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# **Fatherhood in Gaul between Late Antiquity and the Early Middle Ages**

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## Abstract

This thesis explores the idea and experience of fatherhood between the fifth and eighth centuries in Gaul. Fatherhood in this period, both as a concept and as a family identity, has been largely unexplored by historians despite the perceived shift from the Roman household dominated by the *paterfamilias* to the apparently more egalitarian kinship structures of the Early Middle Ages. This thesis has thus examined the different kinds of fatherhood that a person might hold and how that fatherhood, and the relationships it defined, changed across a lifetime and across the period.

The powerful concept of the *paterfamilias* declined by the eighth century and instead fatherhood was recognized in two forms; the ‘fictive’ fatherhood held by men of religious status and biological fatherhood within the family where authority was increasingly defined by their fatherhood of young children. These two central forms of fatherhood were interlinked and shared an increasing emphasis on representing the affectionate bonds between fathers and their children. This thesis thus contributes a new understanding of the development of fatherhood and the family which moves beyond a simple division between the ‘Roman’ family of Late Antiquity and the ‘Germanic’ *Sippe* of the Early Middle Ages towards a more nuanced understanding of the changing relationships between the fifth and eighth centuries.

As fatherhood was a relationship that impacted individuals at every level of society and at all stages of their life this study surveys the variety of sources that are available for Gaul in this period including hagiography, legal texts and archaeology. This work does not conceive fatherhood as an unchanging state but as a series of relationships that could vary based on age, gender, status and location. It therefore explores the dynamic nature of fatherhood between Late Antiquity and the Early Middle Ages.



## Acknowledgements

My first thanks must go to Julia Hillner who not only supervised this thesis but has been my mentor and friend for as long as I have known her. Her continued enthusiasm and attention to this project throughout has been vital. I could not have asked for a better supervisor.

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Many people have kindly read all or some of this thesis. I am grateful for their care and attention and can only apologize for the errors that have no doubt arisen from my failure to heed their advice. Dirk Rohmann read the work in its entirety and offered particular help with the translations. Les Probert also read the whole work and translated my language back into English. Conrad Leyser, Katie Hemer and the Late Antiquity Reading Group at the University of Sheffield all read various chapters and provided invaluable suggestions.

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## Abbreviations

Biblical quotations come from R. Weber and R. Gryson (eds), *Die Vulgata* (Stuttgart, 2007) with translations from *Douay-Rheims*.

- Abbo, *Test.* Abbo of Provence, 'Testament of Abbo of Provence', ed. and trans. P. Geary, in P. Geary, *Aristocracy in Provence: The Rhône Basin at the Dawn of the Carolingian Age* (Philadelphia, 1985)
- Angers Formulary of Angers, in *Formulae Merowingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges* (Hanover, 1886), pp. 1-25  
-----ed. and trans. A. Rio, *The Formularies of Angers and Marculf: Two Merovingian Legal Handbooks* (Liverpool, 2008)
- Av., *Ep.* Avitus of Vienne, *Alcimi Ecdicii Aviti Viennensis episcopi Opera quae supersunt*, ed. R. Peiper, *MGH AA VI.2* (Berlin, 1883)  
-----, trans. D. Shanzer and I. Wood, *Avitus of Vienne: Letters and Selected Prose* (Liverpool, 2002)
- Bert., *Test.* Bertramn of Le Mans, 'Testament', *Das Testament des Bischofs Bertram von Le Mans vom 27. März 616*, ed. M. Weidemann (Mainz, 1986)
- Brev.* *Breviarium Alarici*, ed. C. Hänel (Leipzig, 1849)

- C. Th.* *Codex Theodosianus*, ed. T. Mommsen and P. Meyer (Berlin, 1905)  
 -----, *The Theodosian Code and Novels and the Sirmondian Constitutions*, ed. and trans. C. Pharr (Princeton, 1952)
- Caes. Ep* Casarius of Arles, *Epistolae*, in G. Morin (ed.), *Sancti Caesarii episcopi Arelatensis Opera omnia nunc primum in unum collecta* I (Maredsous, 1942), pp.  
 -----, *Epistolae*, trans. in *Caesarius of Arles: Life, Testament and Letters*, ed. and trans. W. Klingshirn (Liverpool, 1994), pp. 77-140
- Caes., Reg. Virg.* Casarius of Arles, *Regula ad Virgines*, in G. Morin (ed.), *Sancti Caesarii episcopi Arelatensis Opera omnia nunc primum in unum collecta* I (Maredsous, 1942), pp.  
 -----, trans. in *The Rule for Nuns of St. Caesarius of Arles: A Translation with a Critical Introduction*, ed. and trans. M. C. McCarthy (Washington, 1960)
- Caes. Serm.* Casarius of Arles [attr.], *Sermones*, ed. G. Morin, *CCSL* 103/104 (Turnholt, 1953)  
 -----, trans. M. M. Mueller (Washington, 1977)
- CCSL* *Corpus Christianorum - Series Latina*



