.88, p. 119; also A.Demandt, "Anfänge der Staatenbildung bei den Germanen," pp. 272-3 on *Heerkönigtum*. See also Tac. A.2.26,44, pp. 89,99, 1996 ed.

⁵⁷ Tac. A. 2.26, p. 89, 1996 ed.

⁵⁸ Tac. G. 42, p. 59, 1999 ed.

accept the leadership of his much younger nephew Arminius.⁶⁰ His *Gefolgschaft* actually abandoned him, thus forsaking their oath of allegiance, a rare occurrence in the Germanic sphere.⁶¹ These actions did nothing to further statehood for Germanic peoples. Instead, they furthered a clan leader's individual power-base and his claim to legitimacy founded in *Kleinkönigtum* or *gefolgschaftliches Heerkönigtum*.

"Nation" and "national chief" or "chief of state" were labels thus applied by Tacitus to enhance the status of the Germanic unions since there was no formalized state headed by a "chief of state"⁶² in the first century.⁶³ Tacitus thought of the Cherusci and Batavians as "nations" although they were an assemblage of clans with independent clan leaders who united for a single purpose under one chosen leader, the so-named "chief of state." Arminius and his uncle Inguiomerus were such independent clan leaders who joined their clans into a "nation" under Arminius' leadership in the fight against the Romans.⁶⁴ During wartime there were tribal chiefs who might consolidate their retinues under their own clan leaders who in turn might select a "national chief" from among them to head the combined forces. As soon as conflicts ended, these commanders had fulfilled their purpose as "national chiefs" and were supposed to return to their clan roles. However, when they tried to transform their "nations" into kingdoms, the aristocracy resisted at all levels and attempts at statehood were foiled.⁶⁵ One only has to observe the swift demise of Arminius, Civilis and also Maroboduus when they tried to perpetuate their kingship during peacetime.⁶⁶ Effectively, they had forgone their right to rule for two reasons. Firstly, they had lost their reputation for success in war. More importantly, their political judgement was regarded as impaired by their fellow clan leaders when reaching for personal aggrandizement and gain in the pursuit of peacetime kingship.

The demise of individual Germanic elites was thus due to their loss of military and political legitimacy. They had violated a fundamental social contract existing within Germanic culture but more particularly within the *Gefolgschaftswesen*. These power-driven motivations were analyzed by A.Cohen in *The Politics of Elite Culture*⁶⁷ where he classifies this same type of elite

⁵⁹ E.A. Thompson, *The Early Germans*, pp. 99-100.

⁶⁰ Tac. A. 2.45, p. 100, 1996 ed.

⁶¹ *Ibid.*, 2.62, p. 107; also E.A. Thompson, *The Early Germans*, p.100, thinks that it was not the people at large who expelled Maroboduus but the nobility and that the warriors remained neutral during the *coup*; Tac. A. 2.63, p. 88, 1942 ed. "Maroboduus was deserted on all sides." The only explanation might be that Maroboduus was originally a Suevi and that his Marcomanni retinues were not as devoted as clan members from his own tribe might have been.

⁶² Tac. G.10, p. 42, 1999 ed.

⁶³ A. Demandt, "Angänge der Staatenbildung bei den Germanen," p. 267.

⁶⁴ Tac. A.1.60-63, pp. 40-1, 1942 ed.; H.4.14, p.601, 1942 ed. In c.e. 69 Batavian clans joined under Civilis.

⁶⁵ A.Demandt, "Anfänge der Staatenbildung bei den Germanen," p. 267, writes that "diese Stämme lassen sich kaum als Staaten bezeichnen" lacking "eine funktionsfähige Herrschaftsordnung und ein[en] dauerhafte[n] Zusammenhalt." This is confirmed by Tacitus' report as to how lackadaisical Germans acted when called to meetings. See Tac. G.11, p. 43, 1999 ed.; also A. 1.57,59, pp. 65-6, 1996 ed.; and H.4.14, p. 212, 1986 ed. on Arminius' and Civilis' quests for confederate leadership.

⁶⁶ Tac. A. 2.88, p.101, 1942 ed.; H. 5.26, p. 673, 1942 ed.

⁶⁷ A. Cohen, *The Politics of Elite Culture: Exploration in the Dramaturgy of Power in a Modern African Nation*, California, 1981, see "Preface".

behavior that mirrors Germanic circumstances in modern west Africa. He concluded that elites are engaged in two types of actions: "Universalistic," which services the needs of the public [community], and "particularistic," which strives to keep themselves in power and enhance their image. It also seeks to perpetuate their status and privileges by socializing and training their children as successors.

Firstly, they had breached their universalistic promise, namely to successfully defend their clans against foreign influences and aggression, contained in the social contract between the Allgod Odin and the lords when the god had charged them upon creation with the protection of space and kin. The transgressors, in violating human contracts and heavenly commands, had provoked the conservative elements of the elite into ousting them. They had been powerful enough to do so because their equally conservative adherents were not ready for change. To institute oppositional change in the social fabric of a people, constituents must be convinced that change would enhance their lives. Secondly, the transgressors had violated a contract among themselves, namely to maintain existing elite structure—that is to say, to keep themselves in power within the status quo and enhance their image. This violation extended to their sons as there existed an institutional arrangement of successorship as Tacitus noted: "Particularly noble birth, or great services rendered by their fathers, can obtain the rank of 'chief' for boys still in their teens."⁶⁸

Individual Germanic elites tried to maintain their cohesion and autonomy--their monopoly of power--within their *Gefolgschaftswesen* while their collective rights were enshrined within the council of leading men where it was ordained that they respect each other's rights and integrity. To explain the complexity of Germanic social structure, a brief outline of their mythical order is necessary as it will provide insight into the heart of military and political legitimacy that lay within the *Gefolgschaftswesen*.

THE HEAVENLY ORDER⁶⁹

Peter Brown summarized the difficulties encountered by people of the twentieth century when looking up to the heavens and imagining an everlasting pagan universe. The belief in this universe, "...at once inhabited and governed by intertwined hierarchies of divine beings and their ethereal ministers, was an article of faith for most classical persons." To complicate matters in Late Antiquity "the ancient representation of...the visible universe...shifted with the slowness of

⁶⁸ Tac. G.13, p. 112, 1970 ed.; p. 44, 1999 ed.

⁶⁹ R.L. Green, *Myths of the Norsemen: Retold from the Old Norse Poems and Tales*, Harmondsworth, 1972. From the poems of the *Elder Edda*, *The Prose Edda*, collected by Snorri Sturluson in ca. c.e. 1216, and fragments from the *Volsunga Saga* when Snorri's synopses were inadequate. See also O. Höfler, "Der Sakralcharakter des germanischen Königtums," p. 672, referring to the Germanic creation myth that has come down from the chronicles of the *Eddas* as retold by the Icelandic Snorri.

glacier.”⁷⁰ In their world, which was not too far away and different, contemporary Germans had to be content with their pantheon in much the same manner.

After creating *Asgard* (Heaven) and *Midgard* (Earth), the Allgod Odin, an *Aesir* as heavenly inhabitants were called, consulted with his advisors and decided to send his son Heimdall to *Midgard* to populate the world. Heimdall fathered the first Doer who was a farmer, the first Maker who was Karl the Craftsman, and the first Lord who was the leader of the community and of the warriors. To this hierarchy of people Heimdall taught the wisdom of their grandfather Odin. Odin, in search of wisdom, traveled to the very root of the earth where he found the wisest of gentle Giants, Mimir, living by the fountain of wisdom. For a cup of wisdom, Odin offered one of his eyes and from this day he was one-eyed and Mimir became his counsellor. Mimir warned that the *Aesir* Odin must form an alliance with the people of the air, the *Vanir*. This accomplished, they swore an *Eid* or oath to eternal friendship, exchanged hostages and settled into a life of procreation, war and celebration.

When a warrior lord married a princess, their son became the first king of *Midgard*, and a king of Denmark. The lord feasted his men in the great hall and gave gifts of golden rings to those who fought most valiantly on his behalf. They battled those who invaded their lands or did harm to their people. From Odin the king had learned wisdom as well as valor and hence knew something of the mysteries of life and the will of Odin. Heimdall told of the great battle that was raging between his people, the *Aesir*, and the Giants—a battle between Good and Evil. He promised that the bravest to fall in battle were to be brought after death to *Asgard* by his Valkyries to form the army of the *Aesirs*—*die Schar der Einherjar* or the heavenly *Gefolgschaft*. Here, the chosen would partake in his never-ending banquet at his home at Valhalla for a life of lasting plenty. This was the reward for loyalty and bravery on behalf of one's lord and for maintaining independence from foreign influences.⁷¹ It becomes thus clear that Odin did not act alone but sought consensus when consulting with his advisors, with members of his family, or with other heavenly denizens.

The Germanic peoples had thus populated and likened the heavens as a replica of their earthly society—only better, because in the heavenly battle of Ragnarok Good overcomes Evil. M. Morford and R. Lenardon write in the introduction to *Classical Mythology* that "myth is a many-faceted personal and cultural phenomenon created to provide a reality and a unity to what is transitory and fragmented in the world that we experience." Hence, Odin's body of advisors is the equivalent of the council of leading men.⁷² Although all people in the earthly hierarchy were created equal, as they all were Odin's grandchildren and could thus be counted among heroes, only some were assigned more equal status than others.⁷³ Those were the selected lords and leaders.

⁷⁰ P. Brown, *Authority and the Sacred: Aspects of the Christianisation of the Roman World*, Cambridge, 1995, p. 8.

⁷¹ J. de Vries, "Das Königstum der Germanen," *Saeculum*, 7(1956), refers to the heavenly retinue as the *Einherjar*.

⁷² M.P.O. Morford and R.J. Lenardon, *Classical Mythology*, 4th ed., New York, 1991. pp. 8,13.

⁷³ See O. Höfler in "Der Sacralcharakter des germanischen Königtums," p. 692, where he refers to the heavenly society as stratified. He quotes from the *Edda*, "*Schweigen gebiete ich allen heiligen Geschlechtern, den höheren und den geringeren Söhnen des Heimdall!*"

After valiantly dying in earthly battles, they, too, were the chosen to sit close to Odin at his table, forming part of his council while the earthly warriors joined the heavenly *Gefolgschaft*. As the heavenly warriors were the instruments who upheld the good and the righteous, defending the status quo, the same commitment was expected of their earthly counterparts. Germanic society on earth could now look towards Valhalla for advice and guidance. This was communicated to the priesthood by their dead ancestors, warriors who been selected to go to Valhalla. In turn, the priesthood was charged with the interpretation of heavenly signs.

This is not to say that Germans could not be enticed into Roman religious practices. Tacitus reports about the brother-in-law of Arminius, Segimundus, who was Segestes' son and whom the Romans appointed as priest circa c.e.9 in the Roman-controlled lands of the Ubii around Cologne.⁷⁴ Young German nobles might have been subject to Roman influence and the novelty of more gentle gods than their own. Nevertheless, it could also be regarded as an unconscious attempt at resolving the conflict of power as to who exercised the real legitimacy of rule. However, they had to practice their new religion on Roman territory as the Germans east of the Rhine were obviously not ready to give up their gods. Tacitus probably pointed to the civilizing influence of Roman culture on barbarians, whom the Romans feared for what they thought was their unpredictability and also their ferociousness. He further refers to the prophetess Valeda (and others) as being long honored as a divinity. "Yet they [the Germans] did not venerate them with servile flatteries, or with sham deification."⁷⁵ Tacitus' intentions here are not clear, as in one sentence he calls her a divinity and in the next he claims that Germans did not indulge in sham deification. The latter is a critique of Roman practice where deification of empresses took place during their lifetime. The most probable role of Valeda was that of a "wise woman," influential by her foresight and wise advice.⁷⁶ Were the Germans then influenced by Roman religious practices? Undoubtedly Germans along the eastern side of the Rhine had heard of Roman gods and goddesses and some impressionable and maybe idle youths embraced them; but there is no indication that conservative Germanic leaders and their warriors followed suit--on the contrary.

Germans in the first two centuries c.e. were not prepared to surrender their expectation of heaven and a never-ending feast at Odin's table in exchange for minor earthly considerations. Thus they remained true to their allegiance in exchange for valiant and wise leadership on the part of the lords. Only cultural change such as religious conversion would accomplish a transformation. Walter Burkert writes that "classical myths have 'historical dimensions' with successive layers of development, during which the original tale has been modified to fit the cultural or other circumstances of the time of its retelling."⁷⁷ In other words, myth had to be interpreted in light of its connecting history to have any meaningful content, since it is fashioned by its human creators

⁷⁴ R. Much, *Deutsche Stammeskunde*, p. 79. The Ubii had permission to settle around Cologne in 48 b.c.e and became the Roman veteran colony *Agrippinensis* in c.e. 38.

⁷⁵ Tac. G. 8, p. 713, 1942 ed.

⁷⁶ *Ibid.*, H. 4.65, p. 639, 1942 ed. Valeda acts as an advisor and arbiter between *Civilis* and the *Tencteri* tribe.

⁷⁷ M. Morford and R. Lenardon, *Classical Mythology*, p. 18.

for the needs of the culture within which they live.⁷⁸ But myth also serves to explain the actions of people who lived by those myths and to whom myth was also religion, a matter of reference on how to conduct one's life on earth.

It is now possible to identify where the military and political legitimacy of the individual Germanic noble lay, namely in the heavenly *Treuebündnis* which Odin had forged with the *Einherjar* and which was duly mirrored on earth in the institution of the *Gefolgschaftswesen*, whereby the *Treuebündnis* between leader and *Gefolgschaft* reflected the religious qualities of the oath.⁷⁹

GERMANIC GEFOLGSCHAFTSWESEN

W. Schlesinger writes:

...any free German could collect a retinue around him, provided his reputation was sufficiently great to attract followers and provide the means to support them and to give them gifts.⁸⁰

These are the leaders whom Tacitus called *principes*⁸¹ and who belonged to the elite if they possessed sufficient wealth to raise and maintain a retinue⁸² with whose help they could achieve a reputation for valor. This is not to give the impression that Germanic society was a caste system. On the contrary, within the free population individuals could rise into the nobility through the acquisition of riches. Wealth was provided by raids and plunder, increase of livestock, farm buildings and expanding private ownership of land.⁸³ All these elements also provided the means for gift giving.

The power of the individual leader was assured by his *Gefolgschaft*,⁸⁴ whose members were free Germans who in peacetime practiced trades and farming, the grassroots of society.⁸⁵ Moreover, to assure continued loyalty, an *Eid* or oath was sworn to each individual retinue leader or *Heerführer* upon election and acclamation during warrior assembly meetings. "The chiefs fight for victory, the followers for their chief"⁸⁶ is a good indication that the *principes*, individually and collectively, were the determining factor in the decision-making process. The *principes* were Tacitus' equivalent of the republican elites, with the difference that in a warrior society important decisions revolved around rebellion, war and peace, while in the Roman setting civic and legal

⁷⁸ *Ibid.*, p. 19.

⁷⁹ J. de Vries, "Das Königtum der Germanen," p. 205. Discussing the connection between Germanic mythology and *Königtum*.

⁸⁰ W. Schlesinger, "Lord and Follower," p. 70.

⁸¹ *Ibid.*, p. 71.

⁸² Tac. G. 14, p.44, 1999 ed.

⁸³ *Ibid.*, 14, p. 44; *Ibid.*, 5, p. 39; *Ibid.*; H.5.23, p. 285, 1986 ed. here is a reference to Civilis' private estates. E. A. Thompson, *The Early Germans*, pp. 3-6 discusses the expansion of private ownership.

⁸⁴ Tac. G.13, p. 44, 1999 ed.

⁸⁵ A. Demandt, "Die Anfänge der Staatenbildung bei den Germanen," p. 269. The third layer of society, the half-free, slaves and conquered were, as a rule, not part of a retinue.

⁸⁶ Tac. G. 14, p. 44, 1999 ed.

concerns had to be addressed as much as military ones. The Germanic elites were the holders of military and political legitimacy, which had to be safeguarded and perpetuated, while the warriors were followers of one particular individual to whom they owed continued loyalty. The *Gefolgschaft*, much as its heavenly equivalent the *Einherjar*, was then a formal primary association based on kinship, friendship and *mund*-ship.⁸⁷ It upheld a common culture and furthered the collective interest of the clan, expressed by A. Cohen as a "dialectical relationship between power and culture...the one acting upon the other."⁸⁸ Furthermore it was the organization where universalistic and particularistic service to the warriors and community had to be upheld to support the social contract between leader and retinue and thus his right to rule.

In Germanic society this meant the preservation of a conservative culture and the assurance of survival. If this was not possible by peaceful means, it was quite permissible to war for the maintenance of Germanic social and cultural values and to raid for essential plunder to ensure survival. The one overriding prerequisite was that the chieftain uphold a successful leadership, as this was his duty in the contract. Yet one does not hear of individual leaders replaced at the clan level except in the case of Maroboduus, but then Roman historians were not particularly interested in clans but more so in whole tribes, and it is here where one sees replacements.

Practically, the *Gefolgschaftswesen*, with its leadership, warriors and dependents constituted an effective and efficient governmental unit.⁸⁹ A. Demandt discusses *Staatenbildung auf der Basis eines gefolgschaftlichen Heerkönigtums* especially for the two centuries before and after Christ.⁹⁰ He rightly maintains that the *Gefolgschaft* leadership, because of the state-like organization they had developed in order to defend their individual power bases, defied the foundation of a state. Hence, whenever there were indications of building a state or *regnum* at the higher tribal level, it was foiled by those *Heerführer* who saw their freedom of action, power and legitimacy usurped by those who strove for greater jurisdiction. The examples of the first century Cheruscan and the fourth century Ubian royal clans clearly provide proof for these continued sentiments.⁹¹

Family members promptly murdered Arminius when there were indications that he was trying to establish a kingdom.⁹² When the emperor took the opportunity to appoint Arminius' nephew, Italicus, the only remaining member of the Cheruscan royal house who had grown up in Rome, to the office of Cheruscan king, he, too, was swiftly discarded by anti-Roman nobles among

⁸⁷ W. Schlesinger, "Herrschaft und Gefolgschaft," p. 142. *Mundboro* or *-hërro* (*Herr* in modern German) were the heads of households including more than the immediate family. Schlesinger compares them to the Roman *pater familias* in charge of a *clientela*.

⁸⁸ A. Cohen, *The Politics of the Elite Culture*, pp. xvi-xvii, for a discussion on "communal relationships."

⁸⁹ Tac. G.14, p. 44, 1999 ed. T. wrote that it was a disgrace for a leader to be surpassed in courage by his followers during battle, and for any follower not to be equal to his chief. To leave a battlefield alive after the leader had perished meant "lifelong infamy and shame". Such was the closeness between leader and warrior.

⁹⁰ A. Demandt in "*Staatenbildung bei den Germanen*," p. 271.

⁹¹ Tac. A. 11.16, p. 239 and 12.29, p. 264, 1996 ed; also, Ammianus Marcellinus [Amm.Mar.], *The Later Roman Empire: A.D. 354-378*, tr. W. Hamilton, London, 1986, bk. 15.5,6, pp. 71-78; and A. Demandt, "*Staatenbildung bei den Germanen*."

⁹² Tac. A. 2.88, p. 101, 1942 ed.

the Cheruscan oligarchy. It was felt he was too strong and independent for the nobles to tolerate, especially since he acted under the suzerainty of Rome.⁹³

Three hundred years later, in c.e. 351, when the leader of the Ubian Franks, Silvanus, was perceived as too loyal to Rome and remiss in his Frankish duties, his officials and the leaders of his armies involved him in a *coup d'état*. The result was the executions of Silvanus and his closest advisers by the Roman government in c.e. 355.⁹⁴ The historian Ammianus Marcellinus noted that the troops of the Ubian leader, “were apt to waver” in their loyalty [to Silvanus] and could be “...influenced in any direction by a handsome bribe.” However, his troops were Bracchiati and Cornuti, who were led by their own clan leaders to whom they would be loyal because of their sworn allegiance. They would not be as loyal to a national leader such as Silvanus, who, as a Roman general, would be closely identified with Rome. Thus the troops did their duty by helping the nobility defend its traditional power base and authority. Hence, at the turn of the fourth century, a leader could still count on his warriors’ oath of allegiance. This would even include those Suevi who crossed the frozen Rhine in c.e. 409 to make their way to Galicia in north-western Spain.

E.A. Thompson in *Romans and Barbarians*⁹⁵ analyses the chronicle of the Hispano-Roman bishop Hydatius (394-469) where the history of Spain and the Suevi is recorded between A.D. 394-469 when the chronicle stops. It outlines the Suevi hold over most of Spain until they were defeated by a Visigothic army under Theoderic II in 456 and driven back to their original settlement in Galicia, where they maintained a rule until 585. The Suevi managed to establish a hereditary monarchy of one “royal” house for all of three generations, seemingly without any interference of Suevi tribesmen as there is no record of assemblies or discussion by leading men. When the dynasty ceased, other leaders took over. The Suevi leaders maintained their suzerainty through terror and plunder, yet without evidence of permanent destruction.⁹⁶ “Nearly all the raids were successful, and therefore few of the warriors would have found any fault with a policy of unceasing plunder.”⁹⁷ That is to say, Suevi leaders established their legitimacy by successful raids and the amount of plunder that could be stolen and then distributed. Valor, strength and wealth were the deciding factors. This enabled them to keep their people alive in foreign and sparse surroundings, preventing elders and soldiery from questioning the rule or leadership of any successful commander. Effectively, even in far away Galicia long established Germanic traditions lived and the spirit of leadership within the setting of a *Kleinkönigtum* remained, at least for the next few decades. Valor, strength and wealth were still the deciding factors.

Therefore, to uphold their independent authority and hence their legitimacy, elites cultivated ideologies, such as the Germanic warrior doctrine as well as techniques of “mystification,” a term used by A.Cohen, that were founded in a belief system or mythology. Furthermore these tenets were upheld and found their public display in symbolic forms of

⁹³ Ibid., 11.17, pp. 236-7.

⁹⁴ Amm.Mar. bk.15.5, p. 71, 1986 ed.

⁹⁵ E.A. Thompson, *Romans and Barbarians*, pp. 137-187.

⁹⁶ Ibid., p. 215.

⁹⁷ Ibid., p.165.

verification.⁹⁸ As already observed in Germanic warrior society, the public acclamation and lifting on the shield of an elected leader was the most visible public form of symbolism. These public displays of allegiance were further sanctioned by an oath or *Eid*. This *Eid* was of great importance to the union of clan chief and his retinue as a basis for political legitimacy and as a symbol of their *Treuebündnis* as it welded together all elements of legitimacy, such as primary associations, mythical beliefs or religion, and public symbolism.

THE SYMBOL OF THE *EID*

As such, the Germanic *Eid* was an essential part of military and political legitimacy as leaders were confronted with only rare desertions, giving assurance that retinues would follow them and abide by their decisions.⁹⁹ Even the Romans acknowledged that "they [could] place more confidence in their general [Roman appointee] than in their troops [auxiliary troops comprised of native Germans]."¹⁰⁰ Native auxiliary troops or cohorts were led by their clan leaders, and while the Romans might trust the native leader to obey their commands they could not rely on the troops to do so, unless specifically instructed by their native leader. That is not to infer that native leaders were submissive to Roman commands at all times.¹⁰¹ Hence, the traditional pledging and honoring of oaths by retinues to their leaders were not just nebulous, heroic rituals as so often heralded in Germanic sagas, e.g., *Nibelungen Saga*. They constituted highly pragmatic practices as Segestes, Arminius' father-in-law, once assured the Romans when pointing out that troops would do nothing without their leaders' commands.¹⁰² Any German leader relied on his *Treuebündnis* with his tribal warriors as this bond guaranteed and safeguarded his Germanic military and political legitimacy. This allegiance he brought with him when he and his retinue were hired to serve in the Roman army. Even if a leader decided to abandon his native tribe and join another, his *Gefolgschaft* would follow. For instance when Inguimeres, Arminius' uncle, refused to serve under his much younger nephew, he joined a neighboring tribe with his entire retinue.¹⁰³ Even in the fourth century, as previously demonstrated with the Ubian example, warriors abided by their oath. Hence, once a

⁹⁸ For a discussion see A. Cohen, *The Politics of Elite Culture*, p. 9.

⁹⁹ Tac. G.13, p. 44, 1999 ed. T. writes that "both prestige and power depend on being continually attended by a large train of picked young warriors, which is a distinction in peace and a protection in war". It is not only in a chief's own nation that the superior number and quality of his retainers brings him glory and renown, but neighboring "states" honor them also, courting them with embassies and with presents. Very often the mere reputation of such men will virtually decide the issue of a war. Also Tac. A.1.55, p. 65, 1996 ed., where T. states that warriors will do nothing without their leaders. T. cites only one case of desertion on the part of retinue members when Arminius' uncle Inguimeres deserted to the Marcomanni king Maroboduus and the soldiers returned to their Cherusian tribe. (Tac. A. 2.45, p.100, 1996 ed.).

¹⁰⁰ *Ibid.*, G. 30, p. 53, 1999 ed.

¹⁰¹ *Ibid.*, H. 4.14, p. 601, 1942 ed.

¹⁰² *Ibid.*, A. 2.45, p. 100, 1996 ed.

¹⁰³ *Ibid.*, A. 1.60, p. 70, 1996 ed. The uncle of Arminius, Inguimeres, joined neighboring tribes with his retinue, complaining he did not want to serve under his young nephew; Also W. Schlesinger, "Herrschaft und Gefolgschaft," p. 159. Referring to c.e. 355, Amm.Mar., bk.15.5, p. 71.

man had achieved leadership at the clan level, his military and political legitimacy was further sealed by the ritual of the *Eid*.

The *Eid* was not only a secular oath of allegiance, but was based on the Germanic belief system and had therefore religious connotations. It was founded in the Germanic world-order that organized its *raison d'être* on a warrior-based society, well understood by Germanic warriors but not by their Roman masters. When at *Asgard* a union had been formed between the two heavenly peoples, the *Aesirs* and the *Vanirs*, it was ritualized by an *Eid* of allegiance assuring loyalty between their leaders. The heavenly world of Odin was thus a reflection of the earthly warrior society in the Germanic world. The promise that deserving earthly warriors would ascend into *Asgard*, serve Odin at his great hall of *Valhalla* and forever live a life of honor and plenty,¹⁰⁴ thus escaping the harsh conditions of their existence, must have convinced warriors to be true to their oaths. It was more than a myth--there was faith in heavenly design.

In this process of "mystification," moral and legal leadership had been communicated by a power greater than man, and hence compliance was essential or divine punishment would await those who did not obey. Divine punishment was the withholding of a seat at Odin's table. Romans, including Tacitus, might not have fully comprehended the deeper meaning of this *Eid*. They tended to label Germanic warriors serving in Roman cohorts as traitors when they deserted the Roman side instead of recognizing that the warriors were true to their oath of allegiance. Trusting in the promise of Odin was more than tradition--it was a significant part of their religion. Warriors were thus bound by heavenly design.

Religion had, then, an all-pervasive and all-powerful impact on the legitimacy of a retinue leader. Generally speaking, religion is the belief or faith in a power greater than man himself. Thus, religion has transcendental qualities beyond human reach. Hence, if a mortal is connected with transcendental beings such as a God or Gods, he, too, acquires a transcendental state, and his mortal actions are sanctioned and sanctified by faith and thus acquire an aura of reality and legitimacy.¹⁰⁵ Religion also upholds obedience to divine laws without further questioning. It played itself out in the behavior of warriors who blindly followed their leaders' commands.¹⁰⁶ Effectively, Odin was called upon to promote legitimacy for a leader and his future enterprises.

¹⁰⁴ R. L. Green, *The Myth of the Norsemen*, pp. 34, 26-7. For a description of Germanic warrior society see Tac. G. 14, p. 44, 1999 ed.

¹⁰⁵ Clifford Geertz, "Religion as a Cultural System," in M. Banton, ed., *Anthropological Approaches to the Study of Religion*, London, 1966. pp. 1-46. Geertz has a more historical, official and functional definition of Religion (see p.4): "A religion is: (1) a system of symbols which acts (2) to establish powerful, pervasive, and long-lasting moods and motivation in men by (3) formulating conceptions of a general order of existence and (4) clothing these conceptions with such an aura of factuality that (5) the moods and motivations seem uniquely realistic." Hence, religion is inclusive of all beliefs, such as Paganism, Judaism, Christianity as well as independent cults found within each belief system.

¹⁰⁶ This behavior is not unique to Germanic pagans but can also be observed in the Bible where it was Moses' task to codify agreed-upon laws (Moses and God wrangled over these laws in Exod.20) in the Ten Commandments. This is a testament to communications between God and Man, a Statement of Faith, but also a Political Manifesto or Constitution revealing a highly sophisticated approach to government during a stage of evolutionary development when the Hebrews were still semi-nomadic and looking for permanent settlement. They saw the necessity for codifying their laws to give their society a framework within which to

The Germanic *Eid* of allegiance thus presented a leader with a lawful and authoritative tool, enabling him to maintain his military and political legitimacy over his retinue.¹⁰⁷ It was a social construct that upheld deeply rooted mythical beliefs and traditions accepted by both parties. There was then a moral justification empowering the noble to totally control his retinue even during times of religious conversion,¹⁰⁸ as the name of a god was irrelevant to his greater transcendental being. Effectively, the clan leader applied subliminal coercive power over his retinue disguised under the mantle of religious practice. Schlesinger, on the other hand, maintains, that this social contract between "master" and "men" was a freely entered *Verbündnis* which rested on loyalty on both sides, assuring advice and protection in peacetime to the warrior while asking for his support in war. Schlesinger is emphatic that this was not a relationship built on obedience on the part of the warrior but was a union of friendship and loyalty between free Germans.¹⁰⁹ Being somewhat suspicious as to the noble and ethical pretenses of people at all times, one can conceive that many a less high-minded noble would not fail to exploit the warriors' beliefs and their quest for a place at Odin's table. There is no disputing the fact that many leaders had only the best in mind for their people and followed their conviction, as Civilis had done. Yet there were also those pro-Roman leaders, such as Italicus, who tried to increase their personal power under Roman tutelage with anticipation of the riches that might be obtained for themselves and their families.¹¹⁰ It thus suited the German noble, whether due to conviction or design, to perpetuate a *Treueverbündnis* with his warriors that had at its origin the mythical belief that "protection for service" was not only mutually beneficial but noble and freely entered. It could still be found unchanged in Germanic *Gefolgschaften* in the fourth-century world of the Goths in far away Thrace,¹¹¹ where they were allowed to settle in c.e. 376.¹¹²

To make the *Eid* so binding, additional, more earthly factors were at work for the warriors, more compensatory than their dream of a pleasant afterlife at Valhalla. The best reward in a warrior society was the right to loot after a raid or war.¹¹³ It was not only the capture of a trophy such as an enemy's arms but also that of goods, considered as revenue as they could be traded. As access to plunder was of such vital importance to the maintenance of clan members, it infers that

live. The same underlying idea applies to Germanic tribes, although their laws were still oral traditions. Nevertheless, they can be regarded as quasi-constitutional, as opposed to codified and constitutional.

¹⁰⁷ Tac. G.12, p. 43, 1999 ed. Disobedience to the Oath was considered treason to "the state" [community] and justice was meted out by hanging from the next tree, a further powerful deterrent to disobedience. Also Tac. A. 1.55, p. 65, 1996 ed. Conflict between pro-Germanic Arminius and pro-Roman Segestes.

¹⁰⁸ J.de Vries, "Das Königtum bei den Germanen," p. 197.

¹⁰⁹ W. Schlesinger, "Herrschaft und Gefolgschaft...", p. 147.

¹¹⁰ Tac. A. 11.16, p. 239, 1996 ed.

¹¹¹ H. Wolfram, *History of the Goths*, tr. T.J. Dunlap, Los Angeles, 1988, p.120. After 377, the year before the battle of Adrianople, the single name "Goths" is used by Ammianus M. (see Amm.Mar. bk.31.6. p. 422, 1986 ed.) when referring to the many tribes associated with the Goths, a sign of their poly-ethnicity. (Also H. Wolfram, *History of the Goths*, p. 116) Furthermore, any time the Goths launched an attack they "swear mutual oaths of loyalty according to their custom". (H.Wolfram, *History of the Goths*, p. 122; and Amm.Marc. bk.31.7, p. 422, 1986 ed.).

¹¹² H. Wolfram, *History of the Goths*, p. 118.

¹¹³ *Ibid.*, p. 120.

the principle of the *Eid* also encompassed the economic organization of the clan and thus did not solely exist for military purposes. There is then some difficulty in accepting the *Treueverbündis* as solely based on trust and friendship when taking economic gains into consideration.

The warrior's further belief in the *Eid's* legitimacy was then its promise of riches leading to greater stability for himself and his family, and therefore yet another inducement not to challenge the authority of the status quo.¹¹⁴ These additional riches might also mean the possibility of enhanced status for a warrior by way of acquiring livestock and goods, or, as in the case of the Suevi in Galicia during the fifth century, plain survival. Hence a warrior had to trust in the leader's ability to fulfil the mundane part of an *Eid* before he legitimized the leader's authority with his oath.¹¹⁵ The *Eid*, therefore, had more than religious connotations—it was highly practical and served all parties equally well.

If the lord could fulfill all these additional obligations, his legitimacy of rule was assured. There is then no indication that legitimacy was a right. On the contrary, it was a continuous process that had to be secured over and over again by upholding the promise of the contract. The *Eid* then served as a useful tool to confirm and protect the legitimacy of rule by the nobility.

GERMANIC NOBILITY

These clan leaders who wielded so much power were the "leading men," as E.A. Thompson describes Tacitus' *nobilis* and *principes*. Already Gustav Neckel in "Adel und Gefolgschaft"¹¹⁶ asserts that one has to accept that within the *nobilis* there were different *Stände*,¹¹⁷ not "classes" but more in the sense of groupings. He identified firstly the *stirps regia* or "royal stock," from whose midst retinue leaders were chosen and who might be *duces* but also *reges*.¹¹⁸ Secondly, among the ordinary *nobilis*, two more basic types eventually emerged: firstly, the *Geburtsadelige*, who might become a *dux* or *Heerführer*, a noble born into the nobility; and secondly, the *gemeinfreie Grundbesitzer*, a free *nobilis* who was not aristocratic, meaning he was not born into the nobility yet was a noble because of status and wealth.¹¹⁹ Wealth in the first century usually implied

¹¹⁴ L.Green, *The Authority of the State*, chapt. 1, on "Social Order and Social relations."

¹¹⁵ Tac. G. 7, p. 41, 1999 ed.

¹¹⁶ G. Neckel, "Adel und Gefolgschaft." pp. 139-186.

¹¹⁷ Tac. G. 13, p. 112, 1982 ed. Not only was the nobility stratified but "...there are grades of rank even in these retinues, determined at the discretion of the chief whom they follow;" and G. Neckel, "Adel und Gefolgschaft," pp. 139-186.

¹¹⁸ A.Demandt, "Staatenbildung bei den Germanen," p. 273.

¹¹⁹ G. Neckel, "Adel und Gefolgschaft," G. Neckel, *Vom Germanentum: Ausgewählte Aufsätze und Vorträge*, Leipzig, 1944, pp. 139-186 and E.A. Thompson, *The Early Germans*, p. 34, both basically agree when Thompson writes that there were "...three distinct types of chiefs in the first century c.e. "...amongst the Batavians, Cherusci and still among the 6th century Heruli".

traditional wealth in livestock and buildings but could already mean landed wealth which families had acquired since Julius Caesar.¹²⁰

E.A. Thompson argues that in the first century the Cherusci "rigidly" restricted their leaders to their "royal stock" and that they were the only Germanic people about whom it can be stated with certainty that their leadership descended in the male line before the time of Tacitus.¹²¹ He is thus implying that matrilineal descent for a royal leader was still a distinct possibility, at least in other royal houses. Thompson's assumption finds confirmation when Cheruscan nobles recalled from Rome the only remaining male member of the Cheruscan royal house, Italicus, to become their leader. Despite his royal advantage, anti-Roman factions within the Cheruscan nobility promptly discarded him.¹²² Hence, membership in *the stirps regia* did not afford any protection.

Procopius¹²³ relates how the Heruli in the sixth century decided to abolish their *regnum* by killing their king Ochus. Then they had a change of mind and sent envoys to Scandinavia to summon a member of their old *stirps regia* to be their king, although they had lived in exile for almost a century. Soon they changed their minds again and requested that Emperor Justinian appoint a king on their behalf, who duly arrived from Constantinople. When the *stirps regia* member finally appeared, they quickly rid themselves of the imperial appointee and installed their tribal king on the throne. P. Grierson rightly states that this was a tacit admission by the Heruli that they were bound to their royal family and could only choose a king from among them, although they were far removed in space and time.¹²⁴ What stands out is that these leaders were all of the *stirps regia* of their respective tribes, yet when they attempted to rule independently the Germanic oligarchy discarded them and found yet another member of the royal house to do their bidding. It was thus the institution of Germanic "royalty," and not the individual member, to which charisma applied. This, then, is a clear indication of the strong and lasting grasp which the charisma of a *stirps regia* could hold over a tribe, yet the individual who had been chosen as leader had to earn his personal charisma to avoid domestic dissent and clan upheaval.

Under certain circumstances, able *duces* and ordinary nobles of merit could also qualify as *reges*, as for instance *Maroboduus*, who began his career as an "ordinary noble."¹²⁵ Some Ostrogothic leaders became warleaders and kings but were not necessarily part of the Gothic royal family of the Amals. Jordanes was always clear and insistent when an Amal became the chosen leader, yet many Gothic kings are not specifically named as Amals.¹²⁶

¹²⁰ Tac. H. 5.23, p. 285, 1986 ed. Reference to Civilis' estates, left untouched by the Romans after his defeat in c.e. 69.

¹²¹ E.A. Thompson, *The Early Germans*, p. 34; n.2. p.35.

¹²² Tac. A. p. 259, 1996 ed.

¹²³ Procopius, *Histories of the Wars, De bello Gothico*, [Proc.DbG], 5 Vols., tr. H.B. Dewing, London, *The Loeb Classical Library*, 1961 ed. Vol.II. 14.37-42; 15.27-36.

¹²⁴ P. Grierson, "Election and Inheritance in early Germanic Kingship," *The Cambridge Historical Journal*, VII(1941), 1-22, p. 2, n5; see also, E.A. Thompson, *The Early Germans*, p. 34.

¹²⁵ A. Demandt, "Staatenbildung bei den Germanen," p. 273.

¹²⁶ Jordanes, *The Gothic History of Jordanes*, [Get] tr. Ch. Mierow, Cambridge 1915, New York, Barnes & Noble, 1966 ed. *Get.* 100-2, pp. 79-80; Cniva (ca.250-70), *Get.* 112-3, p. 83; Ariaric/ Aoric, (ca.325), *Get.* 112, 115-6, pp. 82-3; For Gerberich. Only noble birth is mentioned.

Successful *duces*, of the second tier of nobility, could -- if they settled their warrior host that included wives, children, livestock and chattel on conquered lands -- become kings and form a new *stirps regia*.¹²⁷ Cassiodorus' *Origo Gothica*, as retold in Jordanes' *Getica*, recalls Theoderic the Great's royal Amal history back to the seventeenth generation right to their godly ancestor Gaut or Woden. Jordanes listed Amal successors and named the son of Augis as the first of the line to be named "Amal."¹²⁸ While the genealogy places the origin of the Amals at 1490-1324 b.c.e., the first noble named "Amal" appeared only in c.e. 151-183.¹²⁹ None of this is verifiable, and a possible explanation might be that Cassiodorus and Theoderic preferred to identify the origin of the Amals with that of the Greutingi or Scythians which would comply with Scythian myth as told by Herodotus.¹³⁰ This provided the Amals with a long-recorded lineage. Aside from this, Herwig Wolfram identifies the first historical Amal as Ermanaric [Hermanaric, c.e. 351-376], born one hundred years before Theoderic (b.c.e. 451),¹³¹ and possibly the great Gothic confederate king Ostrogotha (d.290) as the founder of the royal Amals.¹³² Ostrogotha was instrumental in organizing his Goths and allies to fight the Romans.¹³³ With any luck it was thus possible for minor nobles to establish themselves as kings and found royal houses at any time.¹³⁴ Yet, for political reasons, it was important to establish a long and illustrious lineage. Here, too, one can see the Germanic *Gefolgschaftswesen* at work. It was a retinue leader's personal *Gefolgschaftsleute* who remained the mainstay for his military and political legitimacy. He would wield power as long as he remained successful in his undertakings and thus fulfilled his contract with his followers.¹³⁵ However, there had to be certain prerequisites in place for a *Gefolgschaft* to officially elect a chosen leader.

Procopius reports on the great Ostrogothic king Theoderic and how he always deferred to his nobles when it came to decision-making time. "*The comites et primates gentis*, the leader's representatives and the 'first' men of the tribe, formed the leadership stratum of the Gothic army. They determined the succession to the kingship and could even offer it to someone who did not

¹²⁷ J.de Vries, "Das Königstum der Germanen."

¹²⁸ *Get.* 79, p. 73.

¹²⁹ *Ibid.*, p. 39.

¹³⁰ Herodotus, *The Histories*, tr. A. de Sélincourt, London, 1972; Bk.IV.pp. 271-339, "The Scythians." Herodotus places the origin of the Scythians at about the same time as Jordanes, in ca. 1500 b.c.e., one thousand years before Darius I. [521-486 b.c.e.] crossed the Hellespond in ca. 512 b.c.e. According to Herodotus, the first Scythians lived in Scythia and descended from Targitaus, a son of Zeus and of a daughter of the river Borysthenes. Zeus was the equivalent of Odin / Woden or the Gothic Gaut. (See a discussion on Germanic names for Odin H. Wolfram, *The History of the Goths*, pp. 110-11) Targitaus had three sons, of which each son founded his own people (clan?), and the youngest became king and thus a royal Scythian as the Greeks called them.

¹³¹ H. Wolfram, *History of the Goths*, p. 252.

¹³² *Ibid.*, p. 115; also *Get.* 79, p. 73, Jordanes is quite clear that Ostrogotha was an Amal.

¹³³ *Get.* 90, 91, p. 77.

¹³⁴ J. de Vries, "Das Königstum der Germanen".

¹³⁵ W. Schlesinger, "Herrschaft und Gefolgschaft," p. 157, "...*Gefolgsleute [sind] die Hauptstütze künftiger Macht...*". tr. "The comitatus is the source of any future power."

belong to the tribe,"¹³⁶ as in the case of Justinian's general Belisarius.¹³⁷ Hence, when his nominal successor—his daughter Amalasantha, regent for her young son king Athanaric—was perceived as more Roman than Gothic, working against the interests of the Goths and entirely too independent, the Gothic nobles plotted against her. First Athanaric was corrupted by the Gothic nobility, "which caused him to become diseased and he died,"¹³⁸ while Amalasantha was murdered by the same Gothic factions whose downfall she had caused.¹³⁹ Even in the sixth century one can discern the same sentiments that influenced the Cheruscan nobles when they rid themselves of Arminius and Italicus in the first century, namely not to be left out of the governance process. Furthermore, a leader's *Treuebündnis* with his *Gefolgschaft* ensured that the individual noble had the necessary military backing and could assert pressure on his king.

Basically, one can conclude that members of the elite, the most prominent and promising leading men, were free Germans. Those of the highest rank were descendants of a "royal stock", the second tier were born into nobility, and those of the third tier were prosperous farmers with large holdings. When it came to choosing nobles for the office of chieftainship, rank was the first consideration. Yet without valor, wealth and success in battle to uphold leadership and maintenance of a *Gefolgschaft*, even a noble of the highest rank would not succeed in his leadership position.¹⁴⁰ If, however, members of the second tier elites possessed the necessary wealth to maintain an effective and large *Gefolgschaft* or *comitatus* and were further exemplified by valor, thus providing "distinction in peace and protection in war,"¹⁴¹ there was nothing that stood in their way of establishing a new *stirps regia*, as long as they met with the continued approval of the leading men.

DEFINITION OF ELITES

Abner Cohen in *The Politics of Elite Culture*¹⁴² outlines the characteristics of an elite which has already maximized its potential as an elite body:

¹³⁶ Proc. DbG, Vol. III. Bk.V.ii.,iii., pp. 21-31. On Amalasantha and Athanaric; On Theoderic see H. Wolfram, *History of the Goths*, p. 292.

¹³⁷ Proc. DbG, Vol. IV. Bk.VI.xxix.18, p. 129.

¹³⁸ Ibid., Vol. III. Bk.V.iii.10. p. 27.

¹³⁹ Ibid., Vol. III. Bk.V.ii.13-29, pp. 19-23. For the murder of Amalasantha, *ibid.*, iv.26, p. 41.

¹⁴⁰ Tac. H. p. 285, 1986 ed. Civilis, after his unsuccessful rebellion disappeared, never to be heard of again, despite his membership in the Batavian royal clan (Tac.H. p. 215, 1986 ed.). Although wealthy, which would have made it possible to maintain a *Gefolgschaft*, when his reputation for might, valor and invincibility was gone he most likely retired quietly to his holdings. See also J.M. Wallace-Hadrill, *The Longhaired Kings*, London, 1962, p. 20. who wrote that even in the 'Dark Ages' royal families could not hold on, for the most part, for longer than three generations with the exception of the Balthi and Merovingian families. In the final analysis, it was strength and wealth alone that decided the issue of survival; neither blood line nor some "bogus genealogy" linking them with Woden or Julius Caesar could secure the crown.

¹⁴¹ Tac. G.13, p. 44, 1999 ed.

¹⁴² A. Cohen, *The Politics of Elite Culture*, p. xvi. This definition, although applied to a modern African society, nevertheless entails a timelessness that can easily be applied to Germanic elites.