- ChLA* *Chartae Latinae Antiquiores* (France), ed. A. Bruckner and R. Marichal (Bern, 1981-1985)
- Cass., Conf.* John Cassian, *Collationes patrum in scetica eremo*, ed. J.-P. Migne, *PL* 49 (Paris, 1846), pp. 477-953
- Cass., Inst.* -----, *De institutis coenobiorum*, ed. J.-P. Migne, *PL* 49 (Paris, 1846), pp. 53-476  
-----, trans. E. C. S. Gibson, in *The Works of John Cassian* (New York, 1894)
- Cod. Ius.* *Codex Iustinianus*, ed. P. Krueger (Cambridge, 2014)  
-----, trans. F. H. Blume and T. Kearley (Wyoming, 2009)
- De civ. Dei* Augustine, *de civitate dei*, ed. B. Dombert and A. Kalb, *CCSL* 47-48 (Turnhout, 1955)  
-----, ed. and trans. R. W. Dyson (Cambridge, 1998)
- Des. Ep.* Desiderius of Cahors, *Epistulae Sancti Desiderii*, ed. D. Norberg (Stockholm, 1961)
- Dig.* *Digesta*, ed. T. Mommsen and P. Krueger (Cambridge, 2014)  
-----, trans. S. P. Scott, *The Digest or Pandects of Justinian* (Cincinnati, 1932)
- Ep. Aus.* *Epistolae Austrasicae*, ed. W. Arndt and B. Krusch, *MGH Epp.* III.1 (Berlin, 1892), pp. 110-153

- Etym.* Isidore of Seville, *The Etymologies of Isidore of Seville*, ed. and trans. S. A. Barney, W. J. Lewis, J. A. Beach, and O. Berghof (Cambridge, 2006)
- Euch.* Paulinus of Pella, *Thanksgiving*, in H. G. Evelyn-White (trans.), *Ausonius* (London, 1921), Vol. II, pp. 293-352
- For. Iud.* *Leges Visigothorum*, ed. F. Beyerle and R. Buchner, *MGH LL nat. Germ.* I (Hanover, 1902)  
 —————, ed. and trans. S. P. Scott, *The Visigothic Code (Forum Judicum)* (Boston, 1910)
- Fort., Carm.* Venantius Fortunatus, *Carmina*, ed. F. Leo, *MGH AA IV.1* (Berlin, 1881)  
 -----, partial translation in J. George, *Venantius Fortunatus: Personal and Political Poems* (Liverpool, 1995)
- Freising* *Die Traditionen des Hochstifts Freising*, ed. T. Bitterauf (Munich, 1905)
- Gauthier* N. Gauthier, *Recueil des Inscriptions Chrétiennes de la Gaule: antérieures a la Renaissance carolingienne. Volume I: Première Belgique* (Paris, 1975)
- GC* Gregory of Tours, *Liber in Gloria confessorum*, ed. B. Krusch, *MGH SRM I.2* (Hanover, 1885), pp. 284-370  
 -----, *Glory of the Confessors*, trans. R. Van Dam (Liverpool, 2004)

- GM* Gregory of Tours, *Liber in Gloria martyrum*, ed. B. Krusch, *MGH SRM I.2* (Hanover, 1885), pp. 34-111  
-----, *Glory of the Martyrs*, trans. R. Van Dam (Liverpool, 1988)
- Gose E. Gose, *Katalog der Frühchristlichen Inschriften in Trier* (Berlin, 1958)
- HF* Gregory of Tours, *Decem Libri Historiarum*, ed. B. Krusch, *MGH SRM I.1* (Hanover, 1951)  
-----, *History of the Franks*, trans. L. Thorpe (London, 1974)
- Inst.* *Institutiones*, ed. T. Mommsen and P. Krueger (Cambridge, 2014)
- Lex Alaman.* *Lex Alamannorum*, in *Leges Alamannorum*, ed. K. Lehmann and C. A. Eckhardt, *MGH LL nat. Germ. V.1* (Hanover, 1966), pp. 35-157
- Lex Bav.* *Lex Baiwariorum*, ed. F. Beyerle and R. Buchner, *MGH LL nat. Germ. V.2* (Hanover, 1926)
- Lex Burg.* *Liber Constitutionem*, in *Leges Burgundionum*, ed. L. R. De Salis, *MGH LL nat. Germ. II.1* (Hanover, 1892), pp. 29-116  
-----*The Burgundian Code*, trans. K. F. Drew (Pennsylvania, 1972)

- Lex Lang.* *Leges Langobardorum*, ed. G. H. Pertz, *MGH LL IV* (Hanover, 1868)  
 —————*The Lombard Laws*, trans. K. F. Drew (Pennsylvania, 1973)
- Lex Rib.* *Lex Ribuaria*, ed. F. Beyerle and R. Buchner, *MGH LL nat. Germ.* III.2 (Hanover, 1954)  
 Numbering taken from -----, ed. and trans. T. J. Rivers, *Laws of the Salian and Ripuarian Franks* (New York, 1987)  
 Rivers unless stated.
- LRB* *Lex Romana Burgundionum*, in *Leges Burgundionum*, ed. L. R. De Salis, *MGH LL nat. Germ.* II.1 (Hanover, 1892), pp. 123-170
- Marculf* Formulary of Marculf, in *Formulae Merovingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges* (Hanover, 1886), pp. 32-112  
 —————ed. and trans. A. Rio, *The Formularies of Angers and Marculf: Two Merovingian Legal Handbooks* (Liverpool, 2008)

<i>MGH</i>	<i>Monumenta Germaniae Historica</i>
<i>Scrip.</i>	<i>Scriptores</i>
AA	<i>Auctores Antiquissimi</i>
SRM	<i>Scriptores rerum Merovingicarum</i>
SS	<i>Scriptores (in Folio)</i>
<i>Leg.</i>	<i>Leges</i>
LL	<i>Leges (in Folio)</i>
LL nat. Germ.	<i>Leges nationum Germanicarum</i>
DD	<i>Diplomata</i>
DD Mer.	<i>Diplomata Merowinger</i>
<i>Epist.</i>	<i>Epistae</i>
Epp.	<i>Epistolae (in Quart)</i>
<i>Nov.</i>	<i>Novellae</i> , ed. R. Schoell and E. Kroll (Berlin, 1954) -----, trans. F. H. Blume and T. Kearley (Wyoming, 2009)
<i>PL</i>	<i>Patrologia Latina</i> , ed. J.-P. Migne, (Paris, 1844-1855)
<i>PLS</i>	<i>Lex Salica</i> , in J. H. Hessels (ed.), <i>Lex Salica: the ten texts with the glosses and the lex emendata</i> (London, 1880)
Numbering taken from Rivers unless stated.	-----, ed. and trans. T. J. Rivers, <i>Laws of the Salian and Ripuarian Franks</i> (New York, 1987)
<i>Reg. Ben.</i>	<i>Regula Benedicti</i> , ed. A. de Vogüé and J. Neufville (Paris, 1972)
<i>Rem., Test.</i>	Remigius of Rheims, ‘Testament’, in N. L. Delgado (ed. and trans.), ‘ <i>The Grand Testamentum of Remigius of Rheims: Its Authenticity, Juridical Acta and Bequeathed Property</i> ’, PhD thesis (University of Minnesota, 2008)

- Rur., *Ep.*, Ruricius of Limoges, *Epistolae*, ed. C. Luetjohann and B. Krusch, *MGH AA VIII* (Berlin, 1887), pp. 299-350  
-----, trans. R. W. Mathisen, *Ruricius of Limoges and friends: a collection of letters from Visigothic Gaul* (Liverpool, 1999)
- SA, *Ep.* Sidonius Apollinaris, *Epistolae*, ed. C. Luetjohann and B. Krusch, *MGH AA VIII* (Berlin, 1887), pp. 1-172  
-----, *Letters*, ed. and trans. O. M. Dalton (Oxford, 1915)
- SA, *Carm.* -----, *Carmina*, ed. C. Luetjohann and B. Krusch, *MGH AA VIII* (Berlin, 1887), pp. 173-264
- Salv. Salvian of Marseille, *Libri*, ed. C. Halm, *MGH AA 1.1* (Berlin, 1877)  
-----, trans. J. F. O'Sullivan, *The Writings of Salvian the Presbyter* (Washington, 1946)
- St. Gall. *Urkundenbuch der Abtei Sanct Gallen*, ed. H. Wartmann (Zurich, 1863)
- VP Gregory of Tours, *Liber Vitae Patrum*, ed. B. Krusch, *MGH SRM I.2* (Hanover, 1885), pp. 211-283  
-----, *Life of the Fathers*, trans. E. James (2<sup>nd</sup> edn., Liverpool, 1991)

- VSJ* Gregory of Tours, *Liber de passion et virtutibus sancti Iuliani martyris*, ed. B. Krusch, *MGH SRM I.2* (Hanover, 1885), pp. 112-133  
\_\_\_\_\_, ‘The Suffering and Miracles of the Martyr St. Julian’, trans. R. Van Dam, in *Saints and their Miracles in Late Antique Gaul* (Princeton, 1993), pp. 162-198
- VSM* Gregory of Tours, *De virtutibus sancti Martini*, ed. B. Krusch, *MGH SRM I.2* (Hanover, 1885), pp. 134-210  
\_\_\_\_\_, ‘The Miracles of the Bishop St Martin’, trans. R. Van Dam, in *Saints and their Miracles in Late Antique Gaul* (Princeton, 1993), pp. 119-303
- Wizen.* *Traditiones Wizenburgenses: Die Urkunden des Klosters Weißenburg 661-864*, ed. K. Glöckner and A. Doll (Darmstadt, 1979)

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## Introduction

Throughout history, the idea of fatherhood has lain at the heart of many social relationships. It has been used to manage ideas of discipline and affection, obligation and choice, the personal and the public. In Antiquity and the Middle Ages, the relationships formed by concepts of fatherhood, whether between fathers and children in a household or between a bishop and his flock, were key to interactions across society.