An elite is a collectivity of persons who occupy commanding positions in some important sphere of social life, and who share a variety of interests arising from similarities of training, experience, public duties and way of life.¹⁴³

In Germanic circumstances, collective elites were the oligarchy of "leading men" and the important sphere of social life was their military culture which determined social, military and political life. In the first century common era, the oligarchy was, however, still in the process of solidifying their collective rights including their right to rule while at the same time vying with each other for individual leadership. As outlined, to achieve a first line power base, Germanic elites drew warriors into their private sphere by organizing them into *Gefolgschaften* loyal only to one particular elite member.¹⁴⁴ Nobles from various elite strata furthermore attempted to organize themselves into a cohesive body, the "council of leading men,"¹⁴⁵ to enhance their collective image and to seek and maintain greater military and political efficiencies. H.L. Zetterberg in *The Rise and Fall of the Elites* observes that

...in the last analysis, it is only the efficient elites—whether elected, appointed, or self-chosen—that gain substantial support from those who are at the receiving end of their decrees. It is the over-all efficiency in the tasks of generating and distributing order, riches, knowledge, beauty, sacredness and virtue that slowly makes the elites perceived as 'legitimate', and thus helps insure their tenure.¹⁴⁶

To generate some order, Germanic leaders such as Arminius, Civilis, Italicus and Maroboduus had tried to be efficient by consolidating power in the hands of their *stirps regia*. They met with limited success, only to be foiled by the same nobility who supported them during times of aggression. This was inevitable in a warrior society where *Gefolgschaft* leaders, in order to maintain their independent power, had to resort to armed contests in their personal quest for military and political legitimacy. Efficiency in generating order was achieved on the clan level within the institution of the *Gefolgschaftswesen* and also during wartime, at the tribal level, when confederations were formed. However, in times of peace, the goal to achieve a state-like order was foiled by those *Gefolgschaft* leaders who felt excluded from the decision-making process, as in the cases of Arminius' family members and Maroboduus. Hence, I. Wood can refer to the temporary nature of early Germanic kingdoms as depicted by classical historians.¹⁴⁷

Thus Abner Cohen's perception of an elite body applies to first-century Germans when he says "they share a variety of interests arising from similarities of training, experience, public duties and way of life." Yet, for the first century-elites, Zetterberg's further qualifications and elaborations as to overall efficiency in the tasks of generating and distributing order, riches, sacredness, virtue etc. that slowly makes the elites perceived as 'legitimate', and thus helps insure

¹⁴³ Ibid.

¹⁴⁴ A. Demandt, "Die Anfänge der Staatenbildung bei den Germanen."

¹⁴⁵ Tac. G. 7, 10, 11, 12, pp. 41-3, 1999 ed.

¹⁴⁶ H.L. Zetterberg, *The Rise and Fall of the Elites: An Application of Theoretical Sociology*, New Jersey, 1968, p. 21.

¹⁴⁷ I. Wood, "Kings, Kingdom and Consent," P.H. Sawyer & I. Wood, eds., *Early Medieval Kingship*, Leeds, 1977, p. 7.

their tenure, remained a goal. Only at the close of the fourth century would leaders and their followers perceive that survival, as the overriding common concern, would foster consolidation of tribes and hence the establishment of states. It was then at the tribal and confederate level that it became of importance to choose a leader who had the necessary prerequisites to lead them to success.

One of the elements was high birth or membership in the *stirps regia* of the clan, but it would be misleading to claim that society and its nobility fell prey to the charisma of its individual *stirps regia* members. Tacitus maintains that "on the field of battle it is a disgrace to a chief to be surpassed in courage by his followers..."¹⁴⁸ and "...noble birth, or great services rendered by their fathers, can obtain the rank of 'chief' for boys still in their teens."¹⁴⁹ Valor and distinguished service were of such importance that it was hoped that sons would inherit such traits, assisting them in obtaining the necessary qualifications for leadership and hence succession. Noble birth at any rank thus stood as one important prerequisite to become the *Heerführer* of a *Gefolgschaft* which entitled him to membership in the "council of leading men," a body of nobles who selected war leaders from amongst themselves.¹⁵⁰ But before any member of a royal stock, a noble or a lesser free German could legitimately enter the ranks of those in line for a position as *Gefolgschaftsführer*, he had to acquire wealth and valor to lend his undertakings a more pecuniary foundation and legitimacy.

ACCUMULATION OF WEALTH AND VALOR

Wealth was the basic ingredient in the rise to power. How did members of Germanic tribal societies who had a communal approach to wealth accumulate riches? E.A. Thompson in *The Early Germans* discusses Germanic wealth.¹⁵¹ Julius Caesar wrote that differences in wealth among Germans were negligible and private ownership of land was still unknown.¹⁵² Despite Roman opinion that their cattle and horses were "puny,"¹⁵³ chief sources of wealth were livestock and flocks.¹⁵⁴ There were indications that cattle were owned privately, but grazing lands were held communally.¹⁵⁵ The question of communal ownership of land versus private property in land is tricky. J.W. Thompson argues that when grazing lands were converted into agrarian lands, a shift

¹⁴⁸ Tac. G.14, p. 44, 1999 ed.

¹⁴⁹ *Ibid.*, 13, p. 44. This should not be taken to mean that very young men would receive a command, but rather that valor was prized to such an extent that it was hoped for and practically deemed to be hereditary.

¹⁵⁰ E.A. Thompson, *The Early Germans*, p. 30.

¹⁵¹ *Ibid.*, pp. 3-10.

¹⁵² *Ibid.*, p. 8; also J. Caesar, BG, Bk. VI.22. p. 199.

¹⁵³ Tac. G.5, p. 39, 1999 ed.

¹⁵⁴ J. Caesar, BG, Bk. IV.1. p. 103; Tac. G.5, p. 39, 1982 ed. Also H. Wolfram, *History of the Goths* p. 114, whereby the Gothic word for wealth *faihu* meant livestock

¹⁵⁵ J.W. Thompson, *Economic and Social History of the Middle Ages: 300-1300*, p. 91.

of ownership occurred.¹⁵⁶ If one can believe Caesar that there was no private ownership of land during his stay in Germanic territory, a substantial transformation of ownership must have occurred between 50 b.c.e. and c.e. 50. As reported by Tacitus, Civilis already owned his lands when the Roman general Cerialis "...mercilessly ravaged the island of the Batavi, but ...left untouched the estates and houses of Civilis" in c.e. 70.¹⁵⁷

The real battle over riches was carried out over tribal or collective possession and usage of lands versus private ownership of lands. It is over this issue that principal differences arose amongst the Germanic aristocracy. Their stand determined whether they were prepared to fight for Germanic traditions or whether they were willing to acquiesce to Roman rule and hence made a concession to the bribe of land grants which would then fall into their private hands. The hunger for private possession of land was a major contributor to the pro- and anti-Roman forces among Germanic oligarchies.

Ownership of land in the first century still poses a difficult issue for historians and should be discussed, as it directly affected possession of military and political legitimacy. Private ownership of land can be equated with enhanced economic status, as proceeds could be used to finance private retinues. As such, land was an additional means towards securing military and political legitimacy by means of "Wealth and Strength." Different layers of jurisdiction administered the distribution of public lands for usage,¹⁵⁸ hence officials would also look after the usage and allocation of clan and possibly tribal lands.¹⁵⁹ "Land, proportioned to the number of inhabitants, is occupied by the whole community in turn, and afterwards divided among them according to rank."¹⁶⁰ According to this remark, land was not under the direct control of individual nobles, therefore many of them strove to own their lands privately.

Effectively, this was a period of transition when there existed both private and public ownership and change was in progress due to constant social and military pressure. This report also points out that land was privately utilized and that the nobility had gradations of ranks that they took into account when the usage of land was divided. Not everyone was equal. Wealth in land, whether privately owned or publicly utilized, property in buildings, livestock and plunder, all played an increasingly important part in the right to rule. Wealth also supplemented the archaic tradition of gift-giving with the required revenue to buy constituent support or furnish gifts for a

¹⁵⁶ *Ibid.*, under discussion is the early Germanic system of land tenure; also Tac. G.5, p. 39, 1999 ed., talking about livestock, he claims that it is the "only form of wealth they [Germans] have."

¹⁵⁷ Tac. H. 5.23, p. 285, 1986 ed.

¹⁵⁸ E.A. Thompson, *The Early Germans*, p. 11, also argues in favor of different layers of government and that during peacetime the local affairs did not come under a central jurisdiction; also Tac. G. 26, p. 50, 1999 ed. The quote is from Tac. G. p. 122, 1970 ed.: "Lands proportioned to their own number are appropriated in turn for tillage by the whole body of tillers. They then divided them among themselves according to rank." This must refer to a regional locale, and thus still in Tacitus' time local issues are administered on the spot. There is now an indication as to variations in rank.

¹⁵⁹ E.A. Thompson, *The Early Germans*, n.1, pp. 8-9, argues, that land in Caesar's time was still held in common usage and as such there were no major inequalities in the standard of living. It is possible, that herds of cattle might be either held in individual hands or were the property of a whole clan. Either way, it would explain the usage of war horses which furnished retinues of individual nobles.

foreign embassy in hope of another clan's or tribe's military support or their protection, as the case might be.

THE ROLE OF GIFT-GIVING

Gift-giving was a traditional way of establishing bonds between the giver and receiver and can be viewed as practically a legal bond, *nexus* in Latin or *wadium* in German, considering the formality of exchange.¹⁶¹ Generally, Maus dismisses a magical connotation to gift-giving, except if the gifts themselves relate to magic.¹⁶² The presentation of gifts such as property, cattle or slaves was always a solemn affair¹⁶³ and constituted a formal exchange: the offer, the acceptance of the offer and the obligatory repayment.¹⁶⁴ Tacitus in the *Germania* related such an occasion when he wrote:

...it has now become a national custom for gifts of cattle or agricultural produce to be made to the chiefs, individual citizens making voluntary contribution for this purpose. They are accepted as tokens of honor, but serve also to supply their wants. They take particular pleasure in gifts received from neighboring states, such as are sent not only by individuals but by communities as well - choice horses, splendid arms, metal discs, and collars. And we have now taught them to accept presents of money also.¹⁶⁵

Gift-giving in its most basic interpretation might be a simple economic exchange (to supply their wants), as there was no market place where goods could be bartered or sold and bought. Therefore exchanges of kind took the form of gift-giving, obliging the receiver to reciprocate and thus fulfill the contract.¹⁶⁶

Secondly, gifts were accepted as tribute,¹⁶⁷ "as tokens of honor" recognizing the superiority of the recipient. At this conjecture there is the consideration of who was the recipient. Was it a personal gift to an individual, royal or noble, or was the gift intended for the collectivity? On the clan level this could be the *Gefolgschaft* and their dependents, while on the national level the gifts might be intended for the whole tribe. If the giver was a "community," as Tacitus wrote, did this mean that the recipient was a community, too? Was the collectivity supplicated to admit the supplicant into its midst and thus be the beneficiary? It is not unlikely that the status and importance of one particular "nation" within the wider Germanic sphere was such, that they attracted the less fortunate. One might only recall the fate of the Suevi Maroboduus who fled to the Marcomanni and the Cheruscan leader who sought out Maroboduus in turn. As such, a whole "nation" had achieved additional status. Still, gift-giving must have posed continued problems as to

¹⁶⁰ Quoted from Tac. G. p. 122, 1970 ed. also p. 50, 1999 ed.

¹⁶¹ M. Maus, *The Gift*, tr. I. Cunnison, London, 1974, p. 47.

¹⁶² *Ibid.*, p. 47.

¹⁶³ *Ibid.*, p. 48.

¹⁶⁴ *Ibid.*, p. 59, chapt. on "Pledge and Gift in Germanic Society."

¹⁶⁵ Quoted from Tac. G.15, p. 114, 1970 ed. also p. 45, 1999 ed.

¹⁶⁶ M. Maus, *The Gift*, p. 60.

¹⁶⁷ *Ibid.*, p. 61.

who was the recipient of the offering. This was formally addressed in the Visigothic kingdom as late as the seventh century.

Although we initially dealt with first-century events, gift-giving was, and still is, a way of doing business, so to speak. Therefore, a Visigothic decree of c.e.652 enacted by the 8th Council in Toledo should serve to elucidate the same issue from the first century as it might yet reflect on old Germanic concerns that could now be clarified with the advent of written codices and legislation.

State revenues were at issue. The decree stated that the king was only allowed to keep and pass on his private income, while the crown was the recipient of state revenues for usage of common benefit. The question here was a definition of what comprised state revenues. In particular, were gifts to the king his private property and hence to be used as he saw fit or, should they be considered the property of the state? The decree tried to solve this problem. "*Auch Geschenke Gleichrangiger verdanken sie [Könige] nur dem Umstand, dass die Untertanen sie auf einen ruhmreichen Gipfel erhoben haben.*" The decree states very clearly that gifts were not rendered to the person of the king but to his *potentia*. In other words, his *Amt* or office was the beneficiary,¹⁶⁸ and as such, the gift became the property of the state. Can this information be applied to the first century?

"To supply their wants," one might consider the gift of a wagonload of grain or a herd of milk cows. If a neighboring "nation" presented a gift to another tribe, theoretically there should be no problem. It should be common property. But if such gifts were presented to an individual leader by an individual leader, should these offerings go to the leader as a personal gift or should they still be regarded as common property for the good of all? Furthermore, since the recipient was selected by the leading men and acclaimed by the warriors, thus chosen by all the people, should the gift then belong to the collectivity, as in the case of the Visigothic decree? A further consideration should be given to the idea of whether the acceptance of a gift hinged on a donor's intent?

Consider the case of Arminius' uncle Inguiomerus who abandoned his native Cheruscan tribe and was taken into the fold of the Marcomanni.¹⁶⁹ Suppose, and this is nowhere recorded, Inguiomerus as a supplicant of means brought, aside from himself and his retinue, gifts to the powerful Marcomanni king Maroboduus. If the gift was a splendid horse or a valuable set of armor, would this be considered a personal gift or a gift to the community? Hence, did ownership also depend on the type of gift? These were tricky problems even in Tacitus' age, and this Visigothic decree attempted to address these age-old legal problems.

This decree highlights that gift-giving posed a continuous problem, and Tacitus' statement on the issues should allow the conclusion that there was no clear solution. Gifts were presented for use by individuals as well as by the community and most likely depended upon the intent of the donor, the type of gift, and the personal power of the recipient. Was he able to defend the personal acceptance of gifts? If received on behalf of the whole community there is still no information on

¹⁶⁸ H. Beumann, "Transpersonale Staatsvorstellungen: Eine westgotische Parallele," *Wissenschaften vom Mittelalter: Ausgewählte Aufsätze*, Köln, Böhlau Verlag, 1972, p. 166.

¹⁶⁹ Tac. A. 2.45, p. 79, 1942 ed. also p. 100, 1996 ed.

who was in charge of their eventual disposal, the clan leader or the council of leading men. They were, however, presented to the leader of a group because of his charismatic authority, his *Würde*, his heroic deeds, his standing in the community. One would assume, if he were in charge of the actual distribution of these gifts, that he used this event to further his own ends by his largess. In the process he re-enforced his standing and reputation as a leader at home, and in the Visigothic example, the legitimacy of his people as a nation abroad.

This still meant that the favor had to be returned. The question arises what kind of returns were expected in the first century--should they consist of goods or services? Cattle could feed people during peace and war, but from the presentation of arms, metal discs and horse collars one could surmise that the recipient of these gifts was to supply army support or at least some kind of military service to the giver. In the extreme case, the donor might have asked to be taken into the tribe of the recipient, a not unlikely circumstance in the Germanic sphere where clans and tribes tended to regroup, as for instance the Ubii who had crossed the Rhine in 52 b.c.e. The givers, since they already possessed horses and arms, most probably lacked manpower. This was quite possible for a tribe who had recently engaged in battle and was now short of qualified warriors. As such, the giver played almost the role of a supplicant, but retained his dignity by offering gifts of supportive value.

While a gift further implied that the giver trusted in the recipient's power and charismatic authority to fulfil his hopes, it re-enforced the recipient's status as *Heerführer* of his *Gefolgschaft*, and his *Würde* or *auctoritas* in front of his clan and nation as well as his estimation before foreign observers. His military and political legitimacy had been sanctioned by those who had sought his support on an individual and national level. This would have been unsuccessful had his own followers failed to surround him with a charismatic aura, as had the Visigothic "*Untertanen*" [*totius plebis membra subiecta*] who had elevated their kings to such a "*ruhmreichen Gipfel*" [or illustrious height].

Most likely, in the first century c.e., charismatic authority held by the recipient influenced the giver to choose this very leader, especially in a society that was so divided between pro- and anti-Roman sentiments. Karl Weber argued that charismatic authority, "vested in the extraordinary characteristics of an individual is ...sharply opposed to rational [bureaucratic], and traditional authority" and as such, whenever it appears, "...is revolutionary in its implications ...because it repudiates the past." "The leader does not seek wealth ...and charisma is never a source of private gain for its holders."¹⁷⁰

These notions would apply to Arminius and Civilis, neither of whom seemed particularly interested in enriching himself personally. Both were members of the *stirps regia* and it is known that Civilis already possessed large landholdings.¹⁷¹ Both were revolutionaries against Roman

¹⁷⁰ M.S. Kimmel and R. Tavkol, "Charisma and Tradition in Iran" in *Charisma, History, and Social Structure*, p. 103.

¹⁷¹ Tac. A.11.16, p. 85, 1996 ed.

suzerainty,¹⁷² thus repudiating the immediate past. Italicus also was imbued with the charisma that originated from his membership in the *stirps regia*, as evidenced by his recall from Rome on the instigation of the Cheruscan nobles.¹⁷³ Yet he did not earn the same personal charismatic authority that his relatives had acquired and consequently he failed.¹⁷⁴ Although it is not known if Arminius and Civilis were in actuality the recipients of gifts, they were, nonetheless, ideal candidates. To conclude, the receipt of gifts can therefore be considered a natural outcome of authoritative charisma in support of political legitimacy.

STIRPS REGIA IN RELATION TO CHARISMA AND SACRALITY

Charisma

Karl Weber, while acknowledging that a charismatic individual could emerge as a religious prophet, a great orator or a war leader, generally defined charisma as follows:

...[charisma] will be applied to a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are as such not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as 'leader'.¹⁷⁵

By virtue of descent, Germanic society extended these charismatic characteristics not only to an individual royal scion but to the royal stock, the aristocracy and the warrior members of the *Gefolgschaft* because all were the descendants of Odin. In the Germanic warrior society, every free German was eligible for a leadership role. However, one might speak of a proportional charisma, as how much a man might achieve in society depended on the measure of his wealth, valor and birth.¹⁷⁶ Therefore, Weber could describe the transfer of charisma as a "routinization," since

...by definition charisma is out of the ordinary and dependent upon manifestations of strictly personal qualities it exists in pure form only in the person in whom it originates. Yet the disciples of the leader and his followers at large share a strong desire to perpetuate that 'gift of grace'... or *Gottesgnadentum*.¹⁷⁷

Furthermore,

¹⁷² On Civilis: Tac. H. 4.14, p. 212, 1986 ed. On Arminius: Tac. A.11.16, p. 85, 1996 ed.

¹⁷³ Tac. A. 11.16, p. 85, 1996 ed.

¹⁷⁴ *Ibid.*, 11.17, p. 85.

¹⁷⁵ K. Weber, *Economy and Society*, California, 1978 ed. Repr. in R.M. Glassmann and W.H. Swatos, Jr., eds., *Charismas, History, and Social Structure*, Connecticut, 1986, p. 5; Tac. A.11.17, p. 85, 1996 ed.

¹⁷⁵ K. Weber, *Economy and Society*, p. 5.

¹⁷⁶ W. Schlesinger, "*Herrschaft und Gefolgschaft...*," p. 143.

¹⁷⁷ On Karl Weber see R. Bendix, "Reflections on Charismatic Leadership," R.M. Glassman and W.H. Swatos, Jr., eds., *Charisma, History, and Social Structure*, New York, 1986, p. 21.

...if his leadership fails to benefit his followers, it is likely that charismatic authority will disappear [and that] is the genuine charismatic meaning of the phrase, 'by the grace of God'.¹⁷⁸

Charismatic authority, according to Weber, can now be applied directly to Germanic conditions, especially at the tribal level as has been explored with the examples of Arminius and Civilis, who were members of a *stirps regia*. They fell "from grace", when they did not achieve the goals they had set for themselves and their followers, who then perceived that their leadership failed to benefit them. They further failed when they acted too independently and ignored advice from the leading men. It was felt that God withdrew his *Gottesgnadentum*, and hence these leaders failed their social contract and could no longer protect their followers. They lost their charismatic authority and in the process their legitimacy.

R.M. Glassman in "Manufactured Charisma and Legitimacy"¹⁷⁹ further differentiates between "pure" and "manufactured" or "depersonalized" charisma, whereby the "manufactured" type is more task-oriented. Modern charisma is characterized by media promotion, yet can be applied to both Arminius and Civilis. Arminius, when "flying hither and yonder" throughout Germania, promoted his leadership, his great deeds and his anti-Roman sentiments while rallying Germanic forces against the Romans. Sixty years later, Civilis essentially acted in like manner when he traveled throughout the land to promote his rebellion against Rome. Hence, both Arminius and Civilis possessed pure and manufactured charisma, the latter designed to enhance and supplement the former in a more earthly and practical manner. Yet pure and manufactured charisma can come to a quick and unceremonious end if promises are not fulfilled.

Kimmel and Tavakol in "Charisma and Tradition" further label this type of charismatic authority "historical," as opposed to "traditional" or "rational-legal."¹⁸⁰ They claim that "historical charisma" derives from the perceptions of others and arises from "social preparations," which could also be defined as institutionalization as seen in Germanic society in the institution of the *stirps regia*. It is "the 'product of crisis and enthusiasm', ...in which the charismatic leader allows temporary unity of political and economic interests...". This precisely defines the first century circumstances in the western Germanic sphere. Whenever there arose a crisis which threatened the physical security or economic viability of a clan or tribe, nobles would muster their retinues and assemble a tribal or confederate "council of leading men" where a member of the *stirps regia* would be chosen to lead them. Because of his membership in an established royal clan, he inherently possessed at least the expectation of charismatic authority that might enable him to lead in one predetermined task. Additionally, Weber wrote that "the charismatic leader gains and maintains authority solely by proving his strength in life..., [hence], ... if he wants to be a warlord, he must perform heroic deeds."¹⁸¹ Heroic deeds in the Germanic sphere should be translated as success in undertakings of war. Despite inherent charismatic authority there was then the necessity

¹⁷⁸ Ibid., p. 20.

¹⁷⁹ R.M. Glassman, "Manufactured Charisma and Legitimacy," *Charismas, History and Social Structure*, pp. 116-28.

¹⁸⁰ Kimmel and Tavakol, "Charisma and Tradition in Iran," *Charismas, History and Social Structure*, p. 103.

of proof. Arminius and Civilis had performed heroic deeds prior to being chosen tribal and confederate leaders. They remained at the head of their tribes and tribal confederations as long as they won wars, but when they lost the final battle and failed, their careers were over despite membership in the most elite body of Germanic society.

Charismatic leadership was thus fully developed at the tribal and confederate level where leaders were renowned as exceptional military strategists, courageous and resourceful, with the ability to inspire to great deeds not only their private retinues but also members of other tribes. Yet, both pure and manufactured charismatic authority at this level disappeared as soon as the charismatic leader failed in his undertaking and especially when he tried to usurp the power of his equals within the nobility who had selected him in the first instance. On the other hand, the charismatic authority that was found at the lower clan level, where *Heerkönigtum* originated, was hard to displace. There, swearing of the oath and adherence to the *Treuebündnis* played such a major role, as it was of a consecrated nature and hence "pure," engulfing both parties.

The concept of "transfer charisma" that was attached to the *stirps regia* in perpetuity might be more correctly labeled as "sacrality" because it was impersonal and refers to the institution of "royalty" and not specifically to one particular individual. Yet, once a member of a royal house was chosen as a leader he assumed charismatic authority, although its continuance depended on his success in battle, his wealth and his valor, thus descending into the manufactured type. Once again, a leader had to prove his military and political legitimacy in an earthly fashion. Consequently, "charisma" should be separated from the notion of "sacrality" whereby the first has more earthly qualities and hence is the more "manufactured," while "sacrality" is pure in its relationship to a heavenly order. When Jan de Vries asked the question "...welches war die magische Kraft, die das ganze Volk zum Sprössling des alten Königsgeschlechtes hinzog?...,"¹⁸² one might find the answer in the notion of sacrality.

Sacrality

There are basically four types of royal sacrality that can be differentiated. Firstly, there is the Egyptian type, whereby the king was a God. Secondly, there is the case of early Greek royalty when kings lost their power and became priest-kings and their functions were primarily religious. Thirdly, there is the king who was deemed to be the son of a God, as for instance Alexander the Great. Included in this category is Augustus' attempt at divinity when, with the help of Virgil, a genealogy was manufactured, making him a descendant of the goddess Aphrodite. Fourthly, there is the king whose authority was transferred to him by a godly power and who then reflected this power onto himself by becoming the king of "*Gottes Gnaden*." The last type is applicable to

¹⁸¹ J. Bensman, M. Givant, "Weber's Concept of Charisma," *Charisma, History, and Social Structure*, p. 28.

¹⁸² J. de Vries, "*Das Königtum bei den Germanen*," tr.: "What was the magic power that compelled an entire people to search out the descendent of an old royal house?"

Germanic conditions. When there was doubt about their sacrality, later Germanic leaders tried to manufacture their own royal descent from the Gods.¹⁸³

To clarify the situation, this kingdom by the "grace of God" is no longer the *Heerkönigtum* which was associated with the clan level. Here the *Treuebündnis* between leader and retinue was practically unbreakable and the warriors rarely forsook their leaders even in adversity. The sacral kingdom operated, at first at the tribal level and later, when survival was at stake, in a confederate mode.

To find some semblance of meaning one has to re-examine the relationship between Germans and their heavenly ancestors. To create order out of chaos, people devised a heavenly order that would guide their lives. Thus the heavenly order was a reflection of life as people found it to be on earth. The Germans devised a heavenly hierarchy with Odin as the highest instance surrounded by his advisors who shared his table at Valhalla. They were supported by warriors gathered into a heavenly *Gefolgschaft* whose members were the dead ancestors of the living warriors. Yet Odin, although all-knowing, was always in search of wisdom and consulted his advisors as to what actions to take.¹⁸⁴

It is within this myth that an explanation can be found for Germanic behavior. Germans--royalty, aristocrats, warriors--believed that they were descended from Odin in the same hierarchial pattern which existed in heaven.¹⁸⁵ "Contemporaries [of the fourth century] tended to stress ... the supernatural compartmentalization of the universe at the expense of its notional unity."¹⁸⁶ Yet in the Germanic myth there was both compartmentalization and unity which were directly reflected by the actions of Germans on earth. The *Gefolgschaft* was bound to their leader by oath and he was responsible to them by protecting their interests. The leaders were members of the aristocracy who acted as advisors to members of the *stirps regia*. Thus the members of a royal house were closer to Odin in spirit and status and therefore were to act upon his advice but not without their earthly aristocratic advisors. More so, as Odin's spiritual wisdom and protection extended into the royal stock, Germans were convinced that their royal leaders could in turn guide and protect them from adversity in this life. In this hierarchy, the *stirps regia* then possessed a greater legitimacy to lead than the aristocracy. But because Odin was known to consult with his advisors, the nobles considered it their right to be consulted when crucial decisions had to be made. Otto Höfler quite rightly defined members of the Germanic royalty as *primi inter pares*.¹⁸⁷ In c.e. 379, the royal Tervingian leader Athanaric denied the title of "rex" with which the Romans wanted to honor him, in favor of "judge" because it emphasized his wisdom in support of his advisory role.¹⁸⁸ Judgeship was a confederate appointment and is quite possible, as Wolfram points out, that it brought with it

¹⁸³ C.J. Bleeker, "Das Sacrale Königtum" in *Saeculum*, 7(1956), pp. 196-7.

¹⁸⁴ R.L.Green, "Odin in Search of Wisdom" in *Myths of the Norseman*, pp. 29-45.

¹⁸⁵ Herodotus, *Histories*, Bk.IV; O. Höfler, "Der Sakralcharakter," P. Brown, *Authority and the Sacred*, p. 8.

¹⁸⁶ P. Brown, *Authority and the Sacred*, p. 9.

¹⁸⁷ O. Höfler, "Der Sakralcharakter des Germanischen Königtums...", p. 669.

¹⁸⁸ H. Wolfram, *History of the Goths*, p. 94.

more status than the kingship of a *reiks*, a chieftain who was competing for Germanic leadership.¹⁸⁹ A *reiks's* relationship with his army echoed the *Treuebündnis* between the Germanic *Heerführer* of Tacitus' time and his *Gefolgschaft*. Sacrality was not automatically attached to an ordinary *Heerführer* but had to be earned in an evolutionary process, taking into consideration the great deeds of successive members of his family. Once his followers gained the perception that this family was blessed with the special protection of Odin, they would in time achieve *stirps regia* status. If the followers then believed in the sacrality of their leaders, it became part of their belief system and therefore a reality of charismatic authority that led to legitimacy. However, the topic of sacrality within the Germanic *stirps regia* has been widely discussed and there is considerable disagreement with the concept.

Peter Grierson, in his 1941 article "Election and Inheritance in Early Germanic Kingship," entirely denied the existence of "sacrality" within the *stirps regia* of Germanic tribes, with the exception of the Merovingian Franks.¹⁹⁰ This denial might, however, be regarded more as his personal reaction to more current events in Germany than as an explanation of why membership in the *stirps regia* played such an important part in the selection of Germanic leaders.

Otto Höfler, on the other hand, is a strong proponent of the existence of "sacrality" within the Germanic *stirps regia*, as evidenced by his article "*Der Sakralcharakter des Germanischen Königtums*." Jan de Vries in "*Das Königtum bei den Germanen*" more than supports Höfler's view. Both their opinions are based on the origin of the *stirps regia*, expressed by the notion that the "*Urahn ist ein Gott*."¹⁹¹ This has already been agreed upon when tracing Germanic mythical descent to Odin, not only of royal houses but also of the free Germanic population. De Vries supports this idea further when he asserts that this is not a mere construct but was incorporated into the Germanic belief system, as evidenced by the names of the Cheruscan and Merovingian royal families. The Cheruscan members had names capturing the meaning of *Sieg*, such as Segimerus, Segimundus and Segestes, meaning that God or Odin/Woden had infused them to be victorious in battle. In Merovingian names *Child* stands for *kampf* /battle and *Chram* stands for *Rabe*/raven, Odin's sacred bird sitting protectively on his shoulder.¹⁹² Here too, one can envisage Merovingian chiefs poised for success in battle, sanctioned and guarded by the spirit of Odin. De Vries also refers to some Ostrogothic Amals who were celebrated as demigods or heroes, as recorded by Jordanes.¹⁹³ This recorded evidence might, however, reflect a manufactured charisma to serve as a political ploy to further the legitimacy of Amal rule in Italy. This assumption is acknowledged by Patrick Amory when he writes that "Theoderic's Gothic ideology would not emphasize divine descent until the 520s."¹⁹⁴ On the other hand, Jordanes, a Goth and member of the Amal family,¹⁹⁵

¹⁸⁹ Ibid., p. 95.

¹⁹⁰ P. Grierson, "Election and Inheritance in Early Germanic Kingship," n. l.

¹⁹¹ J. de Vries, "Das Königtum der Germanen."

¹⁹² J. de Vries, "Das Königtum der Germanen;" also R.L.Green, *Myths of the Norsemen*, p. 20. On a sketch Odin sports one raven on each shoulder as a sign of protection.

¹⁹³ J. de Vries, "Das Königtum der Germanen."

¹⁹⁴ P. Amory, *People and Identity in Ostrogothic Italy, 489-554*, Cambridge, 1997, p. 277.

¹⁹⁵ *Get.*, see "Commentary," #266, p. 181, 1966 ed.

might just have recorded what he knew to be true for himself and the Gothic people. There was then truth in this reality of sacrality.

Otto Höfler recognized that *Quellenkritik* had systematically eliminated all sacrality in the name of historical realism,¹⁹⁶ yet points out that such realism cannot really be critical as it ignores that a belief is a reality, too. Jean-Pierre Vernant¹⁹⁷ supports this view when writing that "...in archaic society the function of religion...dominated social life as a whole." Although Germanic society of the first five hundred years common era was no longer archaic, it was not far removed from this stage because life was harsh for Germans and faith in their gods sustained them, as it sustains people at all times. Furthermore, Vernant states, "...to understand religion, it is necessary to connect it with the men who lived by it, to seek to understand how these men ...through the intermediary of their tools, [related] to each other through their institutions."¹⁹⁸ This remark applies directly to the Germanic situation, as the integration of religion and man-made institutions provided connectivity between heavenly and earthly beings, at the same time as it remembered a collective past, so all-important to the being of a people. Höfler and de Vries were therefore justified to look for sacredness and virtue in the Germanic *Königtum*. Höfler acknowledged that there were a great many old Germanic royal families who derived their descent from godly powers.¹⁹⁹ The stories of individual leaders and their *stirps regia* is usually connected with their "numinous" or divine "characters" as Höfler terms it.²⁰⁰ They inspired feelings of attraction and awe, characteristic of man's sense of communication with God and his search for a practical application of religion.

Höfler brings up several scenarios of possible interaction between the ruler in the sky and those on earth. Firstly, there is the possibility of a spiritual identity between the mythical ancestors and their descendants on earth. This could either mean a reincarnation or only a representation of heavenly ancestors who imbued the recipient with their *Würde* or status and *auctoritas*. As examples he cites the Ynglingen kings from Scandinavian countries.²⁰¹ This notion binds God and leaders without, however, making them necessarily sacral, yet lending them sufficient weight to be searched out and chosen for leadership. This is then more in line with their charismatic authority than their sacrality, but only within a given set of circumstances. For instance, when a new leader was needed, the nobles invariably looked for a member from among the royal stock. This marks the institution of the *stirps regia* as sacral, and the royal member had the advantage over other nobles to achieve sacrality after he had proven his worthiness and when his actions were seen as an advantage to his constituents. Another reason why sacrality for individuals of the *stirps regia* stands in question was the quite unceremonious way the Germanic aristocracy would dispose of

¹⁹⁶ O. Höfler, "Der Sakralcharakter," p. 667.

¹⁹⁷ J.P. Vernant, *Myth and Society in Ancient Greece*, New York, 1990. See chapt. on "The Society of Gods," p. 110. Vernant specializes in structural analysis relating patterns of contradiction and association, for instance, the unity between Greek myth and Greek social institutions.

¹⁹⁸ *Ibid.*, p. 109.

¹⁹⁹ For a listing see O. Höfler's "Der Sakralcharakter," p. 667.

²⁰⁰ O. Höfler, "Der Sakralcharakter," p. 670.

²⁰¹ *Ibid.*, p. 672.

them. They did not seem to fear any punishment from the Gods when rightly safeguarding their own interests as they, too, believed in their descent from Odin. Or, they might have thought that God had removed his protection from those leaders who stepped off the ordained path and hence, their avengers felt righteously assured of their protection by God. They might thus have regarded themselves as guided by Odin in the same way as they thought a royal leader was guided by heavenly advice. The notion of *Gottesgnadentum* lived in the hearts of nobles who knew that, circumstances permitting, their family could found a new *stirps regia*.

Thus sacrality in the minds of Germans was attached to the institution of the royal house and it was hoped that the royal member would fulfill the promise of sacrality²⁰² with great deeds. It also meant the chosen leader must consult with the nobles, listen to their advice and not usurp their collective power. Should the selected royal leader negate this expectation, he not only lost his charismatic authority but also his acquired sacrality and his authority to rule. Sacrality for royal stocks did not automatically extend to the individual member, and once chosen to lead it did not allow him to break out of his traditional role. It was a role that initially did not permit *regnum*-building on the tribal level but allowed for confederations if there was consensus among peers, and then only for the duration of the union's necessity. Ideologically a chief was confined to his *Kleinkönigtum*.

The image of the Germanic *stirps regia* played an important part in achieving charismatic authority leading to legitimacy. During the first centuries c.e., it remained mired within the institution of the *Heerkönigtum* as individual nobles jealously guarded their power bases within the *Gefolgschaftswesen*. It was, however, during this period that new *stirps regia* were formed whose successful leaders would form tribal confederations that had a chance of survival as states. The notion of sacrality played a deciding part for the political and military legitimacy of their rulers.

CONCLUSION OF POLITICAL AND MILITARY LEGITIMACY IN THE FIRST CENTURIES C.E.

In the first centuries c.e., military and political legitimacy remained first and foremost a native affair. Even imperial appointments of Germanic puppet kings over border tribes not under Rome's direct control did not occur unless they possessed Germanic prerequisites of legitimacy which entitled them to the office of a Germanic chief. In Italicus' case it was his membership in the Cheruscan *stirps regia*, in Maroboduus' case it was continued military strength.²⁰³ By implication, this should be regarded as a part of military and political legitimization on the part of Rome. Furthermore, as part of legitimization of the collectivity of Germanic peoples, Tacitus inadvertently furnished the required Germanic institutional and thus constitutional theorem right down to the relations of a community with the gods. As Aristotle remarked in *Politics* (1382b 11-

²⁰² Tac. G.13, p. 112, 1970 ed. Tacitus reports that Germans believe valor can be inherited.

²⁰³ A. Demandt, "Staatenbildung bei den Germanen," p. 275.

13), they were "the prerequisite for all others [relations]."²⁰⁴ Tacitus further likened Germanic conditions to the Republican order when he states that the "assembly of warriors" elected "magistrates" who administer justice in districts and villages.²⁰⁵ He made it appear as though they were as much in command as Roman magistrates and pro-magistrates had been through the *imperium* of their magistracies, when in Republican times they had been the only ones who proposed *leges*, were responsible for their jurisdiction, and were thus in command. J.S. Richardson writes:

In part *imperium* belongs not to the precise complexities of constitutional law but to the proper obscurities of religion. Although closely associated with the elected magistrates, it was not election by the *comitia centuriata* which gave the consul or the praetor his *imperium*. Election had to be followed by the curious formality of the *lex curiata*, passed in the late republic by a vestigial assembly consisting of thirty lictors, as a result of which the magistrate was given the right to take auspices. Once he had been voted the *lex curiata* the magistrate elect took the auspices to confirm the acceptance of Jupiter of his holding the *imperium*²⁰⁶ or the right to rule.

One might recall Tacitus' reference to "priests of state" who "seek confirmation by taking of auspices" for public and private enterprises²⁰⁷ which would sanction the public tasks of those "magistrates who administer justice in the district". Tacitus, whether he reported on Germanic conditions in their actual Germanic context or in a Republican light, nevertheless endorsed and legitimized Germanic institutions and thus may have inadvertently laid the groundwork for the legitimacy of a future Germanic realm.

It was, nevertheless, military strength that was the most visible and fundamental component of legitimacy and was expressed through the *Gefolgschaftswesen*, the union between a leader and his warriors formalized through rituals and sanctioned by the *Eid* or oath of allegiance. Any free German was entitled to leadership of a retinue, yet not without the necessary prerequisite. First and foremost, there was the requirement of wealth that would enable him to raise and maintain a retinue through whose efforts he could then acquire a reputation of strength and personal valor. This combination of wealth, strength and valor might then induce Germans to join his retinue. The swearing of an oath would form a contract between the leader and his warriors, stipulating protection in war and peace for the soldiers in return for their allegiance. Because of its religious connotation, this *Treuebündnis* was practically unbreakable and was the fundamental strength of the leader who could count on his retinue not to forsake him in adversity. The institution of the *Gefolgschaftswesen* had all the symbols of sanctity as it was such a portentous part of the Germanic belief system. It was the warriors' fervent belief that, as long as they fulfilled their obligations to their lords, they were the chosen to sit at Odin's table at Valhalla for an afterlife of everlasting bliss. Seldom did they break their *Eid* to their lords, and consequently he was

²⁰⁴ J.S. Richardson, "Imperium Romanum: Empire and the Language of Power," *Journal of Roman Studies*, 81(1991), pp. 2-9.

²⁰⁵ Tac. G.10, 12. pp. 110-1, 1990 ed.

²⁰⁶ J.S. Richardson, "Imperium Romanum: Empire and the Language of Power," *The Journal of Roman Studies*, 81(1991), pp. 2-9. Discussed are Roman magistrates during the Republic.

²⁰⁷ Tac. G.10, p. 109, 1970 ed.

assured of their allegiance, making the whole institution the most powerful tool of military and political legitimacy in the Germanic world. It particularly allowed the leader to defend his individual legitimacy and thus maintain as his power base his clan leadership. This union was so strong that it is referred to as *Heer-, Klein-, or Gaukönigtum* and lasted well into the sixth century, thus obstructing the formation of more formalized states. Hence, wealth and strength at the clan level, reinforced by rituals, were the cornerstone of a retinue leader's power that could lead to more senior appointments at the tribal or confederate level during wartime.

Once a leader, the added advantage of authoritative charisma contributed to his legitimacy since it was inherent mostly because of divine descent re-enforced by the leader's deeds and reputation. It, too, had religious undertones that fell, however, by the wayside as soon as the leader did not fulfill his social contract which included the convention of gift-giving.

Membership in the *stirps regia* was, so to speak, prepackaged. It contained the presumption of spiritual communication with God at the highest level, lending authoritative charisma to its holder. Hence, the institution of *stirps regia* or the royal stock, because of its connections to the dictates of the Germanic God Odin, contained inherent sacrality. Members of the royal stock were furthermore regarded as upholders of a sacred contract which was to maintain the safety of their clans and tribes and uphold the tribal way of Germanic life which did not include formalized nation building. The notion of sacrality was transferred to royal members but was transmuted into a manufactured or task-oriented state that ceased as soon as the immediate undertakings had been rendered unsuccessful. Moreover, if the royal appointee sought to aggrandize himself by reaching for a *regnum* which lay outside the basic social Germanic contract, his swift end was inevitable. The whole system of military and political legitimacy was based on preserving the status quo and thus enabling the individual leader, no matter his social stand within the nobility, to maintain and perpetuate his power base to the detriment of a formalized state.

This did not prevent the formation of *Bünde* from about the middle of the third century on. They were loose confederations of tribes, among both the west and east European Germanic tribes such as the Goths, the Franks and the Alemanni unions. Visigothic and Ostrogothic confederations of polyethnic peoples gathered and migrated into the western Roman Empire to settle, forming Germanic kingdoms. The Alemanic confederation on the upper Rhine was defeated by a Frankish confederation under the Merovingian king Clovis in 511. It was Clovis who succeeded in building a lasting realm using the existing Gallo-Roman administration upon which to build a state. Visigothic, Ostrogothic and Frankish efforts to build a lasting kingdom necessitated the expansion of military, political and social tools of legitimacy to accommodate Gallo-Roman, Roman and Germanic expectations. Strictly Germanic legitimacy was needed to gain leadership of Germanic polygenic tribes, yet was no longer sufficient to convince all those who inhabited Italy and Gaul of Germanic claims to rulership over them. Hence, new means of adapting and legitimizing old concepts had to be deployed, and it is to them that the second part is devoted.

PART II

Introduction

During the first decades of the fourth century the Germanic *Heerkönigtum* remained mired within the traditional restrictions of warlordship that saw renowned leaders maintain their charismatic hold over retinues and followers, while occupation of tribal lands shifted depending on forced migration and/or conquests. Able to draw to themselves followers from other tribes and often non-Germanic peoples, *Heerkönigtümer* became more poly-ethnic and, significantly, non-territorial, at least those groups that were to contribute to the political and territorial advances of Germanic peoples. During the middle of the fourth century, loose confederations of *Heerkönigtümer* emerged, such as the Visigothic, Ostrogothic, Alamannic and Frankish *Bünde*. They allied for the purpose of defense, expansion or immigration.

Once barbarian *Bünde* had entered the Empire permanently, there arose a further need for consolidation to overcome their minority positions and maintain a self-image as members of a pan-Germanic people overcoming the ethnic diversity of individual tribesmen. Gothic peoples forced to flee the lands they had settled in the Balkans entered the Empire without any standing as a distinct people. They were little more than groups of wandering tribes but fortunate enough to have representation by recognized leaders, albeit mere warlords. Searching for a new homeland among strangers translated into psychological and physical displacement that drew together Germans and other similarly affected barbarians. While placed in the midst of an overwhelming majority, they fought for a measure of comfort by preserving their traditional customs and costumes, thus promoting their distinctiveness as Germanic tribesmen.

Although exposed to the workings of the Roman state in their varied army positions, barbarian leaders who entered at the head of their federated armies were not fully versed in the knowledge of running such a formalized system. Hence, after settling on and taking over the administration of Roman territories, Germanic leaders had to learn Roman administrative practices to preserve the infrastructure of the government to which the Romans over whom they now ruled were accustomed.

Those barbarians who entered the Empire had manifold obstacles to overcome in search of their own Germanic social, political and military identity and legitimacy. They needed legitimized leadership enshrined in constitutions that reflected their own traditional barbarian customs as well as those of the Romans. Hence, new and old standards had to be subjected to universally accepted codification in the spirit of oral Germanic traditions, the Ten Commandments and the Twelve Tables. To accomplish these tasks, leaders learned to recognize new modes of authority that could translate into legitimacy, a right to rule that could not be accomplished without the backing of their soldiery and what was left of the imperial provincial administration in the waning days of the Empire.

Several trends can be recognized in achieving political and military legitimacy. Firstly, the traditional means of achieving leadership within a tribal association remained intact. Valor, military strength, wealth and membership in a *stirps regia*, whether long established or of recent making, were still essential. Germanic titles such as *thuidans*, *kuning*, *reiks*, *mund[1]* and judge pronounced Germanic legitimacy for leaders. The old belief system and leaders' charismatic reputation was a portable value system that accompanied them from place to place until a territory for settlement was found. This even held true for the Franks, whose Merovingian kings did not search for a new place of settlement but achieved conquest from their permanent home base in Toxandria. Eventually, the indo-Germanic "rex", whose root word means "to rule," was legally sanctioned by the Roman administration and was then accepted by Germanic leaders upon permanently entering the Empire.

The struggle for recognition, territorial acceptance and finally military and political legitimacy began with the Visigothic *foedus* of c.e. 382. For the first time in Roman history, an emperor agreed to settle a barbarian tribe on Roman soil. The Visigoths, first in the quest for Germanic and Roman legitimacy, worked out the basic requirements. Two trends are immediately recognizable. Firstly, there were leaders of barbarian origin but Roman citizens, whom the Romans called *rex*, who became employees of the imperial administration. In order to assert their authority they strove for the dual titles of *patricius et magister peditum praesentalis*. Holders of this position sought to gain as much administrative and military control as possible, but always under the suzerainty of the emperor; effectively, they tried to reverse Diocletian's separation of civil and military authority. With the exception of Theoderic the Great, this dual title was, however, denied those leaders who set up kingdoms on imperial soil, such as the Burgundians, Visigoths, Franks and Lombards. But since the latter's retinues were federated armies, they received appointments as *magister militum* awarding them control over their armies. Furthermore, Alaric I achieved a constitutional amendment for the designation of "rex", giving him civil authority over the region of barbarian settlement. Consequently, although titles fit different circumstances, *patricius et magister peditum praesentalis* on one hand, and *magister militum* and *rex* on the other hand, both sets of appointments entitled the holder to military authority. Because of the high status of the *patricius* and *rex* designations, there were cases when leaders could also enforce civil authority.¹

Although these titles were the most important and essential requirements for military and political legitimacy in the early stages of entry into the Empire, requisites became more complicated and layered once independent kingdoms were proclaimed. Constitutions had to be devised and issued to proclaim the legality of the state. The writing of family genealogies and histories became all-important for the identity and validity of rulers and their new nations. It was a

¹ For details on the status of "patricius" see Pauly's *Realencyclopaedie der klassischen Altertumswissenschaft*, [Pauly's] Stuttgart, 1949, 36th Halbband (1949), pp.2222-2232 under "patres, patricii." For details on Alaric's "rex-ship" see H. Wolfram, *History of the Goths*, pp. 142-146. On combining military and civil authority: Alaric was successful in Illyricum (see H. Wolfram, *History of the Goths*, p.143): The "all-powerful *patricius*" Constantius III called a provincial assembly in Gaul, quite possibly in the name of the emperor (ibid., p. 173); Anastasius and Justinian upheld separation of authority, yet found themselves at times forced to combine civil and military command for reasons of security. (see A.H.M. Jones, *The Later Roman Empire: A Social and Economic and Administrative survey*, vol. I, Oklahoma City, 1964, p. 656).

contest of one-upmanship among barbarian rulers over who could claim the longest lineage reaching back to antiquity and who could boast the better Roman title to enhance the image of his rule. These were kingdoms built on shaky ground and any legal venue or ruse to augment social, military and political legitimacy was deployed to this end. Fundamental to the literary and legal efforts of rulers representing these new states was the recognition that a Roman education in literature and law was needed to achieve these ends.

FOURTH- AND FIFTH-CENTURY CONDITIONS IN GAUL: DIOCLETIAN AND CONSTANTINE DECENTRALIZE THE ADMINISTRATION OF THE ROMAN EMPIRE²

After the murder of Severus Alexander by his troops in Germany in c.e. 235, military anarchy reigned in the Roman Empire, weakening the military structure and its defensive abilities. In response to heavy tax burdens, civil unrest was prevalent, and was punctuated by competing faiths vying for adherents. It remained for Diocletian (c.e. 284-305) and his co-Augustus, Maximian, and their two Caesars, Constantius and Galerius, to re-establish civil and military order and arrive at a religious consensus. An official Tetrarchy was formed in c.e. 295 and any measures undertaken were completed by Constantine the Great (305-336).³

The essence of re-organization was decentralization of governance, adversely affecting a well-populated and prosperous Gaul that lived under the watchful eye of the local aristocracy.⁴ Senatorial and imperial provinces were eliminated and the Empire was divided into four administrative zones, one of which combined Transalpine Gaul, Iberia and Britain. This zone was headed by the Caesar Constantius Chlorus, the father of Constantine the Great. Further decentralization occurred when the Empire was sectioned into twelve dioceses, six in the east and six in the west. To reduce the power of the individual governor, the dioceses were subdivided into one hundred provinces of which twelve were in Gaul.

There was additional decentralization when military and civil functions were separated between c.e. 297-305. An ever-increasing bureaucracy, costing the fisc substantially in maintenance, controlled the provinces and hence tax levies were high. This pattern of society

² N. Lewis and M. Reinhold, *Roman Civilization*, 3rd ed., vol II, New York, 1990, pp. 413-443. [From now on Lew. & Reinh.], have been chosen to provide the basic assumptions of the civil and military reorganization taking place under Diocletian and Constantine. For further discussion: P. Brown, *The World of Late Antiquity: AD 150-750*, London, 1993; J.W. Thompson, *Economic and Social History of the Middle Ages: (300-1300)*, vol.I., New York, 1959; Salvian, *The Writings of Salvian, the Presbyter: The Governance of God [De gubernatione Dei] [DGD]*, tr.J.F. O'Sullivan, Washington D.C., 1962.

³ C. Wells, *The Roman Empire*, London, 1992, pp.266-8.

⁴ For a discussion on third- and fourth-century prosperity in Gaul, protective relationship between aristocracy and peasantry, see J. Drinkwater, "Peasants and Baugaudae in Roman Gaul," *Classical Reviews*, 3(1984), 349-71.

“remained the basis of the regimented life of the people in the Roman Empire for centuries to come.”⁵

The reason for the military reorganization was the prevention of military anarchy as had occurred in the third century.⁶ Constantine later reduced the importance and strength of the frontier garrisons, which became local border militias commanded by *duces* (dukes) and *comites* (counts). Hence, there existed two official types of armies: the local militia under the local aristocracy, and the imperial army under the emperor. The unwieldy legions were broken up into mobile detachments along the borders and were better equipped to combat barbarian raids. They were re-enforced by an “impressive new striking-force,” the cavalry, whose fighters were the emperor’s companions, comparable to a *comitatus*.⁷ This did not affect the office of the *magister militum* of the foot soldiers who remained the highest-ranking officer.⁸

Peter Brown writes that the empire was saved because of this “military revolution,”⁹ as aristocrats were replaced with professional soldiers who had risen from the ranks much as the members of the Tetrarchy had done. The established aristocracy joined the ever-increasing ranks of the civil service and the rise of an “establishment of a new salaried aristocracy of service” occurred in the provinces. They were the “new men,” as Peter Brown termed them.¹⁰ Effectively, Diocletian had separated military power and civil authority and two separate career paths had been instituted.¹¹ In the west, military leadership was increasingly taken over by barbarians, while the civil administration remained solidly in the hands of the Roman establishment.¹² However, once they had achieved positions of authority and strength, such as a *magister militum* ship, barbarians further strove to control the civil order. This position necessitated skills such as literacy and education, undoubtedly expected of an imperial appointee by the Roman senatorial elite.

As barbarian leaders took over more and more military positions in the course of the fourth and fifth centuries, these administrative practices played into their hands, allowing them to acquire official Roman titles. The Roman title of *rex*, already used by Julius Caesar to describe barbarian leaders, achieved official status. Romans became further aware that there were different strata of leadership within Germanic society that they tried to define with *regales* and *reguli*. Germanic titles, however, such as *reiks/rix*, *thuidans*, *kuning[az]*, *hendinos* and judge remained the property of Germans. Yet it was these Germanic designations that were of utmost importance to the leadership role as they had to be earned before an incumbent gained full Germanic legitimacy.

⁵ P. Brown, *The World of Late Antiquity*, p. 41-4.

⁶ *Ibid.*

⁷ *Ibid.*, pp. 24-5.

⁸ Lcw. & Reinh., p. 429; also P. Brown, *The World of Late Antiquity*, pp. 24-5.

⁹ P. Brown, *The World of Late Antiquity*, pp. 24-5.

¹⁰ *Ibid.*

¹¹ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” *Viator* I(1970), 1-20, p. 9.

¹² *Ibid.*, p. 9.

EDUCATION AS A MEANS TO LEGITIMACY

In the Germanic case, individual nobles as well as *Heeresführer* heading their tribal regiments went in search of literacy. When they chose to work on behalf of the Romans, mostly in one military capacity or another, one rarely hears of the state of their literacy or learnedness. It is, however, quite inconceivable that they could function in the Roman world as effectively as they did, without reading and writing at least basic Latin if not Greek, depending on their work environment. Simply relying on ten fingers when counting and registering soldiers seems unlikely, especially after the establishment of the office of *magister militum* by Constantine the Great (d.336) towards the end of his reign.¹³

According to Zosimus¹⁴ and Aurelius Victor,¹⁵ the prefect was replaced with the *magister militum* during an army reform after 334, and the first recorded *magister militum* was an Ostrogoth, possibly a consul for 348 named Flavius Salvia.¹⁶ This man, just as his contemporaries the Ubian “Kaiser” Silvanus (d.355), a *magister militum* of infantry, and his commanders Malarich and Mallobaudes,¹⁷ could not possibly have been totally illiterate to function effectively in their high positions in the Roman military. Even if they employed secretaries, they must have possessed at least a rudimentary knowledge of Latin to decipher confidential correspondence.

Furthermore, the Ubii had enjoyed advantages as a Roman colony since the days of Agrippa, and in addition they inhabited lands in close proximity to the city of Trier, the Roma Secunda of Gaul, where Gallic nobles were educated. One would expect that at least the elite of Ubian nobles took the opportunity to acquire some learning. These questions are not easily answered as Roman writers’ indifference to Germanic domestic affairs, unless they directly affected them, was legendary and therefore records need re-evaluation.

Patrick Amory touches on the matter of education when he refers to Pliny the Elder, who stated that people bordering the southern parts of the Empire were weak while people living along the northern border were stupid.¹⁸ Thus Roman writers either took for granted Germans’ long standing reputation for stupidity, a matter that needed no further elaboration, or else it was understood that barbarians had to be literate if they aspired to succeed in the Empire’s administration and military. Hence, it is quite possible that Germans who worked for the Romans had at least a basic education while most German nobles who remained outside the Empire remained mostly illiterate, although there might have been exceptions.¹⁹ Two hundred years later,

¹³ Pauly’s, suppl. 12(1970), p.562. The Institution of the *Magister Militum* as the highest military office is discussed.

¹⁴ Zosimus, *Historia Nova* [H.N.], trs. J.J. Buchanan and H.T Davis, San Antonio, 1967, Bk.II.33, pp. 165-7.

¹⁵ S. A. Victor, *Liber de Caesaribus of Sextus Aurelius Victor*, tr. H.W. Bird, Liverpool, 1994, bk. 41, 12, pp. 49, 14.

¹⁶ Pauly’s, suppl. 12(1970), p. 562.

¹⁷ *Amm. Mar. Bk. 15.5,6*, p. 73, 1986 ed.

¹⁸ P. Amory, *People and Identity in Ostrogothic Italy, 489-554*, Cambridge, England, 1997, p. 20, and n.23; also, Pliny the Elder, *Natural History*, tr. H.Rackham, Cambridge, MA., 1938, (2.80) p.62.

¹⁹ C.R. Whittaker, *Roman Empire: A Social and Economic Study*, Baltimore, 1994, p. 173, points out that the Goths were the only people who were literate when they arrived [in the Empire]. Hence some Germanic

in 551, there is still Jordanes' obvious pride in his Gothic ancestry and the position of his grandfather as secretary to an Alan leader named Candac.²⁰

Moreover, literacy had achieved such importance that it was well worth emphasizing in the genealogy of the Amals published in c.e. 551.²¹ There is more evidence of educated barbarians in the fifth century, such as the poet and panegyrist Merobaudus and the Ostrogothic king, Theoderic the Great, who was educated in Constantinople during the 460s when living at the eastern Roman court as a hostage.²² The increasing awareness among the Goths that education was important is further emphasized in the *Getica* where Jordanes reports on the philosopher Dicineus, living during the reign of Sulla in 88 b.c.e. and visiting the land of the Goths.²³ Dicineus, finding them intelligent and receptive, taught them philosophy, mathematics and natural law.²⁴ Hence, Goths hoped they had distinguished themselves from their barbarian counterparts as having been the beneficiaries of a Roman education, thus enjoying the benefits of a lawful regime already in Antiquity. Dicineus might well have visited Gothia but his lowering himself to teach a band of unkempt barbarians must surely be a myth. Jordanes took great care in attempting to eliminate the stigma attached to the onerous reputation of the Germans due to such lack of literacy, by alleging that the Goths had at least as long a history in education and philosophy as the Romans. There is the veiled admission that lack of literacy was a deciding component in the failure of the early establishment of a permanent Germanic realm. This factor finally received attention by the kings of the Germanic successor kingdoms, aiding greatly in the establishment of cultural legitimacy. To do so, they employed educated Romans to teach their offspring and they also took advantage of the Roman bureaucracy and its replacement, the Church of Rome that took over governance in Gaul.

Germanic literacy and education will be defined as possessing elementary reading, writing and arithmetic skills furthering social and political progress. Hence, Germanic culture in Late Antiquity should not be misunderstood in the sense of German *Bildung* or French civilization but more like cultural relativism whereby no one set of values can be universally correct. Therefore, one might assume that literacy furthered political and military development. The Visigothic kings recognized the advantages of an education, and after the establishment of their kingdom in Toulouse in 418, the administration became a decided trailblazer in the education of their royal princes.

For Germanic leaders and heads of governments, aside from the established internal Germanic criteria of legitimacy, a Roman education was the basic tool for the acquisition of legitimacy in the eyes of the Romans. An education assisted in carving out a permanent settlement within the confines of the Empire, as Roman expectations of leadership were met by the ability to issue constitutions, family genealogies and tribal histories.

noble families, long before any settlement within the Empire, can be expected to have had some rudimentary education.

²⁰ *Get.* 265, p. 127, 1966 ed.

²¹ *Ibid.*, intr., p. 13.

²² H. Wolfram, *History of the Goths*, p. 262; *Get.* 271, p. 129, 1966 ed.

²³ *Get.* 69, p. 70.

²⁴ *Ibid.*

As contrary as it may seem, the rise of Germanic successor kingdoms in Italy and Gaul was furthered by Diocletian's administrative reorganization and tax policies which contributed to the ensuing turmoil in Gaul. An existing and decentralized provincial administration staffed by the influential Gallo-Roman aristocracy was to help the governmental direction of Germanic rulers and fostered the solidification of their rule when they took advantage of the existing bureaucratic infrastructure. Once barbarian rulers overcame imperial decentralization and combined civic and military authority in their hands, their right to rule their territories independently was established. Since these leaders acted upon imperial appointments, Romans established barbarian legitimacy according to their rules. These accomplishments could only be realized by means of literacy and the knowledge of Roman law. Hence the lure of a Roman education will run like a threat through this examination of legitimacy.

TITLES AND DESIGNATIONS AS A MEANS TO CONTROL AND TO LEGITIMACY

A title in its simplest analysis is a job description determined by its mostly educational and often hereditary background, thus determining the holder's authority to act within the given field and further conveying his hierarchical position in society. Titles and designations are territorial and cultural, and within a wider community its meaning might be totally lost on members of different cultures not familiar with narrow local practices. This renders a title specific to one community. In the Germanic case, designations for "leader of men," such as *rix/reiks*, *thiudans*, *hendinos*, and *kuning[az]*, were in need of native authoritative recognition and the muddy title of *rex* had to be constitutionalized and institutionalized, while the confusing designations of *regales* and *reguli* had to be clarified and cast aside.²⁵ The Roman honorary designation *patricius* and the office of *magister militum* combined into the double title of "*patricius et magister peditum praesentalis*" were much in demand as they imparted authority and legitimacy on the title holder.

Hence, in their final quest to establish themselves and their followers on Roman soil, barbarian leaders quite early recognized that their right to rule had to be supported by the acquisition of legal Roman titles and nominations as well as the legitimization of the various Germanic designations. This was the precedent-setting achievement of the Visigothic king Alaric (d.410) and his descendents.

Alaric I Sets the Standards for Military and Political Legitimacy: The Roman Legalization of the Title *Rex* and the Quest for the Office of *Magister Militum Peditum*

When in c.e.378 the Romans lost the war against the Goths in the battle of Adrianople, Emperor Theodosius I assigned the barbarians an enclave within Roman boundaries upon which to settle in

²⁵W. Schlesinger, "Lord and Follower," pp. 65,74, for *regales* and *reguli*; H. Wolfram, "The Shaping of the Early Medieval Kingdom," p.5, for *rex*.

exchange for military services under a formal *foedus*. It was, as Wolfram points out, the first step to the establishment of a future barbarian kingdom.²⁶

To consolidate his leadership position in 395, Alaric I led his federates back to Moesia, their original place of settlement in the Empire.²⁷ It must have been at this point that Alaric was elevated to kingship by those Goths who recognized him as their leader.²⁸ Alaric was a descendent of the Balthi, the Visigothic *stirps regia*, and thus held automatic throne-worthiness. Even Jordanes bestows the Balthi *reiks* with a charismatic aura, which, according to Jordanes' besotted view, only found its equal in that of the Ostrogothic Amals.²⁹ The only concession one can apply to this remark is that, one hundred and fifty years after the fact, the Goths still remembered the charismatic force that held Alaric's followers in awe. Hence, Alaric had been in an advantageous position for the Gothic leadership, especially since his proven leadership qualities and "manufactured" charisma could be deployed advantageously when searching out diplomatic venues to improve his claim to political legitimacy.

Yet, throughout the rule of the Balthi, Visigothic nobility was always involved in the decision making process. Wolfram states, quite emphatically, that in 395 and thereafter, Gothic nobles never gave up their independence of decision making and no Gothic noble became a greater *reiks*, a military leader, or received a kingship without the express confirmation of the "council of leading men."³⁰

Therefore, Alaric's right to lead and rule his Goths was always precarious, a position that could be challenged at any time despite his royal Balthi lineage, as Gothic kingship was elective and could be rescinded at any point without further ado, usually by the time-proven method of assassination.³¹ His Gothic kingship gave Alaric the necessary authority to rule the Goths and, together with the nobles, decide on domestic matters and decisions over war and peace.³² More than anything, the Gothic kingship needed the legitimization on the part of the eastern Roman administration as they had settled on land controlled by Constantinople. Moreover, it needed a legitimate imperial military appointment to further secure his legitimacy as leader of his federated army supplemented by a new *foedus* as the *foedus* of 382 had expired with Theodosius I's death in 395.³³ This would secure his duty to fight for the Empire as well as his right to call on the imperial

²⁶ H. Wolfram, "The Shaping of the Early Medieval Kingdom," p. 5.

²⁷ H. Wolfram, *History of the Goths*, p. 139.

²⁸ *Ibid.*, p. 144; *Get.* 146, p. 92, 1966 ed.

²⁹ *Get.* 146, p. 92; Jordanes writes "in nobility he was second only to that of the Amali," there is no reason to challenge Jordanes on Alaric's Balthi descent; of Gothic origin, J. knew the genealogy of Germanic Balkan tribes.

³⁰ H. Wolfram, *History of the Goths*, p. 44; for confirmation see also *Get.* 288, p. 134; 292, p. 136; 146, p. 92. "...they [the Goths] appointed Alaric [as] king over them." The later Visigothic kings were also appointed, such as Athaulf, *Get.* 158, p. 95; Segeric, *Get.* 163, p. 96; Valia, *Get.* 164, p. 96; Theoderic I, *Get.* 175, p. 100; Thorismund (d. 566) advised by Aetius to seize the throne before his brothers could prevent it, *Get.* 216, p. 111. No opposition on part of the nobles is known; Athalaric, *Get.* 304, p. 139; Theoderic the Great was appointed by his father but with the express agreement of the Gothic elders, the council of leading men. *Get.* 282, p. 133.

³¹ P. Grierson, "Election and Inheritance in Early Germanic Kingship."

³² H. Wolfram, *History of the Goths*, ns. 153, 154, p. 433.

³³ *Ibid.*, p. 139.

government for protection in case of famine or attack. Thus for the leader of a Germanic tribal confederation living on Roman soil, legitimacy was no longer a purely domestic affair but involved the official acknowledgement of the eastern Roman government to be internally independent while militarily subjected to Rome. Yet Stilicho, the high commander of the western army and himself of barbarian origin, denied Alaric any meaningful Roman military appointment, despite the victory over the eastern usurper Eugenius in 394 that had only been accomplished with Alaric's Visigothic troops. As a further insult, Alaric had to accept a placement under the Gothic general Gainas who could not even flaunt a *stirps regia* lineage.³⁴ Authority and power rested solely with the eastern imperial government.

Alaric left Moesia with his army and people and set out for Constantinople, where he confronted the praetorian prefect Rufinus.³⁵ The prefect, besieged by Alaric's army, met the Gothic leader in Gothic military dress and under duress he signed a new *foedus* and appointed Alaric to the coveted position of *magister militum per Illyricum*.³⁶ A diplomatic victory had been forced that persuaded the Gothic host to march to their new place of settlement in Thessaly. There his old enemy Stilicho, still the commander of the western army, met him. He had been called upon to rid the Eastern Empire of Alaric's Goths.³⁷ Stilicho failed to secure a victory over the Goths and in 397 the new eastern Emperor Arcadius was forced to re-negotiate with Alaric. A new *foedus* was arranged settling federates in central Macedonia, and Alaric's appointment as *magister militum per Illyricum* was officially renewed.³⁸

Wolfram is of the opinion that with this new arrangement the government did not want so much to place the Illyrian troops under Alaric's command but to integrate Alaric's Goths into the fabric of Roman life.³⁹ Wolfram is most likely correct in his assumption as the administration in Constantinople had previously called upon the western situated Stilicho to rid the Eastern Empire of the Gothic nuisance. Had Stilicho been successful, it would have meant the eventual disappearance of Alaric's federates as a tribal Gothic unity. Wolfram argues that as *Heeresmeister* of Illyricum, although the appointment entailed the two offices of *magister equitum et peditum*,⁴⁰ Alaric ranked below the Illyrian praetorian prefect who headed the civil administration.⁴¹ This arrangement theoretically upheld the constitutional measures of Diocletian's separation of civil and military power. Yet Wolfram states that "...Alaric conducted the civil administration in the region," because the Illyrians made him their *dux* with "legal authority" and placed him in charge of all facets of strategic arms control, effectively also handing him civil control.⁴²

³⁴ *Ibid.*, p. 138.

³⁵ *Ibid.*, pp. 140-1.

³⁶ *Ibid.*, p. 141.

³⁷ *Ibid.*,

³⁸ *Ibid.*, pp. 141-143.

³⁹ *Ibid.*, p. 142.

⁴⁰ H. Wolfram, *History of the Goths*, p. 143; also Pauly's suppl. 12(1970), p. 556.

⁴¹ Lew. & Reinh., pp. 429-30, confirms this.

⁴² H. Wolfram, *History of the Goths*, p. 143; Lew. & Reinh. pp. 429-430, according to Diocletian's legislation still in force, *duces* held the rank of regional commanders (also in control over arms supplies) and, combined with the establishment of various *magister militum*s, "he [Diocletian] diminished the respect for the authority of the prefects."

In official terms, Alaric's appointments of *magister militum* and *dux* contravened Diocletian's constitution. This had been anticipated by Arcadius' administration which passed a law to amend the constitution, thus legalizing Alaric's appointments and function:

...on July 9, 397, the emperor had defined the authority of the praetorian prefect for precisely those administrative functions that were handed over to Alaric a few weeks later.⁴³

Effectively Alaric was now in control of civil and military authority for the immediate region of settlement, but he remained under the authority of the Illyrian prefect.

The constitution might have been amended to control the authority of one individual, Alaric; it nevertheless set a new precedent by again combining civil and military authority in the hands of one official, at least within the assigned region. A barbarian leader had achieved this control firstly, in the development of his personal power over his constituents and secondly, by deploying his military resources, he gained control over the entire region, inclusive of its native people. According to Wolfram, the government's intention had been aimed at controlling the activities of Alaric by limiting his authority by making him "legally" responsible for the civil administration in the area under the supervision of the praetorian prefect.⁴⁴ At the time of the appointment, the Roman government must have failed to see that being responsible for "civil administration in the area" even while under the "supervision of the praetorian prefect" stood for naught. The barbarian leader had domestic authority over his native retinue, a federated army, while at the same time controlling regional weapon manufacturing. He was thus in total command of military and civil administration.

Furthermore, the government in Constantinople legally sanctioned and recognized Alaric's appointment of *rex* over his followers and thus he was their official representative to the Roman state, effectively making *rex* a legal Roman title but limited to barbarian leaders. Barbarian kingship on Roman soil had now been institutionalized.⁴⁵ "*Rex*" had achieved the criterion of a legitimate leadership title for Goths and also for the Romans who had employed it so widely in their writings.⁴⁶

Rex-ship entailed the domestic authority of a Germanic king over his followers, as long as barbarian nobility sanctioned it. It now constituted institutionalized Germanic political and military legitimacy. It had been legalized by the eastern administration of the Empire, sanctioning a legal precedent that created a kingdom within a kingdom. More aptly, the institutionalized rule of a barbarian king had been integrated into the Eastern Empire with full self-rule over their barbarian followers, and implied authority over Roman civilians within the assigned region. The *magister militum*-ship guaranteed Roman sanction of military authority over Gothic troops. The Germanic ruler was still under the suzerainty of a Roman official, especially as far as his services to the Empire as stipulated by a *foedus* were concerned, yet, he was free to exercise his regional authority, both civil and military. This meant full political and military legitimization for the barbarian king over the region allotted to him. It was also a milestone in the struggle of Germanic

⁴³ H. Wolfram, *History of the Goths*, p. 143.

⁴⁴ *Ibid.*, p. 143.

⁴⁵ *Ibid.*, Wolfram discusses the counter-arguments of Alaric's kingship.

⁴⁶ H. Wolfram, "Shaping of The Early Medieval Kingdom," p. 5.

leaders who operated within the borders of the Empire for domestic legitimacy as it put the stamp of official approval on their Germanic kingship. It was a possibly dangerous arrangement for the Empire as it had the opposite effect to integration, since it secured identity as a political unit for Germanic tribes.⁴⁷

One can still perceive the same effects on the position of Theoderic the Great upon his appointment by the emperor Zeno to administer Italy and Sicily.⁴⁸ Procopius wondered why Theoderic the Great simply called himself *rhix* [Greek for *reiks*], “as the barbarians used to name their leaders... although in name Theoderic was a usurper, yet in fact he was as truly an Emperor as any who have distinguished themselves in this office... .”⁴⁹ Procopius’ writing is remarkably devious since he must have known that Theoderic expressed his position in a letter to the senate as early as 506 as “*Flavius Theodericus Rex*.”⁵⁰ Armory claims that all sources call him “*rex*” and he never claimed to be “*rex Gothorum*,” most likely because he did not intend to limit his position to that of a Gothic *rex* only; instead, he wanted to promote the idea that he was “*rex*” of Goths and Italians alike. Procopius’ remark that Theoderic ruled like an emperor most likely refers to his habit of using imperial regalia for official functions. Even Cassiodorus is most careful in avoiding official phrases applicable to emperors only⁵¹ In contrast, the Goths knew that Theoderic was their king, after all, the “council of leading men” had confirmed him as such while still in Thrace.⁵² Therefore, by calling him *rhix* [*reiks*], Procopius tried to undermine Theoderic’s position as *rex* over all inhabitants of Italy and reduce him to a mere Gothic *reiks*. This was further stressed by insinuating that he ruled like an “emperor,” an insult to Zeno who had dispatched Theoderic to Italy ‘in his stead” and a potential slur at Theoderic’s possible usurpation. Effectively, Procopius pointed out the fallacies in Theoderic’s political legitimacy.

Theoderic had taken the title *Flavius Rex*—there is no indication that anybody bestowed this designation on him—traced to the *gens* Flavia of the first-century imperial family and introduced by Augustus as a *praenomen*. It had been used by Constantine the Great to legitimize his imperial claim. “Any member of the imperial family could use the honorific name *Flavius* as could “barbarian military officials when they obtained Roman citizenship.”⁵³ This infers that it was a *praenomen* commonly used by high-ranking barbarian soldiers paid by Rome.

With the title *Flavius Rex*, Theoderic effectively made himself part of the imperial family and could rule Italy in place of the imperial family. *Flavius Rex* implied imperial legitimacy to the title-holder and Theoderic was determined to acquire all the legitimacy he could possibly invoke. Theoderic was, however, not presumptuous as to the extent of his authority, since he promoted edicts instead of laws. Whatever one makes of Theoderic’s acquisitions of titles and designations,

⁴⁷ H. Wolfram, *History of the Goths*, p. 145.

⁴⁸ *Get.* 295, p. 136, 1996 ed.

⁴⁹ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 3; from *Proc. DbG. Bk..1,1.28*; p. 13. Ed. E.B.Dewing, 1961.

⁵⁰ P. Armory, “A Prosopography of Goths in Italy, 489-554,” in *People and Identity*, p. 55.

⁵¹ Cassiodorus, Magnus Aurelius, Senator, *Cassiodorus: The Variae*, tr. S.J.B. Barnish, Liverpool, 1992, intr. p.xii, n.7; Also *Get.* 295, p. 136, “...and [Theoderic] assumed a costume with a royal mantle.”

⁵² *Get.* 288. p. 134.

⁵³ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 3; also Pauly’s suppl.12(1970) under “magister militum” names the first recorded Ostrogothic magister militum and consul for 348, Flavius Salia.

there is no record that he was ever officially challenged by either Zeno or Anastasius, and when Justin became emperor of the east in 518 it was too late to oppose accepted usage. In Theoderic's case it is possible to adopt the premise that what is believed to be true becomes a reality. The challenge only came with Theoderic's successors. The title *rex* had achieved legitimacy for barbarian leaders through common Roman usage and institutionalization, and Alaric had demonstrated the importance of a *magister militum*-ship for a barbarian leader to achieve legitimization in the eyes of Romans and Goths alike .

Titles as a Means of Establishing Military and Civil Authority for Leaders Serving under the Roman Administration

After the death of Alaric in 410 his brother-in-law, Athaulf, was elected to the Visigothic leadership by the ruling nobility.⁵⁴ This is an indication that the old Germanic traditions were still valid despite the fact that Visigothic numbers had now swelled with Germanic slaves and other discontents from Rome and Italy, foreigners in effect.⁵⁵

Athaulf's early leadership was marked by both pro-and anti-Roman "deeds,"⁵⁶ largely induced by a diplomatic balancing act to please the Visigothic and Roman administrations. Athaulf at one point had tried to emulate Augustus as the founder of a Visigothic empire, an effort that might have appealed to independent-minded parties within the Visigothic population.⁵⁷ After his wedding in 414 to the emperor's half-sister, Galla Placidia, he abandoned his original plan to "...replace Romania with Gothia" and instead promised to "fight for the restoration of Rome."⁵⁸ "The queen of the south, married the king of the north," as some contemporary observers noted.⁵⁹ There was then an underlying quest for peace and consolidation, a new *Pax Romana*. Athaulf, however, never saw his goal fulfilled as he was murdered for personal revenge in 415.⁶⁰

Athaulf had attempted to balance his rule between Visigothic notions of independence and the practicalities of ensuring the continued existence of the Visigoths as a political unit even without the security of a permanent abode. This entailed garnering the co-operation of the western Roman government. In so doing, he declared himself openly pro-Roman to strengthen his office as *magister militum*. With the help of his influential wife he further hoped to consolidate his native title with his imperial office to achieve the equivalent of Alaric's position in Illyricum. Athaulf had recognized that the Goths would never be able to replace the *res publica*, so solidly based upon

⁵⁴ *Get.* 158, p.95, "...they bestowed the kingdom of the Visigoths on Athaulf his [Alaric's] kinsman."

⁵⁵ *Olymp.* fr.11.2, p.169; fr. 7.5, p.159 in Blockley.

⁵⁶ *Olymp.* frs. 17-22, in Blockley, pp.39-40; H. Wolfram, *History of the Goths*, pp. 162-3.

⁵⁷ H. Wolfram, *History of the Goths*, p. 163.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, p. 162.

⁶⁰ *Olymp.* fr.26. in Blockley p. 189; Athaulf was slain by one Dubius or Euervulf (see *Get.* 163, p. 96) to avenge his former master, the *rhix* of a Gothic subtribe. Wolfram speculates that the former master was

law, because of their “barbarism,” meaning lack of Roman education and culture but above all their unwillingness to rescind their tribal customs.⁶¹

Athaulf had tried to move his followers into the Roman world, where they were destined to live. This is why he genuinely wanted peace with his new brother-in-law, the emperor, and “to assist in the restoration of Rome.”⁶² A strong Roman administration might have felt less threatened to assist him and his followers to build a kingdom like that of the Burgundians.⁶³ It would have meant self-rule for the Visigoths on their own land, thus satisfying Visigothic aspirations of all stripes. It is not impossible that he saw the accommodation of the besieged emperor—not his downfall—as his best chance to win a place of permanent settlement. He was thus striving to institutionalize his kingdom in the same way as Alaric had done in Illyricum in order to gain his political and military legitimacy as *rex* of the Visigoths.

His cause was not unattainable as he could look toward the existing Burgundian settlement in the empire as a model. The Burgundians, crossing the Rhine in 406/7, had filtered into the Empire and even maintained some sort of self-rule in a kingdom at Worms in exchange for military services.⁶⁴ Only a combined civil and military appointment would have satisfied Athaulf’s goals, as it had Alaric I when he settled in Illyricum. Athaulf perceived not only the merits of acquiring Roman titles as a means to bolster his political and military authority as a first step, but secondly, he desired self-rule for a territorial Gothic kingdom within the security of the Empire. His political affirmation of restoring the Roman imperium was the means to his ultimate goal. He directly followed in his brother-in-law’s path as he, too, understood, that this could be accomplished through his immediate military defense of Rome.

Yet, Athaulf’s early death in 415 prevented imperial appointments of magnitude. Instead, it was Galla Placidia’s second husband, Constantius, who established further basic criteria for political and military authority. This became a requisite for future Germanic leaders intent on achieving powerful positions in the Empire by effectively ruling on behalf of the emperor.

When Constantius, a soldier by profession, married Galla Placidia in 417 to legitimize his position, he forced the unwilling emperor Honorius to accept him officially as co-emperor,⁶⁵ in

Sarus as his brother Segeric became Visigothic king for one week only. It is possible that these two events were linked. (H. Wolfram, *History of the Goths*, p. 165).

⁶¹ Olymp. fr. 26, in Blockley p. 189; also E.A. Thompson, *Romans and Barbarians*, p. 46.

⁶² H. Wolfram, *History of the Goths*, p. 163.

⁶³ E.A. Thompson, *Romans and Barbarians*, p. 46.

⁶⁴ W. Goffart, *Rome’s Fall and After*, London, 1989, p. 119; also E.A. Thompson, *Romans and Barbarians*, p. 27. Thompson is rightly adamant that there was no compromise with barbarians even in the beginning of the 4th century. They were settled to accommodate the Romans; W. Goffart, pp. 118-9, quite emphatically disputes as total fiction 8th - and 9th -centuries accounts that Germanic tribes overran the Empire to subdue her. Citing the *Passio sancti Sigismundi*, according to which the Burgundians crossed the Rhine with a great army driving off the native population and slaughtering the remnants, is an 8th -century invention, as in history made great. He contrasts that with the position of the chronicler Fredegar who could still write in 660 that the Burgundians’ entrance into the Empire was due to an invitation by the resident Romans.

⁶⁵ H. Wolfram, *History of the Goths*, p. 164; also Galla Placidia’s marriage to Constantius on Jan. 1, 417; Olymp. fr. 13, in Blockley, p. 171, apparently as far back as 407, Constantine [Constantius III] had been raised to imperial power but apologizing to Honorius, he asked to be accepted as co-emperor.

addition to his dual titles of *patricius et magister peditum praesentalis*.⁶⁶ He was the first western military officer to be named *patricius* in addition to his office of *magister peditum praesentalis*.⁶⁷ The title “commander-in-chief in the presence of the emperor” was that of the “master of the foot soldiers,” also in charge of the cavalry, while *patricius* was usually reserved for high ranking civil servants allowing at times to interfere in civil affairs.”⁶⁸ *Patricius* describes the rank and status a person had in Roman society, and was first used during the time of the kings when a *patricius* was born into the aristocracy and senators came from this strata. Already during the Republic it was possible for plebians to be made patricians if they had achieved high government office (as had happened to Julius Caesar in 45 b.c.e.), a practice that was followed during the time of the *Principate*. Compared to the patricians who had been appointed for merit, there was a marked difference in rank for people of the old Roman *Uradel*, such as additional privileges and most likely status. Constantine the Great abolished official *Geburtsadel* [*patricii nati*] and replaced it with *patriciatus dignitas*, the highest honor in the Empire reserved for Roman citizens. Zeno, the emperor of the east, amended the regulations governing the *patriciate* by stipulating that only officials on active duty, such as consuls, prefects of the Orient and of Illyricum, and *magister militum* and *officiorum*, could be appointed *patricius*. They ranked right below the emperor in honor, status and power.⁶⁹ The *patriciate* was thus awarded in both parts of the Empire. The title “patrician” and the office of “commander-in-chief of the foot soldiers in the presence of the emperor” became the highest ranking imperial position in the west, above a *magister equitum Galliarum*, a *Heermeister* in charge of the cavalry holding the highest military position in Gaul.⁷⁰

With Constantius III’s co-emperorship, his high military office and his *patriciate*, the western administration had moved to consolidate much of the power that could be had in the Empire in the hands of the most influential individual of the day. Wolfram insists, with good reason, that the consolidation of *patricius et magister peditum praesentalis* became the beginnings of the “*patriciate* of the West” and the foundation for the Exarchate of Ravenna and the Italian kingdoms, and thus indirectly the beginnings of the Gallic successor kingdoms.⁷¹ The holder of this combined position would thus achieve the highest political and military position within the western Roman administration. The combination of “*patricius et magister peditum praesentalis*” was further meant to convey unity in an Empire where increasing regionalism was the order of the day, the outcome of Diocletian’s decentralizing policy.⁷² Constantius III, the first to be appointed *patricius et magister peditum praesentalis*, then led the way in demonstrating the power of this combined office. As *magister peditum praesentalis* he had the authority to force a *foedus* with the

⁶⁶ H. Wolfram, *History of the Goths*, pp. 140, 163, Wolfram mentions that in 416 Constantius was appointed *patricius* after his successful victory over the Visigoths. His appointment to *magister peditum praesentalis* had occurred when he succeeded Stilicho (ca. 408)

⁶⁷ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 14.

⁶⁸ *Ibid.*

⁶⁹ Pauly’s, 36(1949), pp. 2222-2232. For detail on the evolution and functions of “*patricii*.”

⁷⁰ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 14.

⁷¹ *Ibid.*, p. 15.

⁷² P. Amory, *People and Identity*, pp. 26-7. Amory does not necessarily agree with Wolfram's assumption of the importance of dual Roman titles nor the title of *rex*/king as a tool for legitimacy. However, he uses deconstructionism that looks at the construct of a title but not necessarily at its implied content as a tool of acceptable legitimization.

Visigothic king Valia in 416, sending them to southern Spain where they fought off the Vandals and Alans.⁷³ He could recall the Visigoths to Gaul in 418, literally taking supreme command over the Visigothic forces. In his function as *patricius*, he took the civil authority to call for a general assembly of the seven Gallic provinces at Arles, the new capital of Gaul, "...to bring together the functionaries of the Roman imperial government and the representatives of the provincials." It was here that the official decision was made to settle the Visigoths in Toulouse.⁷⁴ Constantius III had proven that the dual appointments were not only effective but necessary in the Empire of the fifth century.

Patrick Armory writes that this was a shogun-like office, combining actual military rule with civil authority. It had also been held by such barbarian appointees as Aetius, Ricimer, Gundobad, Orestes and Odoacer.⁷⁵ But it was the Ostrogoth Theoderic the Great who elevated this combined office to mean the fostering of peace, concord and unanimity among the people his government administered in an Italy that was marked by a diversity of religions and cultures.⁷⁶

In 489 Theoderic arrived in Italy. He had received a somewhat vague and secretive appointment by the eastern Emperor Zeno to govern on his behalf.⁷⁷ There, he encountered the western *patricius et magister militum praesentalis*, Odoacer, who, in making his son a *caesar*, had expressed his independence from the imperial government in Constantinople. Theoderic took matters into hand and after prolonged military engagements he defeated Odoacer in the summer of 490, but agreed to share the rule of Italy and Sicily with his opponent.⁷⁸ To ensure the legality of the shared rule, Theoderic sent an embassy under Festus to Constantinople to ask for a "formal grant of the mantle of royalty from the 'Autocrat of the World'."⁷⁹ While the embassy was in progress, Zeno died in 491 and Anastasius took over. The new emperor did not respond, most likely because he regarded the arrangement between Theoderic and his predecessor as having been undertaken "on joint account" and there was no reason to legalize Theoderic's position, especially since Zeno had limited the arrangements until he himself would arrive in Italy. Zeno was dead, the agreements were null and void and Theoderic's right to govern Italy and the Romans was more

⁷³ A. Thompson, *Romans and Barbarians*, p. 26; H. Wolfram, *The History of the Goths*, p. 171.

⁷⁴ H. Wolfram, *The History of the Goths*, pp. 170-3. Arles had replaced Trier as capital of Gaul after the latter had been destroyed during the civil unrests in the early 410s.

⁷⁵ P. Amory, *People and Identity*, p. 92.

⁷⁶ On Theoderic's promotion of religious peace in Italy despite his Arianism: see J.B. Bury, *History of the Later Roman Empire: From the Death of Theodosius I to the Death of Justinian*, 2 Vols., 1st publ. London and New York: McMillan, 1889; Vol. I., New York: Dover Publications, 1958, pp. 464-7, who writes about the competition in 498 between Laurentius and Symmachus for the chair of the Pope and Theoderic's role of mediation: "It is a remarkable episode in the history of the Church that such a question should be referred to an Arian." See also A.H.M. Jones, *The Later Roman Empire*, Vol. I., p. 263, who is in agreement with Bury on the same subject.

⁷⁷ P. Armory, *People and Identity*, p. 92; *Get.* 292, p. 136: "The emperor [Zeno] commended to his charge the Senate and the Roman people." Proc. DbG. Bk. V.i. 9-11, p.5, ed. Dewing, 1961. For a complete recount of Theoderic's conquest of Italy and relations with Constantinople see J.B. Bury, *Hist. of the LRE*, pp. 422-428. "Theoderic's conquest of Italy," p. 424.

⁷⁸ J.B. Bury, *Hist. of the LRE*, Vol. I., pp. 422-428, specifically under "Theoderic's conquest of Italy," p. 424. also A.H.M. Jones, *LRE*, pp. 246-247.

⁷⁹ Th. Hodgkin, *Theoderic the Goth*, London, 1900, p. 133; see J.B. Bury, *Hist. of the LRE*, p. 453, and n.2. for explanation of Theoderic's embassies to Constantinople.

than precarious while Odoacer was still hovering in sight. Furthermore, Anastasius refused to recognize Theoderic.⁸⁰ A second embassy in 492 only resulted in Theoderic's partial recognition as the emperor suspected Theoderic's intentions--quite rightly, as it is reported that Theoderic slew Odoacer on the *ides* of March in 493.⁸¹ At this point Theoderic appropriated Odoacer's dual titles of *patricius et magister militum praesentalis*.⁸² Neither did Theoderic relinquish the titles and honors bestowed on him while still fighting for the eastern Empire, such as *the magister militum* title given to him by Zeno in 483, nor the consular designation of 484,⁸³ nor, for that matter, the patrician rank also given to him by Zeno at about the same time.⁸⁴ Thus, while still fighting for the Eastern Empire, he already had both military and a civil authority over his followers, just as Alaric had almost one hundred years earlier.

By 497 Theoderic had garnered the support of the Roman Senate in Ravenna, and only then did a third embassy, again under Festus, succeed in making permanent arrangements between the Gothic leader and the administration in Constantinople.⁸⁵ During these seven years, Theoderic had been very circumspect in his governance of Italy and Sicily and hence no charges of usurpation could be laid against him.⁸⁶ Hence, Anastasius confirmed the office of *magister militum* originating with Zeno and further recognized him as governor of Italy. Effectively, Italy and Sicily remained part of the eastern Empire with Theoderic as caretaker, a role he adhered to loyally. Theoderic's authority to govern imperial territories was specifically handed to him by the administration of the eastern Empire. There is evidence that neither his titles of consul and patricius, given to him by Zeno,⁸⁷ nor the office of *patricius et magister militum praesentalis*, appropriated from Odoacer, were ever officially repealed.⁸⁸ There is always the possibility that the latter office held by Germanic kings before Theoderic had achieved such common usage that it was regarded as part and parcel of a barbarian leader governing parts of the Empire.⁸⁹ Yet, if it suited the imperial government, these appointments could be revoked.

The problems for a Germanic leader holding these titles were manifold. *Magister militum*, *consul* and *patricius et magister militum praesentalis* were essentially imperial offices, by appointment only, with no portability attached. They were handed out on ability and merit and stamped the holder as an imperial bureaucrat, an employee of the state. Theoderic was rightly concerned over his appropriation of Odoacer's official titles of *patricius et magister militum praesentalis*. He might have felt that his authority was at stake as long as Anastasius had not responded to his formal request to legalize his position. Hence, Theoderic had already re-assured himself of the legitimacy to rule his Gothic followers.

⁸⁰ J.B. Bury, *Hist. of the LRE*, p. 453, n.2.

⁸¹ *Ibid.*, pp. 422-428. "Theoderic's conquest of Italy," p. 426.

⁸² P. Amory, *People and Identity*, p. 92. Apparently there is no evidence that Odoacer's title was confirmed.

⁸³ J.B. Bury, *Hist. of the LRE*, p. 421; Proc. Bk.V.i. 9-11, p. 5, ed. Dewing, 1961.

⁸⁴ Proc. DbG. Bk.V.i. 9-11, p.5, ed. Dewing, 1961.

⁸⁵ J.B. Bury, *Hist. of the LRE*, p. 453, n.2.

⁸⁶ *Ibid.*, p. 453.

⁸⁷ H. Wolfram, "The Shaping of the Early Medieval Kingdom," p. 15.

⁸⁸ P. Amory, *People and Identity*, p. 92.

⁸⁹ *Ibid.*; also H. Wolfram, "The Shaping of the Early Medieval Kingdom," p. 15. The list of barbarian *patricius et magister militum praesentalis* includes Aetius, Ricimer, Gundobad, Orestes, Odoacer.

Upon the death of Odoacer in 493 the Goths themselves during some “grand assembly” [general assembly of warriors] took matters in their hands and confirmed Theoderic as their king.⁹⁰ This obviously must mean that the remnants of Odoacer’s people and Theoderic’s Goths agreed to elect Theoderic as their king now that they had a territory they called their own. Theoderic accepted the combined Gothic kingship without the Emperor’s approval, causing a rift between himself and the insulted Anastasius.⁹¹ However, this was a confirmation of a Germanic *reiks*-ship more than a Roman *rex*-ship. Anastasius must have mistaken Theoderic’s new position as the legalized Roman *rex*-ship established long ago by Alaric I. Therefore, Anastasius, being new to the game of emperor-ship, must have felt that the honor to bestow any *rex*-ship belonged to his office.