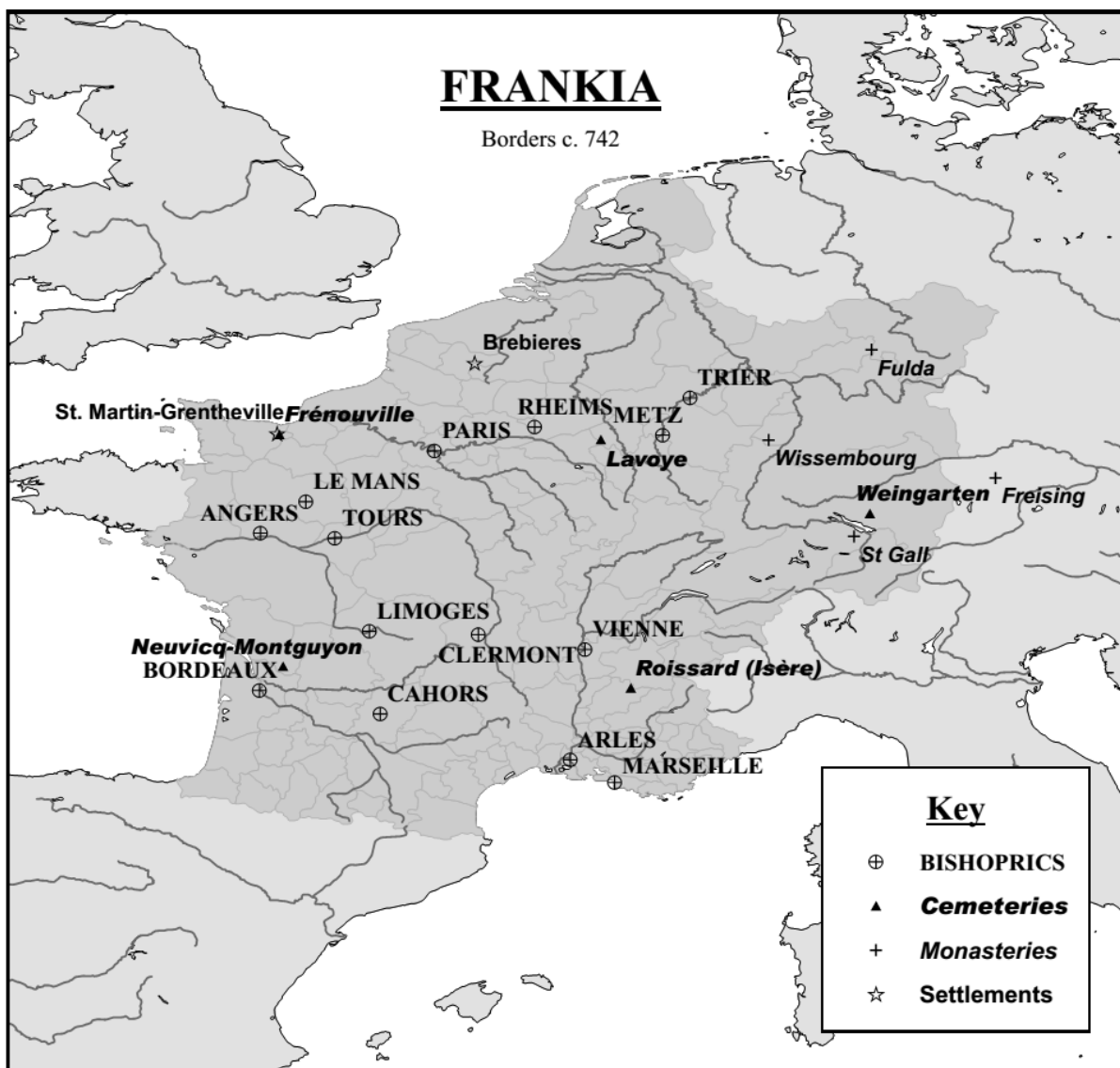


Figure 1: Map of Key Locations

However, despite the continued importance of fathers, the day-to-day nature of the paternal role changed significantly between Antiquity and the Middle Ages. In Richard Saller's seminal work on Roman fatherhood, *Patriarchy, Property and Death*, the author presented convincing evidence that

the significance of the Roman *paterfamilias* was somewhat negated by Roman patterns of demography that meant most children would have lost their father long before they reached adulthood.<sup>1</sup> In addition, for all that the *paterfamilias* has been understood as the ‘father of the family’, one did not need to be a father, or even a man, to qualify for that title. The *patria potestas*, held by the *patresfamilias*, was the power of a minority elite, Roman fatherless individuals. The *paterfamilias* was intrinsically tied to Roman paternity not because it implied being a father but because it usually necessitated losing one.

By the ninth century, the idea of the *paterfamilias* had all but vanished. To be true, fathers continued to hold family power and the expectations placed on fathers in terms of the raising of children, the dispensation of authority as well as control over family property continued to lie at the heart of family life and formed a fundamental aspect of society. The important change was that living fathers were now increasingly numerous, as shifts in the male age at marriage lead to many more fathers surviving into their children’s adulthood. Yet, and remarkably given this change, fatherhood as an identity of men within the family did not continue as powerful a social or legal concept as it had been in the Roman world. By contrast, it rose in power as a symbol of religious identity.

In this study I will endeavour to bridge the gap between these two chronological points in the fourth and ninth centuries, focussing on the fifth to eighth centuries as a period of transition. Fatherhood was at the basis of relationships and concepts across society and thus requires a consideration of many different types of sources. In consequence, I shall focus on Gaul as a region that can provide legal, literary and archaeological sources from across this period and is thus an effective case study for the early medieval world. Through focussing on this region, incorporating lands that were absorbed into the Merovingian realm over the course of this period (Figure 1), fatherhood can be studied in its various forms in some detail. Considering fatherhood as a constantly changing relationship, this thesis will reconstruct the shifting life course expectations of fathers and will re-evaluate existing models of paternal authority and family life between Late Antiquity and the Early Middle Ages.

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<sup>1</sup> R. P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge, 1994).

## Demography

The demographic shift that I have outlined above included an increase in the number of adult individuals with living fathers. Scholars have drawn the evidence for this increase from the period before and including the fourth century and then again from the ninth century, usually focussing on the expected age at first marriage and the average age at death. This demographic shift is not the topic of this dissertation, but serves as an important starting point to emphasise that real change occurred in the period covered by this study, which warrants the further qualitative investigations of fatherhood which is the subject of this thesis' central analysis. I will therefore describe this shift, as indicated by other historians both explicitly and implicitly, in the following section. Unfortunately, statistical information on these topics is particularly difficult to compile in the fifth to the eighth centuries but some inferences can be drawn.