However, while still in Thrace, Theoderic had already been duly confirmed by the “council of leading men” as the leader of Thiudimer’s Goths.⁹² The Gothic *rex*-ship of 493 confirmed Theoderic’s right to rule the Goths, it confirmed his charismatic leadership, it confirmed that the Gothic nobility stood behind him with their armies and it also put him firmly in charge of the consolidated Gothic forces. Effectively, this was his legitimacy to rule over the Goths in Italy while Anastasius had conferred the authority to administer Italy and Sicily on his behalf. Theoderic’s move established that the essential prerequisites for Germanic leadership were confirmation and acclamation from his followers, which were still based on strength, valor and wealth in addition to charismatic appeal. With this support and legitimacy in place, Germanic leaders could govern Roman territories and their entire population if they received the necessary authority from the imperial government.

Yet, none of Theoderic’s titles, either Roman or Gothic, was hereditary and hence the problem of who was to fill his shoes re-surfaced when Theoderic contemplated his succession. From the start, his succession posed a problem as he had only one legitimate child, Amalasantha, whom he married to some obscure Visigoth, Eutharic, remotely related to the Amals.⁹³ Theoderic pre-arranged a smooth succession with the new Emperor Justin I. In 519 the latter obliged by adopting Eutharic “according to barbarian custom” as his son-in-arms, accorded him Roman citizenship, a consulship shared with himself, and named him Flavius Eutharicus Cilliga.⁹⁴ Zeno had granted the same titles to Theoderic,⁹⁵ except maybe the adoption. Eutharic’s confirmation stood up better to scrutiny since it had been made for the specific purpose of his rule over Goths and Romans in Italy and Sicily and was not subject to limitations such as Zeno’s. Hence, Eutharic’s imperial appointments were in place, and since there are no reports that the Gothic nobility objected, it stands to reason that they would accept him as their king when the time came. Theoderic thus assured Eutharic’s Gothic political and military legitimacy and his imperial authority, arranging for his son-in-law the same official status in Italy as he had held himself. There is no mention of the coveted dual title of *patricius et magister militum praesentalis*, but

⁹⁰ Th. Hodgkin, *Theoderic the Goth*, p. 133.

⁹¹ *Ibid.*, The emperor believed it to be his right to appoint a Roman *rex*.

⁹² *Get.* 288, p. 134, 1966 ed.

⁹³ H. Wolfram, *The History of the Goths*, p. 328; *Get.* 251, p. 122.

⁹⁴ H. Wolfram, *History of the Goths*, p. 328.

⁹⁵ J.B. Bury, *Hist. of the LRE*, for the appointment of *magister militum* (483) and consul (484) p. 421.

Eutharic died before Theoderic and all arrangements with Emperor Justin I were null and void. The next in line was Theoderic's grandson Athalaric, a minor at the time of Theoderic's death.

Like his father Thiudimer before him,⁹⁶ Theoderic arranged with his Gothic nobles for Athalaric to succeed him just before his death in 526. Yet he failed to secure confirmation from the eastern Roman administration of Justin I,⁹⁷ and to smooth matters over, Cassiodorus wrote to the Senate and the people in Rome that Athalaric had been elected by the "general consensus of Goths and Romans (presumably in Ravenna)," promising that Athalaric would uphold Theoderic's policies.⁹⁸

Athalaric had thus been confirmed as leader by the Gothic council of leading men and the assembly of warriors. Since he was still a minor in 526, his mother was appointed to the regency.⁹⁹ Officially, Theoderic had adhered to the Germanic legitimization process, even reminding the Goths that Athalaric was the seventeenth Amal in line for the leadership and a descendent of Gaut.¹⁰⁰ This was an insinuation that there existed a hereditary right to rule, which, of course, was fabricated, but might appeal to some manufactured charismatic authority. It was also an indication that Athalaric's position and Amalasantha's regency were in trouble from the start on two counts: firstly, from the Gothic nobility; and secondly, from the administration in Constantinople.

Not only was the Gothic nobility divided as to Athalaric's right to rule,¹⁰¹ but he also never received confirmation from Constantinople, despite his rather pathetic pleas to the Emperor. The letter was written in the voice of a supplicant, reminding the Emperor that his, Athalaric's, forebears had been adopted by the imperial house and that he was thus their kindred.¹⁰² Legally, Athalaric was reduced to a Gothic kinglet without power in Italy, totally dependent on the good will of the Roman senate, as the imperial appointments were unrealized.

Amalasantha, as his appointed regent, suffered the same fate and was further hampered by Gothic quasi-constitutional constraints that women and minor boys could not be appointed to a military position.¹⁰³ Amalasantha had neither military nor civil authority as she lacked the backing of the imperial administration. Her legitimacy to rule was equal to zero and it is quite extraordinary how she managed to increase her authority in the following years.¹⁰⁴ As Galla Placidia had, so did she fall back on her resourcefulness. In 532 the Franks attacked the Burgundians and occupied Gothic Arles.¹⁰⁵ The crisis was averted by Amalasantha introducing as her representative, Liberius, the praetorian prefect of Gaul in charge of civil authority, as the military *patricius praesentalis*,

⁹⁶ H. Wolfram, *History of the Goths*, p. 334; Get. 288, p. 134.

⁹⁷ H. Wolfram, *History of the Goths*, p. 334.

⁹⁸ P. Amory, *People and Identity*, p. 71, also n. 141, p. 71 as a reference to Cassiodorus' letter.

⁹⁹ H. Wolfram, *History of the Goths*, p. 334; see also n. 528, p. 523, as to the sources, Cassiodorus and Procopius.

¹⁰⁰ H. Wolfram, *History of the Goths*, p. 334.

¹⁰¹ Proc. DbG. Vol III, Bk. V.II, pp.15-23, tr. Dewing, 1961, Deals with the opposition of some influential Gothic nobles to Athalaric and Amalasantha, problems with her regency and Athalaric's death in 534.

¹⁰² *Variae*, bk. VIII.1.1-5. p. 101.

¹⁰³ P. Amory, *People and Identity*, p. 9

¹⁰⁴ H. Wolfram, *History of the Goths*, p. 337.

¹⁰⁵ *Ibid.*, p. 336.

effectively adding control of the supreme command of the Gothic army to his duties in Gaul!¹⁰⁶ Amalasantha had thus combined civil and military authority in the person of her chosen representative.

To make Liberius supreme commander of the Gothic forces must have come as a surprise even to the Senate in Ravenna. Cassiodorus writes that Amalasantha claimed that she recovered Illyricum from the Franks whom she “defeated.” Although the military opportunity had existed “but was carefully avoided,” Amalasantha had seized the opportunity to present Liberius as the military *patricius* to the senate.¹⁰⁷ To further enhance her legitimacy as head of state, Cassiodorus, in a letter to the Senate, outlined the glorious military past of her ancestors, while insinuating that Amalasantha, on account of her heritage, was the commander of the Gothic army, “indeed a Gothic Queen of the army.”¹⁰⁸ In turn, she put Liberius in charge in her name. Amalasantha knew exactly that her political and military legitimacy was at stake and she assured that her right to rule was not challenged. “Thus after the death of Athalaric in 534 his mother could step forward as queen and rule freely over the kingdom.”¹⁰⁹

In short, Amalasantha had combined in her hands the power and authority of the dual role of *patricius et magister militum praesentalis*, if not in name then in content. This remained a necessity for barbarian rulers who had no territorial independence. In the process of claiming military and civil authority she had circumvented both the imperial administration in Constantinople and Gothic tradition. The outlook was not good for Amalasantha and the Italian kingdom of the Goths.

The recognition that civil and military authority had to be combined to further the image of a legitimate state was so strong that even Gregory of Tours reported on an alleged appointment of the Frankish king Clovis to a consulship handed to him by the eastern emperor Anastasius.¹¹⁰ When Clovis received the consulship he went to the church of the blessed Martin, “clad himself in the purple tunic and *chlamys*, and placed a diadem on his head... [and] from that day he was called consul and Augustus.”¹¹¹

One could challenge Jones’ inference that Gregory had made a mistake by alleging that Clovis was called Augustus. On the contrary, Gregory might have bent the truth in order to bestow posthumous honors on his favorite Merovingian and the *stirps regia* of the Franks in support of their ongoing quest for political legitimacy. It was also in response to Clovis’ rivalry with Theoderic the Great who, according to Procopius, had clad and conducted himself like an emperor, although he was only a usurper.¹¹² The continued importance of combining civil and military

¹⁰⁶ *Ibid.*, pp. 336-7.

¹⁰⁷ *Ibid.*, p.337.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ J.B. Bury, *Hist. of the LRE*, p. 464; Gregory, Bishop of Tours, *History of the Franks*, tr. E. Brehaut, New York, 1969, [G. of Tours], Bk. II.37,38, p. 47.

¹¹¹ G. of Tours, Bk.II,37,38, p. 47; J.B. Bury, *Hist of the LRE*, n.1, p. 464, suggests an *ex consul* was an honorary consul and the title *Augustus* was a mistake on Gregory's part, but Gregory might have recalled and thus recorded ordinary people's favorable opinion.

¹¹² Proc. DbG, Bk. V.i.29. p.13.

authority, enhanced by the legitimizing effect of Roman titles, is further highlighted by the Frankish leader Pepin. After he usurped Frankish rule from the kings of the Merovingian house, Pope Stephen “proceeded to confer on Pepin and his two sons the title of ‘*patrician*,’ formerly borne by the Exarch of Ravenna and the Duke of Rome.”¹¹³ Effectively, as late as the eighth century, Roman titles and their inherent political legitimization were just as important for the status of a potential ruler as they had been for the barbarian rulers of the fifth and sixth centuries in the western Empire. Germanic rulers still looked towards Rome to confirm at least their civil legitimacy to rule over their people. They were not yet comfortable solely with their Germanic designation of *rex* or king.

To conclude, the dual titles of *patricius et magister peditum praesentalis* as a means to civil and military authority were reserved for those barbarian leaders who served the Roman administration and effectively were in a position of direct employment. These appointments were handed out for merit and were not portable or hereditary, yet were indispensable for civil and military control of the Western Empire. Theoderic the Great was the last barbarian king to carry these designations with the tacit approval of the eastern emperor.

However, the dual titles of *patricius et magister peditum praesentalis* were Roman titles in no way connected with Germanic titles and hence with the Germanic legitimization process. Although the title of *rex* or king had been legalized and institutionalized by the eastern administration of Emperor Arcadius in 397 to denote a Germanic king, it was more a Roman rex-ship than a truly Germanic accreditation. While Germanic leaders never ceased to look towards the Empire for further substantiation of their Germanic titles, they nevertheless needed first and foremost domestic confirmation of their right to rule. This legitimizing process entailed the message of control over tribal forces which would at the same time advertise to their Roman audience their legal stature and *auctoritas*, albeit by Germanic customary law. Although the title acceptable for both parties was the recognizable “*rex*,” already used in the first century by Roman writers, the shadings and meanings of *rex* and its derivatives were a source of confusion to Romans as they were not uniformly in use by Germanic tribes. Therefore Germanic titles such as *mund*, *thuidans*, judge, and *reiks* had to gain the same formal content as the title *rex*.

Meaning of the Germanic *Reiks/Rex*, *Mund*, *Thuidans* and Judge

The Roman Legitimization of the Germanic *reiks* into *rex*.

It has been ascertained that the understanding and meaning of a title was culturally and territorially restricted. Yet, a kingly designation during the Roman Empire must also be separated between those barbarian “kings” who first received their status from their native followers and those leaders

¹¹³ J.M. Wallace-Hadrill, *The Barbarian West*, Oxford, 1985, p. 93.

who were appointed as *reges* by Rome. This had already been the case during Tacitus' age in the first century c.e.¹¹⁴

Ammianus Marcellinus, a fourth-century military official and historian, who was very knowledgeable about Germanic affairs and often an eyewitness to the events he narrated, refers in his writings to various derivatives of "*rex*." Uncertainty as to the meaning of the title *rex* and its derivatives, as applied to Germanic kings, became more evident in the late third century.¹¹⁵ Olympiodorus, writing in the 420s, is clear about Alaric's title when describing the Visigothic situation of 395 in Illyricum when Stilicho "summoned the tribal leader of the Goths,"¹¹⁶ Alaric I was not yet officially made a Roman *rex*. It took place in 397. Valia, the Visigothic leader who arranged for permanent settlement in Toulouse, is twice described as "phylarch of the Goths,"¹¹⁷ meaning chieftain, while in 551 Jordanes in the *Getica* calls him king.¹¹⁸ At this point it seems that general usage of *reges* for Germanic leaders was accepted and they were afforded official status as such.

There is then a transitional period. When previous Roman writers would take up Tacitus' designation of "*reges*" for Germanic leaders, at the end of the fourth century, hesitation and differentiation entered the usage of titles for a Germanic leader. At the same time, an accompanying loss of status and authority for German kings has to be considered. One would not be too far off to assume that a crisis of identity plagued leaders and *Heerkönige*, as Romans now questioned barbarians' kingly designations.

While the Germans were most likely quite clear as to the meaning and authority of titles their leaders carried, it was somewhat nebulous to Ammianus. The Roman conquest over the Alamanni at the battle of Strasbourg in 359 serves as a case in point. Ammianus uses different shadings of the title *rex* for Germanic kings attending the victory banquet. He refers to Horatius, a German of renown and authority as a *rex nobis*, whereby *nobis* is the dative for *nostris*, [to us] inferring the later royal "we" which would encompass the king and his realm. This might possibly extend greater authority than a simple *rex* might possess. Next, he mentions *reges omnes*, *regales* and *regulos*. *Reges omnes*, whereby *omnes* means everybody [*alle* or *jeder*], has the same inference as *nobis*, yet there is again a slight variation from *rex nobis*, and could mean a ruler over a tribe, thus more than just a clan. *Regales* can be specifically translated as the sons of kings, while *regulos* is translated as both kinglets and chiefs (*Hauptlinge* in German, who might even be non-royal leaders or *duces*).¹¹⁹ It would be difficult to ascertain the exact variations in meaning these titles

¹¹⁴ For a comprehensive explanation of the Germanic designation see the analyses of H. Wolfram, "The Shaping of the Early Medieval Kingdom", pp 1-20; J.M. Wallace-Hadrill, *L-HK*, pp.153-8; W.Schlesinger, "Lord and Follower," p. 65 and by the same author, "Herrschaft und Gefolgschaft", see esp. p. 139; also J.de Vries, "Das Königtum bei den Germanen," pp.199-219.

¹¹⁵ Amm. Marc. Bk.18.1, pp. 143-7, 1986 ed. Description of the Battle of Strasbourg in 369 against an Alamannic confederation when various derivatives of *reges* are mentioned.

¹¹⁶ Olymp., fr.6, p. 157 in Blockley.

¹¹⁷ Olymp., frs. 31,35 in C.D.Gordon, *The Age of Attila*, New York, 1961, pp. 42-3.

¹¹⁸ *Get.* 164. p. 96.

¹¹⁹ *Ammianus Marcellinus*, tr. W. Heinemann, *Loeb Classic Library*, 3 vols., Latin and Engl., Cambridge, Mass, 1935, Vol.I., Bk.XVIII.2.13, p. 413; for "kinglets" see also *Ammianus Marcellinus: Römische*

entailed. However, for Ammianus even to make these differentiations it must have been of importance. It highlights a better knowledge of Germanic domestic politics on the part of Ammianus. Yet it also points out that the shading of the different meanings of “*rex*” might have been generally unknown and therefore added to Roman confusion as to what specific prerequisites different kings brought to their kingship within a Germanic context. This uncertainty by itself might have contributed to a loss of authority, status, and stature of Germanic kings in the eyes of Romans. From a German perspective and judging from the text, it is not impossible that *reges nobis* and *omnes* referred to tribal kings like the Cheruscan king Arminius of the first century. On the one hand, *regulos* might be connected to those *duces*, *Heerkönige* or *Kleinkönige* who represented a clan, while *regales* on the other hand were troop commanders who led armies on behalf of their fathers, the kings.

There is, however, no escaping the fact that these leaders were mere petty warlords of armed retinues, *Häuptlinge* who might be local strongmen. Hence experience and connections might furnish them with a high military command in the Empire—if they complied with Roman educational standards—and thus entitle them to status and *auctoritas* such as our old friend the Ubian king Sylvanus (d.355) possessed. These petty warlords came from precisely the strata of society from which the early Merovingians emerged. “These kings are the first kings of a new series; they are war leaders who proved themselves in battle and now have other tasks.”¹²⁰ On the same subject Walter Schlesinger writes that, if their leadership was successful, the war troop might become a new tribe and the war king, that is the local warlord who had combined several retinues under his banner, became the new tribal king, founding a new *stirps regia*.¹²¹ Although Schlesinger specifically refers to the Ammianus’ *reguli*, *regales* and *reges*, the same holds true for the early Merovingian warlords and kings. Kingship was thus rooted in warlordship, and with good timing and luck Germanic leaders from the *dux* strata could found new *stirps regia*, as the Merovingians had done, and become Germanic kings with Germanic titles.

While the Germans had intrinsic knowledge of the meaning of all these variations and could thus ascribe leaders with their proper *auctoritas*, knowing the extent of their political and military legitimacy, Romans, on the other hand, scrambled to unravel the political impact of various Germanic kings on their constituents. This is why Olympiodorus still called Valia a “Germanic chieftain” when he wrote in the 420s, most probably due to Valia’s non-royal descent.¹²² Neither does Jordanes in the *Getica* mention Valia’s descent. Jordanes is usually very careful in pointing out royal descent if there is one. Therefore Valia must have been a *dux*, “stern and prudent,” as Jordanes writes. He was the right man for the occasion when the Visigothic ruling party appointed him as their leader.¹²³ Yet by 551 Jordanes calls Valia a king, thus the transformation from a mere Germanic designation to an institutionalized Germanic kingship must have been completed through Roman governmental usage. One only has to consider the royal

Geschichte, lateinisch und deutsch, tr. W. Seyfarth, Berlin, 6th ed., 4 Vols., 1988, vol. II. *Buch 18, Kap.* 2.13, p. 13 for *Häuptlinge* or chiefs.

¹²⁰ J.M. Wallace-Hadrill, *L-HK*, p. 156.

¹²¹ W. Schlesinger, “Lordship and Follower,” p. 74.

¹²² C.D. Gordon, *The Age of Attila*, p. 194. Gordon states that Olympiodorus was extremely careful about technical terms and his general exactitude has proven most valuable for historians.

house of the Visigothic Balthi who survived as rulers from Alaric to Athalaric during their most trying period between 376 and 531.

Furthermore, to make the title of *rex* even more acceptable to Romans one must look for the Indogermanic origin of *rigs* and *rikja* for realm or *Reich*,¹²⁴ and its transmittance and usage by new languages such as in the old Indian *raj*, the Latin *rex*, the Celtic *riks* and the Gothic *reiks*, all transmitted via the Celtic.¹²⁵ Although the background of the title-holder might be royal or merely noble, as in the Gothic *reiks*, the Indogermanic meaning of the word was not changed and remained *regere* or *herrschen*.¹²⁶ Therefore, the designation of *rex* or ruler, with its shared indogermanic origin, was a kingly designation that had undergone a seamless transition and could thus be readily accepted by barbarians and Romans alike, especially since Ariovistus was already recognized by Julius Caesar and the Roman senate as *rex Germanorum*.¹²⁷ It eased the process of legal legitimization by the administration of the eastern emperor Arcadius in the waning years of the 390s, supplying the holder with the domestic and Roman right to rule his followers in both a civil and domestic military capacity within a confined territory.

Romans continued to gather information about the political and social affairs of Germanic peoples. They might, however, have been further handicapped by a lack of proper interpretation of Germanic internal concerns, especially as related to the content of the eastern Germanic titles of *reiks*, *mund*, *thiudans* and judges and their true German meaning.

Reiks

Although *rex* and *reiks* are closely related, the title *reiks* needs further elaboration since it played such an important part in the legitimacy of its holder. *Reiks* then, pronounced *rix*, was not a new designation for a leader but a new word in the eastern Germanic sphere. The first recorded leader to carry the title *reiks* or in its compounded form *rix* was the Celt Boiorix, literally the king of the Boii who inhabited eastern Europe.¹²⁸ Julius Caesar in his *Gallic War* further mentions Ambiorix the leader of the Eburones, Dumnorix the anti-Roman leader of the Aedui, Epodedorix, an Aedui leader captured by Caesar,¹²⁹ leaders of Celtic tribes situated in today's western Europe. The Germans eventually adopted the term *reiks*, and Herwig Wolfram is adamant, that a Germanic tribal leader first designated as *reiks* was a war-king, chosen for merit, and the equivalent of a *dux*; a man who might found a *stirps regia* if his descendents proved also competent.¹³⁰ *Reiks* had thus broad territorial exposure reaching all across non-Roman Europe and depicting a man ruling his tribe. "*Reiks*" became generic, commonly used for Germanic *Heerkönige*. Yet, they could acquire

¹²³ *Get.* 164, p. 96.

¹²⁴ H. Wolfram, "The Shaping of the Early Medieval Kingdom," p. 4.

¹²⁵ *Ibid.*, p. 5

¹²⁶ J. de Vries, "Das Königtum bei den Germanen," p. 113. A discussion on the origins of Germanic leadership titles.

¹²⁷ J.M. Wallace-Hadrill, *L-HK*, p. 157.

¹²⁸ J. de Vries, "Das Königtum bei den Germanen," p. 303.

¹²⁹ J. Caesar, *BG*, pp. ix-xiii.

¹³⁰ H. Wolfram, "Shaping of the Early Medieval Kingdom," p. 4.

legendary qualities if their followers thought them worthy and hence imbued with mythological and thus charismatic qualities. Then their designation changed according to internal tribal idiom. Hence, one finds for king *cyning/kyning/* from the Germanic *kunigaz* amongst the Franks and Saxons,¹³¹ *hendinos* among the Burgundians, a judge imbued with wisdom as a confederate leader for the Tervingian Goths and a *thuidans* as the legendary leader of the Goths.¹³²

Mund[t]

Before addressing the legendary *thuidans* designation, “*mund[t]*” should be mentioned as it seems to have been an older Germanic word for a man protecting his entire household before *rex* entered the German via the Celtic.¹³³ In German, the meaning of *mund[t]* is *Vormund* or protector/protection, and a *mund[t]* was the lord/protector of his household. “This power extended far beyond the simple duty of protecting one’s blood group; it stretched over those who did not have full standing at law. Thus it was not rooted in the clan [*Sippe*].”¹³⁴

A case in point is the *stirps regia* of the Gothic Amals. One only has to examine the names of the earlier Amals mentioned in Jordanes’ *Getica* such as Gesimund, Hunimund, Beremud.¹³⁵ They do not yet contain the Gothic prefix “*theudi*” and its derivatives, with the content meaning of legendary king; rather, they had the suffix *mund[t]*, *mud*, *mer* or *mir*, which denoted a lord who “...had the power to command, as well as to protect,” upholding his followers’ rights against attacks from abroad.¹³⁶ The implication is that leaders with “*mund*” behind their tribe’s name were not yet regarded as descendents of legendary kings, since the perception of their followers had not yet imbued them with mythological status. Thus they might still be lacking the official *stirps regia* status. For the Amals this must have happened around the time of Thiudimer[*mund*], father of Theoderic the Great who was, according to Jordanes’ Amal genealogy, with his brother Thorismud one of the first two members of the Amal *stirps regia* to hold both the legendary connotation of *theudi* and *mund[t]* as the protector of their *gens*.¹³⁷ The suffix thus re-enforced the idea that he was the customary protector of more than one Gothic tribe and furthermore the prefix *theudi* proclaims that Thiudimer and Thorismud were now endowed with direct family ties to Odin, hence stressing the sacrality of their office. Membership in an accredited *stirps regia* was of such importance that, even in the second half of the sixth century, Theoderic the Great and his grandson

¹³¹ Ibid.

¹³² H. Wolfram, *History of the Goths*, pp. 94-5; for further information see J.de Vries, “Das Königtum bei den Germanen;” C.J. Bleeker, “Das Sacrale Königtum.”

¹³³ W. Schlesinger, “Lord and Follower”, p. 67.

¹³⁴ Ibid., Schlesinger compares a *mund* to the status of a Roman *pater familias* as it appears in old high-German as *fater hiuiskes*.

¹³⁵ *Get. Amal Genealogy*, pp. 40-1; and *Get.* 275, p. 130, Hunimund was a captured king adopted by the Amals and his name means the protector of his Hunnic clan. Hence even foreign names were Gothicized.

¹³⁶ W. Schlesinger, “Lord and Follower,” p. 67. *Mund* is still contained in the German for guardian: *Vormund*.

¹³⁷ *Get. Genealogy of the Amals*, p. 41.

Athalaric dwelt on the prefix “*theudi*” to convince their barbarian and Roman audiences of their mythological descent “for the seventeenth generation.”

Mund[t] as well as the later *reiks* retained their Germanic meaning of power since it projected the *mund/reiks* as the retinue leader of his tribal army and hence proclaimed his political and military legitimacy over his followers. *Thuidans* and its derivatives, on the other hand, elevated and proclaimed its holder to have sacralty derived from a close affiliation with God by way of his legendary descent from Odin or his replacement Gaut/gapt. The combination of *thuidans* (and its derivatives) and *mund[t]* as well as *reiks* contained within one name served to advertise a combined earthly and sacral power. It was the ultimate of charismatic political and military legitimacy in the Germanic world.¹³⁸

Thuidans

As Wolfram writes, when Bishop Ulfila used the title *thuidans* for Jesus as King of the Jews he understood *reiks* to be of inferior rank. Jan de Vries maintains that Ulfila never even mentions the word “*reiks*” in relation to Jesus.¹³⁹ Hence, both agree that Ulfila used neither *reiks* nor the older word *mund[t]* as a designation for Jesus. To Ulfila, Jesus was a king who had charismatic qualities beyond those of a *reiks/mund[t]*, and his sacralty was unquestioned. This is an indication that there was a distinction between a *mund/reiks* on one hand and a *thuidans* on the other. The title *thuidans* had sacralty attached to its meaning and furthermore might not have encompassed a designated earthly territory, while *mund/reiks* meant a leader in a settled community. The Bible was translated during Ulfila’s Bishopric in Gothia and later in Nicopolis (Moesia Inferior) between c.337/341 and 381, and Ulfila, a native Goth, must have been familiar with the various leadership designations used in the Gothic tongue.¹⁴⁰

The root of the word *thuidans* is the Germanic *thiod*, making *thuidans* or *theoden* and *thiodan* the people’s representative. Wolfram asserts, that “*thuidans*” means ‘king of the people,’ both tribal and sacred, since tribe and king alike were held to have divine ancestors,¹⁴¹ hence Ulfila could translate the position of Jesus as the *thuidans* of the Jewish people. Wallace-Hadrill also infers that *thuidans* must have been used in pre-historic times, possibly describing a priest-king, who might also have been the king of a whole tribe.¹⁴² Therefore, one should accept Wolfram’s premise that *thuidans* was still commonly understood in its original sacral meaning and

¹³⁸ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” on the combination of the titles and their meaning to Germans.

¹³⁹ J. de Vries, “Das Königtum bei den Germanen,” p. 303; P. Heather and J. Matthews, “Gothic Bible: Selected Passages,” in *The Goths in the Fourth Century*, Liverpool, 1991, p. 192. From the Gothic Bible of Ulfilas, 18.33. “*Thu is thuidans Iudaie?*” or “Art thou the King of the Jews?”

¹⁴⁰ E.A. Thompson, *The Visigoths in the Time of Ulfila*, Oxford, 1966. p. xxiii. The original translation was lost and only fragments are preserved in the *Codex Argenteus*, a copy from the 6th-century Italy of Theoderic.

¹⁴¹ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 3. Prof. F. Shlosser further injects that “*theo*” is Greek for “son of God” and hence one can look at an Indogermanic origin.

¹⁴² J.M. Wallace-Hadrill, *L-HK*, p. 154.

that a *reiks* was therefore of lower rank. He might or might not belong to a royal house just as during Tacitus' age, depending on whether a *reiks* was successful in forming a new *stirps regia*.¹⁴³ The Goths clarified this distinction in the names given to those descendants whom they wanted to endow with earthly and heavenly characteristics needed to rule.¹⁴⁴ Of course, to further enhance their political and military legitimacy, these expectations had to be followed up by deeds.

Hence, *thuidans* were perceived as descendants of a *stirps regia*, the age of which was incidental as long as their followers believed in a *thuidans*' sacrality that

...there may have been a divinity attached to kingship. It was, however, attached to a particular king not to any particular royal line and its sanction was always the tacit acquiescence or express will of the people, and not a mystical sign from a fictitious claim of divine descent.¹⁴⁵

However, the *stirps regia* of the Frankish Merovingians should be noted as an exception, whereby the *stirps regia* itself was imbued with sacrality and Merovingian princes were sacral from birth.¹⁴⁶ The position on sacrality, already discussed in the first part, is thus reiterated unchanged.

Thus *thuidans*, with its sacred connotation, befitting the characteristics of Jesus, and its underlying meaning must still have been understood by the Goths of the fourth century. Here is a kingly designation that is solely Gothic in usage and to which only Germans would respond. This should mean that for the Goths, as long as a descendent of a Gothic *stirps regia* was not chosen as a leader, there was only the potential for sacrality. *Thuidans* was strictly cultural as the title traveled with the Goths to new locales and was used only by the Goths to depict their leaders,¹⁴⁷ and was therefore foreign to Latin ears.

The title *thuidans* and its sacred potential, derived from the charismatic authority of the *stirps regia*, was not lost even when the Goths settled in the Western Empire. It remained important even to Visigothic internal politics from their non-territorial beginnings under the royal Balthi Alaric I until the death of the Ostrogoth Theudis who administered the Visigothic kingdom of Spain from 511- 531 on behalf of Theoderic the Great and even after he had seized the throne (531-548).¹⁴⁸ As his name implies he, too, was a *thuidans* albeit of oblique descent. *Thuidans*, at first, held a strictly Gothic meaning while the designation of a greater *reiks* or its Latin translation into *rex* was more widespread and hence more acceptable to the Romans.¹⁴⁹

Therefore, one can surmise that a Gothic name combining both *thuidans* and *mund/reiks* was a practical application to advertise sacral and earthly power. The names of the Amal *stirps*

¹⁴³ H. Wolfram, "Shaping of the Early Medieval Kingdom," p. 5.

¹⁴⁴ *Ibid.*, p. 3.

¹⁴⁵ P. Grierson, "Election and Inheritance in Early Germanic Kingship," p. 10.

¹⁴⁶ J.M. Wallace-H., *The L-H K*, p. 155.n.1; see H. Wolfram, "The Shaping of the Early Medieval Kingdom," p. 2, western tribes based sacrality on the institution of the *stirps regia* while eastern tribes on the individual *stirps regia* member who had achieved great deeds.

¹⁴⁷ H. Wolfram, "The Shaping of the Medieval Kingdoms," p. 2.

¹⁴⁸ H. Wolfram, *History of the Goths*, pp. 225, 237, 245. Theudis: Armbearer to Theoderic, appointed regent of Visigothic realm in 511, seized Visigothic throne in 431-448. Theudis appears in P. Amory, *People and Identity*, p. 457, no lineage is attributed to him. Maybe an illegitimate Amal, not recognized in order not to offend Catholic sentiments.

¹⁴⁹ H. Wolfram, *History of the Goths*, p. 146.

regia are typical representations of this thought. The early Amals, such as Hermanaric, Gesimund, Hunimund and Beremud were greater *reiks* who possessed a territory but had not yet achieved sacrality. Theudimir and his sons Thorismund and Theoderic the Great had legendary reputations and hence sacrality attached to their name, as the suffix and prefix of their names indicate,¹⁵⁰ in addition to territoriality. Furthermore, the *Theo* in Theoderic seems to be a Greek translation of the word *thuidans*, as *theo* also means ‘son of god.’¹⁵¹ There might then be the possibility that the Greeks at the court of Constantinople, where Theoderic received his early education, had accepted him as a legendary descendent of a royal house.

The Ostrogoth Theudis, appointed by Theoderic the Great to govern the Visigothic people as regent, was slated to claim sacral powers due to his descent, while territorial power was held by Theoderic. This might be the reason that Theudis never assumed the suffix *rix* or *mund[t]* even when he seized the Visigothic throne in 531. Legendary sacrality was inherent within a *stirps regia* as long as the *stirps regia* was considered as such and a member was duly elected as a leader. There is, nevertheless, an indication that both territorial and sacral power had to be earned. Therefore, a *thuidans-reiks/mund*-descent did not automatically entitle the holder to political, military and civil legitimacy even though Gothic leaders were traditionally in charge of their retinues they were still subject to the established election and acclamation process and especially to the concurrence of the council of leading men.

Judge

To further complicate matters, in the Gothic world there existed the title of “judge” in use only by the Tervingian Goths and publicized by their leader Athanaric when describing his role of *auctoritas* as a confederate leader.¹⁵² Athanaric persecuted the early Germanic Christians relentlessly between 369 and 372, just when Ulfila was translating the Bible.¹⁵³ There was thus no reason for Ulfila to compare a Judaic king with a hated Tervingian judge, although a judgeship might have entailed the same sacral connotation as a *thuidans* kingship held by Visigoths and Ostrogoths. One should only recall Athanaric’s words when rejecting the address of “king” in favor of “judge” because the meaning of judge included a connotation of wisdom.¹⁵⁴ There was no greater kingship among the Tervingians and the individual Tervingian subdivisions or *kuni* were led by non-royal *reiks*. But in case of war, a council of leading men could be called whose members would then elect a judge. He held a quasi-monarchical status, and hence a Tervingian judge, when acting as a confederate leader, could have equal standing with that of a Visigothic *thuidans*.¹⁵⁵ Furthermore, Fritigern, at the time the *dux* of all the Tervingians who dwelled on Roman soil, was the leader of the army, thus a true greater *reiks*, who “ruled in place of a king,”

¹⁵⁰ *Get.* see the Amal Genealogy, p. 41.

¹⁵¹ *Ibid.*, see n. 141.

¹⁵² H. Wolfram, *The History of the Goths*, p. 94.

¹⁵³ E.A. Thompson, *The Visigoths in the Time of Ulfila*, p. 97.

¹⁵⁴ H. Wolfram, *The History of the Goths*, p. 94.

¹⁵⁵ *Ibid.*

but never held a Gothic judgeship.¹⁵⁶ Thus one could conclude that both a *thiudans* and a judge were always scions of a *stirps regia*, sometimes of recent making, while a *reiks* was a *dux* or *Heeresführer* who had ascended to his position of *rex* via outstanding leadership qualities. Judgeship fell into disuse, as did the equivalent Burgundian kingly designation *hendinos*¹⁵⁷ What is evident at this junction, is that the two types of *rex*-ship, namely the *stirps regia* sanctified by heavenly descent and the *rex*-ship by merit, were competing for dominance.¹⁵⁸

These were then uniquely tribal designations for Germanic leaders. It is more than likely that more titles existed for other tribal units but were lost to history. These tribal designations for “kings” seem to have become known to Roman observers only in the fourth century and left them somewhat disconcerted as they held local meaning, and their intricate and intrinsic essence was probably not known to Roman officials, as is noticeable in the writings of Ammianus. Moreover, while these different tribal designations serve to underline the absence of a uniform social system for Germanic tribes, they all contained political and military legitimacy for the title holder as they were elective offices.

Theoderic: A Name or a Title or Both

Herwig Wolfram in “The Shaping of the Early Medieval Kingdom” proposes the theory that “Theoderic” was both a name and a title.¹⁵⁹ His premise is based on decoding the name that was easily recognized and interpreted by a Germanic audience as a title. Theoderic comprises two words: “*Theode*” stands for the prefix *theoden*, *thiodan* or *thiudans* and the suffix “*ric*” for *rhix/reiks*, thus stating that the content of “*Theoderic*” had two meanings. “*Theode*” stands for a legendary leader with sacral status and “*ric*” for *rhix/reiks*, a territorial leader or greater *reiks* responsible for more than one Gothic tribe. Goths then knew by the name of a leader what his traditional position was. Yet, there is the distinct possibility that the Greeks, too, understood the sacral meaning of Amal names, as Theoderic is clearly a translation into Greek, although whether this could be considered a political advantage is questionable as Theoderic the Great’s competitor for the Gothic leadership was also named Theoderic. To differentiate the two, the latter carried the nickname Strabo, which translates into “squinter.”

If Wolfram is right with his assumption that the Goths used names like titles and *vice-versa*, this must then also apply to previously-mentioned combinations with *mund[t]*, such as the Amal ancestors Gesimund, Hunimund, Thorismund, and Beremud.¹⁶⁰ One might be able to speculate that these leaders were the protectors of the Gesi-, Huni-, Thori-, and Bere- tribes. Moreover, there were the first-century Cherusician chiefs who had names such as Segestes, Segimer[us] and Segimund[us] capturing the prefix for the root word “*seg*” meaning *Sieg* or

¹⁵⁶ Ibid.

¹⁵⁷ J. de Vries, “Das Königtum der Germanen,” p. 111.

¹⁵⁸ H. Wolfram, *History of the Goths*, p. 94.

¹⁵⁹ H. Wolfram, “The Shaping of the Early Medieval Kingdom,” p. 3.

¹⁶⁰ *Get. Amal Genealogy*, p. 42.

victory while the suffix contained the word *mund* for protector or its equivalent *reiks*. It signified that these leaders had won the battle to protect their tribe. In Merovingian names “*child*” stands for battle and “*chramm*” means *rabe*/raven, the sacred bird that sits on Odin’s shoulder.¹⁶¹ Leaders, whose names contained *child* as in Childeric, were *reiks* who had led their tribes in winning battles, but were not regarded as sacral. On the other hand, the adjunct *chramm* definitely points to some close relationship with the god Odin or Woden, suggesting the notion of sacrality and the equivalent of *thuidans*-ship. These are also examples that names of leaders contained a title or at the very least a description of descent, deeds and a sacred affiliation with the gods. There is also an indication that with Childeric I, the father of king Clovis or Chlodovech (466-511), the *stirps regia* had not yet achieved a sacral status but that this changed with Clovis and his descendents. For instance, there are Clovis’ direct descendents: Kings Theodoric or Theuderich (d.534), Theodobert or Theudibert (d.548), and Theodobald or Theudovald (d.555). In addition to names reflecting the legendary founder of the Frankish *stirps regia*, Merovech, such as Merovech (d.577) or even Chlodevech himself.¹⁶² Moreover, Frankish names seem to reflect a trend in adapting Gothic prefixes. Names reflecting an office were then a widespread tradition in the Germanic world, but it took Herwig Wolfram to deconstruct the real significance of those names. Hence one can accept and extend Herwig’s theory that a name also served as a title.

There is every good reason to believe that this theory must also apply to the Visigothic king Theodoric I who succeeded Valia in A.D. 418/419. The Balthi were, after all, ahead of the Amals in setting trends in support of their legitimacy despite Jordanes’ biased claim that the Amals were the greatest royal house ever. The regency of the aforementioned Theudis also lends credence to Wolfram’s theory. Theudis acted first as regent over the Visigothic kingdom under Theodoric the Great starting in 511, and after his master’s death seized the Visigothic throne by a coup d’état, ruling from 531-548. Although he started off as a landless *thiudans*, his throne-worthiness did not seem to stand in question. There is then much certainty, that Germanic political and military legitimacy was already served in the name of a tribal leader, both in a sacral and a territorial sense. Once they crossed into Roman territory, this tribal legitimacy had, however, to be confirmed by a legitimate Roman title such as *rex*, which had become generally accepted as a Germanic title at the time of Jordanes’ publication of the *Getica* in 551.

VISIGOTHIC LEADERS LEGITIMIZE THEIR RULE IN THE EMPIRE

Olympiodorus wrote of the Visigothic king Theodoric I (418-451) that “this man, the grandson of Alaric [I]... became a staunch ally of the Romans and their chief savior in the great fight against

¹⁶¹ J. de Vries, “Das Königtum der Germanen;” also R.L.Green, *Myth of the Norsemen*, p. 20.

¹⁶² G. of Tours, p. 276, “Genealogy of Merovingian Kings.”

Attila in 452 [451],”¹⁶³ while P.D. King alleges that Theoderic, although pledged to Rome by its *foedus* of 418, nevertheless pursued a policy of constant hostility.¹⁶⁴ Both are right. Theoderic, to shape his sundry followers into one people and build a community, had the unenviable task of balancing Roman interests with the aspirations of a nucleus of independent-minded Goths and other anti-Roman followers, many of whom controlled retainers.¹⁶⁵ He was a royal *Balthi*, a *thuidans* and a *reiks* as his name promised. Theoderic I’s name was changed during his reign from Theodori[o]d to Theoderic.¹⁶⁶ There exists the possibility that the name was altered to serve as a title. Names serving as titles then played an inordinately important part for leaders of Gothic Germanic tribes to emphasize and publicly acknowledge their legitimacy as rulers.¹⁶⁷ In theory, as a *reiks* and *magister militum* Theoderic wielded ultimate military authority over the combined Visigothic forces and, as *rex*, civil authority in his region.¹⁶⁸

The interval between Alaric’s death in 410 and the election of his grandson Theoderic I, had been filled with *reiks*, leaders who wanted to arrive at an arrangement with Rome but were hindered by groups who were opposed to the constraints imposed by the Roman state.¹⁶⁹ Athaulf eloquently sums up the dilemma of the Visigothic leaders and their need for legitimacy that would combine new concepts with old traditions:

...his followers would not obey his ‘laws’ and hence there would be no ‘State’. There were no public means of coercion, no means of adequately protecting the wealth and the social status of the *optimates*, any means by which the leading men could impose their will on a tribal society. But when Athaulf wished to make peace with the imperial government, he wished to incorporate his men in the social organization of the Roman Empire: that was the only available means of substituting for their egalitarian society a new form of organization which would be consistent with the new social relations existing among them. The corollary of this is that the Visigothic warriors murdered their leaders sooner than allow them to make peace with Rome. They were showing their resistance not only to Rome but also to the overthrow of their old form of society.¹⁷⁰

Hence, soon after Valia had negotiated a permanent settlement with Aetius in 416, Valia died or was murdered in 418 and the Visigoths reached into their past when they chose a young *thuidans* with the royal *Balthi* Theoderic—an act that was purely Germanic in nature and predated any Roman influences. One cannot, however, wonder whether the body of leading men thought they were capable of controlling the actions of this young man. He had the task of shaping a great number of eastern Germanic tribesmen, even Saxons, Taifalians, Suevi and Roman slaves into a *Volk*. Most were settled on Visigothic estates and obeyed a lord whose pro- or anti-Roman

¹⁶³ Olymp. fr. 35, in C.D. Gordon, *The Age of Attila*, p. 43; Alaric’s descent is confirmed by Jordanes, *Get.* 146, p. 92.

¹⁶⁴ P.D. King, *Law and Society in the Visigothic Kingdom*, Cambridge, 1972, p. 2.

¹⁶⁵ E.A. Thompson, *Romans and Barbarians*, p. 48. There was a faction of Visigothic nobles who may have been anything but in favor of adapting to Roman circumstance.

¹⁶⁶ P.D. King, *Law and Society in the Visigothic Kingdom*, n.7, p. 3.

¹⁶⁷ P. Amory, “A Prosopography of Goths in Italy, 489-554” in P. Amory, *People and Identity*, pp. 445, 348, 486.

¹⁶⁸ H. Wolfram, *History of the Goths*; for *reiks* equated with *rex*, who also held the powers of a greater German king, p. 146, 165; *magister militum* as head of the Visigothic federated army, p. 175.

¹⁶⁹ Olymp. frs. 26,3,35, pp. 41-3 in C.D. Gordon, *The Age of Attila*; H. Wolfram, *The History of the Goths*, p. 148; E.A. Thompson, *Romans and Barbarians*, pp 46-50. Athaulf, Sigeric, and Valia were as susceptible to Roman advances as pro-Roman Germans had been in the first century. Support of Rome in exchange for land and status in perpetuation of the same first-century sentiments.

¹⁷⁰ E.A. Thompson, *Romans and Barbarians*, p. 49.

sentiments were as much under consideration as their own. With the existing ethnic diversity among the Visigoths there can be no illusion of any cultural or political unity. Although they called themselves Visigoths they were not a *Volk*. They were, however, united in their belief in the sacral power of the royal house and hoped that under the Balthi regime of Theoderic they might survive as a community. They were not disappointed when they elected Theoderic I to become their leader. Ultimately, however, it was through his political diplomacy that he earned the right to rule and hence his political and military legitimacy. Theoderic I pursued a course of diplomacy that engaged in an official anti-Roman stance to satisfy independent-minded Goths of all stripes while at the same time merely annoying his Roman supporter Aetius with no serious repercussions. Aetius understood the situation.¹⁷¹

The Visigothic kings after Valia had a difficult task in developing new means of legitimacy enabling them to stay in power and gain the approval of the army and the Visigothic and Roman nobility they served. Alaric had laid the groundwork by accepting a legalized *rex*-ship and striving for a Roman military title but, once settled on imperial soil, further Roman expectations of legitimacy had to be fulfilled. While in the early years of the Visigothic kingdom of Toulouse the key element of political and military legitimacy remained Gothic supported by the Visigothic army, once they declared independence from Rome they had to issue legal constitutions and engage in the writings of histories and genealogies.

The Visigothic Army

Characteristics and sentiments of the soldiers in the Visigothic host of Alaric had changed from their beginnings in their non-Roman homeland to his death in 410. The old traditions of allegiance to their leader had mostly disappeared, as evidenced by the massive desertions after Alaric's defeat in 402 at Verona. Not only non-Goths but also Visigoths abandoned Alaric, most likely because of continued famine and no plunder. "The Gothic army was plagued by hunger, disease, and desertion. Horsemen and foot soldiers left Alaric in droves."¹⁷² Alaric, undoubtedly, had lost his manufactured charismatic appeal when he could no longer hold on to his followers from Thrace.

Later in the decade, the number of soldiers in the army was augmented by Athaulf's Gothic-Hunnic horsemen¹⁷³ and the influx of "thirty thousand" non-Romans who joined him after the fall of Rome in 410, among them some twelve thousand of Stilicho's crack troops.¹⁷⁴ These people, particularly at odds with the Empire, had long searched for a haven, and they finally found it with the remnants of Alaric's Goths. They are the reason why E.A. Thompson argues for a re-

¹⁷¹ H. Wolfram, *History of the Goths*, pp. 174-177.

¹⁷² H. Wolfram, *History of the Goths*, p. 152.

¹⁷³ *Ibid.*, p. 157.