Demographic patterns have been produced by Bruce Frier and Roger Bagnall for Egypt in the first three centuries AD using census records. In addition, Richard Saller and Brent Shaw have used epigraphic data to estimate age at marriage in the Roman West and Saller used model life tables to estimate patterns of family life in the Roman world.<sup>2</sup> Walter Scheidel has also produced extensive works on historical demography including on Late Antiquity.<sup>3</sup> In the Carolingian period, in turn, the appearance of polyptychs, inventories which listed the people and property of estates, provide an alternative source of data. Historians such as David Herlihy, Ferdinand Lot, Jean-Pierre Devroey and Pierre Toubert have utilised these to assess average numbers of children, age at marriage and general family sizes as well as the sex ratios of populations.<sup>4</sup>

Considering initially the age at first marriage Shaw, using evidence from inscriptions based on 'commemorative shift' (the point at which spouses are seen as commemorators rather than parents),

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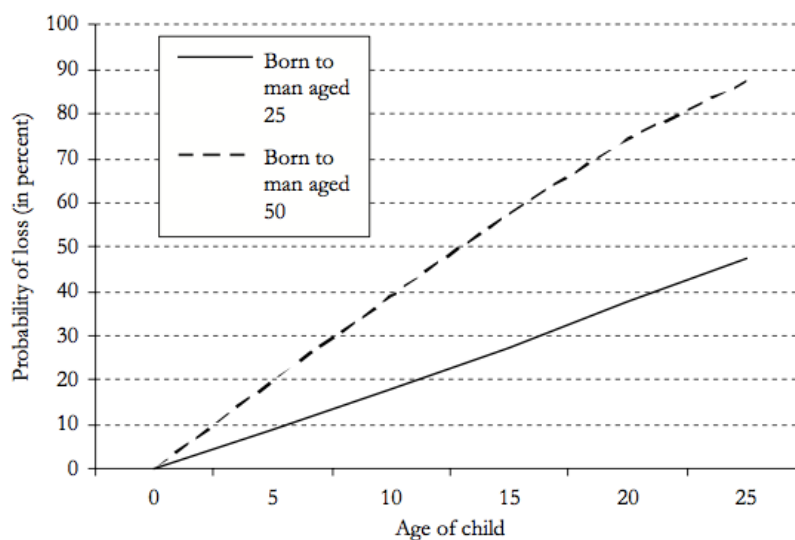
<sup>2</sup> R. S. Bagnall and B. W. Frier, *The Demography of Roman Egypt* (Cambridge, 1994), R. P. Saller and B. D. Shaw, 'Tombstones and Roman Family Relations in the Principate: Civilians, Soldiers and Slaves', *Journal of Roman Studies* 74 (1984), pp. 124-156, B. D. Shaw, 'Latin Funerary Epigraphy and Family Life in the Later Roman Empire', *Historia* 33 (1984), pp. 457- 497, B. D. Shaw, 'The Age of Roman Girls at Marriage: Some Reconsiderations', *Journal of Roman Studies* 77 (1987), pp. 30-46, Saller, *Patriarchy, Property and Death*.

<sup>3</sup> W. Scheidel, *Measuring Sex, Age, and Death in the Roman Empire: Explorations in Ancient Demography* (Ann Arbor, 1996), 'Roman Funerary Commemoration and the Age at First Marriage', *Classical Philology* 102 (2007), pp. 389-402 and 'The Demographic Background', in S. M. Hübner and D. M. Ratzan (eds.), *Growing Up Fatherless in Antiquity* (Cambridge, 2009), pp. 31-40.

<sup>4</sup> D. Herlihy, *Medieval Households* (Boston, 1985), Ferdinand Lot, 'Conjectures démographiques sur la France au IX<sup>e</sup> siècle', *Le Moyen Age* 32 (1921), pp. 1-27, 107-37, J.-P. Devroey, *Etudes sur le grand domaine carolingien* (Aldershot, 1993) and P. Toubert, 'Le moment carolingien (VIIIe-Xe siècle)', in A. Burguière, C. Klapisch-Zuber et al. (eds), *Histoire de la Famille* (Paris, 1986), pp. 333-359.

suggested ages at first marriage being in the late teens for women, and late twenties or thirties for men in the Western provinces of the Roman Empire.<sup>5</sup> By the ninth century Herlihy has suggested that men and women married at approximately the same age, in their early to mid-twenties.<sup>6</sup>

We should therefore consider what a slightly lower average age at first marriage meant for the likelihood of paternal survival. Scheidel has suggested that the likelihood of paternal survival was only slightly affected by age at first marriage - producing the following graph based on model life tables and considering Saller's reconstructions to show the different curve lines for the probability of losing a father based on whether the father was 25 or 50 at his child's birth:



**Figure 2: Mean risk of loss of father depending on paternal age at birth of child (source: Coale and Demeny 1983). Scheidel, 'Demographic Background', p. 38.**

Conservative estimates of life expectancy in the Roman world suggest that, on average, men would have died by twenty-five to thirty years after their first marriage.<sup>7</sup> Saller suggests that most men would have married around the age of 30, at which point they would begin to have legitimate children. High infant mortality would thus mean many children, even those born during their father's first marriage, would have been born to fathers at least in their thirties or forties. Saller concluded that, while the Roman father had 'special power', even conservative estimates would allow that 1/3 of Roman children would have lost their father by 15, half by 20, and 3/4 by the time

<sup>5</sup> Shaw, 'Age of Roman Girls at Marriage', pp. 36-39.