¹⁷⁴ *Ibid.*, p. 154, such numbers cannot be trusted, 10% makes more sense, nevertheless the influx of new warriors must have been particularly high to make such an impression on Roman writers.

alignment of interests.¹⁷⁵ It is his assumption that it was the rank and file who sought escape from Roman laws and hence it was they who were anti-Roman.¹⁷⁶ On the other hand, Visigothic leadership, king and nobles, were now often pro-Roman, as they saw their salvation and that of their followers coming from Rome, especially when living within the boundaries of the Roman Empire. It is Thompson's assessment that between 414-418, the Visigothic kings Athaulf, Sigeric and Valia were murdered by anti-Roman factions within the common soldiery and not by a faction of the anti-Roman Visigothic nobility.¹⁷⁷ Thompson argues that in this transitional state the nobility was for the most part aligned behind their king.¹⁷⁸ The evidence of the selection and election process administered by this very select body of advisors, the council of leading men, might support this argument.¹⁷⁹

However, one must be careful not to assume that all Visigothic nobles were now solid supporters of Rome, but that in this transitional phase (410-418), while still looking for permanent settlement, they were acquiescent to Rome for obvious reasons. The soldiery, on the other hand, might have had its own agenda of "freedom" for which they were prepared to fight as some of the old notions of mutual allegiance between *Heerführer* and retinue might be gone. Nevertheless, the replacement of such ingrained behavior with new values took place slowly. One only has to re-examine the murder of Athaulf, who was eliminated in retribution, despite Thompson's argument that he was murdered for reasons of anti-Roman sentiments. According to Olympiodorus, he was slain by a stablehand, Dubius, to avenge the killing of his former master Sarus, a *Heerkönig* of a Gothic tribe, who had died at Athaulf's hand. This man fulfilled his oath of allegiance to his original lord while killing his new lord. His motives seem personal and there is no knowing whether he was also anti-Roman.¹⁸⁰ Moreover, Sigeric, a *reiks* as his name reflects and brother of Athaulf's old enemy Sarus, came to the leadership by a *coup* rather than "by Gothic law of succession." In the seven days of his reign he was responsible for murdering Athaulf's children from his first marriage and, "...to spite Athaulf, he ordered his queen, Galla Placidia, to walk before his horse with the rest of the prisoners."¹⁸¹ These deeds, too, sound like personal revenge. Furthermore, there is no way of ascertaining whether Sigeric was pro- or anti-Roman as his brother Sarus had been appointed *magister militum* by Honorius after Stilicho's murder in 408,¹⁸² but then deserted the emperor. Sarus wanted to join the rebellion of Iovinus but was intercepted by Athaulf and killed.¹⁸³ These events seem to reflect a domestic fight for Visigothic leadership. Altogether, it is impossible to determine who was pro- and who was anti-Roman as they acted in a fashion that was most opportune to their self-interests. It is therefore quite impossible to uncover the reasons why the Visigothic elite supported the selection and election of any of the Visigothic

¹⁷⁵ E.A. Thompson, *Romans and Barbarians*, p. 49.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

¹⁷⁹ *Get.* Jordanes describes the election of every Visigothic king from Alaric to Athalaric (d.531), see n. 30.

¹⁸⁰ *Olymp.* fr.26.1, p. 189 in Blockley.

¹⁸¹ *Ibid.*; also *Get.* 162-4, p. 96. Jordanes mentions the murders but according to him Se[n]geric seems to have been properly appointed to the kingship and was "slain by the treachery of his own men". This could mean for vengeance or pro-Roman stance.

¹⁸² *Olymp.* fr.10, p. 167 in Blockley.

¹⁸³ *Ibid.*, fr.18, p. 183 in Blockley.

reiks, except that the nobles thought that the appointee might promise the better advantage. Nobles were quick to act when they felt the wrong man was at the helm, as evidenced by Singeric's fast demise after his *coup*. Thompson's assessment that the nobles supported their kings is better modified to mean that, although for the most part they followed Gothic protocol when choosing a leader, they were on guard to assure that he acted in their interests.

As far as the common soldiers were concerned, there is reason to accept that within the large numbers of diverse followers many sentiments were circulating. If Olympiodorus' report is to be believed, two sentiments emerge for this transitional period between 410 and 418. Self-interest stood at the forefront of an individual's concerns as a matter of survival. Secondly, warriors could still adhere to ancient sentiments when it came to their primary oath of allegiance. Yet Germanic warriors, true to their allegiance to a particular *reiks* or *Heerkönig* and following their leader within a host, were in the process of disappearing.

C.R. Whittaker in "Warlords and Landlords in the Later Empire" recalls the emergence of military landlords at the borders of the Empire during the late fourth and early fifth centuries. Soldiers and military officers were purchasing property from *curiales* and "encouraging peasants, both tenants and free villagers, to become their *oiketai*, their domestics...", in other words their personal retainers. The barbarians were becoming the new landlords on the Roman *limites* [border regions] and Whittaker specifically includes the Rhine-Danube regions in his argument.¹⁸⁴ This would include those Visigothic nobles who had made it to Toulouse with Valia and hence possessed a measure of experience at being landed gentry. Here one can observe not only a shift from collective to private land ownership that had already begun in Tacitus' time but also in the institution of Germanic chieftainship with its loyal retinue, bound by allegiance to lord and Odin, which was also undergoing changes.

This shift was to be reflected in the emergence of private armies, the eastern *bucellarii* and the Frankish *trustiones*, as opposed to federated troops paid for by the Roman administration. Whittaker likens the *oiketai* to the Frankish *trustiones*, those defined in Salic law as *in trustee dominica* (in their lord's trust) and to the eastern *bucellarii*.¹⁸⁵ The *bucellarii* were, according to Olympiodorus,¹⁸⁶ both Roman and foreign. They were "... 'those who eat the bread of someone, on the condition of becoming his trusty' ..." or "... 'those who stand behind the commander when he is dining' ..."¹⁸⁷ In simple terms, it described a man who was allowed to stand near the lord because he could be trusted. The *bucellarii* were then the private followers of the lord, a warlord turned

¹⁸⁴ C.R. Whittaker, "Warlords and Landlords in the Later Roman Empire" in C.R. Whittaker, *Frontiers of the Roman Empire: A Social and Economic Study*, pp. 258, 261.

¹⁸⁵ C.R. Whittaker, "Warlords and Landlords", p.272; Also P. Amory, *People and Identity*, p. 92. According to Amory, Theoderic the Great did not have a troop of *bucellarii*, instead he relied on a palace guard for his personal safety and also on his loyal warriors who had fought with him during the Balkan campaigns. They supported his Gothic kingship and his governance over Italy. "Eastern *bucellarii*" also called *doryphoroi* (p.92) comprised the army of the eastern Roman general Belisarius during the Gothic Wars (535-554). Amory actually labels Belisarius a warlord, whose own *bucellarii* likely favored his acceptance of the Gothic kingship (see p. 177).

¹⁸⁶ Olymp. frs. 7,4, p. 158 in Blockely.

¹⁸⁷ C.R. Whittaker, "Warlords and Landlords," p. 272.

landlord, whose tenants/soldiers could be turned into a military unit at a moment.¹⁸⁸ “The central characteristic of the *bucellarii* [or *trustiones*] ... was their attachment to ‘great houses’ turning the estates of rich landlords, which had *de facto* become centers of military organization, into part of the public administration.”¹⁸⁹ Depending on their location, the troops of a landlord were *bucellarii* and *trustiones*.

Hence, over time, the relationship between lord and retainer was replacing that of *reiks* and his free Germanic followers. It was evolving as one of patronage and thus dependence between a rich man and a poor man, losing the egalitarian overtones of the *Gefolgschaftswesen* of Tacitus’ age. Patronage¹⁹⁰ as an institution within the fabric of the newly-formed political groups such as the Visigoths, Ostrogoths and Franks, spread from the eastern Empire to the west where it was firmly established during Stilicho’s and Aetius’ *magister militum*-ship between 380-454.¹⁹¹ One might say that the *bucellarii* and *trustiones* evolved into a form of *clientela* for their Visigothic and Frankish masters. Effectively, this shift in social standing was the most profound change in the lives of the Germanic warriors, as they had lost their personal freedom while his lord had gained in power.

As the Visigothic kingdom under Theodoric I was greatly dependent upon Aetius’ protection, it comes as no surprise that the institution of the *bucellarii* can then be found in the Visigothic kingdom. This is evident by a later legislation of king Euric (466-484) concerning the rights of the *bucellarrii* in relation to their masters.¹⁹² “Procopius is clear that the private contract was supplemented by the *sacramentum* oath to the emperor, and Whittaker states that the public oath was of limited relevance if the patron rebelled or if the imperial rule was not recognized. The loyalty of the soldiers then became ‘private *obsequium*’.”¹⁹³ This was actually not a new reality, as seen in the case of Athaulf’s murderer. There, too, it was the oath to one’s primary lord that had to be fulfilled, but then the agreement had been between free men who were primarily bound by trust, while now it was between lord and tenant who had entered into a pecuniary relationship.

Although Procopius refers to conditions in the eastern Empire rather than to those in the Visigothic kingdom, nevertheless the same sentiments could be applied to Theodoric I’s army. If

¹⁸⁸ *Ibid.*, p. 274.

¹⁸⁹ *Ibid.*, p. 275.

¹⁹⁰ A. Wallace-Hadrill, “Patronage in Roman Society: from Republic to Empire,” in A. Wallace-Hadrill, ed., *Patronage in Ancient Society*, London and New York, 1989, pp. 63-88, pp. 65-6. Patronage is a Roman legalized institution reaching back to the foundation of Rome by Romulus and central to Roman culture. “Romulus’ patrons are identical with the patricians, his clients with the plebeians.” Furthermore, “Romulus’ patron-client relationship is enshrined in law” and the parties may not take legal action against each other. The relationship is hereditary and the patron will pass on his clients to his heir. In the 5th century, the Gallo-Roman aristocrat Paulinus of Pella, whose life was shattered by the Visigothic settlement in southern Gaul, bemoaned the loss of his *clientele*: “when my house was happy and prosperous...and when the display of my rank was very important, magnified and bolstered by deferential crowds of clients.” Germanic lords adopted and adapted to a form of the institution of patronage

¹⁹¹ C.R. Whittaker, “Warlords and Landlords,” p. 272; Also, J. Drinkwater, “Patronage in Roman Gaul and the problem of the Bagaudae” in *Patronage in Ancient Society*, pp. 189-204, pp. 192-3. Drinkwater and Whittaker agree that patronage was a relation of dependence, as does A. Wallace-Hadrill citing the Roman model in “Patronage and Roman society: from Republic to Empire.”

¹⁹² C.R. Whittaker, “Warlords and Landlords,” p. 275.

¹⁹³ *Ibid.*, p. 273.

much of the army was mustered by Visigothic landowners employing their tenants as retainers, then these soldiers would be first and foremost bound to their masters in patronage. Hence, an oath sworn to the king would only be a secondary obligation, abandoned if the master found himself in opposition to the king. There is this period shortly after the settlement of 418 when the soldiery might just have had a voice in the decision over war and peace mainly because of the food supply. Hence, it was the economics of the situation that determined allegiance to the master but it was also Theoderic I's mandate to fulfill the economic hopes of his entire people.

Thus, Theoderic I's (418-451) life-long labor was a balancing act between the expectations of the common soldiery and their masters versus the demands of the Roman state in support of the *foedus* of 416/18. Many of those soldiers might desire nothing less than to fight and maybe even topple the Roman regime, but they had no choice but to obey their lords. Authority over troops in the first instance lay in the hands of troop commanders, and if they were opposed to the king's endeavors they might withdraw their support. Although, as *magister militum*, Theoderic had direct command over the combined Visigothic forces, control over militia troops was harder to achieve, hence the king depended upon the allegiance of the individual commander. Landed lords, strengthened by their *bucellarii*, comprised a force that should not to be underestimated in the governance of the realm. Secondly, absolute authority lay with the Roman government that knew it could defeat the Visigothic army at any moment but also knew that they might need the additional manpower. It might seem that Theoderic's right to lead the Visigoths was held in the hands of his landed nobles; however, the offsetting authority was that given to him by Aetius and the Roman administration. Rome would overlook domestic squabbles, but any diminished military support by the Visigothic troops might not have been looked upon too kindly. This was borne out in Theoderic's participation in the war against Attila in 451.

Theoderic I's thirty-three year reign demonstrates that he was a master at diplomacy as he managed to avoid overt and destructive conflicts between his constituents on the one hand and the Romans on the other hand. He succeeded in unifying his polyethnic assemblage into the semblance of a community, yet overtly separate and distinct from the Romans among whom they had settled. Much consideration had also to be given to Gallic senators who were the driving force in fifth-century Gaul and were intent on furthering their own interests.¹⁹⁴ Furthermore, the actual physical settlement of the Visigoths played a deciding part in the restructuring of the army.

Visigothic Settlement

E.A. Thompson contends that the 418 Visigothic settlement agreement between Constantius and Valia, known as *hospitalitas*, restricted land allotment to the Visigothic nobility as there was not enough land to give each and every Goth a title to a parcel. A noble received two thirds of a senatorial estate in Aquitaine while the Gallo-Roman ownership was reduced to one third of the

¹⁹⁴ H. Wolfram, *History of the Goths*, p. 174.

original holding. Thompson (also Whittaker) writes that ordinary barbarians were then settled on the new Visigothic estates as tenant farmers who also supplied military services.¹⁹⁵

This settlement arrangement has caused considerable debate among historians, and W. Goffart offers a completely different interpretation.¹⁹⁶ He argues, on the basis of Ostrogothic settlements in Italy, that the Visigoths received tax revenues rather than land. The king received one third; the “king’s men,” the nobles, received another third; and the last third went directly into the coffers of the local Roman authorities. He reasons that settlement went smoothly since the Roman landowners did not have to give up any landholdings or face increased taxation.¹⁹⁷ However, just because there is no recorded outrage on part of the Gallo-Roman landowners does not mean it did not exist. If one accepts Goffart’s view, one must then accept that a Visigothic army was maintained by Gallo-Roman tax payments to the individual noble army commander as well as to the royal *fisc*. Goffart further bases his assessment on the apparent non-existent outcry by Gallo-Roman landholders who did not see their lands appropriated for the settlement of “hated” barbarians. It seems logical at first glance, yet it does not present a solution for the majority of the soldiers who needed land for a life free of Roman handouts, and hence dependence. After all, the acquisition of land had been Alaric I’s quest for himself and his followers. He had coveted for his people, who had left behind farming communities, even the smallest, most unproductive tract in the Empire.

On the other hand, if one accepts Thompson’s argument, the previously discussed social situation, that the Visigothic aristocracy were now landed gentry who could maintain their own retinue by using their tenant farm hands as soldiers, can be upheld. Furthermore, what speaks strongly for Thompson’s interpretation is that, in his version, the rank and file, who were after all the Visigothic people, actually settled on land ready to be tilled. Once in full production, there was no longer the need for perpetual missions to the Roman government for food supplies, as had been the story during forty years of migration, and one no longer hears of demands for food.

Also, tax payments, whether in kind or in cash, were too close to the proceeds of plunder to have made the difference in inducing a farming people to settle with such speed on the assigned land. Besides, there is much evidence that the Roman landowners in Gaul did not pay taxes, neither to Rome nor even less to Toulouse.¹⁹⁸ Tax payments would have meant continuous rendering to the Visigoths, allowing them to settle down to an idle life full of hope to inconvenience the Romans to the best of their ability, and fulfil the Romans’ greatest fear that they might join the true enemies of the state, the rebellious Bagaudae. Instead, the agreement was to defend the Roman state under the existing 416/418 *foedus*.¹⁹⁹ Olympiodorus writes that they were “...granted a permanent home in

¹⁹⁵ E.A. Thompson, *Romans and Barbarians*, pp. 50-52.

¹⁹⁶ W. Goffart, *Barbarians and Romans: A.D. 418-584: The Techniques of Accommodation*, Princeton, 1980, p.123.

¹⁹⁷ *Ibid.*, pp.122-4.

¹⁹⁸ Salvian, *DGD*, p. 11; D.M. Olster, *The Politics of Usurpation in the Seventh Century: Rhetoric and Revolution in Byzantium*, Amsterdam, 1993, p.29, “...[in] the west, where the Roman Senatorial aristocracy was largely tax exempt.”

¹⁹⁹ Salvian, *DGD*, 1962, Minor Gallic noble, Priest and teacher, probably born at Trier, then Roma Secunda, in the 390s, witnessed the destruction of Trier in 406. In his *De Gubernatione Dei* [*DGD*.] Bk. V. pp.127-145 he deplores tax policies that allowed the rich landowners to escape taxes while middling type of people were

Aquitaine along with the large cities of Bordeaux and Toulouse; there they settled as 'allies' in name, of the Empire, owning two thirds of the land."²⁰⁰ Heather insists that they were settled towards the coast of the Atlantic Ocean,²⁰¹ a region subject to marauding Celts from Armorica and therefore of little interest to Gallo-Roman owners. This then would be an accommodation that would not have raised the ire of the senatorial landowners, of whose concerns with regards to handing over their lands one hears little.²⁰² E.A. Thompson further asserts that Gothic land ownership forestalled the joining of poor and landless people with the Bagaudae by giving the Visigothic landowner and his tenant farmers a real stake in the land and the country. They were preoccupied with providing the necessary sustenance to the "nation" and were thus prepared to defend their interests against marauding Bagaudae.²⁰³ In sum, Thompson's settlement assessment for the Visigoths seems the most logical, and one can accept that the Visigothic nobles were now landowners whose tenants served as soldiers in retinues led by their lords.²⁰⁴

Therefore, Theoderic had no large personal army to rely upon but was dependent upon his Visigothic nobles to supply their retinues in order to form a Visigothic striking force that was large enough to fulfil their duties under the *foedus*. As *magister militum* he was the supreme commander of the Visigothic army.²⁰⁵ Theoderic deployed his forces carefully. He tested his independence from Rome via his "...tiresomely regular' marches to the Gallo-Roman capital [Arles], but the city itself was never taken nor was the *foedus* [416/18] ever broken."²⁰⁶ These "tiresome" exploits were only undertaken twice, in the years 425 and again in 436-7, when Aetius was busy with the civil disturbance of the Bagaudae.²⁰⁷ These expeditions were thus infrequent, supporting the theory that manpower had to be preserved as well as Wolfram's claim that "these military excursions"

taxed off their possessions and fled to the Bagaudae, the presumed brigands and robbers of Gaul. p.137; E.M. Wightman, "Peasants and Potentates", *American Journal of Ancient History*, 3(1978), 97-138, p.112, agrees with Salvian's assessment and it is therefore questionable how the state might have raised taxes from the same unwilling Gallo aristocracy and then hand over two thirds to barbarian newcomers. Further, E.A. Thompson, "The Settlement of the Barbarians in Southern Gaul", *Journal of Roman Studies*, 46(1956), 65-75, is adamant that land occupied by the settlers was not subject to taxation. It seems, the Gallo-Romans did not pay with taxes for the upkeep of the Gothic army. However, the whole question of who paid and who did not pay taxes is very murky, especially with regards to newly-settled barbarians and their armies or militias, such as the *bucellarii*. It is discussed by Goffart, *Rome's Fall and After*, pp. 167-231; Whittaker, *Frontiers of the Roman Empire*, pp. 274-5.

²⁰⁰ Olymp. fr.31, p. 43 in C.D.Gordon, *The Age of Attila*.

²⁰¹ P. Heather, *Goths and Romans*, Oxford, 1991, p. 222; n.83, p. 223.

²⁰² E.A. Thompson, *Romans and Barbarians*, p. 27.

²⁰³ E.A. Thompson, "Settlement of the Barbarians in Southern Gaul."

²⁰⁴ H. Wolfram, *History of the Goths*, pp. 222-225 under "The Settlement of the Visigoths". Wolfram concedes that discussion on the nature of the settlement is not supported by contemporary sources. He argues that "Gothic tax demands would have threatened the property and freedom of the curiales...far more than the senatorial class." Furthermore, "even before the barbarians arrived there were many deserted estates, which did not pay taxes", hence there was land ready for resettlement.

²⁰⁵ According to C.R. Whittaker, "Warlords and Landlords", p. 275, there is no formal documentation as to how the army was maintained during the fifth and sixth centuries in the western Empire.

²⁰⁶ H. Wolfram, *History of the Goths*, p. 175.

²⁰⁷ E.A. Thompson, *Romans and Barbarians*, p. 53. Furthermore, Thompson argues that the Visigoths were settled by Constantius III in isolated Aquitaine II for the sole reason of controlling the same Bagaudae who were still crossing into the Empire from neighboring Armorica, as they had in 410 under the usurper Constantine III. See p. 31.

served to raise the “market value” of the federated Visigothic army.²⁰⁸ More than that, these military exploits served as propaganda to inform the Romans, and maybe also the Visigoths, that the Visigothic king was in total control of his military apparatus. It underlined his independent leadership and stressed that interference in domestic affairs would not be suffered without retaliation. Yet Theoderic might have relied on the old practices of the “*Gefolgschaftswesen*,” modified as they might have been, as the one basis for any unity that remained within the ideology of a Germanic society, a sentiment that Theoderic I had to foster among the polyglot people called the Visigoths.

The soldiery and its aristocratic masters had to be appeased and gratified to support Theoderic’s leadership aspiration even in the light of his *thuidans*’ descent. This entailed raids for the warriors to prove their allegiance to Theoderic and maybe even the old-fashioned Germanic hope of Odin’s promise to sit at his table, a sentiment Germanic soldiers might still secretly cherish. Then there was still the lure of plunder to prove their prowess while improving their economic conditions. Success in battle might foster unity that might also serve to satisfy any “nationalistic” instincts. The Gallo-Romans well knew how to play this game, as there was a great outcry of opposition when a Roman general wanted to destroy the Visigoths and their capital Toulouse.²⁰⁹ In 425, having caught the Visigothic army once more loitering and plundering at the outskirts of Arles, the Roman general Aetius, supported by his Hunnic crack troops, “established a lasting equilibrium in southern Gaul.”²¹⁰ Effectively, Aetius and Theoderic I arrived at an agreement to maintain peaceful relations, as there seemed to be no major disturbance until 436/7. This was a great diplomatic success for both Aetius and Theoderic.

It is mere speculation that Theoderic I might have tried to enlist army support by appealing to the individual soldier’s mythical consciousness and his faith in the Germanic pantheon, as it casts doubt on the professed Arianism of the Visigoths.²¹¹ During more peaceful times, successful Germanic leaders and *Heerkönige* had been obliged to lead their warriors in raids in return for plunder which included food and commercial goods to augment their living conditions. But more importantly, it gave warriors an opportunity to prove to their leader and to their god Odin²¹² their loyalty and fighting prowess in hope of a place in their heaven of Asgard. Despite the reality of a new religion, it is impossible that Christianity had wiped out those ancient beliefs within such a short time.²¹³ They might have lingered in the consciousness of the Visigothic soldiers and persuaded Theoderic I to exploit these notions, maybe not for religious reasons but as an excuse to augment the food supply. Apparently, there was resistance to the new religion on part of the

²⁰⁸ *Ibid.*, p. 175.

²⁰⁹ H. Wolfram, *History of the Goths*, p. 175.

²¹⁰ *Ibid.*

²¹¹ E.A. Thompson, *The Visigoths in the Time of Ulfila*, see on Visigothic conversion to the Christian faith of Arianism.

²¹² H. Wolfram, *History of the Goths*, pp. 109-110. Odin was replaced with his son Woden, a military god comparable to the Roman god Mars. See also the sardonic remark of a Christian apologist that Mars was the father of Goths and Romans.

²¹³ E.A. Thompson, *The Visigoths in the Time of Ulfila*, pp. 94-96, 103, 106. The general Visigothic conversion to Arian Christianity only occurred in the years 382-95 while still settled in Moesia although there were existing Christian sects including Ulfila’s Arians.

farmer/ soldier groups while conversion was more widespread among the new landowning nobility who perceived more strongly the economic advantages of being Christians.²¹⁴ Just as during Tacitus' era, here too, one can see the conservatism of the farmer/soldier and the mercenary outlook of the nobility, possibly for land grants. Furthermore, Eunapius suggests that some of these Gothic leaders were quite insincere in their newly professed Christianity and brought along "objects of ancestral worship together with their priests and priestesses," some of whom were disguised as Christian priests.²¹⁵ There is no reason to doubt the general idea of Eunapius as mass conversions tend to drive old religions underground where they continue to thrive, especially among the less educated. One can thus assume that there was still a significant segment of Germanic pagans among Theoderic I's constituents who believed in the good life after their admittance to Asgard. Without question, his authority would be immensely augmented if he were regarded as the leader who made Asgard possible. However, it is also easy to envision a Visigothic soldier accepting the teachings of the Church for a place in the Christian heaven.²¹⁶

The way Visigothic settlement was arranged was then of vital importance to the success of the new political union. Moreover, if Thompson's vision of settlement is correct, it would give the private retinues of individual nobles the chance to go after the rebellious Bagaudae and thus satisfy their penchant for raid, plunder and glory in battle. The credit for glory might be shared between Theoderic and his ruling group of optimates because the call to war was infrequent, but opportunity to satisfy a desire to publicize the military mastery of lords and their followers was ever present with the threat of the Bagaudae. Raids on Roman cities might have satisfied any underlying anti-Roman grudges the soldiery might still nourish from the not-so-distant days when they drudged through the Empire. Hence, threatening Arles, albeit without serious repercussions on part of the Romans, might add to the common soldiers' support of their king. As Theoderic I's thirty-three year reign indicates, there can be no doubt about his effective Germanic and Roman legitimacy as the official representative of the Visigoths. There is every indication of support from aristocratic advisers who insisted on their traditional rights of participation in the decision-making process.²¹⁷ Even if not all were part of his army command, he most likely knew how to play them with other advantages, such as land distribution and high court offices. Although the rank and file soldiers were beholden to their masters, it did not hurt to appease their sentiments as in the final instant, the king's authority and legitimacy hinged on the support of his troops.

He had not only earned their favor but he had captured the respect and acceptance of Aetius and most likely those of the Augusta Galla Placidia, regent to her young son Valentinian III (419-453), which served to strengthen his regime. Theoderic I obviously had extensive dealings with the Roman court parties and most probably knew Galla Placidia from the days when she was the wife of Athaulf at his court in Narbonnensis during the 410s. It is impossible to imagine that the educated and splendid Augusta would not leave a deep impression on a young barbarian prince.

²¹⁴ *Ibid.*, p. 106.

²¹⁵ Eunapius fr. 48.2, pp. 75-6 in Blockley. They brought the objects when they were allowed to settle in the Empire.

²¹⁶ See a discussion of the Christian army in J.M. Wallace-Hadrill, *Early Medieval History*, Oxford, 1975, pp. 1-18.

²¹⁷ H. Wolfram, *History of the Goths*, p. 174.

Furthermore, he had extensive contacts with Aetius and the Gallo-Roman aristocracy and those connections persuaded him to provide a Roman education for his sons. This education was the tool that would equip them to arrive at a legalized and constitutional break with the Empire.

Barbarians of Gothic Descent Buy a Roman Education

Peter Brown writes that the significance of the so-called “barbarian invasion” of the fifth century lay in the inability of Gallo-Roman society either to hold them at bay to or integrate them.²¹⁸ The reason was the fragmentation of society in Gaul. The senatorial elite selfishly looked after their vested interests and had engineered “an impressive revival of high standards of Latin literature [in the late fourth and early fifth centuries] and were little inclined to tolerate a barbarian.”²¹⁹ Furthermore, “cultural superiority” aided by “religious intolerance” kept the barbarian settlers from integrating.²²⁰

“Religious intolerance” is a catchword of a sum of generalities that seem to be banded about. In the case of the Visigoths, intolerance has to be attached to the Christian community fragmented into many sects, of which the Nicæan and Arian Christians are of concern here. These notions are punctuated by Peter Brown’s famous remark that “they [the barbarians] were encapsulated by a wall of dumb hatred.”²²¹

The question arises where this “wall of dumb hatred” found its ultimate expression. It could hardly be found within the layers of society that encompassed the recently converted tenant farmers, artisans, laborers and slaves, comprised of Gallo-Romans, Goths and assorted barbarian settlers, *coloni* and *laetii* populating the country side.²²² For a better subject one has to look to the equally recently converted senatorial aristocracy who soon recognized that in their conversion to the Church of Rome lay the continuity of their leisured life and the preservation of the existing power structure gathered in their hands. Abner Cohen argues that elites, while overtly conceding to serve society in general, will develop organizational mechanism to advance their sectional interests.²²³ The Gallo-Roman senatorial class was thus partly universalistic in outlook while serving their particularistic interests to uphold their legitimacy as the organizational power in Gaul. Gallo-Romans, after all, had five hundred years of experience in how to deal with the shifting winds of political fortunes and they soon understood that within the organization of the Church they could secure their future as power brokers.

²¹⁸ P. Brown, *The World of Late Antiquity*, p. 122.

²¹⁹ *Ibid.*, p. 123.

²²⁰ *Ibid.*

²²¹ *Ibid.*, p. 124

²²² Salvian, DGD, Bk. V.5, p. 135. Talking about the middling kind of people who had received a liberal education and were not of “obscure birth” –just like Salvian himself-- “who seek among the barbarians the dignity of the Roman because they cannot bear barbarous indignity among the Romans.” Effectively, they were Gallo-Romans who preferred to live amongst barbarians.

²²³ A. Cohen, *The Politics of Elite Culture*, pp. 7-9. C. writes that today societies are “regulated by elite minorities employing ideologies and techniques of mystification to maintain themselves in power as well as serve the public.”

Dating these events can shed light on the diplomacy and action of the Visigothic kings. In 439, for instance, a Catholic bishop intervened on behalf of the Visigoths who “were under severe pressure from Rome” to quell yet another Bagaudic disturbance while at the same time assuring a semblance of civil order within Gaul.²²⁴ The bishop was obviously more concerned with his flock than with the elites, especially since the Catholic hierarchy still excluded the Gallo-Roman senatorial class. “Around 440 a priest still lost the dignity of noble status when entering the services of the Church, a generation later not only did the bishop rank above the senator but the lowest cleric counted for more than the highest secular dignitary.”²²⁵ The senatorial elite had taken to seizing the highest positions in the Gallic Church and administered what was left of the Roman Empire through their bishoprics.²²⁶ There were thus tensions over who had the right to rule over Roman Gaul. Furthermore, how high and insurmountable this “wall” between Visigothic and senatorial aristocracy actually was, also remains unclear. It was at this time that Theoderic I hired the Gallo-Roman noble Avitus, a future emperor of the Empire, with the specific task of educating his son, the future king Theoderic II.²²⁷ Although no further mention is made of any education for his other sons Thorismund, Frederic and Euric, it will nevertheless become evident that at least Euric must have been given extensive instruction in Roman law and Germanic traditional tribal customs.

Theoderic I, at least, tried to break down this “wall of dumb hatred,” if it ever existed, by means of a Roman education, thus building bridges between the Gallo-Roman and Visigothic ruling class. It was furthermore an exercise of understanding not only the right to rule but more so the way to rule within the confines of the law. This notion was well served and might have been the intent of Avitus when he instructed his pupils in Virgil and law. Two important objectives were achieved, not only did the royal progeny receive a Roman education but they were also introduced to contemporary Celtic sentiments as Avitus was as much a Celt as Virgil had been.²²⁸ Later, Avitus’ son-in-law, Apollinarius Sidonius, wrote to his brother-in-law, Ecdicius, commenting that leading families, in their efforts to “throw off the scurf of Celtic speech,” were making efforts to learn Latin.²²⁹ It was thus not only the Visigoths who needed special instruction in Latin culture but also some elements within Gallo-Roman society, whose descendents belonged to the group of Salvian the Presbyter. They were “New Men,” such as the civil servant and historian Sextus Aurelius Victor, who came from the provinces and reached high positions in the civil

²²⁴ H. Wolfram, *History of the Goths*, p.198.

²²⁵ *Ibid.*; also Salvian’s DGD, pp. 3-6, Salvian (ca.395-495) is a good example. He reached the age of almost one hundred, belonging to the Gallic aristocracy but not the senatorial group. Later he joined the aristocracy of the Church.

²²⁶ P.Brown, *The World of Late Antiquity*, p.116. Further on this subject R.Van Dam, “The Assimilation of Christianity and Society”, in R.Van Dam, *Leadership and Community in Late Antique Gaul*, Berkeley, 1985, pp.115-176, p.153.

²²⁷ E.A. Thompson, *Romans and Barbarians*, p. 56.

²²⁸ B. Maier, *Dictionary of Celtic Religion and Culture*, tr. Boydell & Brewer, Stuttgart, 1997, pp.132-3. Aside from Virgil, many ancient Latin writers were Celts, Gallus, Cornelius Nepos; Livy was raised in Cisalpine Gaul and his histories and epics apparently bear more than a cursory resemblance to Irish sagas.

²²⁹ *Ibid.*, Ecdicius: Roman *dux* of the Auvergne (470/474) and *Magister Militum* (474/475).

administration by means of a Roman education.²³⁰ The quest for education was not confined to Germanic barbarians alone. Hence, noticing the increasing power of the Visigothic king, it might just have been Avitus' intention to promote the idea that there still existed a visible Celtic element within Gaul which might need special considerations within the domain of the Visigothic kingdom at some future time. As to the level of culture, Visigoths and some groups of Gallo-Romans were not too far apart,²³¹ as there was in process a Gallo-Roman and Germanic parallel development to acquire an education. On the part of barbarians this quest for education would enable them to represent the Roman *res publica*, a state based on law and literature [education]. This process would further their development, long ago recognized by Athaulf as "barbarism," a notion that had to be replaced with Roman culture. But for some Gallo-Romans it would be an admission that they, too, were looking towards a better Latin education while aware of their Celtic origins.

This Celtic revival might have had its roots in the temporary conquest of Gaul by Constantius III between 407-410 who, with the help of his Armorican and Aquitanian friends, had already declared Armorica independent from Gaul and further invaded the Gallic provinces to uphold his imperial claims.²³² This should, however, not foreshadow any acculturation between the two parties at this early stage, nevertheless, neither should accommodation be ruled out as a result of communication, this despite Peter Brown's negative assessment. During the 460s, Sidonius Apollinarius (431-489) frequented the royal court in Toulouse. The future bishop of Clermont²³³ would "tactfully" lose at backgammon against the Visigothic king Theoderic II when in search of royal favor.²³⁴ That is not to imply that Sidonius accepted Visigothic rule, but he was wont to assuage and appease whoever happened to be in power in Gaul, whether Roman emperors or the future Visigothic king Euric, to further Gallic interests. They were all honored with his panegyrics.²³⁵ Furthermore, Arian and Nicaean Christians were brought together when serving at the court of Theoderic I and his son Theoderic II as advisers, legal experts and ambassadors for their communities, and hence they discussed common concerns.²³⁶ Theoderic II and Avitus developed a friendship that led to Theoderic's initiative to advance Avitus as emperor.²³⁷ There is then at least some indication of religious tolerance among the Gallic and Visigothic elite, if not due to Avitus' tutorship of Theoderic II, then at least due to common sense. Moreover, when such

²³⁰ Sextus Aurelius Victor, *Liber de Caesaribus of Sextus Aurelius Victor*, tr. H.W. Bird, Liverpool, 1994, p. vii, depicting the life of S.A. Victor and men just like him as an Empire-wide occurrence.

²³¹ P. Armory, *People and Identity*, p. 31. Gaul experienced a revival of the Celtic language and the appearance of non-Latin names in the Mediterranean aristocracy, revealing Romanization as a "superficial veneer" on top of varied cultural elements; see also R. MacMullen, "The Celtic Renaissance," 1965, pp. 41-8, in R. MacMullen, *Changes in the Roman Empire: Essays in the Ordinary*, Princeton, 1990.

²³² Olymp, frs. 13,15,17, in Blockley, pp.171-177. Armorica was a Celtic stronghold at the borders of the Empire, today's Brittany, but extending further west into today's Rouen, Normandy.

²³³ P. Brown, *The World of Late Antiquity*, p. 129, S.A. was elected bishop in c.e. 470 or 471.

²³⁴ *Ibid.*, p.126.

²³⁵ On Sidonius A. see R. Van Dam, "The Assimilation of Christianity and Society", in R. Van Dam, *Leadership and Community in Late Antique Gaul*, Berkeley, 1985, pp. 115-176; pp. 160-1. S.A. favored with his glowing panegyrics his father-in-law, Avitus when emperor, the latter's successor Majorian, who was most likely responsible for Avitus' death, and emperor Anthemius. Sidonius never wavered in his anti-Visigothic stance especially after he became bishop of Clermont (ca. 470), a see that managed to remain elusive of Visigothic hegemony until 475. (p. 161)

²³⁶ *Ibid.*, pp. 152-3.

scions of Gallic senatorial aristocracy moved freely at the Visigothic court, one can assume that other Visigothic nobles had come under their “civilizing” influence as well. A Roman education had been an important consideration in the upbringing of the royal offspring; one that would enable Theoderic I’s successors to promote their realm as a place where Roman civilization continued. Hence the Visigothic administration might serve as a foundation on which to build a legalized state. It should, however, be pointed out that the necessity for literacy for Germanic nobles in Gaul was limited to the fifth and sixth centuries, as the classical revival did not spark a sustainable interest in education and petered out by the final years of 500s.

Nonetheless, the quest for education during the fifth century was not limited to the Visigothic nobility alone but found its imitators in the Ostrogothic Amals. While Sidonius spent time at the Visigothic court, the future Ostrogothic king, Theoderic the Great, was educated in the 460s at the imperial court of Constantinople during the duration of his ten years as hostage. Theoderic developed a sincere admiration for Greek and Roman civilization, yet he has been slandered as having been illiterate, and it is even said that he was unable to sign his name.²³⁸ An explanation might be that he first learned the Greek alphabet and was unable to master Latin script in his later years when he lived in Ravenna. He did ensure that the next generation of Amals, his daughter Amalasantha, his nephew Theodahad and his sister Amalaberga, the future queen of Thuringia, had an unequaled classical education, much to the chagrin of influential but conservative Ostrogothic factions.²³⁹ To further enhance the cultural legitimacy of the Amals, Theoderic asked his senator Cassiodorus to write *The History of the Goths*, a work now lost but re-written from memory in abridged form by Jordanes as the *The Gothic History of Jordanes* or *Getica* and published in 551.²⁴⁰ The work specifically claims that the Goths had enjoyed the civilizing influence of the teachings of the philosopher Dicineus, a contemporary of the consul Sulla (88 b.c.e.).²⁴¹ Theoderician propaganda claimed that the Goths, who now ruled in Italy, were the equals of the Romans both in the longevity of their history as a nation and in their civilized state. Hence cultural and historical legitimacy had been served.

The Balthi kings in Visigothic Spain never had their own history recorded, but not for lack of trying. Sidonius was forced into exile by the Visigothic king Euric after the capture of Clermont, his bishopric at the time. But within two years he was freed upon the insistence of Leo, Euric’s Cassiodorus. The king had hoped to persuade Sidonius to write a Visigothic history and pardoned him, but “Sidonius Apollinaris maneuvered himself elegantly out of this affair and declined.”²⁴² The timing would have been particularly advantageous to the Balthi kings to have had a recorded history of their people as a nation of long-standing, as Euric was about to declare the Visigothic

²³⁷ *Ibid.*, p. 159.

²³⁸ J.B. Bury, *Hist. of the LRE*, p. 487.

²³⁹ *Proc. DbG*, tr. Dewing, Bk.V.ii.,iii.1-9, pp.15-25.

²⁴⁰ *Get.* 1966 ed., intr. by Ch.Ch. Mierow, p. 10.

²⁴¹ *Get.* 69, p. 70.

²⁴² H. Wolfram, *History of the Goths*, p. 199; also, K.F. Stroheker, *Der Senatorische Adel im Spätantiken Gallien*, Darmstadt, 1970, n.12 p. 187 and n.358, p. 218. Only in 624 did Bishop Isidore of Seville publish his *History of the Goths, Vandals and Suevi*, containing the history of the Goths beginning with their *Urvater* Gapt/Gaut to the year 624. See Isidore of Seville, *History of the Goths, Vandals, and Suevi*, trs. G. Donini and G.B. Ford, Leiden, 1970.

kingdom an independent state. It would have greatly enhanced the status of the state that was legitimized by the issuance of a constitution. Education greatly advanced the status of barbarian courtiers as it supplied them with the necessary tools to establish a cultural and national legitimacy by the promulgation of constitutions.

The Visigothic king Euric (466–484), the youngest, most ruthless and most independent of Theoderic's sons, was the first Germanic ruler to declare full independence from the Empire in 475.²⁴³ P.D. King writes: "...renowned and feared, Euric enjoyed the role of the mightiest ruler of the West, to whose court at Toulouse there flocked ambassadors and supplicants of many races."²⁴⁴ This truly is an evocative affirmation of the political and military might of the Visigothic king who would legalize his new state with the proclamation of the first barbarian constitution issued in 476 as the *Codex Eurician*. It was a precedent-setting undertaking and therefore by far the most important legacy of political legitimacy left by any Germanic ruler to the barbarian world.

IN SEARCH OF A LEGITIMATE STATE

The Proclamation of Statehood Based on Constitutional Law Codices.

Visigoths, Burgundians and Franks set out to codify their laws in order to create a political and social framework by which a diverse ethnic population could be induced to live together. To be viable, these codices had to be designed to serve many purposes. A Visigothic legal codex would answer the social concerns of inhabitants and would set the parameters to legalize the kingdom as a state. As the Bible was not only an expression of faith but also a social contract between God and the Hebrews, thus serving as a Book of Law, Germanic peoples in the newly formed kingdoms were served with the codification of traditional Germanic laws. Gallo-Romans were included in the new codices, but Roman law for the most part was upheld for them. Furthermore, it would promote the idea of unity within the kingdom as the Theodosian Code had when it was promulgated in 437,²⁴⁵ and for Romans it would stress the continuity of the prevalence of law and hence living in a community where it applied.

The very process of the codification of unwritten Germanic laws—traditional common laws—as legal entities established those Germanic tribes who had flocked together. Codified laws were seen as a necessity to extend a people's self-image as a nation. Barbarian leaders tried to establish that their rule constituted civilized government by educated people and that they should

²⁴³ E.A. Thompson, *Romans and Barbarians*, p. 56.

²⁴⁴ P.D. King, *Law and Society*, p. 1, based on the writings of Sidonius, *Epistola* VIII.9. and Cassiodorus, *Variae* III.3.

²⁴⁵ J. Matthews, "The Making of the Text", in J. Harries and I. Wood, eds., *The Theodosian Code*, New York, 1993, p. 44. The *ThC*, the first fully official attempt since the publication of the Twelve Tables by a Roman government to collect its own legislation, is one of the last expressions, as well as one of the last symbols, of Roman imperial unity.

not to be challenged in the Senate over any kind of barbarian rule or “barbarism,” as Athaulf had called it.

Entry into the civilized world thus necessitated a new set of laws that would serve Germanic tribesmen subject to tribal laws and Romans living in Gaul and Italy subject to Roman laws. The economic, social and political behavior of such diverse people living within one community had to be regulated. Rights and duties of the people and their kings were at stake. Still, there was “...plenty of margin to display the royal will, so that virtually all ‘folk laws’ were a mixture of customary and enacted laws.”²⁴⁶ Hence, the codices also served as a means of communication between the government and the governed, underlining their multi-purpose approach. King Euric of the Visigoths was the first king to issue a barbarian code of law. Add to this the historical debate over the territorial versus the national nature of the codices and early barbarian legislation becomes a minefield of controversy.

The Promulgation of the Codex Euricianus in 476

The influence of a Roman education in culture and law had thus not been lost on the royal house of the Balthi. King Euric’s law code legalized his declaration of independence from Rome, and was his outstanding contribution to the legitimization of statehood for the Visigothic kingdom.²⁴⁷ The new code was a public manifesto to the continuation of Roman culture and law while at the same time it bound the dynasty of the royal Balthi to their people by recognizing a common past and hoping for a joint future with their Roman neighbors. The *Codex Euricianus* [CE] was heralded as “the best legislative work of the fifth century.”²⁴⁸ This comment, ascribed to a contemporary Gallo-Roman commentator, could be hailed publicly as a continuation of “Roman-ness.” The CE was issued in Latin in 476 one year after Visigothic independence and the year the last Roman emperor was ousted. To the Gallo-Roman constituents of the kingdom, date and language thus symbolized continuity. The Roman imperium might be gone but Romans’ dependence and yearning for legal structure, manifested by the newly revived Greco-Roman culture of Antiquity, was carried on within the new imperium of the Visigothic kings. No doubt Euric was eager to create and promote the impression that he was heir to the western Roman Empire, hoping to convince Gallo-Romans

²⁴⁶ W. Ullmann, *Law and Politics in the Middle Ages*, Cambridge, U.S.A., London, New York, Melbourne, 1975, p. 195

²⁴⁷ P.D. King, *Law and Society in the Visigothic Kingdom*, p. 7; On primary barbarian constitutions issued by king Euric, king Gundobad and later barb. legal codices see P. Wormald, “Lex Scripta and Verbum Regis: Legislation and Germanic Kingship, from Euric to Cnut;” For a short history on the controversy over the territorial versus national nature of the Visigothic codices see P.D. King, “The Alleged Territoriality of Visigothic Law,” in B. Tierney and P. Linehan, eds., *Authority and Power: Studies on Medieval Law and Government*, Cambridge, 1980, pp. 1-12. King argues in favor of the national nature of the Codex Eurician, while H. Wolfram, *History of the Roman Goths*, p. 196, argues that the problem can be solved if it is assumed that the CE was initially territorial as laws addressed people in general. This is attested to by Sidonius, but it did not satisfy the Gallo-Roman population and was therefore amended by the *Breviarium Alaricianum* [Breviary] that recognized different laws for the Goths and the Romans and was therefore national in nature.

²⁴⁸ P.D. King, *Law and Society*, p. 9. P.D. King uses this quote in a legal sense.

that not too much had changed while at the same time proclaiming the realization of his grand-uncle Athaulf's dream to create a Gothia for his polyethnic Visigothic followers.²⁴⁹ The CE contained 350 clauses²⁵⁰ and must have been in preparation for some time as it seems quite impossible to compile a code of such magnitude within the span of one year. Euric had planned separation and was prepared to pull together his farflung constituents using one Code to connect all the factions in his kingdom. The Codex served then to legalize the new state and its ruler, satisfying the expectations for continuation of the Gallo-Romans and proclaiming the people who called themselves Visigoths as a legal entity under the law.