<sup>6</sup> Herlihy, *Medieval Households*, pp.

<sup>7</sup> Scheidel, 'The Demographic Background', in S. M. Hübner and D. M. Ratzan (eds), *Growing Up Fatherless in Antiquity* (Cambridge, 2009), p. 38. This refers to the point by which 50% of men would be estimated to have died. Studies such as that by Luc Buchet at Frénouville suggested a slightly better rate of life expectancy at birth of 30 years in the Merovingian period, 'La nécropole gallo-romaine et mérovingienne de Frénouville (Calvados), étude anthropologique', *Archéologie Médiévale* 8 (1978), pp. 48-49.

of their probable first marriage at 30.<sup>8</sup> Although fathers may have lived long enough to have children of 15 to 20 when they died, they were unlikely to have prolonged periods of living with adult children. Herlihy's suggestion of the early to mid-twenties as the standard age of marriage by the ninth century would significantly increase the likelihood that fathers would live much further into their children's adulthood. As shown in the graph above (Figure 2), the likelihood of a child losing their father moved from the probabilities demonstrated in the lower curve towards the upper curve.

The statistical likelihood of adults having living fathers therefore increased between the fifth and ninth centuries. However, despite the increased presence of fathers in the adult lives of individuals, the father of the family appears to no longer have held the powerful identity of the *paterfamilias*. In fact the reverse seems to be true. As fathers survived longer into their childrens' lifetimes, greater independence for adult children from their fathers' became increasingly the norm. Historians have largely neglected the role of the father in the family, although a study of this phenomenon has important things to tell about the change in paternal identity in the post-Roman world. The role of the father can tell us about wider social change, the structure of families and ideas of authority and property transmission, to name only a selection of the changes indicated by fatherhood. This is the topic of my dissertation

### **Previous Approaches to Fatherhood and the Family**

The historiographical approach to the family between Antiquity and the Middle Ages has been so far characterised by a clear division between the Roman family and the 'Germanic' family. Traditionally scholars surveying the broad change in social behaviours since Antiquity articulated this change and have tended to consider it as a shift in structures while, more recently, historians approaching the topic from either a late antique or early medieval perspective, have focussed to a greater extent on relationships within the family. Only works examining the fictive or spiritual family and masculinity have significantly crossed from the period of late antiquity to the early middle ages and bridged the gap between these approaches. Within all these works, however, the experience of fatherhood has only rarely been a major topic.

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<sup>8</sup> Saller, *Patriarchy, Property and Death*, p. 121.

The earliest studies of family history considered broad trends in the structures of the family since archaic times. Fatherhood has been an element of these works, as the patriarchal family is usually held to be a particular aspect of familial development but the emphasis has been on structure rather than internal family dynamics. These works also set the pattern for more recent works focussing on the Roman and the High Medieval periods as key points, neglecting the earlier Middle Ages.

Early studies of the family defined stages in the evolution of the family, and the difference between 'Germanic' and 'Roman' family life and kinship according to whether the power of kindred rested with maternal or paternal kin. The emphasis of these studies, strongly influenced by anthropology, was on the wider structure of kindred relationships as they played into societal structures.

In the nineteenth century Frédéric Le Play (1871), Heinrich Brunner (1880), Friedrich Engels (1909) and others argued for the evolution of the family over time.<sup>9</sup> This was revolutionary as it presented the family not as an unchanging element of society - suited for biological rather than historical research - but as a changing phenomenon. Engels, influenced heavily and openly by Marx's unpublished works and anthropologists such as Lewis Henry Morgan, traced the family through the means of marriage. Engels tracked the structure of the family from matriarchal communal marriage free of jealousy, through the acquisition of private property and thus patriarchy to monogamy and eventually the pairing of sexual love.<sup>10</sup> The patriarchal family in its 'perfect' form was that of the Romans centred around the *paterfamilias* holding *patria potestas*, and key to his power was the ownership of property.

In contrast to the Roman model, the 'Germanic' settlers were considered to have been in the more primitive stage of 'communal' marriage even into the Merovingian period. Some historians considered the Franks to have lived as part of large kindred groups which, due to a lack of monogamy, could only identify mothers as known parents and thus emphasised matriarchal family

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<sup>9</sup> P. G. F. Le Play, *L'Organisation de la famille selon le vrai modèle signalé par l'histoire de toutes les races et des tous les temps* (Paris, 1871), F. Engels, *The Origin of the Family, Private Property and the State* trans. E. Untermann (Chicago, 1909), H. Brunner, *Zur Rechtsgeschichte der römischen und germanischen Urkunde* (Berlin, 1880).

<sup>10</sup> Engels, *Origin of the Family*, summarised pp. 21-39.



members. Legal historians such as Heinrich Brunner, however, emphasised the patriarchal structures of Frankish kinship.<sup>11</sup>

As these 'Germanic' groups developed the patriarchal family again was seen to become key in the High Middle Ages. Max Weber (1864-1920) argued that fatherhood and paternal power began to exist only with the development of a stable household and paternal power particularly emanated from the extended household.