There is no doubt that the CE particularly displays many Romanized characteristics, as the code was written with the assistance of Roman legal advisers at court.²⁵¹ However, P.D. King insists not to overestimate the Roman character of the Codex, as most of the extant provisions dealt with transactions where Gothic and Roman laws frequently coincided due to long established trading practices established before entry into the Empire.²⁵² "At the same time there were certain Eurician laws which were exclusively Germanic, and others "...departed radically from the current Roman law found in the *Codex Theodosianus*."²⁵³ Hence, the CE was a "mixed bag" aiming to satisfy traditional and acquired Germanic practices, Roman legislation and most likely provincial laws as well. It is not surprising that the debate over the territorial versus the national nature of the code continues. In "The Alleged Territoriality of Visigothic Law," P.D. King argues in favor of the CE being a national code, and contends that both Visigoths and Romans were ruled according to their own laws, that is Germanic tribal traditions and Roman law or at least Roman provincial law.²⁵⁴ Despite its national character, King can state it was *sui generis* or made for all.²⁵⁵ If one can define this to say that this one code was written to serve all the peoples within the politically recognized territory of the Visigoths while recognizing the diversity of ethnic backgrounds, one might come close to its supposed intentions.

Therefore, it is possible to argue in favor of initial territoriality, as Herwig Wolfram does.²⁵⁶ This is not because of the legislation itself that attempted to address the different legal needs of the various groups, but because this constitution was also designed to address the psychological needs of the population and advance the ideology of the king. It would have been counter-productive for the regime to imprint new laws on already disturbed native and immigrant societies. The solution was repackaging the old ones in a new form and arriving at a Codex acceptable to all parties that could then serve as a constitution to legitimize the new state.²⁵⁷ The

²⁴⁹ P. Wormald, "Lex Scripta and Verbum Regis," p. 136.

²⁵⁰ P.D. King, *Law and Society*, pp. 7,8. The original Codex is lost, except for two clauses, yet historians were able to reconstruct some of its content from the later *Lex Baiuvariorum* and from later Visigothic laws.

²⁵¹ *Ibid.*, n.5. p. 8.

²⁵² *Ibid.*, p. 9.

²⁵³ *Ibid.*, p. 9.

²⁵⁴ *Ibid.* p. 5.

²⁵⁵ *Ibid.*, p. 9.

²⁵⁶ H. Wolfram, *The History of the Goths*, p. 196.

²⁵⁷ M.D. Hanncock, *Politics in Western Europe*, New Jersey, 1993, pp. 209,297. Even after WW II, under the supervision of the Allied Forces, a parliamentary committee in Germany and an elected Constituent Assembly in Italy wrote new constitutions, the *Basic Law* in 1949 and *The Italian Constitution* in 1948. When a new regime takes over, a new constitution is written, representing the ideology of the conquerors.

basic idea of the rule of law was here classically expressed in the memorable statement that “the law was the soul of the whole body of the people.”²⁵⁸ CE and its future recensions and additions contained both descending and ascending themes of law, thus expressing the ascending tendencies of Germanic customary laws and the descending jurisprudence of the Roman Empire.²⁵⁹ Ascending laws were customary laws that developed from the bottom up, such as Germanic folk-law; while descending laws were enacted by the ruler through the courts or the senate. This was to serve national interests. Effectively the CE was designed in a flexible manner, allowing for amendments when needed.

The second legal code, the *Breviarium Alaricianum* or *Lex Romana Visigothorum* [Breviary], issued by Alaric II in 506, shows that the new code had national features, as those laws that had covered both factions were now amended to address only one party or the other.²⁶⁰ It is a manifestation that the king had to appease both parties to maintain his right to rule by upholding personal or national law. It does not negate the fact that the legal codices were territorial in the spirit of unity.

The *Codex Euricianus* was a well thought out political document binding together and attempting to legitimize Goths and Romans as one people. The Codex was the *Twelve Tables* of the new Visigothic nation as it was symbolically written in twelve books proclaiming not only continuation but also a new regime.²⁶¹

It was the promotion of a new age by a barbarian Germanic king stating that he and his people had adopted the “civilized” ways shown by the Greeks and Romans. It was also a message to the Romans that they were now their cultural and political equals and that their kingdom rested on law and hence was a legal entity.²⁶² The CE also served as a document to legally settle disputes between Romans and Visigoths,²⁶³ preventing them from engaging in combat to decide on a winner, and as such a true mark of civilization. Although it cannot be ascertained with certainty since most of the original text has been lost, judging from other extant barbarian codes there is the probability that Christianizing aspects were also expressed.²⁶⁴

The *Codex Euricianus* was the most important political, ideological and historical text underlining the political and cultural legitimacy of the Balthi *stirps regia* and their regime. Yet the Codex, as it addressed the relationships and disputes between the Romans and Visigoths was also divisive.

²⁵⁸ W. Ullman, “Non-Roman Secular Law”, in W. Ullman, *Law and Politics in the Middle Ages*, p.195.

²⁵⁹ *Ibid.*

²⁶⁰ H. Wolfram, *The History of the Goths*, p. 196; P.D. King, “The alleged territoriality of Visigothic law.”

²⁶¹ P. Wormald, “Lex Scripta and Verbum Regis,” p.130; “the true function of a Roman ruler is to issue laws.”

²⁶² *Ibid.*, p.115.

²⁶³ *Ibid.*, p.126

²⁶⁴ *Ibid.*, p. 131; Also W. Ullmann, *Law and Politics in the Middle Ages*, p. 195. Professor Ullmann agrees with this assessment, while he refers to later editions of Euric's code, the *Leges Visigothorum*, where a strong ecclesiastical influence is pervasive.

Legislation Forbidding Marriage between Romans and Goths

There was the legislation forbidding intermarriage between Visigoths and Romans most likely caused by Euric's fear that the conquered would conquer the conqueror, as the native population outnumbered the newcomers fifty or even one hundred to one.²⁶⁵ The terms of this legislation are not entirely clear—which is always a means of leaving room for varying re-interpretations. Nevertheless, one must assume, supported by the generic intentions of the code, that the law encompassed all, ruler, nobility and their retainers, tenants and slaves. Harsh laws can be used to convey an ideology, a yet unrealized goal, concerning an unrelated ambition or, they can be used to forestall unwelcome events more than practical application of the law itself. This might have been the case for Euric, a committed Arian, who was a champion in the suppression of Orthodoxy during the first part of his reign.²⁶⁶ He might have used his amended constitution to prevent further inroads of the Catholic Church's influence into the Visigothic kingdom by means of making intermarriage illegal. This can be interpreted as a probable sign of insecurity in the authority of his rule, and fear in the rising strength of the Church of Rome among his Gallo-Roman constituents. This law is further associated with the retention of ethnic purity for Visigoths, upholding a separate identity for the newcomers,²⁶⁷ as was also manifested by the Visigothic dress code at court.²⁶⁸ But was "Visigothicness" in fact at stake?

What really would ethnic identity have meant to the majority of this polyglot lot of farmers/soldiers who called themselves Visigoths? It is not known. What is known are sentiments towards a pre-occupation with survival, a concern that displaced people would display, especially in the realm of family structure as the smallest union. Therefore, the law must have addressed foremost the Roman and Visigothic elites. More than anything, Euric feared Gallo-Roman infiltration into the governing ranks of the Visigothic realm. This was not an unsubstantiated fear, as Catholic Gallo-Romans had entered bishoprics in droves from where they had taken over the administration of what was left of the Roman Empire, stirring the state to increasing governmental regionalization.²⁶⁹

It is not too far fetched to assume that, if the Gallo-Roman elite could take over the Church and from this position rule Gaul, they could also infiltrate the administration of the kingdom, as it lacked in legally trained Visigothic personnel. One way to attain high level influence and power might be via Roman/Visigothic marriage alliances. There was then the possibility that the power of

²⁶⁵ P.D. King, *Law and Society*, p. 6. Numbers are as usual suspect, yet the Visigoths were not that great mass of people reported on by Roman writers, as evidenced by the mass defections after Alaric's defeats in the first years of the 400s, despite the influx of Hunnic and Gothic cavalry soldiers. See also P. Amory, *People and Identity in Ostrogothic Italy*: p.41, who estimates that the "motley crew" of Ostrogoths entering the Empire in 489 did not number more than 20 000, even after having absorbed non-Goths, thus a small fraction compared to native Italians.

²⁶⁶ P.D. King, *Law and Society*, p. 4.

²⁶⁷ *Ibid.*, p. 6.

²⁶⁸ *Ibid.*, p. 4;

²⁶⁹ R. Van Dam, "The Assimilation of Christianity and Society," *Leadership and Community*, pp.150-5. On the subject of S. Apollinaris, his friends and relatives and their appointments as bishops, positions that enabled them to continue their senatorial lifestyles and exercise their governance through the influence of their bishoprics.

Visigothic nobles at court might be usurped and jeopardize the functioning of the new state. This is a notion that cannot easily be dismissed, considering the inroads into the Visigothic court already made by the family of Sidonius. Therefore, the show of "Visigothic-ness" was an open display that hid more important considerations, namely control of power.

But Euric did not only have to curtail infiltration of Gallo-Roman influence at court; he further had to ensure that his Visigothic generals and their armies supported his endeavors. Hence, Euric was the first barbarian ruler to institute army reform, closely observed by his barbarian peers, as the army was always the key to a ruler's legitimacy and had to be kept contented without loss of control and authority.

Army Reform and/or Social Integration as Addressed in the Codes

The military under Theoderic I's sons was no longer the bumbling army coddled by the king to satisfy their need for action, an army practically protected by Aetius from annihilation.²⁷⁰ As Euric watched the frequent change of Roman emperors, he strove to hold Gaul in his own right and for that he needed the support of the army that had been nurtured into a body of soldiers prepared to conquer all of Gaul.²⁷¹ With the realization that the Visigoths were permanently settled in Gaul, it is Van Dam's contention that it was Sidonius' hope that Theoderic II, Euric's predecessor, might become the savior of the Roman Empire.²⁷² To save the Roman Empire is entirely too far-fetched. Even Sidonius' hope to save the Auvergne from the Visigoths was nothing but an empty dream when the spirited military defense mounted in defense of Clermont and Arles by Sidonius, bishop of Clermont since 470, and his equally combative colleague, the Bishop of Arles, could not withstand the onslaught of the Visigothic striking force.²⁷³

Any hopes were completely dashed when "in 475 the current emperor [Augustulus] decided that the security of 'the boundaries of the Italian Empire' took precedence, and exchanged with Euric control of the Auvergne for possession of Provence."²⁷⁴ Arles and Marseille as well as eastern Spain had already fallen into the hands of the Visigoths in 473. With the exchange the Visigoths now ruled Gaul from south of the Loire to the Rhone and the Mediterranean coast to Gibraltar.²⁷⁵ This was now the mightiest kingdom in the west. However, depending on one's view, one might be tempted to regard the Visigoths as the saviors of Roman Gaul and parts of Spain, but under Visigothic rule and not Gallic senatorial supremacy as Sidonius had envisaged. The Visigothic administration took great pains to administer the state within the confines of codified laws, hence following the Roman model. Moreover, to uphold his rule, Euric was totally dependent upon his legitimacy as commander-in-chief of the Visigothic army and thus the goodwill of his

²⁷⁰ H. Wolfram, *History of the Goths*, p. 175.

²⁷¹ R. Van Dam, *Leadership and Community*, p. 161; Get. 237, p.118. Jordanes comments that "Euric's objective was to rule Gaul outright."

²⁷² R. Van Dam, *Leadership and Community*, p. 161.

²⁷³ *Ibid.*; H. Wolfram, *The History of the Goths*, p.185.

²⁷⁴ R. Van Dam, *Leadership and Community*, p. 161.

²⁷⁵ H. Wolfram, *History of the Goths*, pp. 186,185.

landowning grandees to provide the necessary manpower, as evidenced by legislation concerning the *bucellarii* of those noble warlords.

Euric legislated that the designation of *bucellarii* changed to *patrocinio constitutus*. It was of importance for the Visigoths, since it legalized the institution of patronage and thus affected their rights within Visigothic society as it officially dispensed with the Germanic notion of equality among “citizens.” It is an indication that these personal retainers of soldiers/farmers depended on their lord’s patronage, but also implied that this was a private relationship between lord and dependent that would further the evolvement of private militias.²⁷⁶ The legislation handed over a great deal of jurisdiction to the individual lord,²⁷⁷ and institutionalized patronage might prove a threat to the consolidation of power that Euric had in mind.

Although it is not impossible that their high visibility might have been a deterrent to mischief, *trustiones*, the equivalent of the Visigothic *bucellarii*, attending a Frankish wedding in 469, rated a lively description of their magnificence by Sidonius and it should never be claimed that barbarians were without a sense of style:

They wore a uniform of hairskin shoes, bare lower legs and arms, and a tight-fitting multicolor garment from knee to shoulder; each carried a green mantle with crimson border, a sword hanging from the shoulder by a studded baldric, and a shield of silver with a golden boss, the gleam of which showed their ranks and their devotion.²⁷⁸

Euric’s legislation was thus important considering his declaration of independence in 475. By officially turning *bucellarii* into clients beholden to their masters, he might have handed over additional control to his nobility in exchange for their support and his continued right to the position of commander-in-chief of the army.²⁷⁹ He could no longer count on the support of the imperial administration since the old *foedus* of 416/418 was long broken and the old ties to the western imperial administration were gone²⁸⁰ with this part of the Empire itself. It is unlikely that the independent-minded Euric would even have entertained the idea of a Roman position in his realm, yet to underline his effectiveness he needed the support of the landowners and their militias that could be consolidated into an efficient striking force. This legislation then seems to point to his greater dependency on the goodwill of the Visigothic elites who had to be supplicated.

It should not be forgotten that the Visigothic nobility [as well as the Ostrogothic one] never relinquished their power expressed through the council of leading men.²⁸¹ They might now operate under a different name, but it is clear from Jordanes [and also from Procopius] that they maintained their right to confirm a *thuidans* or *reiks* as their king.²⁸²

²⁷⁶ C.R. Whittaker, *Frontiers*, p. 275; also P. Amory, *People and Identity*, p. 32, discussion on the rise of private armies.

²⁷⁷ R. Van Dam, *Leadership and Community*, p. 161.

²⁷⁸ C.R. Whittaker, *Frontiers*, p. 274. Source: S. Apollinaris, *census et studium*, Sid.Ep.4.20.

²⁷⁹ P. Amory, *People and Identity*, pp. 30-1, on hereditary positions in the Roman army.

²⁸⁰ Declaration of Independence would nullify an old *foedus*.

²⁸¹ P. Amory, *People and Identity*, p. 97; H. Wolfram, *The History of the Goths*, p. 343.

²⁸² Details in the *Getica* and n.30. On the election and confirmation by the council of leading men of all Visigothic kings from Alaric I to Athalaric (d.531) and even the Ostrogothic regent of the Visigothic kingdom, Theudis. For the Ostrogoths see Proc. *DbG*, tr.Dewing, *Loeb*, Vol. III. Bk.V; on plotting against Amalasantha by Gothic nobles who were unhappy to be ruled by a woman. (Bk.V.ii-vii, pp.15-51); “The

It might thus be beneficial to take a closer look at the institution of personal patronage in this revised society. This legislation could only benefit the farmers/soldiers, firstly from an enhanced position of their lords and secondly they possessed standing as clients within the relationship of legalized patronage.²⁸³ They were persons before the law. Patronage was all-pervasive in Roman society and, at least with regards to patronage, Visigothic nobles followed the path of acculturation.²⁸⁴ The need of the rank and file for protection and patronage is well documented and has nothing to do with the appearance of “new men” as within the aristocratic rank the rising and disappearing of participants is routine. Society is conditioned by a pervasive belief that the poor need protection and “new men” will invariably take over where others have left off. It is a matter of “having arrived” and taking up the traditions of the establishment. Thus the “new men” of the Visigothic kingdom would step in to fulfill these expectations, especially since they were surrounded by the Roman-Gallic aristocracy which, as has been documented, continued to practice patronage. Furthermore, Euric’s legislation regarding patronage does not seem to single out one noble landowning group over the other; it was *generis sui*.

Euric’s every move was politically motivated, dedicated to the ideological and political independence from Rome while strengthening his kingdom militarily. Yet there was also the propaganda for continuity in his measures. Did Euric then believe that by strengthening the power of his nobles, together they would foster the creation, retention, administration and expansion of his kingdom? Or, might this legislation also have been a means of pulling the Bagaudae into the institution of patronage and thus taking them off the road of banditry? There was no real reason to change the designation *bucellarii* to *patrocinio constitutus*,²⁸⁵ unless additional entrants into the *bucellarii* needed special consideration, such as non-persecution, assurance of the lords’ support and a legal position in the state. No other group fits this assumption as well as do the Bagaudae.²⁸⁶

Goths...and the Italians chose as king over them Vitigis” (Bk.V.xi, 5-6, p. 109); Vitigis married the Amal princess Matasuntha (Amalasintha’s daughter) “in order that his rule [be] more secure.” (Bk V.xii.2.p.117).

²⁸³ D. Braund, “Function and Dysfunction: Personal Patronage in Roman Imperialism,” A. Wallace-Hadrill, ed., *Patronage in Ancient Society*, pp. 137-152, p. 137.

²⁸⁴ J.F. Drinkwater “Patronage in Roman Gaul and the Problem of the Bagaudae,” p. 199. Drinkwater outlines the problems with this assumption and rejects Van Dam’s theory of discontinuity of power and patronage in R. Van Dam, *Leadership and Community*, p. 14, as he insists on the continuity of ideology among local aristocrats that does not take into consideration the discontinuity of aristocratic lines. In short, as a group, local aristocrats engage in patronage, whether of old or new lineage, it is a matter of adapting to existing group norms.

²⁸⁵ There seems to have been no move on the part of the Franks to change the word “*trustiones*” to “*patrocinio constitutus*” as it still can be found in the Salic legal code in *Laws of the Salian and Ripuarian Franks*, tr. Th.J. Rivers, New York, 1986, #41.5. p. 86; #42.1,2, p.88.

²⁸⁶ On the evolution and impact on society of peasant revolts, and the first appearance of the name “Bagaudae” in ca. 283-4 in Gaul see E.A. Thompson, “Peasant Revolts in Late Roman Gaul and Spain,” *Past & Present*, 2(1952),11-23. E.A. Thompson stresses the notion that the Bagaudae as a rebellious group were a continuous movement. This might be disputed as the Bagaudae as a group or groups were active in different locations and only appeared intermittently. However, built into his assumption is the notion that the Bagaudae were representatives of an ideology that might have wanted to overthrow the governing Roman elite and replace leadership from among their own group. On this assessment see R. MacMullen, *Enemies of the Roman Order*, p. 211, with regards to the Bagaudic usurpers Aeliamus and Amandus in the 290s. This, in order to avoid the high taxation imposed on middling peoples in Gaul. Bagaudic membership included real scoundrels, ‘rustics’ or peasant farmers, ‘brigands’ who might have been homeless and, according to Salvian, many poor “who have received a liberal education” but “...are forced to flee either to the Goths or the

It would solve the problem of the Bagaudae and re-socialize them as a group of people to be counted upon, those with rights and duties, thus no longer the enemies of the state, albeit a new state.

There is then the distinct possibility that Euric might have settled the old problem of the Bagaudae, securing their alliance not only to their immediate lord but also to himself while adding much needed manpower to his army. Surely, from whatever angle one looks at this legislation, it was a further means to strengthen his military and political legitimacy, and one can see a similar development under the Ostrogoth Theoderic.

The Ostrogothic Army

The army under Theoderic the Great followed a similar path once he had been charged with administering the western Empire until "Zeno himself arrived" and they had settled in Italy. Theoderic took over the positions of *patricius* and *magister militum praesentalis* and was thus commander-in-chief of the army during his lifetime.²⁸⁷ At first the Gothic army was composed of Goths, the same Goths who accompanied Theoderic through the Balkans helping him fight off his competitor Theoderic Strabo,²⁸⁸ who also strove for the Gothic crown. Theoderic was a better contender as he had already proven himself as the successful and charismatic leader of a *Jungmannschaft*.²⁸⁹ But the key to Theoderic's hold over the Gothic army was his father Thiudimer's foresight in convening an "assembly of Goths,"²⁹⁰ most probably a combination of a council of leading men and a general assembly of warriors, which confirmed Theoderic's appointment to the leadership of "Thiudimer's Goths." With his selection and election duly acclaimed, he thus possessed the classical notion of political and military power derived from legal authority, long lineage and charisma.²⁹¹

However, by necessity the army increased in size, which led to changes in intermediate commands as special frontier forces and military governors, *duces* and *comes*, even appear in conquered provinces such as Narbonensis (c.e. 508).²⁹² As the soldiers were stationed in cities and fortifications, they had daily contact with the native population and thus became absorbed into civilian life. With their pay they bought land, and upon retirement they might acquire a civil

Bagaudae". (see Salvian, *DGD*, Bk.V.5., pp. 135-6; also R. MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire*, Cambridge, Mass., 1975. p. 211) On the same subject: E.M. Wightman, "Peasants and Potentates: An Investigation of Social Structure and Land Tenure in Roman Gaul", pp. 97-128.

²⁸⁷ P. Armory, *People and Identity*, pp. 92-3.

²⁸⁸ H. Wolfram, *The History of the Goths*, p. 270.

²⁸⁹ *Get.* 282, p. 132. Returning to Thrace from his years as hostage in Constantinople, he gathered a youthful army and successfully conquered a Sarmatian king.

²⁹⁰ H. Wolfram, *The History of the Goths*, p. 270 and Jordanes' *Get.* 288, p. 134.

²⁹¹ L. Green, *The Authority and the State*, pp. 18,20.

²⁹² P. Armory, *People and Identity*, p. 93.

office.²⁹³ This, then, was the Ostrogothic soldiers' path to landed status, distracting them away from their former preoccupation of warring and pillaging.

The Ostrogothic government was forced to employ soldiers for hire²⁹⁴ and hence Odoacer's navy was absorbed into the Ostrogothic army as was the retinue of an adventuresome Gepid prince named Mundo who had been dethroned. Furthermore, on their trek towards Italy, Theoderic had successfully fought the Gepids under Mundo's father, and it is easy to see that sentiments might be less than cordial towards the successful Ostrogoth by Odoacer's remnants and Mundo's horde.²⁹⁵ To preempt any possible disloyalty to Gothic rule, already the children of officers received military training, a type of Gothic education,²⁹⁶ in the hope that early indoctrination might lead to an *esprit de corps* on the battlefield. To further bind the soldiery to the royal ideology of Theoderic as a great military king, his "splendid past" as commander-in-chief of the Ostrogothic forces was celebrated²⁹⁷—a notion that was sustained in Gothic memory from his earlier exploits as leader of a legendary *Jungmannschaft* when only eighteen years of age and his later campaigns in Thrace.²⁹⁸ Military dress was yet another distinguishing feature for the soldiery, and arms gave them power over ordinary civilians.²⁹⁹

The Gothic army of Italy was not a homogeneous group of loyal retainers, but consisted of people with varied backgrounds and varied goals. Yet there is every reason to accept that Theoderic worked to retain absolute control over the military by relying on his military titles and invoking his and his family's reputation as successful military leaders. Theoderic invoked established charismatic authority that depended on his by now legendary military exploits during his youth and dynastic legitimacy that derived from his *thuidans*-ship and lineage. His successors, however, his young grandson Athalaric and his mother, the regent Amalasantha, promptly ran into problems upon Theoderic's death. Amalasantha relied on the charisma of the illustrious army careers of her royal ancestors when appointing herself as commander-in-chief.³⁰⁰

To maintain her legitimacy as regent of the western Empire of Italy and Queen of the Goths, Amalasantha was forced to combine in her hands the power and authority of the dual role of *patricius et magister militum praesentalis*, to control civil and military authority. To do so, in 533 she circumvented both the imperial administration in Constantinople³⁰¹ and Gothic tradition and assumed control over the Gothic military by appointing the prefect of Gaul, Liberius, *pratricius praesentalis* over the army in her name.³⁰² As the surprised senate accepted her appointments, one can assume that Amalasantha, too, exploited the Amal authoritative charisma and dynastic

²⁹³ *Ibid.*, p. 95.

²⁹⁴ *Ibid.*, p. 96.

²⁹⁵ *Ibid.*, p. 95.

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*, p. 94.

²⁹⁸ *Get.* 282, p. 132.

²⁹⁹ P. Amory, *People and Identity*, p. 96. Civilians could own arms but only in the defense of the state.

³⁰⁰ H. Wolfram, *History of the Goths*, p. 337. Amalasantha relied on the illustrious reputation of her ancestors built on their successful military exploits when appointing herself commander-in-chief of the Gothic army.

³⁰¹ The eastern administration of Justinian was still busy with the aftermath of the 532 Nika revolt.

³⁰² H. Wolfram, *History of the Goths*, p. 337; P. Amory, *People and Identity*, p. 160, recalls the absolute loyalty of Liberius to the Amals; P. 9, Gothic policy disallowed women and minors from an army command.

legitimacy as a model supplied by other female dynasts in the east.³⁰³ For a ruler absolute control over the army was still the overriding essential requirement for legitimacy. If the army was under control, civil authority was easier to maintain, and even Amalasantha had to submit to this principle.

What was true for the Ostrogoths had also applied to the Visigoths who struggled to maintain and augment their right to rule and were always vigilant to interpret the *Zeitgeist* reigning in their realm. Thus Alaric II, successor to Euric, also saw himself forced to amend the CE in 506 to placate his Gallo-Roman constituents in light of the ever-increasing Frankish aggression which met its closure with Clovis' resounding victory over the Visigoths in 507/8.³⁰⁴

The Question of Social Integration under Alaric II as Amended in the Codex Euricianus: the Breviarium Alaricianus or Lex Romana Visigothorum [Breviary]

The amendment to the CE was caused by two wars being waged simultaneously: between the Catholic Church of Rome and the Arian Church of the barbarians; and the advance of the Franks onto Visigothic lands. Necessity compelled legislated church reform as the military expansion of the Catholic Franks into the Visigothic sphere forced Alaric II to formally amend the constitution of his father Euric. Alaric II legally conceded group rights to Gallo-Romans who saw themselves more spiritually aligned with the recent convert to the Church of Rome, the Frankish king Clovis, and his equally recently converted followers.³⁰⁵

The new law stated that the religion of the king's orthodox subjects was his concern and therefore he legislated the Church of Rome to be a "national church" within the Visigothic kingdom.³⁰⁶ The Nicæan creed was thus officially recognized in the Visigothic realm, ensuring that persecution of the Christian orthodox ended. Under Alaric II, faith had been a bitter bone of

³⁰³ D.M. Olster, *The Politics of Usurpation: Rhetoric and Revolution in Byzantium*, Amsterdam, 1993, p.143. Verina, widow of Leo I and bearer of the dynastic seal, crowned her brother Basil during his unsuccessful revolt against Zeno; Ariadne, Zeno's widow, married Anastasius to support his claim to dynastic legitimacy.

³⁰⁴ P.D. King, "The Alleged Territoriality of Visigothic Law," p. 2.

³⁰⁵ On the controversial dating of Clovis' marriage, his conversion and the battle of Tolbiac see: B.S. Bachrach, "Procopius and the Chronology of Clovis' Reign," *Viator*, 1(1970), 21-9. Historians promote two main theories: (1) The long chronology (503,506,506) advanced by André van de Vyver; (2) the traditional chronology by Gregory of Tours and substantiated by Ferdinand Lot and B.S. Bachrach (pre-496-7.) Conversion is connected with an Alamannic battle but since there were several, proper dating is onerous. Conversion in 496 seems somewhat early if one considers that the bishop of Tours, Volusianus, was banished in 495 or 496 to Toulouse. Yet conversion could not have been much later, at least before the alliance with the Catholic Armoricans between late 501 and 504. H. Wolfram states "...by no stretch of the imagination can Clovis be regarded as champion of the Catholic faith." (See H.Wolfram, *History of the Goths*, p. 201) There is the possibility that Clovis' conversion to Catholicism was politically motivated in order to arraign Catholic Armoricans and Gallo-Romans behind his cause in gaining control over the Visigothic possessions, as opposed to Greg.of Tours that it was a matter of faith. (G.of Tours, bk.II,30, p.40).

³⁰⁶ H.Wolfram, *History of the Goths*, p. 201; Also Lew. & Reinh. p. 571, "The Edict of Toleration", on Constantine the Great's revised policy towards Christians in 311. As the head of the state, Constantine had used legal means to assert his authority over the Church, hence there existed legal precedents.

contention between Romans and barbarians, and legislation to supplicate the Gallo-Romans highlights that the Visigothic kings needed their continued support in the expected conflict with the Franks.

The *Breviarium Alaricianum* was promulgated with great festivities meeting the approval of the highest ranking Visigothic and Roman bureaucrats and bishops in the realm.³⁰⁷ The new law was decidedly nationalistic and favored Gallo-Romans as a group.³⁰⁸ The Breviary was copied and mailed to every *comes civitatis* in the realm and was to be used “under penalty of death,”³⁰⁹ an indication of the vital importance this new legislation had for the state.

It was not just another building block in asserting the authority of Visigothic rule, it was critical to the security of the Visigothic kingdom.³¹⁰ The events that led up to the promulgation of the “Roman law of the Visigoths” might add to the understanding of the importance attached to the new constitution.

Clovis, having finally aligned himself with the Armoricans between late 501 and late 504 or early 505, was now able to add to his foot soldiers not only the military strength of the Armoricans but also the remnants of an Alan cavalry unit.³¹¹ There was a pretense of avoiding a military confrontation when in 505 Alaric II and Clovis agreed to high-level peace negotiations now that they shared a common border.³¹² Only a few months later, on February 2, 506, the *Breviarium Alaricianum* was promulgated.³¹³

Only the continued threat of Frankish aggression on the Visigothic kingdom could have propelled Alaric II to amend the constitution in favor of the orthodox Church so shortly after his peace meeting with Clovis in 505. One could look upon it as a case of legal coercion on the part of Alaric II, inducing the Gallo-Romans to his side and thus quelling the resistance movement led by the Catholic clergy in the Visigothic realm.³¹⁴ This was the same clergy among whom Clovis had so much support because of his nascent orthodoxy.³¹⁵ One could, however, adopt a more benign view and vouch for Visigothic understanding, and hence acceptance and respect for the group rights of the Gallo-Romans, upholding their status as a distinct group. After all, the Visigoths themselves had made such great efforts to be treated in the same fashion because of their minority position. However one looks at this situation, Alaric II used every legal effort to bring the Gallo-Romans to his side and avoid their support of Clovis’ advances into the Visigothic kingdom.

³⁰⁷ H. Wolfram, *History of the Goths*, p. 196.

³⁰⁸ P.D. King, “The Alleged Territoriality of Visigothic Law,” p. 2. The Breviary was promulgated for the use of the Romans, previously ruled by the Theodosian Code; H. Wolfram, *History of the Goths*, p. 196 maintains the Codex is territorial.

³⁰⁹ H. Wolfram, *History of the Goths*, p. 196.

³¹⁰ *Variae*, p. xv. It was also a lifelong effort of Theoderic the Great’s to reconcile orthodox believers and Arians.

³¹¹ B.S. Bachrach, “Procopius and the Chronology of Clovis’ Reign,” p. 29.

³¹² *Ibid.*, Greg. of Tours, Bk. II, 34, p. 44.

³¹³ P.D. King, *Law and Society in the Visigothic Kingdom*, p. 10.

³¹⁴ *Ibid.*, p. 5.

³¹⁵ B.S. Bachrach, “Procopius and the Chronology of Clovis’ Reign,” on the resistance among Frankish *reguli* to Christianity;

This time the law was not only used to overcome ecclesiastical problems but also to proclaim to the Gallo-Romans that they were part of a civilized and legal state.³¹⁶ It was an administration that used the law and not the sword to smooth its domestic disputes, a fact which the legally trained minds of the Gallo-Romans would not fail to understand. This was a state that would better serve the interests of its citizens than that of the less civilized Franks, as it recognized the pain Catholics had suffered as a group under the rule of Alaric II when churches were closed and bishops were banned earlier in his reign.³¹⁷ This deed was now rectified. It was a precedent-setting case in the barbarian world of Late Antiquity and albeit a Roman display of jurisprudence, the new law, despite its constitutionality, was nevertheless a decree that came from above. The new legislation, it was hoped, also served the Visigothic royal house to strengthen its ties to the Gallo-Roman nobility.

The *Lex Romana Visigothorum* survives as a tribute to Gothic legal efficiency.³¹⁸ The Breviary remained in force in the Visigothic kingdom for nearly one hundred and fifty years³¹⁹ and forbade the use of any other Roman law.³²⁰ It is here that Walter Ullman states that the Breviary among all other early Germanic law codes "...reached the highest level of government juristic competence... and... the basic idea of the rule of law was here classically expressed in the memorable statement that 'the law was the soul of the whole body of the people'."³²¹ This refers to Aristotle, who believed that a society could not exist without the existence of law ruling all citizens and establishing their legitimacy as a community of people.³²² The mere promulgation of the Codex was thus in tune with the classical revival in fifth century Gaul.

The importance of the Visigothic Codices lies in the fact that the Visigothic kingdom now obeyed a codified rule of law, spelling out the rights and duties of ruler and ruled and could as such be regarded as a constitution. Furthermore, it influenced other barbarian rulers to issue such legal constitutions to proclaim their independence as legal states and their rulers as legitimate kings. Warlords from Thrace had achieved constitutional kingship in a very short span of time.

Salian Code

Different barbarian legal codices were also designed to reflect the special circumstances of the realms for which they were written. It is generally presumed that the first Frankish code was the Salic codex promulgated with little doubt by king Clovis in 507 after his defeat of the Visigoths at

On Clovis: I. Wood, "The Code in Merovingian Gaul," in *The Theodosian Code*, p. 165.

³¹⁷ H. Wolfram, *History of the Goths*, p. 200.

³¹⁸ I. Wood, "The Code in Merovingian Gaul", p. 165.

³¹⁹ P. King, *Law and Society in the Visigothic Kingdom*, p. 10.

³²⁰ I. Wood, "The Code in Merovingian Gaul," p. 159.

³²¹ W. Ullman, *Law and Politics in the Middle Ages*, p. 195.

³²² R. Bambrough, *The Philosophy of Aristotle*, trs. J.L. Creed and A.E. Wardman, Harmondsworth, G.B., 1963. In "Politics," Bk. I.1, p. 382. Aristotle limits a state to the Greek city-state and says that this state is a political partnership, which can be extended to a community that is larger than a city-state. Further to Aristotle's theory: "Justice is part of the state, since it settles what is just;" and political partnership is regulated by legal justice. (Bk.I.2, p. 385)

Vouillé.³²³ Clovis now ruled the greater part of Gaul and consolidation was on his mind, raising the question under which law the different groups were to be judged. Interestingly enough, the oldest version of the *Lex Salica*, the *Pactus Legis Salicae*, does not contain references to Christianity.³²⁴ This is surprising, considering the preoccupation of barbarians and Romans with their faith during this period. However, ignoring the matter of faith might point to Clovis' himself and his underlying reluctance to convert. Hence he preferred to address primarily private, civil and criminal matters.³²⁵

The *Pactus* was clearly a collection of Germanic tribal laws, collected and codified. Rivers actually denies that it was a code of law, and states that there was very little Roman influence apart from its Latin script,³²⁶ while Ian Wood attributes some "provincial law to the Code, which was Roman if not imperial."³²⁷ One can agree with Rivers that the *Pactus* was a collection of private laws, criminal law and legal procedure that needed constant updates.³²⁸ For this purpose, the *Pactus* will be referred to as a legal code, as it is the closest the Franks could produce at this stage of their educational development, recognizing that four Frankish nobles were charged with the collection of customary laws for the purpose of coding them.

The code, as its title *Pactus legis Salicae* proclaims, is a legal pact between the Salians. Four noble Salian Franks from the other side of the Rhine, the non-Roman side, were chosen to convene three "legal assemblies...to discuss all aspects of legislation."³²⁹ Clovis had wisely followed customary Germanic protocol when he involved the Salian nobility from beyond the Rhine, effectively members of the ancient "council of leading men" who came together in a *Thing* [or *Ding* in German, actually the "assembly of warriors"] to write down the laws. A legal assembly comes close enough to a *Thing* to assume that more than just the four nobles were involved. This was a deliberate decision to involve Franks from many facets of society. It achieved that the code was recognized by the Salians as their legal pact between themselves and their king. It asserted the king's authority as the last instance of law³³⁰ as he was the "most important individual among the Franks, whose power was derived from his person."³³¹ While Clovis was thus legally responsible to

³²³ I. Wood, "The Code in Merovingian Gaul," p. 159; also Th. J. Rivers, *Laws of the Salian and Ripuarian Franks*, p. 3.

³²⁴ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks*, p. 2.

³²⁵ Greg. of Tours, bk.II,29-31, pp.38-40, Gregory recalls how much effort Clovis' queen expended in his conversion.

³²⁶ Th. J. Rivers, *Laws of the Salian and Ripuarian Franks*, p.2; K. Fisher-Drew, "Another Look at the Origins of the Middle Ages: A Reassessment of the Role of the Germanic Kingdom," 62/4(1987) *Speculum*, 802-10. F.-Drew agrees.

³²⁷ I. Wood, "The Code in Merovingian Gaul," p. 163.

³²⁸ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks*, p. 2.

³²⁹ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks in Pactus legis Salicae*, paragraph [P.] 2. p.39. Rivers states, however, that these four nobles might have been illusory but reflecting the idea that the laws originated deep within the oral traditions of the past. Yet, this is a difficult premise to accept, as the leading nobles traditionally had a role to play in the governance of their kin and country.

³³⁰ Th.J. Rivers, *Pactus legis Salicae*, 56. P.1,2, p.102. If the court is impotent or the feuding parties disagree then the defendant has to appear before the king as the last instance of final justice.

³³¹ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks*, p.13.; *Pactus legis Salicae* 56. P. 1, p.103; Infidelity to him was punishable by death and by confiscation of all his property. Apart from his participation

himself only and thus held absolute civil authority, the *Pactus legis Salicae* served the same expectations as the Visigothic codes.

Significantly, the date of the issuance is an important testament to Clovis' astuteness in perceiving that his far-flung territories were in need of a legal code proclaiming Frankish lands as a political unit and a lawful society, as the preamble of the *Pactus* states,³³² and just as the Visigoths had done before. This is especially important since he now ruled over a large part of the conquered Visigothic lands where the *Lex Romana Visigothorum* remained in force.³³³ Therefore, it comes as no surprise when John Rivers argues that *The Pactus Legis Salicae* was designed to try the defendant in accordance with his nationality. Hence, a Frankish defendant in Visigothic Gaul would be charged under the *Pactus*. The exception applied to Gallo-Romans whereby in civil matters Roman law could be invoked while in criminal matters Frankish law was applied.³³⁴ The Frankish code was effectively a mixture between national/personal and territorial jurisprudence and not always clear cut.³³⁵

It should be stressed, however, that Clovis did not have to assert independence due to a previous settlement arrangement with Roman authorities, as he had absorbed most of Gaul from the base of his inherited possessions in Toxandria. Hence, Clovis greatly expected his conquering army to support his mandate. In this Clovis could trust in his *antrustiones*, his personal army or *buccellarii*, who constituted an army of "armed retainers who formed the king's bodyguard."³³⁶ They were the king's retinue, privileged soldiers who received triple *wergeld* (600 *solidi*) as their legal value, hence they were legally protected by the king.³³⁷ Rivers asserts that *antrustiones* were not part of the Merovingian nobility as evidenced by the *Lex Salica* but who eventually were to constitute a new aristocratic class.³³⁸

The social status of these Frankish *antrustiones* under Clovis has received much attention from nineteenth and twentieth century historians.³³⁹ Accordingly, their legal status ranges from free to unfree, while their social standing was placed from within the ranks of Frankish elites to the king's *leudes*. The king's Frankish *leudes* have been specified to mean "real Franks", meaning those Franks who were followers in Tacitus' sense and hence *Gefolgsleute*; some historians thought Frankish *leudes* were the equivalent of *antrustiones regis* while others interpreted *leudes* generically as *Untertanen*. As Germanic followers are considered to be free, it is quite possible that *leudes* started off as free people just like *laetii*. However, upon entry into conquered Roman and

in the army, which he personally led, the king was also responsible for the maintenance of the public peace." (Th. J. Rivers, *Laws of the Salian and Ripuarian Franks*, p.13.)

³³² Th.J. Rivers, *Pactus legis Salicae*, "Preamble", p.39.

³³³ K. Fischer-Drew, "Another Look at the Origins of the Middle Ages..." p. 807.

³³⁴ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks*, p. 19.

³³⁵ Salian laws are somewhat unclear as to territoriality, as they state at one point that there were Germans living under Salic laws who were not Franks themselves. (See *Pactus legis Salicae* 32.3, p.6.)

³³⁶ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks*, p. 14.

³³⁷ *Ibid.*, references in the Frankish law, (*Pactus legis Salicae*, 63.1, p. 108) make it clear that ordinary free men supplied paid military service.

³³⁸ *Ibid.*

³³⁹ F. Irsigler, *Untersuchungen zur Geschichte des frühfränkischen Adels*, Bonn, 2nd ed., 1981, pp. 40,42,46,50,51,57, 59,67. For the paragraph: Frankish elites, p.40; Frankish *leudes*, p.51; W. Schlesinger's opinion, p.59.

Visigothic territories, social changes, such as the legalization of patronage in the Visigothic realm, changed their status. Walter Schlesinger thinks that *leudes* and *antrustiones* were unfree. This does not, however, preclude Rivers' stand as an impossibility, as *antrustiones*, due to their privileged status as the king's personal protectors, might eventually be freed and could then evolve into a new elite group.

Whatever the *antrustiones*' legal and social status within the Frankish society of Clovis, there was, nevertheless, a legal contract between the protectors of the king's assumed rights and privileges and his *antrustiones*.³⁴⁰ The *antrustiones* were deployed to defend their king's right to rule and hence his legitimacy. At the collapse of the Roman army, defense rested with the barbarian kings and an army manned by Germans. Fischer-Drew quotes Bernard S. Bachrach who further contends that the Merovingian army, and other Germanic armies, were mainly comprised of professionals, either the king's retinue, the retinues of the magnates of the kingdom, or the remnants of Roman imperial troops or *laeti*.³⁴¹ If one also accepts Schlesinger's stand that the Frankish *antrustiones* were unfree, the customary *Gefolgschaftswesen* was then a thing of the past. Retinues, that had been the *Heerkönig's* immediate followers and neighbors constituting the major components of a warrior society, had given way to a professional army. The *Heerkönig's* ancestry had been known to his followers, but with many new entrees joining the fold it was necessary, as will be seen, to re-affirm descendency and to spread the legend of the *stirps regia*, while at the same time advertising the Frankish realm as an ancient Frankish nation. However, the statute concerning the inheritance of land in the *Pactus* deserves special mention as it directly affects the royal house.

Even the free Franks from beyond the Rhine no longer subscribed to tribal land-ownership, but while women shared fully in the inheritance³⁴² they were excluded from inheriting crown lands:

But of land belonging to the Salian Franks [*terra salica*], no portion shall be inherited by a woman, but every land shall belong to the male sex, [and only those] who are brothers.³⁴³

This law is of vital importance for the Merovingian house because it infers that no Merovingian princess could inherit *terra salica* or crownlands. Since possession of crown domains were vital to the premise of kingship, women were barred from holding the crown. Effectively, the Merovingians assured for themselves male succession.³⁴⁴ Further, the codices remained the basic legal frameworks even for the Peppinites when Charlemagne upheld the legal validity of the existant codes:

...every man in the kingdom, which was by 814 made up of a number of different national groups, lived, at least in theory, according to the law peculiar to the particular national group to which they belonged.

³⁴⁰ K. Fischer-Drew, "Another Look at the Origins of the Middle Ages".

³⁴¹ Ibid, p. 804, n. 6. Sourced from B.S. Bachrach, *Merovingian Military Organization*, Minneapolis, 1972, pp. 481-751.

³⁴² Th.J. Rivers, *Laws of the Salian and Ripuarian Franks: Pactus legis Salicae*, 59.1-5, p. 106.

³⁴³ Th.J. Rivers, *Laws of the Salian and Ripuarian Franks: Pactus legis Salicae*, 59.6, p. 106.

³⁴⁴ On the same subject see *Lex Ribuarica*, in Th. J. Rivers, *Laws of the Salian and Ripuarian Franks*, 57 (56). 4, p.192, "But while a man lives, a woman may not succeed to the ancestral landed inheritance [*hereditas aviatica*]. Further, R. McKitterick in her article on "Some Carolingian Law Books and their Function," in B. Tierney and P. Lineman, eds., *Authority and Power*, pp.14,19, R. McK. is emphatic that even in 814, the year of Charlemagne's death, these Frankish laws were still in force.

The Church on the other hand observed Roman law, and for some groups within the Frankish kingdoms, Roman law was their national law.³⁴⁵

Riparian Code.

The other Frankish Code worth mentioning is the *Lex Ripuaria*,³⁴⁶ the constitution of the Riparian Franks. This code was a later promulgation of laws, more sophisticated and better organized than the *Pactus*, originating in the seventh century after Clothar II's invasion of Austrasia in 613 and attributed to Clothar's son Dagobert I (629-639).³⁴⁷ It was written with the assistance of Church and *Adel*.³⁴⁸ This is an indication that, in order to win approval, it was better to involve the Riparian aristocracy and the Church that had gained considerable influence in the newly amalgamated territory of Austrasia.³⁴⁹ Furthermore, this separate legal codex for Riparian Franks affirms the territoriality of the legislation and points to the fact that the two groups were anything but closely aligned. However, as both were ruled by the Merovingian *stirps royal*, these laws, as Rivers states, were both influenced by and subordinated to the Salian laws.³⁵⁰ The progressive updates of these codices are an indication that the Franks had not completed their domestic arrangements constituting a continuous process. As late as Charlemagne, the state had to accommodate different ethnic groups to support the legality of the state. It is also an indication that the *Pactus* was modified and reissued over the following centuries because "...the codified customary law was overwhelmingly a '*Weistum*', that is, the more or less formal declaration by the popular assembly [*Thing* or *Ding*] of what was held to be law."³⁵¹ There is a definite attempt to accommodate peoples with different traditions. Yet, one can also discern that laws are clarified and tightened under the influence of Church and aristocracy within the Frankish sphere, hence there is a quest for civil order although the judge of last resort remained the king.³⁵²

It is also an admission that the country was effectively a *Teilkönigtum*, subject to Frankish inheritance practices, where many peoples lived in a transitional world and where the Franks were most probably more bound together through its *stirps regia* than the statutes of their legal codices. As will be seen, the recording of legendary descent in order to assert their pre-eminence became a Frankish pre-occupation during the sixth and seventh centuries.

³⁴⁵ R. McKitterick, "Some Carolingian Law Books and their Function," p. 15.

³⁴⁶ Th. J. Rivers, *Laws of the Salian and Riparian Franks*, pp. 8-9. Surviving fragments dating from the 9th and 10th centuries attest that the code was used well into the Middle Ages.

³⁴⁷ *Ibid.*, p. 3

³⁴⁸ *Ibid.*, p. 8. Rivers substantiates this by pointing to the *Lex Baiuvariorum* where Dagobert is credited with the promulgation of these laws and assisted by bishop Kunibert of Cologne and duke Adalgisel.

³⁴⁹ Th. J. Rivers, *Laws of the Salian and Riparian Franks under Lex Ripuaria*, 61 (58) 1, p. 195, explicitly states that the Church was subject to Roman law.

³⁵⁰ J. Rivers, *Laws of the Salian and Riparian Franks* p. 8.

³⁵¹ W. Ullmann, *Law and Politics*, p. 194.

³⁵² I. Wood, "The Code in Merovingian Gaul," p. 168. Churchmen with their legal knowledge updated and revised statutes; also K. Fischer-Drew in "Another Look at the Origins of the Middle Ages," pp. 803-12.

Burgundian Code

Also part of barbarian legal codes are the Burgundian law codices, called *Lex Gundobad* or *Lex Burgundionum* and the *Lex Romana Burgundionum* to indicate that this part of the text applied to Gallo-Romans.³⁵³ Obviously this code was a more sophisticated version due to the long influence of Roman culture on Burgundian nobles and their affairs. As mentioned earlier, the Burgundians had been allowed to settle on Roman territory along the Rhine in 406/407 by Honorius and were resettled by Aetius between 434-8 in the region between Geneva and Vienne at the Rhone. There was then a history of settlement and accommodation between Romans and Burgundians that found its expression in two Burgundian codices. Compiled between 483-517 by king Gundobad and his son Sigismund, during the same period as the Visigothic and Frankish codes,³⁵⁴ these codices attest to a Roman outlook as compared to the more Frankish *Pactus* of Clovis.³⁵⁵ The code was devised for both Burgundians and Romans. For instance, court was held with one Roman and one Burgundian judge presiding, as outlined in the *Liber Constitutionum* of 507:

Let no Roman and Burgundian count [noble], in the absence of the other judge, presume to decide any case however often they may desire it, so that consulting frequently they may not be in doubt concerning the provisions of the laws.³⁵⁶

Furthermore, Gundobad called upon a body of jurists, “knowledgeable” counts, to assist in the writing of the codes. Judging from the list of names provided in *The Burgundian Code*, Romans and Burgundians were represented.³⁵⁷ The perception is that in 483 Romans and Burgundians were equals before the law. However, “the king no longer seems to be one among equals, as was true of the relation of the early Germanic kings to their nobles, but he seems to have become definitely the head of the state, both in time of peace and in time of war.”³⁵⁸ This perception is also reflected in the *Lex Gundobad*, as it was in the Frankish codes, where the king was the last instance of justice. Within one hundred years, from 406 when the Burgundians first settled on Roman soil in the vicinity of Worms to their resettlement into the area of Geneva, Vienne and Lyons, (c.434-437) the Burgundian community had evolved into a viable kingdom.

Gundobad, too, used the promulgation of the Burgundian Codices, in proclaiming the Burgundian kingdom as an independent and legitimate state under a constitution. Here, too, one can see that the authority to rule was based on the right of legal representation before the court. Yet, as far as governance is concerned, the Germanic kings had far more power under the new regime than they ever had under Germanic customary laws. The laws of a tribal society had given way to the laws of state, therefore, Germanic kings in their new kingdoms needed a constitution to protect their legitimacy to rule.

³⁵³ K. Fischer-Drew, tr., *The Burgundian Codes*, Philadelphia, 1972, see introduction by K. Fischer.-Drew.

³⁵⁴ *Ibid.*, for detail n.1, p.17, in “Book of Constitutions or Law of Gundobad.”

³⁵⁵ I. Wood, “The Code in Merovingian Gaul,” p. 171, on the influence of the Theodosian Code. Further, I. Wood asserts that the Burgundian Code “is remarkably imperial,” a reminder that Gundobad was Ricimer’s nephew and “that Gundobad came as close to the heart of the Empire as any barbarian leader in the 5th century.”

³⁵⁶ K. Fischer-Drew, *Burgundian Law Code*, p. 21.

³⁵⁷ *Ibid.*

³⁵⁸ *Ibid.*, p. 13.

Lombard Laws

The Lombard law book, quite in contrast to the Visigothic and Burgundian Codices, was also overwhelmingly Germanic in substance and structure.³⁵⁹ Here, too, a people came to invade eastern Roman possessions in Italy in 565. They had no close ties with the Roman Empire and their leaders were more concerned to bring their own nobility under control with the aid of a legal codex.³⁶⁰ Once they had settled in Italy, the organization of the Lombard administration fell into two distinct layers. The kingdom was elective [in contrast to the hereditary kingdom of the Merovingians] and while the king's military power was real, as long as he could prove it with continued acquisitions, the king's dukes ruled their dukedoms without central interference. Two distinct administrations were in place,³⁶¹ hence the king's political and judicial rights were constantly challenged. To overcome this shortcoming the king must have hoped to bind his nobles to him under a common law code.

The first and oldest Lombard Code was issued in 643 by king Rothari "...who reduced to writing the ancient laws of our fathers, because they were not written down."³⁶² This is a statement that should be understood cautiously, because frequently these new codices presented time-honored customs when it was suitable. As with all other barbarian law codes, here, too, were traces of the Visigothic Codices.³⁶³ Significantly, W.Ullmann points out that the ruler "...is here shown in his tutorial function, a conspicuously advanced theme based on the Germanic '*Munt*'."³⁶⁴ As is known from the previous discussion, the expression *mund[t]* can hardly be regarded as an "advanced theme" but is a throwback to an earlier time when *mund[t]* indicated the right to rule and to protect one's followers militarily, while also in charge of civil authority over the clan or tribe. Hence, the code might underline the king's quest for both military and civil legitimacy by returning to the customary rights of Germanic leaders.

In theory, at least, the Lombard king was not inclined to relinquish his traditional Germanic rights. Thus the code was punctuated with undeniably Germanic notions. Not only did Rothari need an expression of his legitimacy as ruler but his kingdom also needed the assurance of the legality of a state. According to Germanic custom, from his position as Duke of Brescia, he had been elected ruler of the Lombards in 636 after an interim period when the Lombards ruled individual dukedoms without the overlordship of a king.³⁶⁵ Although the Lombards had been united under their elected king Authari in 584, elective office lacked the legendary qualities that

³⁵⁹ W. Ullmann, *Law and Politics in the Middle Ages*, p.196.

³⁶⁰ K. Fischer-Drew, tr. & intr., *The Lombard Laws*, forew. E. Peters, Philadelphia, 1973, p. 23, see intr. where the author provides a short but succinct history of the Lombards.

³⁶¹ *Ibid.*, p. 23.

³⁶² W. Ullmann, *Law and Politics*, p. 196; K. Fischer-Drew, *The Lombard Laws*, Rothair writes: "we have perceived it necessary to improve and to reaffirm the present law, amending all earlier laws by adding that which is lacking and eliminating that which is superfluous." Present law must mean traditional oral laws.

³⁶³ W. Ullmann, *Law and Politics*, p. 196.

³⁶⁴ *Ibid.*

³⁶⁵ K. Fischer-Drew, *The Lombard Laws*, pp. 16-17.

could be attributed to a king from a *stirps regia*. Quite significantly, to overcome this shortcoming, Rothair added a regnal list in defence of his long lineage and royal blood. "Germanic royal legislators regarded a record of their predecessors in the kingship or of their own royal descent as a necessary complement to their kingship and their power to legislate."³⁶⁶ Long lineage and belonging to a *stirps regia* were of upmost importance to the legality of a leader's right to rule as it confirmed that he was part of a royal tradition.

Moreover, the king did not exercise control over both civil and military administrations. The Lombard Codex tried to overcome this deficiency of control by returning to Germanic customary laws that gave leaders authority over civil and military administration. Thus, the Lombard laws served as a constitution to proclaim the legitimacy of the state and its ruler, as opposed to the constitution protecting the legitimacy of its ruler. The Lombard design did not work, as the "basic cause for the failure of the Lombards to establish a lasting state was their failure to develop a concept of royal power that should take precedence over local interests."³⁶⁷ The authority and legitimacy of a ruler and his state were always at the center of a king's consciousness, and the promulgation of barbarian law codes was effectively the most important means to this end. Yet, the proclamation of the Lombard laws is an indication that even a constitution is doomed to failure if ruler and ruled do not agree on its content. Law remained a contract between God and the people whereby the king stood in God's stead.

THE WRITING OF GENEALOGIES AND NATIONAL HISTORIES: PROMOTED BY THE NEW BARBARIAN KINGS TO LEGITIMIZE THEIR RULE AND THEIR REALMS

As mentioned, the Visigothic king Euric, after having declared independence from Rome in 476 and promulgated a new constitution to legalize his state, focused his attention on Sidonius Apollinaris to write the history of the Visigoths and their *stirps regia*. Euric's demands were cleverly circumvented and Sidonius never recorded the Balthi history.³⁶⁸ Nonetheless, the Roman education Theoderic I's sons had received under the tutelage of Sidonius' father-in-law, the Gallo-Roman emperor Avitus, had fostered an awareness of Greek and Roman precedent in recording rulers' genealogies as well as the origin and history of their people. The implied purpose was to achieve yet an additional layer of cultural and political legitimacy. By teaching the royal sons the writings of Virgil and hence his major work, *The Aeneid*, the news was spread that it behooved any royal pretender to have his story told in the same manner.

The poem depicts the foundation of Rome and the legendary story of the house of the Julii, Caesar Augustus' heavenly forefathers. According to the *Aeneid*, divine intervention of his mother Aphrodite saved Aeneas, the son of the Goddess and the Trojan hero Anchises, during the battle of

³⁶⁶ D.N. Dumville, "Kingship, Genealogies and Regnal Lists," in P.H. Sawyer & I. Wood, eds., *Early Medieval Kingship*, Leeds, 1977, pp. 72-104, p. 75. Dumville specifically refers to Rothari's king-list.

³⁶⁷ K. Fischer-Drew, *The Lombard laws*, p. 18.

³⁶⁸ H. Wolfram, *History of the Goths*, p.199.

Troy. Anchises and Aeneas fled the devastation of Troy to embark on an adventurous journey. Anchises perished but Aeneas, by a circuitous route via Carthage, arrived in Latium where he laid the foundations of what would become Rome. He begged the Gods for admission to the Underworld to meet with Anchises, who introduced him to his own descendants, "...in a pageant of historicity culminating with Augustus."³⁶⁹

There are several key features in this legend to be observed in any writing of genealogies and foundation stories to qualify for Roman acceptance. Firstly, there was the importance of a Trojan origin or at least a Trojan connection. Secondly, the founder must be of royal descent and at least one parent must be divine to render the founder a hero. Thirdly, the founding family or their progeny had to be driven from their homeland and were forced to live among strangers in a foreign land, where they had to respect both their own traditions and foreign laws. Fourthly, since they were divinely royal, brave and intelligent they qualified to marry into the established royal house at their final destination. This immediately enhanced their personal legitimacy but more importantly established legitimacy for their heirs, entitling their offspring to carry on with new traditions; but it also insinuated that in times of crises it was permissible to resort to old virtues and act accordingly.

Did Romans totally subscribe to these legends? The answer must be "yes" and "no"! Augustus was not a patrician, but he was the adopted son of the patrician Julius Caesar; this precluded that Augustus would respect, adapt and act within the values this group of people had established for themselves. Therefore, Augustus' life-long insistence that he was not a monarchical ruler but a princeps, or the first among equals. Many did not believe him but the myth qualified in the pretence of upholding Roman republican virtues. Further, did educated Romans accept divine descent or even the claim to divinity in their rulers? Plutarch speaks quite eloquently on this matter when recounting the story of Alexander the Great's promotion to god-like status. He referred to the event as a slip of the tongue on part of the oracle who addressed Alexander as "O son of Zeus" instead of "O my son." This was no Freudian slip of the tongue but most deliberate! Alexander was well pleased and from then on he publicly enjoyed his new designation as a god. But, Plutarch impressed on his readers, "...it was apparent that Alexander in himself was not foolishly affected, or had the vanity to think himself really a god, but merely used his claims to divinity as a means of maintaining among other people the sense of his superiority."³⁷⁰ These were then the prerequisites for any leader who might want to establish himself and his followers as a ruler within the confines of the empire. It was a political ploy intended to gain legitimacy by turning legend into history and in the process liken it to a protocol.

Avitus may have instilled this lesson in the Balthi offspring of Theoderic I. This was the story that Euric and other barbarian leaders yearned to hear about their own ancestors and that of their "nations" to put their cultural and political legitimacy on the "solid" base of ancient history. Although historians do not seem to refer to Virgil's *Aeneid* as a national history, this is exactly what it endeavors to be. Although myth stood in direct opposition to Christian teachings, the seven

³⁶⁹ Virgil, *Aeneid*, any translation will tell the story.

³⁷⁰ Plutarch, *Eight Great Lives*, The Dryden Translation, rev. A.H. Clough, ed. Ch.A. Robinson, Jr., New York, Chicago, San Francisco, Toronto, London: Holt, Rinehart, Winston, 1960, p. 209.

historians and churchmen who wrote the first Germanic histories did indeed record the legendary origins of the founders and establish national histories for the people they served.

They were: Jordanes, who published the Gothic History in the *Getica* in 551; and Gregory, Bishop of Tours, (d.593/4) who recorded *The History of the Franks* to 593 and their royal house, the Merovingians. *The Chronicle of Fredegar* is of equal interest as it is the continuation of Gregory's work but does not take the latter into consideration; there is also the *Liber Historiae Francorum*, by an unknown but highly placed Neustrian courtier, which in turn the continuation of *The Chronicle of Fredegar*.³⁷¹ There is Bede (d.735), who wrote for the English; Paul the Deacon (d.799) for the Lombards; and Isidore of Seville, who in 624 chronicled the history of the Visigoths, a work not too often referred to, as its accuracy leaves much to be desired.³⁷² The common thread that runs through these works is that the legendary ancestors of present day leaders were ascribed historical roles and could thus serve as the recognized founding fathers of these new "nations," whereby it should be remembered that the word "nation" stands in reality for a community of peoples whose rulers tried to mold them into a semblance of unity. None of these Christian writers ever hesitated to point out the barbarian rulers' mythical origins from the Germanic god Gaut/Gapt (a new name for Odin), or in the case of the Merovingians, the seagod Merovech. Christianity was bypassed in the attempt to legitimize their progeny and their respective "nations" in order to elevate their status, that it might equal that of the Roman emperors. The least they tried to achieve was to impress the Roman senators now in their employ.

If Alexander the Great and Augustus consciously exploited their exalted status, the Amals, Merovingians and Lombards and other *stirps regia* descendents made good use of Greek and Roman models. Moreover, Germanic peoples still knew that their descent from Gaut was no mere myth but the reality of their Germanic belief system, therefore they were not far behind to augment their political, cultural and social superiority by writing histories. Genealogies and histories were not for Roman consumption only but also for the edification of barbarians to impress upon their consciousness their rulers' high status and to paint them as cultural equals of the Romans. Long genealogies, whereby seventeen generations were prominently featured in Rothari's regnal list and the Amals' genealogical claim, and descent from the Germanic god Woden stressed the political unity of a new grouping of peoples. The underlying propaganda was that it was the leader's inherent right to rule. Lastly, these writings also served as a means of communication in lieu of political pamphlets.

³⁷¹ *Liber Historiae Francorum*, trs. B.S. Bachrach and Lawrence, Ka., 1973, pp. 15-6. Two *Teilkönigtümer* were warring for supremacy in the Frankish kingdom, Neustria, roughly the old Salian part and Austrasia, mostly the old Ripuarian territories. Also used: Fredegarii, *The Fourth Book of the Chronicle of Fredegar and Continuations*, tr. & intr. J.M. Wallace-Hadrill, London, New York, Edinburgh, Paris, Melbourne, Toronto, 1960; J. L. Nelson, "Inauguration Rituals", in P.H. Sawyer and I. Wood, eds., in *Early Medieval Kingship*, Leeds, 1977, pp. 50-71, pp. 57-8. N. concludes that *Liber Historiae Francorum* was continued first by Peppin's uncle and then by his cousin.

³⁷² W. Goffart, *The Narrators of Barbarian History A.D. 550-800: Jordanes, Gregory of Tours, Bede and Paul the Deacon*, Princeton, 1988, p. 3.

The Getica

The Ostrogoth Theoderic was the second ruler to order his closest advisor, Senator Cassiodorus, to write the history of the Amals and that of their Gothic followers. The writing "...may likewise have been aimed at both races: to impress on blue-blooded senators and proud Gothic chieftains the dignity and antiquity of the Amal house, whose pre-eminence was recent and precarious."³⁷³ These few words express the aim of recording history. Although Cassiodorus' *Gothic History* is lost, there is the Gothic history of Jordanes, the *Getica*. Jordanes states that his is a recount taken from Cassiodorus' twelve volumes.³⁷⁴ Theoderic was hindered from building a Gothic realm on Roman soil as he was an employee of the eastern Roman state, yet he did not fail to impress upon his Roman and Gothic audiences the antiquity and superiority of his somewhat concocted lineage. It was the "reality" of recorded Gothic culture and thus Gothic "national" legitimacy not only *vis-à-vis* their Roman counterparts but also as it applied to their barbarian compatriots that received the best publicity.

The *Getica* recounts the story of the philosopher Dicineus visiting Gothia sometime during the consulship of Sulla (88 b.c.e.), and it was by his advise that the Goths ravaged the lands of the Germans which were now in the possession of the Franks. Dicineus became counselor of the ruling Gothic king Buruista, and when he saw that people were intelligent and receptive he taught them philosophy. He further taught them ethics to restrain their barbarous customs, and taught them physics to induce them to live under natural laws of their own, the *belagines*, which they still possessed.³⁷⁵ He taught them logic that empowered them to reason beyond all other races! Furthermore he taught them astrology, and because of his knowledge and wisdom, he was able to partake in the rule of the Gothic king. After the death of Dicineus a priest-king named Comosicus came to power.³⁷⁶ Thus, in one grand statement, whether by Theoderic, Cassiodorus or Jordanes, the Goths had become an ancient race, if not a nation, reaching back to the time of archaic priest-kings. They had a written code of law just like the Twelve Tables. With those "facts" skillfully propagandized there was nothing that could stand in the Goths' way to live and rule within the Empire. The originator of this myth was well aware of Gothic requisites needed to satisfy Roman senatorial expectations for acceptance into the community of the civilized world. The creation of this myth was not beyond the wisdom of Theoderic, having been educated at the court of Constantinople during his impressionable young years and thus being close to Greek and Roman cultures. These quite blatant attempts at achieving cultural and national legitimacy were well brought forward and understood by his senatorial audience and most likely expected. Effectively, the *Getica* stated that the legitimacy of the Goths as a civilized community was equal to that of the Romans and that Theoderic's rule was based on traditional authority due to long lineage within the

³⁷³ *Variae*, intro. p. xxxi.

³⁷⁴ *Get.* 1,2, p. 51

³⁷⁵ *Get.* under "Commentaries", n.69, p. 155, there is the argument that the Goths had no written law before Euric in 476 but that Cassiodorus gave credit to something Dio [Cassius] had written in the *Getae*; H. Wolfram, *History of the Goths*, p. 194, *belagines* may have been written legal statutes but it is not known whether they applied to both Gothic peoples. Whatever the controversy, they were not written down in the 1st century b.c.e.

authority of the law. As the Ostrogoths had already officially accepted Roman law as their own, they had now fully corroborated with Roman protocol as laid out by Virgil. Whether his audience bought the story was not as much at issue as whether they accepted his authority based on these pronouncements, as legitimate authority is always based on acceptance.

Furthermore, where were the Franks in 88 b.c.e.³⁷⁷ As they were nowhere in sight, this remark was directed at the Merovingian rulers and Theoderic's son-in-law, the Burgundian king Sigismund, to inform them that the Goths could as easily ravish the Franks now as they had done in the past. It plainly stated that the Gothic military might was greater than that of the Franks and Burgundians in the 520s.³⁷⁸

This was the time when the Franks had already wrested much of Gaul from the Visigoths and were vying for the militarily weaker Burgundy. The Burgundian king was married to Theoderic's daughter and Theoderic regarded Burgundy as belonging within his sphere of influence. In reality, the Ostrogothic administration also used the *History of the Goths* to spread a political message that insinuated: "hands off Ostrogothic holdings and interests!" With this propaganda, Theoderic had elevated himself as the policeman of the western barbarian kings. This was a bold ruse to cover up any weakness that might exist within the Ostrogothic administration but also a forethought to augment the future legitimacy of the Amals over their own cantankerous nobility. Furthermore, this constituted a direct warning to the Burgundian king Sigismund who did not always act as a good son-in-law should.³⁷⁹

In addressing the antiquity of the newly established Ostrogothic community in Italy, Amal family genealogy proclaimed their lineage as dating back for seventeen generations. At the same time there was an attempt to mesh Gothic and Roman history into one continuous whole. Athalaric explained this "historical detail" in a public letter to the Senate of Rome:

From the lurking place of antiquity he led out the kings of the Goths, long hidden in oblivion. He restored the Amals, along with the honor of their family, clearly proving me to be of royal stock to the seventeenth generation. From Gothic origins he made a Roman history, gathering, as it were, into one garland, flower-buds that had previously been scattered throughout the fields of literature.³⁸⁰

The establishment of such ancient history was in support of multipurpose political, social and cultural goals. First and foremost was the message of cultural legitimacy that always implied political legitimacy. The aim was the proclamation that barbarians were the equals of the Romans because they could look back on events that affected them both. But more than that, histories served as a means of communication between rulers of different peoples. None clarifies this more

³⁷⁶ *Get.* 67-73, pp. 69-71.

³⁷⁷ H. Wolfram, *Die Germanen*, p.79. First recorded as a confederation of free peoples at around c.e. 200, but the Salian people only became political Franks in the middle of the 4th century c.e.

³⁷⁸ B. Croke, *Cassiodorus and the Getica of Jordanes*, Chicago, 1987, n.2, p. 117. B.Croke rightly asserts that *The Gothic History* by Cassiodorus was written between 523-526 and might have been completed before the death of Theoderic in 526. The warnings directed at the Franks are too timely to consider later dates.

³⁷⁹ H. Wolfram, *History of the Goths*, pp. 311-313. King Sigismund, co-regent with his father Gundobad since 501 and sole ruler between 516-523/4, sought a Byzantine alliance that had anti-Gothic implications. When Sigismund killed his son and Theoderic's grandson, Segeric, relations completely broke down, resulting in the non-intervention of the Ostrogothic army when the Franks annexed Burgundy between 532-534.

³⁸⁰ *Variae*, IX.25.6, p.128. "King Athalaric to the Senate of the City of Rome", Sept. 533.

than the history writing in the Frankish empire, which at times served as a direct reply to Theoderic's warnings. Moreover, there is now a definite attempt by the Franks to state that they were equal to their Ostrogothic counterparts. As the Goths had tried to impress the Romans, so the Franks now wanted to equal the Goths. So strong was this quest for equality with those whose status was higher than one's own that it can be heard throughout the pages of Gregory of Tours' *The History of the Franks* upon its publication one hundred years later. History writing in the Frankish realm did not stop with Gregory of Tours but later authors combined the most confusing but also the most intricate myths to accommodate the varied peoples of the Frankish realm and its rulers, the Merovingians.

Writing the History of the Franks and their Ruling House: The Merovingians

The recorded history of the Franks is as muddled as Frankish history itself. To understand the Franks one has to look at the beginnings of the non-existent tribe of the Franks who strove to be a *gens*. Historical *Quellen* first mention the Franks as such in c.e. 257-261 and again in 270/74-278 in connection with the great invasions that shattered the Empire.³⁸¹ They appeared as a confederation of tribes, some of which are mentioned by Tacitus, from the regions between Rhine and Weser,³⁸² later called the Riparian Franks. The Salian Franks appeared in what is today Holland about c.e. 357.³⁸³ After being defeated by Constantius Chlorus (d.306) and Constantine (d.336), Franks were settled as *laeti*—settlers who owed military services to Rome but were otherwise free—in the area of Toxandria, in modern-day Brabant.³⁸⁴ They were later called the Salian Franks. By 400 they had infiltrated what is now Belgium and the area north of the Boulogne-Cologne road, bordering the Riparian Franks. Both were made up of groups who were politically identifiable.³⁸⁵ According to Wolfram, they had already called themselves *die Freien* or *francos* around c.e. 200.³⁸⁶ Accepting his stand, it is quite possible that, aside from being tribal confederations, *die Freien* pursued the expansion of a movement among Germanic individuals to rid themselves of Roman suzerainty.

Most likely to defuse potential rebellious activities, the Romans resettled Franks into the area of Trier, where they were put to work as slaves or serfs.³⁸⁷ There were also *laeti* resettlements, the descendents of prisoners taken from Germanic tribes in c.e. 293. It is not known what form of

³⁸¹ E. Ewig, *Die Merowinger und das Frankenreich*, Stuttgart, Berlin, Köln, Mainz, 1988, p.9; H. Wolfram, *Die Germanen*, München, 1995, p.79, dates the first appearance of the Franks at c.e. 200.

³⁸² E. Ewig, *Die Merowinger und das Frankenreich*, p. 9.

³⁸³ *Ibid.*

³⁸⁴ P.J. Geary, *Before France & Germany. Creation and Transformation of the Merovingian World*, Oxford, 1988, p. 79.

³⁸⁵ J.M. W.-Hadrill, *L-HK*, p. 151.

³⁸⁶ H. Wolfram, *Die Germanen*, p. 79. This is Wolfram's stand. There is Fredegar's myth of the Franks' Trojan origin whereby their king Francio led the tribe of the Frigii, therefore Franks. See J.M. Wa-Hadrill, *L-HK*, pp. 80-2.

³⁸⁷ T.B. Barnes, *Constantine and Eusebius*, Cambridge, Mass. 1981, p.16. Chamavi, Frissi and Franks were resettled by Constantius I Chlorus [father of Constantine the Great].

settlement was involved.³⁸⁸ Yet the fate of some *coloni* is known as many fled to tribes across the Rhine.³⁸⁹ There were further settlements and resettlements of barbarians along border regions, with the possible intention of helping the Romans ward off the Bagaudae, who in turn emigrated across the borders of the Empire, mainly into the Celtic region of Armorica and to the Franks beyond the Rhine.³⁹⁰

During the fifth century the Bagaudae were a force not to be underestimated. They struggled forcefully against the Romans during 407-417 when Armorican Bagaudae expelled imperial officials and enslaved landowners, and for a short time they set up an independent state of their own.³⁹¹ They arose again during the time of Salvian's writing in 440-1 and also about 480, when the mighty Visigothic king Euric combined forces with his magnates and Aquitanian senators to defeat rebellious Bagaudae to restore the established order.³⁹² They had a history of forging alliances with non-Romans³⁹³ and, inspired by the Celtic Renaissance in Gaul, they, too, aspired to be free of Roman influence.³⁹⁴ Effectively, this might have been a parallel effort to that of the Franks. After Clovis' ascent to the Frankish Salian rule in 482 the voices of the Bagaudae became silent. The Merovingian conquest of Roman territory promised what the original Frankish *Bund* had endeavored, namely the overthrow of Roman domination.³⁹⁵ One can only conclude that the Bagaudae accepted Clovis as their leader as did the Germanic Franks. The Franks were much the same polyglot lot as were the Goths but the Celts among their populations might not have been as easily assimilated as Germanic peoples.³⁹⁶ Considering this *mêlée* of tribal variations in the region, Salian and Ripuarian Franks cannot be identified as ethnic tribes or *gens*.³⁹⁷ They were political communities. In order to form a viable realm, the accommodation of all groups so that they might accept Merovingian rule had to be accomplished. One important part had already been achieved with the *Pactus Salicae*, supporting the practical purpose of establishing a legitimate state, yet spiritual requirements of equal importance needed consideration. To record this would be the task of the Gregory of Tours and his successor Fredegar in the writing of Frankish history.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Salvian, DGD, Bk. V.4. p.134; J.M. W-Hadrill, *L-HK*, p.28; For a discussion on 3rd-century prosperity in Gaul, protective relationship between aristocracy and peasantry and the rise of the Bagaudae see: (1) Salvian, intr. and DGD; (2) J. Drinkwater, "Peasants and Bagaudae in Roman Gaul," pp. 349-71; (3) E.A. Thompson, "The Settlement of the Barbarians in Southern Gaul," pp. 65-75; (4) R. MacMullen, *Enemies of the Roman Order*, chapt. VI. "The Outsiders;" (5) B.D. Shaw, "Bandits in the Roman Empire" in *Past and Present*, 105(1984) pp. 3-52. Not everybody agrees with E.A. Thompson that the Visigoths and Burgundians were settled along the borders of the Empire to ward off the Bagaudae.

³⁹¹ Zosimus, HN, Bk. V.5.p. 253, at the time of the British usurper Constantius who helped them gain their freedom.

³⁹² Salvian, DGD, n.14, p. 136; for 480 see H. Wolfram, *History of the Goths*, p. 174.

³⁹³ H. Wolfram, *History of the Goths*, p. 164. Under Athaulf in ca. 415, Visigoths, Alans and Bagaudae conspired against the Romans.

³⁹⁴ R. MacMullen, *Enemies of the Roman Order*, p. 229.

³⁹⁵ H. Wolfram, *Die Germanen*, p.79; Greg. of Tours Bk.II.37.p.47, on Clovis' conquest of the Burgundian and Visigothic lands, the defeat of Syagrius and the final fall of the Alamanni at the battle of Zülpich (511).

³⁹⁶ J.M. W-Hadrill, *L-HK*, pp. 148-154. Details of population movements from Julian (d.361) to the start of Clovis' reign in 482.

Gregory, Bishop of Tours,³⁹⁸ wrote *The History of the Franks* and that of the Merovingians from their beginning to 591. Although Gregory began his Frankish history one hundred and twenty years after the *Getica* was first published in 551 and Clovis had long since deceased, Gregory was nevertheless greatly concerned how to present the latter. Wallace-Hadrill argues that Clovis had one big advantage over the Goths that no amount of research can remove: he was the founder of a great dynasty, a great conqueror, and he had therefore less need to distort the history of the Franks than Jordanes.³⁹⁹ With the notable exception of his hero Clovis, it is doubtful that Gregory was concerned about the image of contemporary Merovingians, as he was most apprehensive about the relationship between his Church and Clovis as well as the image that Clovis presented to the world at large. He must have been aware of Jordanes' *Getica* since he succumbed to a competition of status between Clovis and his contemporary, Theoderic the Great, also deceased since 526.

When Clovis stepped onto the Salian scene in 482 he could already look back on a traceable lineage encompassing four generations. The Salian chieftains were members of the Merovingian family who seem a large kindred descending from their identifiable chieftain, Chlodio, who led the first territorial expansion from their seat in Toxandria. Chlodio's more prominent immediate relatives, though the nature of the relationship is not fully established, were Merovech, after whom the kindred was named, and most likely the founder of the Merovingian *stirps regia*, Childeric [possibly Merovech's son] and his son Clovis. In 446 Chlodio emerged from his stronghold in Dispargum, probably Duisburg, to take Cambrai and land further down the Somme, but was stalled by Aetius.⁴⁰⁰ In contrast, Merovech supported Aetius against Attila the Hun in 451.⁴⁰¹ Childeric, Clovis' father, one of several tribal leaders of Chlodio's clan, led the Salian Franks prior to 463 and was the last Frankish commander in the long tradition of service to the Empire.⁴⁰² He died in 482. Significantly, in 1653 Childeric's tomb was found in Tournai, yielding a signet ring with the inscription *Childirici regis*.⁴⁰³ In 482, when Euric still ruled over the Visigothic kingdom, the fifteen-year-old Clovis took over as the Salian chieftain in the region of Tournai and the Lys Valley. He began his rule as a military warlord, but when he died in 511 he had conquered Gaul, brought the *Frankenbund* under his control, pacified the Bagaudae and was called the *rex* of the Franks by the Romans.

³⁹⁷ J.M. W.-Hadrill, *L-HK*, p. 149.

³⁹⁸ W. Goffart, *The Narrators of Barbarian History*, p. 112. Gregory wrote *The History of the Franks* when he was bishop of Tours (573-594). Of senatorial descent, maternally and paternally, he counted among his relatives illustrious churchmen of the 5th and 6th centuries. Hence, Church archives and family sources, might have been available to him. A product of central Gaul, where he spent most of his life, Gregory gives a detailed account of the deeds of his hero, King Clovis as well as of the House of the Merovingians until 591. The 594 Epilogue lists his works as ten books of *History*, seven of *Miracles*, one on the *Lives of the Fathers*, a commentary on the Psalms and one book on the *Church Services*. His thoughts were turned foremost to the Church's requirements therefore the concerns of the Merovingian state were always on his mind. For the earlier part of his *History* Gregory depended on chronicles, histories and local annals (for a list see Greg. of Tours, *History of the Franks*, p. xvii, n. 1.), for the remainder he was an eye-witness, detailing his relationship with Sigibert and his hostile dealings with Chilperic.

³⁹⁹ J.M. W.-Hadrill, *L-HK*, p. 63.

⁴⁰⁰ J.M. W.-Hadrill, *L-HK*, p. 159.

⁴⁰¹ *Ibid.*, n.4, p. 159. Wallace-Hadrill thinks that they were brothers.

⁴⁰² *Ibid.*, p. 160. Childeric fought under the Gallic *magister militum* Aegidius and under the *comes* Paul of Angers, ca. 469.

Wallace-Hadrill argues that Frankish leaders before Clovis could still be regarded as warlords who surrounded themselves with trustworthy *antrustiones*. Wallace-Hadrill might be right to refer to Frankish warlords before they conquered Gaul; however, once *antrustiones* came into play, the usage of “landed lords” might be more appropriate. The notion that Frankish leaders of the fifth century were still regarded as *Heerkönige* might account for Fredegar’s seventh century report that the Franks were led by *duces* rather than *reges* when migrating west from the area of Greece.⁴⁰⁴ This was a grave matter and not too easily forgotten, hence Gregory’s chosen title of *rex* for Clovis was of Roman usage.

Avitus, Bishop of Vienne, refers to a *Regium Francorum* headed by kings whom the Romans refer to as *reges*.⁴⁰⁵ These *reges Romanorum* were Clovis’ immediate contemporaries and neighbors, Aegidius and his son Syagrius of Soisson, who ruled their possessions quite independently of Rome. Significantly, Gregory of Tours, too, called Syagrius a *rex Romanorum*.⁴⁰⁶ Aegidius had been a *magister militum* in the Roman army and was also appointed a *patricius*;⁴⁰⁷ moreover, the Franks of Soisson apparently elected him *rex*.⁴⁰⁸ Hence, as long as they were administering Roman property, leaders in Gaul during the fifth century also carried the Roman double title of *magister militum et patricius*, awarding them military and civil control over their region. Syagrius further clamored for the title of *rex* because this is what the Romans called barbarian leaders and he needed the respect of the surrounding Franks. Effectively, the same situation existed in Gaul as in Italy, where Theoderic the Great and other barbarians before him had held the same appointments when they administered territories on behalf of the Roman administration.

Circumstances were different for the Frankish Salian leaders whose troops were imperial *foederati* living beyond the borders of the Empire.⁴⁰⁹ As far as can be ascertained, their commander, Childeric (Clovis’ father), did not even receive the appointment of *magister militum* but fought under his neighbor’s command, that of the *magister militum et patricius* Aegidius.⁴¹⁰ However, as was common Roman practice, Childeric might have been called *rex*,⁴¹¹ which accounts for the inscription of *Childirici regis* on his signet ring. It should not be likened to the institutionalized *rex*-ship first introduced by Alaric I, as he was neither a *magister militum* nor did he administer any region within the Empire. Gregory of Tours just followed Roman precedent when a century later he appeared to him as a *rex*.⁴¹²

Despite the Roman *rex* designation this does not yet elevate him to a Germanic *kuning* or *thiudans* if his house had not yet achieved the full significance of *stirps regia* status. This would

⁴⁰³ P.J. Geary, *Before France and Germany*, p. 80.

⁴⁰⁴ J.M. W.-Hadrill, *L-HK*, p.158. refers to Fredegar’s Chronicle (II,5*6).

⁴⁰⁵ *Ibid.*, p. 3.

⁴⁰⁶ Greg. of Tours, Bk. II, 27, p.36, 1969 ed.

⁴⁰⁷ J.M. W.-Hadrill, *L-HK*, p. 155

⁴⁰⁸ Greg. of Tours, Bk. II, 12, p. 33.

⁴⁰⁹ J.M. W.-Hadrill, *L-HK*, p. 155.

⁴¹⁰ H. Wolfram, *The History of the Goths*, pp. 179, 180; J.M. W.-Hadrill, *L-HK*, p. 162.

⁴¹¹ *Amm. Marc.* Bk. 18.2,6, p.145, 1986 ed., refers to the Frankish chieftain Suomar as *rex* during Julian’s Gallic campaigns in ca. 359.

⁴¹² J.M. W.-Hadrill, *L-HK*, p. 163.

entail that his people looked upon him as a hero, and as such, a descendent of God, just as the Goths looked upon the Amals as *Ansis* or heroes descended from Gapt/Gaut or Woden.⁴¹³ Wallace-Hadrill is quite reluctant in regarding Childeric as a Germanic *kuning* or *thiudans*.⁴¹⁴ Nevertheless, Childeric was more than a petty warlord, he was a recognized *reiks* as the suffix *ric* indicates, who had led his troops successfully in battle as his prefix *child* [success in battle] let it be known.⁴¹⁵ It is possible that Wolfram is correct in his cautious approach, as the Merovingians might have been in the process of gaining the *stirps regia* status, and that this process began with Childeric is evidenced by the magnificent Byzantine weapons, jewelry and coins found in his grave in 1653.⁴¹⁶ These were the beginnings of the assumption of royal power.

Clovis continued the process when he rescued the obscure princess Chlodechildis from a cloister, to marry into the established Burgundian *stirps regia* to further his ambitions in this respect. *Stirps regia* status became more entrenched with Clovis' children, as evidenced by their names. His firstborn (by a concubine) was named Theuderic, or Theoderic as Gregory called him.⁴¹⁷ The children by Chlodechildis, Chlodomer, Childibert, Chlothachar, Chlodechildis, had their mother's prefix, making sure that they were recognized as part of the Burgundian *stirps regia*. Why Theuderic had a *thiudans* designation is somewhat mysterious, unless his unknown mother was involved or his name underwent a change as the name of the Visigothic king Theoderic I had experienced. So far, the Merovingians' right to lead and rule had been entirely based on valor, strength and riches, virtues that translated into conquest, which essentially meant land distribution to those who supported their endeavors.⁴¹⁸ However, a chieftain such as Clovis, who relied solely on manufactured Germanic charismatic concepts in support of his right to rule over Romans, never had the glamour of a leader who could boast a Roman education or an imposing title.

Hence, some seventy years after Clovis' death, in the latter part of the sixth century, the requirement for a barbarian leader was still the claim to civilized status culminating in the acquisition of a proper Roman title depicting a Roman image and connection. Gregory, a scion of the Gallic senatorial aristocracy, was well aware of this. Thus, he recounts with pride that, after the defeat of the Visigoths in 507, a consulship had been bestowed on the chieftain Clovis by the emperor Anastasius (491-518).⁴¹⁹ The consulship was important, as it conveyed a closeness with the Roman Imperium so dear to Gallo-Romans.⁴²⁰ It was just as important as the consulship of the Ostrothic king Theoderic, received from Zeno in 493, had been to Italians. Furthermore, Gregory's additional claim that Clovis "...from that day (he) was called Augustus"⁴²¹ set him at par with his

⁴¹³ H. Wolfram, *The History of the Goths*, p. 110.

⁴¹⁴ J.M. W.-Hadrill, *L-HK*, p. 163. Western Germans referred to a leader as *kuning* if he had sacral status, much as eastern Germans used *thiudans* or judge, a legendary leader, representing his kin with no military function attached to this title (p. 153), but this did not prevent him from being a *Heeresführer* (H. Wolfram *History of the Goths*, pp. 63-4).

⁴¹⁵ J. de Vries, "Das Königtum bei den Germanen," p. 105. On the Burgundian *hendinos'* *stirps royal*; Greg. of Tours, bk. II, 28, p. 38, the choice of a princess from a sacral *stirps royal*.

⁴¹⁶ P.J. Geary, *Before France and Germany*, p. 81.

⁴¹⁷ Greg. of Tours, bk. II 28, p. 38.

⁴¹⁸ J.M. W.-Hadrill, *L-HK*, p. 165.

⁴¹⁹ Greg. of Tours, Bk. II. 37, 38. p. 47; H. Wolfram, *History of the Goths*, pp. 190-3

⁴²⁰ K.F. Stroheker, *Der Senatorische Adel im Spätantiken Gallien*, p. 109.

⁴²¹ Greg. of Tours, Bk. II. 38. p. 47.

Ostrogothic relative-in-law who, too, was once called *Augustus*.⁴²² This is not to imply that Gregory's claim was false; he might just have taken his cue from ordinary people who were proud of Clovis' achievements and thus called him *Augustus*.

In theory, the designation *Augustus* tried to elevate Clovis to be the equal of the eastern Roman emperor.⁴²³ Clovis had achieved imperial dignity when Gregory thus attempted to award him superior status, the same that had been enjoyed by Theoderic the Great, who was, after all, a mere appointee of the eastern administration and not an *Augustus*. "Leaving Tours he [Clovis] went to Paris and he established the seat of his kingdom. There also Theoderic came to him."⁴²⁴ With this state visit, Clovis' status was automatically enhanced *vis-à-vis* Theoderic's. Once reported, Gregory had given tribute to Clovis not only as the equal of the great Theoderic but of *Augustus* Octavian himself.

In addition to his lifelong title of Consul, the Roman senate in January 27 b.c.e. honored Octavian by "...conferring [on him] the new cognomen '*Augustus*' in exchange for transferring the management of the *res publica* to the Senate and People..." "The transformation not only entailed legitimacy, but also the promise of a "great program of religious revival and rebuilding and the fulfilment of the promise to restore the republic."⁴²⁵ Gregory might not have known the origin of this honorific designation, but long Roman usage automatically communicated that a leader whose cognomen was *Augustus* carried *auctoritas* and political legitimacy. Clovis had proven his commitment to religious change in his conversion to the Church of Rome and also the restoration of Gaul to her native people. In a sense, then, old expectations had been fulfilled and were consolidated with old and new values. Gregory's report suggests that a painless transformation had taken place from successful warlordship to the kingship of a newly united and institutionalized kingdom. Virgilian sentiments had been appeased with a leader who offered to his people his brand of virtue and justice. While ordinary people might have conveyed the original impetus, yet Gregory, as a leading member of the Gallo-Roman senatorial society, had given his stamp of approval to this great honor.

Writing about the same event, Gregory further enhanced the *auctoritas* of Clovis when he reported that the consulship was officially bestowed upon Clovis in the church of the blessed Martin where the celebration took place. There "...he clad himself in the purple tunic and chlamys and placed a diadem on his head. Then he mounted his horse... and scattered gold and silver among the people."⁴²⁶ These were ceremonials very close to Byzantine precedents executed upon the coronation of eastern emperors such as Gregory's contemporaries Justin II and his successor

⁴²² M. McCormick, *Eternal Victory*, p.278. Theoderic was only once referred to as *Augustus*, a testimony largely dismissed. The occasion was the repair of the well-travelled Appian road and the inscription was found on four separate copies placed along the road. It was Theoderican propaganda at its best, advertising his ambition to imitate and equal his Byzantine master.

⁴²³ J.M. W.-Hadrill, *L-HK*, p. 171. Avitus, Bishop of Vienne, compares Clovis with the Byzantine emperor.

⁴²⁴ Greg. of Tours, Bk.II.38, p. 47. Clovis moved his capital from Soisson to Paris after defeating Syagrius.

⁴²⁵ W.K. Lacey, "Octavian in the Senate, January 27 b.c.e.," *Journal of Roman Studies*, 64(1974), 176-184. At the same meeting, the title *Pater Patriae* was also conferred on Octavian.

⁴²⁶ Greg. of Tours, Bk.II, 38, p.47.

Tiberius II (578-582).⁴²⁷ The 570s were a period when Frankish/Byzantine relations were especially close, mostly because the eastern Empire needed Frankish military support against the recent invasion of Italy by the Lombards.⁴²⁸ Scattering gold and silver in the name of God, not a Germanic tradition, amplifies further the acceptance of Byzantine precedence and the Christian God's approval of his rule, as his largess was accepted by the people. The purple tunic and the *chlamys* are also standard *accoutrements* of imperial dignity. The staging, or at least the description, of the event, is a close imitation of a Roman *adventus*. It is a copy of the way Justinian used to enter a city and proceed to Church.⁴²⁹ The entire ritual begs the confirmation of legitimacy for Clovis' realm as a legal state.

Furthermore, the diadem is especially important to this description as it symbolizes *königliche Vollgewalt* while the procession stands for the *Ewigkeit der Herrschermacht*.⁴³⁰ These are notions which are further emphasized when bishop Remi refers to Clovis as a "Sigamber,"⁴³¹ and as such a descendent of the ancient tribe of the Sugambres [Sugambri] already mentioned by Tacitus.⁴³² The "Sigamber" reference infers that Clovis' rule dates to pre-Roman times and that this inheritance could be passed on to his successors.

The event at Tours also celebrated the victory over the Visigoth in 507. It was the first time a Merovingian victory celebration was performed under the tutelage of the Church.⁴³³ Victory celebrations such as Clovis' did not become regular events; instead celebrations took place in the countryside to impress local grandees of all stripes with this expression of royal power.⁴³⁴ However, victories were nevertheless widely propagandized through the issuance of victory coinage.⁴³⁵

The whole episode contained highly political propaganda, replaying Germanic, Byzantine and Christian symbols neatly woven into one event to enhance Clovis' royal power that hopefully might positively affect the political legitimacy of his heirs. It was a double ceremony, celebrating the consulship and Anastasius' approval of Clovis as well as his conquest of the heretic Visigoths staged as a war in defense of the Catholic faith.