The father relationship cannot exist without a stable economic household unit of father and mother; even where there is such a unit the father relationship may not always be of great import. Of all the relationships arising from sexual intercourse, only the mother-child relationship is "natural".<sup>12</sup>

Weber thus presented the breakdown of wider kin networks, and thus paternal power as coming about with capitalism and greater individual production and taxation. As Lewis Henry Morgan and others who followed had traced the progression of the family through to affective units, Weber described a corresponding transition from communal property and corporate behaviour to individualism.<sup>13</sup>

These early studies of the family, which often centred on patriarchal structures, remain key to conceptualisations of family structure. Although arguments of the linear transition of the family have been complicated by later studies, these works considered the dynamic of fatherhood in the changing family across time and still largely define our understanding of broad change in social structures.

Broad studies of the family continued to be significant in the second half of the twentieth century although scholars developed new focuses on internal family dynamics and on demography. In 1960 Philippe Ariès published a study which was influential in emphasising relationships and affection as

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<sup>11</sup> For example B. Philpotts, *Kindred and Clan in the Middle Ages and After* (London, 1913), p. 269. See Murray, *Germanic Kinship Structure*, pp. 202-203. H. Brunner, 'Kritische bemerkungen zur Geschichte des germanischen Weibererbrechts', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 21 (1900), pp. 1-18.

<sup>12</sup> M. Weber, *Economy and Society: An Outline of Interpretive Sociology*, trans. and ed. G. Roth and C. Wittich (London, 1978), p. 354. See also P. Vinogradoff, *Outlines of Historical Jurisprudence* (New Jersey, 1999), especially pp. 201-202.

<sup>13</sup> Weber, *Economy and Society*, p. 1010.

a notable aspect of the history of the family.<sup>14</sup> Ariès, a demographic historian, focussed the study of the family on childhood and, influenced by Georges Duby, argued that the concept of the family did not exist at all until the fifteenth century and did not fully flower until the seventeenth. While Ariès did not deny that the family existed prior to this he saw it as conceptualised by blood rather than affection. Ariès saw child mortality and a lack of the sense of childhood, as well as a lack of privacy, suppressing conjugal family bonds that would exist in representation and reality by the seventeenth century.<sup>15</sup> This was echoed by the influential but controversial work of Lawrence Stone on the early modern family.<sup>16</sup> Although many of the conclusions of Ariès and Stone have now been overturned, the role of affection and the existence of the family being seen relatively consistent, their work served to concentrate attention on the conceptualisation of the family and the role of emotion.<sup>17</sup>

Macro-historical studies of the family have continued to be strongly connected to anthropology. Jack Goody (1983) argued that the Church tried to limit kinship alliances through marriage in order to limit heirs and allow property to devolve to the Church.<sup>18</sup> This connected to Church prohibitions on incest. Goody's thesis has lost favour in more recent works.<sup>19</sup> However Goody continued to tie structural changes to a shift from the Roman world to, in Goody's case, the period around the first millennium drawing in a significant consideration of the role of the spiritual family in the development of the household. In the twentieth century macro-histories continued to focus on the same key moments of transition in the history of the family but with greater concern for relationships rather than structure.

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<sup>14</sup> In English as P. Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. R. Baldick (New York, 1962).

<sup>15</sup> *Ibid.*, p. 353.

<sup>16</sup> L. Stone, *The Family, Sex and Marriage in England, 1500-1800* (New York, 1977).

<sup>17</sup> Further influential movements in the history of the family came through developments in anthropological studies such as Claude Lévi-Strauss' *The Elementary Structures of Kinship*, which emphasised the importance of structural relationships and systems of exchange of goods and persons between groups which historians used to understand concepts such as the dowry. Later anthropologists such as Jack Goody collaborated with historians to track the development of structures of family life in Europe through attitudes towards incest and adoption. C. Lévi-Strauss, *The Elementary Structures of Kinship*, trans. J. H. Bell, J. R. Von Sturmer and R. Needham (London, 1969), J. Goody, *The Development of Family and Marriage in Europe* (Cambridge, 1983).

<sup>18</sup> Goody, *Development of Family and Marriage*. See also R. Le Jan, *Famille et pouvoir dans le monde franc (VIIe-Xe siècle): Essai d'anthropologie sociale* (Paris, 1995), pp. 315-316 and M. De Jong, 'An Unsolved Riddle: Early Medieval Incest Legislation', in I. Wood (ed.), *Franks and Alemanni in the Merovingian Period: An Ethnographic Perspective* (Suffolk, 1998), pp. 107-140.

<sup>19</sup> See discussion in R. Stone, *Morality and Masculinity in the Carolingian Empire* (Cambridge, 2012), p. 262.

Increasingly, scholars have been focussing on the perceived key moments in family types defined by the meta-narrative approaches described above; the Roman and the High Medieval period. Studies of the Roman household have become more plentiful, drawing on the rich Roman legal sources on the family. Susan Dixon's *The Roman Family* (1992), Beryl Rawson's work including *Children and Childhood in Roman Italy* (2003) and the edited volume *Marriage, Divorce and Children in Ancient Rome* (1991) and Jane Gardner's *Family and familia in Roman Law and Life* (1998) have developed important examinations of the Roman household in the fourth century and earlier.<sup>20</sup> However only Richard Saller (1994) and Judith Hallett's (1984) studies of the Classical family have focussed extensively on fatherhood and of these Richard Saller's work forms a significant background to this thesis.<sup>21</sup>

Richard Saller's work, as discussed above, considers the position of the *paterfamilias* in the light of demographic simulations in addition to legal and literary texts and has been the most influential modern examination of the *paterfamilias*. Saller noted that; 'The forty-year-old man still subject to *patria potestas* looms larger in many classicists' image of the Roman family than the twelve-year-old fatherless child, even though the latter was fivefold more common in Roman society'.<sup>22</sup> This study, despite its own focus on patriarchy, paved the way for considerations of the Roman family which emphasised other members of the household.