The 570s were also a time when the emperors in Constantinople were involved in a process of cultural integration between elites and ruler, and only the Church could further such

⁴²⁷ M. McCormick, *Eternal Victory*, p. 336. McCormick likens this parade to the victorious entry of an imperial commander operating in the provinces and as such a provincial victory celebration.

⁴²⁸ Av. Cameron, "Agathias on the Early Merovingians," *Annali della Scuola normale superiore di Pisa*, 3rd ser., 37(1968), 95-140, p. 139.

⁴²⁹ Av. Cameron, "Images of Authority: Elites and Icons in Late Sixth-Century Byzantium," *Past and Present*, 84(1979), 3-35, p. 9.

⁴³⁰ F. Heiler, "Antikes Gottkönigtum im Christentum," in E.J. Brill, ed., *Studies in the History of Religions: the Sacral Kingship*, vol. IV, Leiden, 1959, pp. 561-2. Also Av. Cameron, "The Byzantine Sources of Gregory of Tours," *Past and Present*, 84(1979), 421-426, where Cameron demonstrates that Gregory was familiar with the Greek historians Evagrius and John of Ephesus. This said, Gregory most likely was also familiar with Agathias who in 570 wrote about the Merovingians.

⁴³¹ Greg. of Tours, Bk. II. 31, p. 41.

⁴³² R. Much, *Deutsche Stammeskunde*, northern neighbors of the Ubii mentioned by Julius Caesar.

⁴³³ Greg. of Tours, Bk. II.37, pp. 46-7.

⁴³⁴ M. McCormick, *Eternal Victory*, p. 340.

⁴³⁵ M. McCormick, *Eternal Victory*, p. 338.

accommodation.⁴³⁶ Gregory, aware of the political scene in Constantinople, used his writings to portray Clovis as the Frankish defender of orthodoxy. Thus Clovis' conquest of the Arian Visigoths in 507 is depicted as a holy war when Clovis speaks to his people: "I take it very hard that these Arians [considered heretics by believers of the Nicæan creed] hold part of the Gauls. Let us go with God's help and conquer them and bring the land under our control."⁴³⁷ At the same time, he points to an understanding between Clovis and the Church, as the representative of many pockets of populations, and the role the Church might play now and in the future to support the legitimacy of the Merovingians.⁴³⁸

Already in his conversion story when bishop Remi calls Clovis a Sigamber, he also likens him to the great Constantine.⁴³⁹ Bishop Remi wanted the Franks and the Gallo-Romans to accept that the transition from the old Germanic *Heidentum* to Christianity among the Franks had now been completed, just as Constantine's toleration of Christians had forecast the change from paganism to Christianity. Officially, at least, the Church represented a unity that all people in the realm shared since Clovis' conversion.⁴⁴⁰ Gregory, as spokesman for the Gallo-Roman senatorial aristocracy,⁴⁴¹ expressed more than toleration of the new master of Gaul, it was acceptance of him and his heirs. One can only conclude that the description of the ceremony in the Church of the Holy St. Martin put the final stamp of legitimacy on the reign of the Merovingians and that Gregory knew exactly what his report would accomplish.

Gregory's approval of Merovingian suzerainty over Francia was thus complete as the country was united with the approval of the Church of Rome, although he did not necessarily approve of the methods used to rule Francia. Yet for Clovis, conversion to the Nicæan creed had been of prolonged consideration, despite Gregory's fanciful story that it was Clovis' Catholic queen who repeatedly urged him to convert.⁴⁴² During the battle with the Alamanni, when all seemed lost, Clovis beseeched the Christian God to grant him victory as his Germanic gods had forsaken him. The Alamanni took flight and hence Clovis' final decision to convert was due to the Christian God, who had so positively changed the outcome of the war.⁴⁴³ This report highly mirrors previous precedent. Firstly, there is the similarity of events with Constantine the Great, whose mother, Helena, was a devout Catholic as well as a lady of influence. Secondly, there is the report of 312. When preparing to fight Maxentius at the outskirts of Rome, Constantine was doing

⁴³⁶ Av. Cameron, "Images of Authority: Elites and Icons in Late Sixth-Century Byzantium," p. 4; W. Goffart, *The Narrators of Barbarian History*, p. 221, points to Tiberius II as a true Christian, revered by Gregory.

⁴³⁷ Greg. of Tours, Bk. II.37, p. 45. The classical way for an author to put words in the mouth of a historical figure.

⁴³⁸ K.F. Stroheker, *Der Senatorische Adel im Spätantiken Gallien*, p. 109. On the relationship between Church and state see Stroheker's assessment with respect to a Frankish diet [Reichskonzil] in 511. In this year, the dependence of the state on the Church is emphasized, although opinions differ. Nevertheless, Gregory would subscribe to this stance.

⁴³⁹ Greg. of Tours, Bk II.31, p. 41.

⁴⁴⁰ Av. Cameron, "Images of Authority: Elites and Icons in Late Sixth-Century Byzantium," p. 4. Cameron asserts that 6th -c. Byzantine emperors lent their active patronage to religious developments, a notion that Gregory tried to develop in the Merovingians.

⁴⁴¹ M. McCormick, *Eternal Victory*, p. 329. On the social continuity of the Roman elite in Gaul; also K.F. Stroheker, *Der Senatorische Adel im Spätantiken Gallien*, the theme of his research.

⁴⁴² Greg. of Tours, Bk. II. 29-30, pp. 38-40.

⁴⁴³ Ibid.

so under the banner of Christ, resulting in his victory at the battle of the Milvian Bridge.⁴⁴⁴ Apparently, Constantine had already declared himself Christian before the battle and now God watched to assure his success in battle. After this victory, “the emperor consistently thought of himself as God’s servant, entrusted with a divine mission to convert the Roman Empire to Christianity.”⁴⁴⁵ Although Constantine’s and Licinius’ *Edict of Milan* is a statement of toleration as paganism and Christianity “are accorded the same rights,” nevertheless, the wording of the edict indicates that Constantine might already have been a Christian⁴⁴⁶ and that he supposedly “envisaged an empire at peace and religiously united.”⁴⁴⁷

When Remi and Gregory referred to the great Constantine, they hoped that history could be repeated and that Clovis, the great Sigamber, could be the new champion of peace and orthodox Christian unity for Gaul. It would encompass the Franks and, hopefully, the eventual conversion of the Arian Visigoths whose defeat was being celebrated at the church at Tours. Furthermore, Constantine was close to the hearts of the Gallo-Romans. Had not his father Constantius, when appointed emperor in 293, resided in Trier, the *Roma Secunda* of Gaul, from where he once successfully defended the country against barbarian aggression?⁴⁴⁸ Thus Gregory tried to conjure up a very real connection between Constantine and Clovis to promote the idea of the unity of Gaul under the banner of the Church of Rome with Clovis as its legitimate spokesman.

Clovis’ conversion has always been closely associated with the battle of Tolbiac where he finally defeated the Alamanni. Bachrach dates the battle at 496, and not at 506 as dated by Ferdinand Lot, as the latter date seems logistically impossible.⁴⁴⁹ The important implications of the battle and Clovis’ conversion to orthodoxy is that Clovis seemed to have lost at least some support of the Frankish *reguli*, which is evidenced by Gregory’s omission of any reports as to such resistance. Gregory somewhat obliquely writes that three thousand of Clovis’ followers were converted with him;⁴⁵⁰ had there been a successful mass conversion, one may be certain that the bishop would have reported this in detail.⁴⁵¹ The manner in which Gregory reports on Clovis’ conversion to the Church of Rome points to political problems that seem to have followed the Church into the 570s when Gregory wrote his history. This is why he is so insistent in promoting the unity of Gaul under Clovis and the auspices of the Roman Church. The problem may be that some of the Merovingian *Teilkönige* who ruled Francia after Clovis were neither interested in the

⁴⁴⁴ T.D. Barnes, *Constantine and Eusebius*, pp.42-3.

⁴⁴⁵ *Ibid.*, p. 43; H. Doerries, *Constantine and Religious Liberty*, tr. R.A. Baiton, New Haven, 1960, pp. 19-33; copy of edict on p. 19. Galerius’ 311 “Edict of Toleration” followed by Licinius’ and Constantine’s Milan edict of 312, after the battle of the Milvian Bridge.

⁴⁴⁶ H. Doerries, *Constantine and Religious Liberty*, pp. 24, 26.

⁴⁴⁷ *Ibid.*, p. 27.

⁴⁴⁸ T.D. Barnes, *Constantine and Eusebius*, p. 9.

⁴⁴⁹ B.S. Bachrach, “Procopius and the Chronology of Clovis’s Reign,” *Viator*, I(1970), 21-31, p. 27. If Tolbiac took place in 506, as proponents of the long chronology contend [F. Lot], then Clovis converted, campaigned against the Armoricans, suffered a defeat at their hands, negotiated an alliance, raised a new army, and warred against the Visigoths in 507, all within one year. This did not allow for enough time to secure the region between the Seine and the Loire before Clovis could undertake the final campaign against the Visigoths.

⁴⁵⁰ B.S. Bachrach, “Procopius and the Chronology of Clovis’s Reign,” p. 27; G. of Tours, Bk.II.31, p. 41.

⁴⁵¹ B.S. Bachrach, “Procopius and the Chronology of Clovis’s Reign,” pp. 21-29.

Church and its teachings nor did they share Gregory's desire for a united orthodox Francia. The well-being of the Church and her faithful were always foremost in Gregory's mind, and political unity might also further the interests of the Church. Hence his appeal to unity.

Effectively, it was Clovis' rule that was now sanctioned and legitimized by the Church, "ritually manifested [by] the new relations between the newest barbarian ruler and his subjects."⁴⁵² The writings of the "unsophisticated, simply educated" churchman have thus religious, sacral and political ramifications, all stamped by a visible ceremonial which people understood to be legitimacy. This by no means indicates that legitimacy depended solely on the Church. Yet, its approval was of the utmost importance for Clovis' successors as Gregory wielded as much of a formidable influence, as the successor of St. Martin of Tours, as did the Gallo-Romans as members of the Church of Rome.

The hero status accorded to Clovis by Gregory had a Christian religious connotation as its foundation rested in the hero's conversion to the Church of Rome. It appeared to the Gallo-Romans that he had saved them from the fate of Arianism, as threatened to be the case under possible Visigothic rule. Furthermore, to conservative Frankish pagans nothing much had changed; one more god was added to the Germanic pantheon.⁴⁵³ As there are no reports of persecutions of Franks who remained pagans, one can assume that conversion was a relatively peaceful event, and the Church could claim a victory that could easily be transformed into a miracle.⁴⁵⁴ Once recorded by Gregory, there was no turning back: Clovis was a Christian hero, a status which Gregory might have liked to bestow on Clovis' successors.

In the third book of his history, Gregory outlines the private lives and the politics of Clovis' sons and of his grandson Theudibert [Theodobert, d. 548]. Except for the latter, they do not shine. They engage in fratricide to usurp each other's *Teilkönigtümer*, they murder their little nephews and revel in polygamy. They do not exactly adhere to the teachings of the Bible. Gregory finds much praise for Theudibert as

...he was established in his kingdom, and showed himself great, and distinguished by every goodness. For he ruled his kingdom with justice, respecting the bishops, making gifts to the churches, relieving the poor, and doing kindnesses to many persons with a pious and generous heart. He kindly remitted all the tribute which was payable to his treasury from the churches situated in Auvergne.⁴⁵⁵

These were Gregory's expectations of the successor Merovingian kings that were only fulfilled by Theudibert, whom he compared to the eastern Roman emperor Tiberius II. He, too, had distributed alms to the poor and enriched the Church with gifts.⁴⁵⁶ He finds not much good to tell about Clovis' son Childebert (d.558), although Gregory's friend, the poet Fortunatus, calls him "gentle, wise, good, treating all alike" and "uniquely concerned with the glory of bishops...".⁴⁵⁷ Confronted with these two diametrically opposed views by influential contemporaries from different walks of life makes one wonder what the Merovingian *leudes*, the Frankish and Gallo-Roman elites and people in general, thought of their rulers. Goffart quite rightly contends that

⁴⁵² M. McCormick, *Eternal Victory*, p. 335.

⁴⁵³ J.M. W.-Hadriil, *L-HK*, p. 168.

⁴⁵⁴ *Ibid.*, p. 171.

⁴⁵⁵ Greg. of Tours, Bk.III. 25, p. 67.

⁴⁵⁶ W. Goffart, *The Narrators of Barbarian History*, p. 221.

Gregory hated civil unrest as he was committed to solving conflicts peacefully.⁴⁵⁸ Therefore, the Merovingian kings who lusted after each other's kingdoms could hardly find his approval. These ambitions could not be solved peacefully, and the kind of unity as experienced during the rule of Theoderic in Ostrogothic Italy was far from reality in Francia.

To have Christian hero status for Clovis, and maybe for his son Childibert and grandson Theudebert, was obviously not yet sufficient to support their right to rule, as it was sacrality that was the crowning of Germanic political legitimacy. Despite Merovingian names that indicate *thuidans* descent and therefore aspirations of sacral status, the Frankish royal house still seemed to be removed from this legendary goal. Therefore, as a visible manifestation of their mythical power, the Merovingians cultivated the image of their long hair and flowing beards. It was by a royal ordinance that they decreed only members of the *stirps regia* were privileged to wear their hair in such a fashion. In battle the king stood out, easily recognized by friend and foe alike. Although streaming hair had long been the favored fashion of many aristocratic Germanic families, the Merovingians made it their own and were later recognized as *reges criniti*, the long-haired kings.⁴⁵⁹ People carried the image of their kings riding in gilded ox-carts with their long hair trailing as a sign of sacrality, royal power and legitimacy. It was a depiction of valor and strength, recalling not only Germanic traditions but also the image represented in the Bible by Samson who lost his strength when his hair was cut off. The same was true for the last Merovingian king, Childeric III (reigned 743-751), who was tonsured to denote the loss of royal power and legitimacy. However, to turn a Germanic fashion into a statement of sacrality reserved to one particular family and reinforced by law points to some insecurity the Merovingians might have felt about their *thuidans* status. Merovingian *thuidans*-ship might not have been a *fait accompli* when Gregory was writing his Frankish histories between 574 and 591.

Why else would Fredegar, continuing Gregory's Frankish history, claim for the Frankish *stirps regia* a mythical origin and, in a separate fashion, a Trojan descent for the Franks without apparent religious qualms imposed by Gregory? It is also an indication that people were loath to change perceptions of faith quickly.⁴⁶⁰ Hence, even at the turn of the sixth century, valor, strength and economical advantage as well as acquired Roman titles, plus the support of the Church, were not enough in the Germanic *Geisteswelt* to ensure the longevity of a royal house. There existed more primeval spiritual requirements that had to be satisfied.⁴⁶¹

It should not be forgotten that, even in the mid-sixth century, ancient royal lineage, *thuidans* status and sacrality were still requirements to satisfy the notion of rulership within the Germanic world, as the case of the Heruli people exemplifies. Procopius relates that, after they had killed their king, they were bound to satisfy old "kinrights." Although they had asked the eastern emperor Justinian to supply them with a new king, nevertheless tradition and conscience prevailed,

⁴⁵⁷ Ibid.

⁴⁵⁸ W. Goffart, *The Narrators of Barbarian History*, p. 220.

⁴⁵⁹ P.J. Geary, *Before France and Germany*, p. 80.

⁴⁶⁰ J.M. W.-Hadriill, *L-HK*, p. 170.

⁴⁶¹ Ibid., p 83. Fredegar was an official at the Burgundian court in the early 7th century, a sage politician with a Frankish name and blood, who was not inhibited by any religious feelings which might have prevented him from posting this message.

and they sent messengers to their *Urheimat* Scandinavia to fetch a descendent of the Heruli *stirps regia*. He came all the way to their new settlement at the Danube.⁴⁶²

Hence, even in the Frankish realm it was nevertheless important to impress on the Frankish aristocracy and maybe more so the Merovingian *leudes*, that it was the Merovingians who were in charge. The Burgundian Fredegar with the Frankish name might have responded to these concerns as it becomes obvious that he did not solely trust Christian approval but strove to pacify overlooked heathen sentiments when he recounted Merovingian and Frankish legendary myths of origin in his Frankish chronicle.

The Legendary Origin of the Merovingian Family

The Frankish *Chronicle of Fredegar* was not recorded by Fredegar only but had two or even three authors, although J.M. Wallace-Hadrill and W. Hellmann agree on only two writers. They base their assumption on two very different styles of Latin. There is Fredegar's unknown Burgundian predecessor who continues Gregory's *History of the Franks* to 613. The narrative of Fredegar's chronicle spans the years between 625-642, with entries to 660 and maybe even 662. While recording new material he is also updating Gregory's, Hydatius' and Isidore's historic works with additional information and sometimes corrections. From his own words, it appears that Fredegar actually went on a mission to discover, verify and add new insights to the work of his Burgundian predecessor.⁴⁶³ It is Wallace-Hadrill's deduction that Fredegar was a Burgundian layman and part of those Gallo-Frankish nobles who still possessed a classical education in Late Antiquity.⁴⁶⁴ Fredegar's chronology between 625 and 642 is not always cohesive,⁴⁶⁵ giving the impression that new information was added at the time when it was obtained and not inserted into its proper context. This is the case with the tale of the Trojan origin of the Franks, the Merovingian family's descent from a sea god or Minotaur, as well as a migratory Celtic return to Gaul.

The evolution of a sacral status for the *stirps regia* had already been in process when Gregory recounts statements from historians who wrote that the Franks had come all the way from Pannonia to settle on the east bank of the Rhine, from where they crossed into Thuringia.⁴⁶⁶ Here, Gregory tries to connect the two myths, as Thuringia is the place of exile for 'Clovis' father, Childeric. A more important consideration might have been Childeric's later marriage to the Thuringian queen Bassina, the mother of Clovis. But this is the end of this connection. It was left to Fredegar to record the saga of the Merovingian family's divine descent, so important to the Germanic sacral status of a *thuidans* or *kuning* in the Frankish case. At the same time, he fostered the image of the Franks as people whose roots were grounded in Trojan Antiquity and that of the

⁴⁶² P. Grierson, "Election and Inheritance in Early Germanic Kingship," n.5, p. 2.

⁴⁶³ J.M. Wallace-Hadrill, *L-HK*, under "Fredegar and the History of France," pp. 71-95, pp. 77-9.

⁴⁶⁴ *Ibid.*, n. 1, p. 75.

⁴⁶⁵ *Ibid.*, p. 77.

⁴⁶⁶ Greg. of T., Bk. II.9, p.31. Also J.M. W-Hadrill, *L-HK*, p. 82. The Franks' Pannonian heritage may be connected with emperor Probus (276-282) who banned a group of "recalcitrant" Franks to the Black Sea but who eventually returned.

Celts who had returned to Gaul from Galitia, meaning land of the Gauls, situated close to Troy in modern Turkey. Effectively, there were two creation sagas circulating, one the exclusive property of the Merovingian family, the other that of the Franks which totally ignored that the Franks had been an ideological *Bund* of like-minded people. The reverse migration of the Celts from Galitia could not be called a creation saga, yet here too, the implication was that the Celts had Greek connections rooted in Antiquity.

The Minotaur or the Seagod Creation Saga of the Merovingians

Fredegar is the first to record that the Merovingians descended from Merovech [Meroveus], a seagod or a Minotaur.⁴⁶⁷ While the Frankish chief, Clodio, and his wife were bathing in the sea, a seagod named Merovech or maybe a Minotaur arose from the sea and impregnated the bride. Clodio's son, whom they then called Merovech, was now automatically a legendary hero. Wallace-Hadrill argues that Fredegar's Merovech was nothing but a literary invention to give a name to the Salian *stirps royal*.⁴⁶⁸ Yet Wallace-Hadrill also points out that Fredegar was a bureaucrat and chronicler who recorded what he heard, and this is exactly the point. This creation saga must have circulated orally among the Celtic and Frankish population groups, and was therefore important to the mystic of the Merovingians. It was rooted in the soil of Gaul and the sea that surrounded her and combines Greek, Germanic and Celtic elements.

The Minotaur is a Greek mythological beast or being which is half bull and half human. Hence, the reference to the Minotaur as the legendary father of the Merovingians seems to be a direct inference to the all-important Virgilian expectation of a Greek legendary ancestry for a newly established *stirps regia*.

Professor Shlosser suggests that the "seagod legend" might be of Greek origin, referring to the mythical birth of Venus, the Roman name for Aphrodite. In one legend she is born of seafoam and washed ashore, in another she is the daughter of Zeus and Dione. She is also the lover of the Trojan Anchises and together they parent Aeneas, Caesar Augustus' divine ancestor, leading again to Virgil. Both Celts and Franks returned from Greece and possibly acquired some knowledge about Greek mythology, which they then applied to their own situation. The Celts were imaginative and maybe even sophisticated enough to connect a birth from the sea with Aphrodite and the Virgilian creation saga of Rome and the house of the Julii.

On the other hand, the seagod that arose from the sea to impregnate Merovech's wife points also to a legendary Celtic component that might have been perpetuated under Druidic guidance. Significantly, a descent from a seagod is not a Germanic tradition, as tribes and their leaders commonly descended from the god Odin who was later replaced by Woden or Gapt/Gaut. Furthermore, this descent is specific to the House of Merovech and does not include the rest of the Franks or any Celts, as it would if this were a typical Germanic mythical origin story. It is an

⁴⁶⁷ J.M. W.-Hadrill, *L-HK*, p. 80. Fredegar, a courtier in Burgundy, had access to records and mostly likely heard stories that circulated in Francia. These he added to his Frankish chronicle as late as 660 (p. 77).

⁴⁶⁸ *Ibid.*, p. 84, denies this possibility and ascribes the tale entirely to Fredegar and his literary talent, although he argues that Fredegar was a bureaucrat, a recorder of events and tales and not an inventor of new stories.

origin that might hide Celtic undercurrents and derive its foundation from the “Celtic Myth of Origin connecting a human birth from the sea... and the rising of a submerged town from the sea.” It might be related to the Breton legend of the town “Y” or Keris, the Low City or City below [the sea], depicting the legendary birth of the Cornish King Gradlon’s daughter, who arose from the sea but drowned and returned to the sea.⁴⁶⁹ One could argue that according to native lore, the house of King Gradlon had been submerged for centuries and was finally rising again from its submerged stronghold under the sea. This is quite plausible, as the coastal Celts were seafaring peoples and had a strong affinity to the sea. Considering the Sigambres’ close proximity to Celtic territories, it is not impossible that the Merovingians also had Celtic ancestors, a heritage that might have been part of an oral Druidic knowledge committed to memory and passed on for generations.⁴⁷⁰

Then, there is Eugen Erwig’s opinion that the Merovingians’ root of sacrality should be ascribed to the Germanic god Freyr instead of the warrior god Woden.⁴⁷¹ Although Erwig does not elaborate, this is a telling interpretation as it might refer to Clovis’ Germanic heritage as a descendent of the Sugambres tribe. It alleges they were sedentary people instead of a warrior tribe, as Freyr was the god of weather and agriculture. However, this does not explore why it was specifically a seagod who arose from the sea to found the Merovingian royal house.

Myths are supposed to explain the past in a symbolic manner in order to make sense of the present, and for the early Franks it was most likely not too difficult to interpret these myths. Hence, they were important enough to be recorded by Fredegar, as a Celtic connection might have been more than convenient for the Merovingians who might have used it as a political ploy to further impress upon the Celtic population their right to rule them.

For obvious reasons, this legend cannot be found in the Bishop of Tours’ Frankish history as, it goes against Gregory’s intent when he depicted at least some of the Merovingian kindred as devout Franks.⁴⁷² Yet, the implication of a partial royal Celtic lineage as another building block in the Merovingians’ legitimacy might indicate a hereditary birthright, as Merovingian princes at age twelve automatically became kings,⁴⁷³ which is not a Germanic tradition. However, Celtic and Frankish traditions intermingle when the assumption of office was followed by formal acceptance

⁴⁶⁹ J. Markale, *The Celts*, p. 22. “The Submerged Town or the Celtic Myth of Origin,” pp. 21-36. A repeat story to continue the saga.

⁴⁷⁰ *Ibid.*, p. 108. The Druids committed important information to memory so that it could not be stolen.

⁴⁷¹ E. Erwig, *Die Merovinger und das Frankenreich*, pp. 78; on Freyr see R.L. Green, *Myths of the Norsemen*, pp. 30-4, Freyr, son of the Vanir king, Niord, a group of heavenly gods who united with Odin’s *Aesir*. Freyr became the god of weather and agriculture and had no connection to the sea. This group of Franks might have adopted Freyr in favour of Mars, after they had settled permanently.

⁴⁷² E. Erwig, *Die Merovinger und das Frankenreich*, pp. 77. Avitus of Vienne, a most prominent spokesman of the Church and Gregory’s friend, extends a warning to the Merovingians not to dwell on their mythical origin from heathen gods on the occasion of Clovis’ baptism. “Aus altehrwürdigen Stamm mit dem blossen Adel der Geburt zufrieden – sola nobilitate contentus – wolltet Ihr, das höchste Adel eures Geschlechts von euch ausgehe (durch die Annahme des Glaubens an Christus).” In other words, “be happy with your ancient lineage and forget about your heathen image, now that you are Christians.”

⁴⁷³ P. Grierson, “Early Germanic Kingship,” p. 13. Citing Visigothic and Ostrogothic examples, Grierson states that inheritance rather than selection was the general trend of the fifth century within the Germanic sphere. This is quite true but the Gothic inheritance only worked as long as the aristocracy tendered its approval. One could agree for the Merovingians, when he argues, that the crown was hereditary and there was no elective evidence according to Germanic tradition.

utilizing the traditional Germanic “lifting on the shield.” Again, there is acculturation or at least respect for the traditions of the two groups. Nevertheless, it must be admitted that the “lifting on the shield” ceremony had become mostly meaningless as a Germanic tradition since the Romans, too, had adopted its usage.

In short, support for Greek, Germanic or Celtic allegory of mythical ascent might have been an invaluable tool in support of Merovingian political legitimacy, as it enforces the idea of longevity of descent, as well as hereditary and sacral lineage, notions which were difficult to disavow even in Gallo-Roman circles. Importantly, it took into account the polyglot make-up of the Frankish population. Therefore, it was also politically advantageous for the Merovingians to support the story that recounted the Celts’ unhindered return to their *Urheimat* in Gaul, because they were not only free to return but were as welcome as were the returning Franks. The Frankish creation saga that specifically addressed the Franks, exclusive of their *stirps regia*, established the Franks as a people of long standing.

The Greek Connection of the Gauls and Franks

One has first to turn to Ammianus Marcellinus, who reports on the Greek and even Dorian origin of the Gauls whereby their name is derived from the Greek “*Galatae*” for Gaul. After the sack of Troy, often dated at about 1250 b.c.e., the Gauls returned to Gaul where they were met by indigenous peoples and were further joined by peoples from across the Rhine,⁴⁷⁴ who, in support of Gregory’s story, might possibly be people from the later region of Thuringia. Ammianus cites Timagenes as his source, who in turn must have used Herodotus and Pliny the Elder,⁴⁷⁵ who both had already placed Celtic tribes in the region of the later Galatia. Then, there was the Celtic sack of Delphi in 390 b.c.e. by the Celtic leader Brennus. After the sack, the remnants of Brennus’ army disbanded to Asia Minor, founding the kingdom of Galatia;⁴⁷⁶ more likely they joined up with other Celts in the area. Celtic tribes had thus spread throughout Europe and some as far as Galatia [land of the Celts], modern Turkey. It might have been pockets of those people who recalled their land of origin and eventually returned. Thus one is looking at a reverse migration, with the addition that the Celts as a tribe had acquired political status and a recorded history reaching back to Herodotus.

It was Fredegar who recorded the Franks’ Trojan origin with Priam as their first king. Priam’s tribe split up and one segment—the Frigii under their king Francio, hence the name “Franks” according to this scenario—moved west into the area of Gaul.⁴⁷⁷ Francio was married to

⁴⁷⁴ Amm. Marc. Bk. 15.9, p.84, 1986 ed.

⁴⁷⁵ J. Markale, *The Celts*, p. 69.

⁴⁷⁶ *Ibid.*, p. 68.

⁴⁷⁷ J.M. W.-Hadriill, *L-HK*, pp. 80-2, source: Fredegar’s chronicle.

Friga, the daughter of Priam who was also the sister of Aeneas. When Francio died, dukes governed the reduced numbers of his tribe.⁴⁷⁸

Now the Celts had returned from Galatia, a region close to Troy, therefore claiming a somewhat vague Trojan connection, and the Franks were descended from Greek heroes who originated in Troy. Franks and Gauls shared a Trojan connection, but the Franks were now the brothers of the Romans as they had a common ancestor in Aeneas, the mythical forefather of the Julii. In status and *auctoritas* they stood above other barbarian peoples, who could only boast the mere Germanic god Odin or Woden/Gaut as their ancestor as recorded by Jordanes and Isidore of Seville. The Franks and the Gallo-Romans, united under the Merovingians, were now gathered into a legitimate political unit. This was not only because they had a constitution in the Salian *Pactus* but also because their ruling house boasted legitimacy due to their mythical descent. The Franks themselves had status as a long established “nation,” just as the Romans had possessed under Augustus. The Gallo-Romans were thus further induced to consider them their brothers in myth.

Reading Fredegar’s otherwise sober fourth chronicle, it is unlikely that Fredegar had a very fertile imagination.⁴⁷⁹ As the legend appears in somewhat disjointed form one can assume that this was not a literary invention but that Fredegar wove these legends into his work as they came to his attention. They sound like tales that people whispered to each other in the gloom of a winter’s night, to be spread the next morning to any willing ear that might listen. Marcellinus Ammianus characterizes the Celts when he writes that they “...took [taking] pleasure in commenting on the sublime secrets of nature, their minds ever straining towards the most abstract and difficult of questions.”⁴⁸⁰ There is Markale’s assessment that “their anti-historic desire [is] to deny the present and create the future... to match the aspirations of a fallen race which refused to accept that it had died.”⁴⁸¹

Fredegar chronicles Merovingian and Frankish events from 625 to 642, continuing Isidore of Seville’s Gothic history finished in 624. Fredegar was familiar with his work.⁴⁸² They were contemporaries and still in the seventh century they furnished creation sagas that stressed a long-established community of divine descent. More so, they were in competition as to who could boast the better type of sacrality.⁴⁸³ History and legend are again intermingled, but what really matters is always the belief in the story and its acceptance by ordinary people who liked to turn a saga into their own historical truth. It would have been inappropriate for Merovingian officials not to take advantage and further the charisma and sacrality of their kings. There is also the impression that the Merovingians conformed more to the expectations of the polyglot people they ruled, than to any Celtic or Germanic or even Frankish origin alone. The depiction of their origin was as much a

⁴⁷⁸ Ibid.

⁴⁷⁹ J.M. W.-Hadriell, *L-HK*, pp. 79-83, in discussing Fredegar he asserts that the Franks’ Greek origin was Fredegar’s invention.

⁴⁸⁰ J. Markale, *The Celts*, p. 66, source: Amm.Mar. Marc.Bk. 15.9, p. 84, 1986 ed.

⁴⁸¹ J. Markdale, *The Celts*, p.66.

⁴⁸² J.M. W.-Hadriell, *L-HK*, pp.79-83; Isidore of Seville, *History of the Goths, Vandals, and Suevi*, intr. p. vii.

⁴⁸³ Isidore of Seville, *History of the Goths, Vandals, and Suevi*, p. 3. “It is certain that the Goths are a very old nation... the origin of their name comes from Magog [Gaut], son of Japhet [the prophet], from the work of the prophet Ezekiel”. Isidore does not completely cast away his Christian scruples as he weaves Christian elements into his saga.

polyglot juxtaposition as the people over whom they ruled. They could look back to a Germanic Sugambri prince, Gallic emigrants from Greece and the *Bund* of the Franks miraculously transformed into a *gens* as they could prove a Trojan descent. It is not hard to see why the legitimacy of the Merovingian rulers reached such acceptance in the multi-cultural world of Late Antiquity Gaul. They were simply the glue that bound the peoples of Gaul together.

These legends could not be dismissed as they painted the image of an old sacral kingship that reached beyond Clovis. They conjured up a magic that in turn transmitted a magical aura onto the Merovingians, much like the Nibelung saga did to the Burgundian royal house or the *Diedrik* sagas to the Ostrogoth Theoderic the Great, whom Germanic legend recalls by the name of *Diedrik* of Bern. The latter two sagas circulated in the countryside for hundreds of years until they were finally recorded in the 1300s. They were told at courts to entertain, and thus kept alive the mystique of a royal *stirps regia*. They were not manufactured stories like Virgil's *Aeneid*, but were real because the people in the countryside believed them to be their own kind of verity. They were too busy surviving to be hindered or influenced by any pretentious aristocratic sophistication that might have discarded these stories. Ordinary people could not be distracted from their own reality and truth. The Frankish and Merovingian sagas also fall into this category: they reflected the belief of people who looked to their kings as harbingers of a better future. This might be especially true for the people of Neustria that lay in the Seine basin, the region where Merovingian power was rooted.⁴⁸⁴ They had faith in the legitimacy of their kings. Fredegar might have had good reason to report on it, as he might also have seen that outside Neustria, in Austrasia, the Midi and yes, in Burgundy, Merovingian authority was often challenged.⁴⁸⁵ Hence, the Burgundian Fredegar with the Frankish name might have had his own agenda when he chronicled these sagas which might just be the reason why the Merovingian rulers lasted as long as they did.

Already, in the second half of the seventh century, the Frankish Arnulfingers,⁴⁸⁶ the house of Charlemagne, *duces* and house majors to the Merovingian kings, began to usurp the power of the royal house. It was Peppin (d.714) who finalized the power-play in 697 by engulfing all of the *Frankenreich* within his influence. From then on it was the Arnulfingers who determined politics. Yet, despite their large landholdings and influence over the aristocracy, they advanced Merovingian sons as kings or, if need be, sent them off as tonsured clerics to strip them of their fabled long hair that had for so long contributed to the visibility of their legendary charismatic power and legitimacy. It was only in 751, some twelve or even fifteen Merovingian kings later, that an Arnulfinger finally took the crown.⁴⁸⁷ Aristocratic support of the Merovingians was faltering, remaining strong only in the region of their origin, Neustria. Yet, it is more than possible that Merovingians' charismatic appeal was carried onward throughout the countryside by ordinary people who, after all, had a voice. By now, the Merovingians had established their *thuidans* status

⁴⁸⁴ J.M. W.-Hadrill, *L-HK*, p. 206.

⁴⁸⁵ *Ibid.*, p. 207.

⁴⁸⁶ E. Ewig, *Die Merowinger und das Frankenreich*, pp. 185-190. Under "*Singularis principatus*: Die Neuordnung des Reichs unter Pippin II (687-697)." Details on the usurpation of the Arnulfinger family in Francia.

⁴⁸⁷ E. Ewig, *Die Merowinger und das Frankenreich*, pp. 188, 189; see "Die letzten Merowinger," pp. 203-206.

at least in the countryside, where they were visible when riding their ritual gilded oxcars while displaying their sacral powers with their flowing golden hair.⁴⁸⁸

It is no accident, that during ceremonial processions, such as victory celebrations, magnificently clothed Merovingian kings were pulled in gilded oxcars. The use of these oxcars confirmed a similar ancient tradition among seafaring Germanic tribes, already remarked upon by Tacitus.⁴⁸⁹ Thus the royal house could claim deep roots in the soil of Francia, and these conveyances served to underline Merovingian legitimacy. It also substantiates bishop Remi's remark at Clovis' baptism at Tours that he was a descendent of the ancient race of the Sugambri. Hence, to the people of Gaul, their attraction to the Merovingian rulers could only be enhanced when the latter drove their ritual oxcart through the countryside, their flowing golden hair as yet another visual manifestation of their ancient power. The oxcart ride had become a cult symbol of the Merovingian house.

These myths must have been widely circulated in the countryside and were a challenge to the usurpation of the Arnulfingers, preventing them from seizing the crown sooner. Fredegar attests to this as for once the sentiments of the poor surface in his writing.⁴⁹⁰ Furthermore, common people must have held Merovingians in esteem for actions on their behalf. For instance, Chlotar II (584-628), upon the assumption of his rule, issued an edict that upheld a law against the misuse of office by judges. It further held the magnates responsible for ensuring that judges ruled justly. Throughout this edict, Chlotar reiterates the duties of others and his own authority.⁴⁹¹ This law was clearly designed to protect those who were hauled into court for inappropriate punishment and held those in judgement accountable for carrying out justice in the name of the king. Fredegar recalls that Chlotar II's sixteen years of sole rule over Francia were, "on the whole, a happy time."⁴⁹² When the mayor of Burgundy died, Chlotar II assembled the *leudes*, who begged him not to appoint another mayor and urged him to rule them himself.⁴⁹³ Chlotar had earned his charismatic appeal, as his presence so strikingly seemed to command authority and respect. His son Dagobert I (628-638) apparently followed his example, which Fredegar expressed:

The profound alarm that his [Dagobert's] coming caused among the Burgundian bishops, magnates and others of consequence was a source of general wonder, but his justice brought great joy to the poor. On arrival at the city of Langres he gave judgement for all, rich and poor alike, with such equity as must have appeared most pleasing to God. Neither bribe nor respect of persons had any effect on him: justice, dear to the Almighty, ruled alone.⁴⁹⁴

Maybe the Merovingian princes knew that their ultimate legitimacy rested with the people of Gaul, not with the fickle and often disloyal aristocracy. As their power and influence began to wane, they sought the direct support of the people to augment their political legitimacy with the notion that might should be in the service of right. They further perpetuated their *thuidans*-ship with their ritual processions in gilded oxcars and their flowing golden hair.

⁴⁸⁸ *Ibid.*, pp. 78-79.

⁴⁸⁹ *Ibid.*

⁴⁹⁰ J.M. W.-Hadriil, *L-HK*, pp. 214-221, under "Fredegar's Kings."

⁴⁹¹ *Ibid.*, pp. 214-5.

⁴⁹² *Ibid.*, p.216.

⁴⁹³ *Ibid.*

⁴⁹⁴ *Ibid.*, p. 217.

Between Gregory's history and Fredegar's chronicle one can trace the rise of the Merovingian dynasty from warlordship to kingship. Gregory was instrumental in imbuing the royal house with a Christian *stirps regia* status, while Fredegar added to this image by recording their divine descent and establishing the Franks as a nation of long standing. Yet here, too, one sees that Gallo-Roman acceptance of Merovingian authority was not enough to establish full legitimacy. Germanic and indigenous sentiments were too strong to be dismissed. Hence, there was a real effort on the part of the Merovingians themselves to establish sacrality when they reserved the right to wear long hair for themselves. Since this had both Germanic and Christian overtones, one might look upon this legislation as furthering unity; if not, then at least advancing the proposition that the Merovingians were kings to all. There can be no doubt that the Merovingians benefited from this Celtic/Graeco/Frankish/Germanic legendary legacy as their charismatic rule was supported long after the Peppinites had seized actual power. As there is some truth to all those mythical tales and connections, the Merovingians used this knowledge to fuse their Celtic and Germanic constituents into one political community which could look back on political ambitions already in pre-recorded history. They recorded thus a united nation-like legitimacy whose *stirps regia*, too, had gained sacrality and hence legitimacy through history and mythical descent enshrined in a hereditary kingship whose charismatic character was unchallenged until the advent of the Peppinites.

Conclusion

The achievement of political and military legitimacy for an individual leader and the group of people he represents is a process that flows through tolerance, acceptance, authority and finally legitimacy. Individuals striving for greater power and groupings of people searching for a state of self-determination find that each stage of the process has its own requirements. They are mainly determined by his hierarchical position at birth within society and the circumstances of the physical location of the group *vis-à-vis* more powerful and advanced neighbors whom they strive to emulate. It is possible for an individual to sidestep tolerance and acceptance because of his rank at birth within his own society. However, once individuals and groups stepped outside their environment and sought greater acceptance and authority, domestic legitimacy was no longer sufficient as they had to adapt to their neighbors and add foreign requirements to their own. Hence, legitimacy must be separated between intrinsic domestic requisites and foreign criteria that had to be fulfilled to achieve the ultimate goal of military, social and political legitimacy for a leader and his followers.

Part I outlines the theory of domestic requirements for Germanic leaders during the first few hundred years common era. Although their leadership was often divided between pro- and anti-foreign, that is Roman, sentiments, and hence subject to Roman conditions, for the most part Germans lived by their own traditions and standards of legitimacy.

However, once leaders or *Heerkönige*, whom the Roman called *reges*, accepted military positions for themselves and their retinues on behalf of the imperial administration, they had to comply with the same standards as Romans. Consequently, to qualify, barbarians needed a basic education that enabled them to read and write dispatches. When Germanic *reges* stepped into the Empire permanently and were appointed to high military positions, they strove for Roman titles of legitimacy to be added their own Germanic specifications. Yet, even Germanic legitimacy had to be further defined to be in agreement with Roman standards.

Roman precedence determined the issuance of legal codes, which helped Germanic communities to evolve into political unities. Germanic genealogies and “national” histories, written in support of national and royal legitimacy, not surprisingly also adhered to Roman standards of education. Even in the seventh century there were nobles who might have had a classical education in rhetoric, and one of them was Fredegar. Yet, here too, Roman expectations alone did not fulfill the penchant of barbarian warriors and their *reges* to hear about their own mythical descent and the great battles their ancestors had fought. Importantly, genealogies had to be retold as Germanic peoples were constantly regrouping, forming new alliances. These new groups had to be familiarized with the divine descent and mythical histories of the rulers under whom they chose to live. Therefore, Roman expectations, such as a Trojan descent, were merged with Germanic and Celtic myths of divine origin to arrive at a legend that would satisfy Romans and barbarians alike. Legends were skillfully interwoven with documented historical events. If his *stirps regia* had not yet achieved full sacral status, a leader would marry into an established *stirps regia* to enforce the idea of royalty while establishing a permanent base in a new land. This guaranteed political legitimacy to his heirs. Furthermore, these histories also served as a means of communication, issuing warnings and spreading contemporary political propaganda. But above all, they were written to document that newly-formed kingdoms had a right to exist as they were long established political unions, reaching back to Antiquity, just as the Roman model of Virgil prescribed. They underlined the fact that warlordship was now an institution of the past and that it was kingship that was pursued. These “histories” admirably supplemented the legal codices that proclaimed the independence and legitimacy of political communities. The authors of “genealogies” raised the new Germanic kings and their aristocracy to an educational standard, which was at par with aristocratic Romans. “Genealogies” furthered ensured that rulers were accorded a legendary and illustrious lineage in support of their personal legitimacy, and hence their right to rule as the new kings of the Roman west. Legitimacy in the eyes of the Romans is covered in Part II.

Glossary of Terms

Legitimacy: is a process of development beginning with tolerance then acceptance through to authority and legitimacy. As a leader or a community of peoples passes through these stages, the final achievement for the individual is the legitimacy of rule, and for the group, the assumption of statehood in the eyes of the ruled and foreign powers.

Germania: The name “Germania” is attributed to a tribe whose territory bordered on that of the Celts in the district of the Ardennes forest. The name is already mentioned by Julius Caesar and is most likely of Celtic origin. It was assumed that the tribes beyond the borders of the Celtic territory shared one language, one religion and similar customs, therefore the name “Germania” was applied to the whole territory occupied by these non-Celtic tribes. Tacitus in his works used the name “Germania” and “Germans” when referring to them. These peoples did not refer to themselves as “Germans” but were known by their individual tribal names. For the purpose of this thesis the term “Germania” will be used with reference to the territory occupied by indigenous and non-Celtic tribes and they will also be referred to as “Germans” or “Teutons” when used as a collective. (see R. Much, *Deutsche Stammeskunde*, Leipzig, 1900, pp. 67-8). With reference to Tacitus’ work, *Germania* is italicized. It is emphasized that the Germans of the period under investigation have no relation to modern Germans.

Germanic: correctly used, refers to a language and not to a culture. However, in this thesis, it also means the inclusion of a pan-Germanic mythical belief system, shared by peoples whose root language was Germanic, such as the early Germanic tribes known to us from Tacitus and the later Goths, Franks and Lombards. In general, German and Germanic is used in a political sense.

Gothic: was the first Germanic language that survives in written form due to Ulfila’s translation of the Bible into Gothic in the late fourth century. Secondly, Balkan tribal units were united into a confederation later called the **Goths**, who in turn split into Visigoths and Ostrogoths.

Visigoths and Ostrogoths: during their separate existence were still able in the 5th and 6th centuries to communicate in Gothic. They also shared common belief systems: originally adherence to the Germanic pantheon of gods and then by conversion to Arianism.

Visigothic and Ostrogothic and Frankish: are political and ideological terms, applying to peoples of many backgrounds amalgamating under leaders who were representatives operating under these specific terms.

Identity: must therefore be applied to an individual’s allegiance to a community, such as the above, and not to any kind of ethnicity that could or could not be determined.

Ethnicity: meaning the belonging of an individual to a specific biological group sharing a common past. It can hardly be applied to members of Germanic tribes, as individual and tribal regroupings were common during the period under investigation. If either the word “ethnic” or “German(s)” are used, it is meant to be generic or political. For instance, a person whose political allegiance had shifted might have been a Celt or Roman but now thought of himself as a Frank or an Ostrogoth.

Barbarian groups: for this purpose, were amalgamated remnants of tribes or *gentes* who unified under ancient Germanic tribal names such as the Goths, or possibly an ideological name such as the Franks. Generally, barbarian simply means other; hence a barbarian was non-Roman, and could also be an Egyptian, Persian or other.

Barbarian migrations: as opposed to barbarian invasions, which is considered far too strong a word for the migrations and people movements that occurred during the later part of Antiquity. “Invasion” should be regarded as “disinformation” of later historians, or more likely politicians, who spread the word that barbarians were out to conquer the Empire. This notion was most likely advanced for the sake of legitimizing Germanic leaders and the newly-formed political units they represented.

Arianism: was the Christian doctrine advanced by the Presbyter Arius of Alexandria in the first decade of the 4th century, to which Visigoths and Ostrogoths were converted and to which they clung to maintain a measure of ideological independence and differentiation from the Romans. Arians insisted that the Father, the Son and the Holy Ghost were a descending hierarchy, as opposed to equality within the Holy Trinity of the Orthodox Church.

Church of Rome: comprised all people adhering to the orthodox creed established at the Council of Nicaea in 325 that confirmed that the members of the Holy Trinity were of equal status. For our time period, the congregations of Rome and Constantinople were of equal importance, as they both adopted the Nicaean creed and only separated in 1054.

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