Saller's work, together with a growing body of studies on aspects of the Roman and late antique household have helped to develop clear ideas around family dynamics in this period with fatherhood, or at least the *paterfamilias*, as a central concept, but with influence being held practically by other family members.

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<sup>20</sup> S. Dixon, *The Roman Family* (Baltimore, 1992), B. Rawson, *Children and Childhood in Roman Italy* (Oxford, 2003), B. Rawson (ed.), *Marriage, Divorce and Children in Ancient Rome* (Oxford, 1991) and J. F. Gardner, *Family and familia in Roman Law and Life* (Oxford, 1998).

<sup>21</sup> Saller, *Patriarchy, Property and Death*, J. P. Hallett, *Fathers and Daughters in Roman Society: Women and the Elite Family* (New Jersey, 1984).

<sup>22</sup> Saller, *Patriarchy, Property and Death*, p. 181.

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## *High Medieval*

The other significant period of key transition than the Roman period has been the ninth to the eleventh centuries. The significance of this period for the family and for patriarchal structures was articulated in the middle of the twentieth century by the works of Karl Schmid (1957) and Georges Duby (1961). Schmid and Duby broke down the progression that had been seen to characterise the medieval family in earlier broad studies and suggested that, instead of the family consistently decreasing in size from the early to the late Middle Ages, there was a shift around the first millennium from the loose relationships of the early medieval kin to more strictly regimented 'lineages' which emphasised male power and agnatic heritage in the late tenth or eleventh century.<sup>23</sup>

These scholars focussed principally on a medieval world-view which was seen as 'Germanic' and distinct from the Roman model of the *familia*. Within this model the pre-Carolingian period tended to be seen, largely through the Germanic law codes, as defined by the large kin groups of Germanic settlers. These studies again emphasise kin rather than household dynamics but Schmid did see paternal power within the household as existing along side early medieval kin networks:

'In Germanic social and legal history the intertwining of stately and cooperative bonds of Germanic community life is visible. On one side stands the house and the rule of the 'house father' in the house, on the other the *sippe*, the relationships of community that characterises the association of persons. Both principles of coexistence run side by side, and penetrate and complement each other. The question is whether and how these Germanic forms of community were still alive and active in the Middle Ages.'<sup>24</sup>

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<sup>23</sup> K. Schmid, 'Zur Problematik von Familie, Sippe und Geschlecht, Haus und Dynastie beim mittelalterlichen Adel: Vorfragen zum Thema "Adel und Herrschaft in Mittelalter"', *Zeitschrift für die Geschichte des Oberrheins* 105 (1957), pp. 1-62, G. Duby, *Rural Economy and Country Life in the Medieval West*, trans. C. Posen (Columbia, 1968).

<sup>24</sup> 'In der germanischen Sozial- und Rechtsgeschichte wird die Verflochtenheit herrschaftlicher und genossenschaftlicher Bindungen des germanischen Gemeinschaftslebens sichtbar. Auf der einen Seite steht das Haus, die Herrschaft des Hausvaters im Hause, auf den anderen die Sippe, die Verwandtengemeinschaft, die den Personenverband prägt. Beide Prinzipien des Zusammenlebens lagen nebeneinander her, korrespondieren, durchdringen und ergänzen einander. Es fragt sich, ob und wie diese germanischen Gemeinschaftsformen im Mittelalter lebendig und wirksam geblieben sind', Schmid, 'Zur Problematik von Familie', p. 47.

Duby was extremely influential and subsequent historians continued to emphasise the period from the late-tenth to the early-twelfth centuries as the point at which kin structures changed from their position at from Germanic custom. The model has undoubtedly been softened somewhat as time has gone on. The eleventh-century shift is now seen as less dramatic, but the underlying concepts have remained.<sup>25</sup>

### *Late Antiquity or the Early Middle Ages*

There has been an increase in recent years of studies that consider the family in Late Antiquity and, less so, the early Middle Ages. However such work rarely bridges the gap between the two and has remained divided by an understanding of the ‘Roman’ and ‘Germanic’ social worlds based frequently on separate law codes. As Emma Southon has observed late antique historiography finds an end to the late antique family in the post-imperial world of the Merovingians, while medievalists have found the origins of the new family structure of the eleventh century in the Germanic pre-Carolingian world.<sup>26</sup>

Studies of the late antique family have shown some interest in fatherhood in the form of the *paterfamilias*. Shortly after Saller’s *Patriarchy, Property, and Death* Antti Arjava (1996) produced an influential article on ‘Paternal Power in Late Antiquity’ arguing for an examination of paternal power in the late empire outside of the legal codes.<sup>27</sup> Arjava argued that *patria potestas* continued to be a legal commonplace, even as its use on children over the age of majority dwindled in the sixth century and had been eroded completely by the seventh century.<sup>28</sup>

Further studies including Arjava’s *Women and Law in Late Antiquity* (1996), Geoffrey Nathan’s *The Family in Late Antiquity* (2000) and Kate Cooper’s *The Fall of the Roman Household* (2007) have continued to explore the dynamics of family behaviour in Late Antiquity.<sup>29</sup> A recent article by Emma Southon (2012) focussed explicitly on fatherhood determining that by the fourth century

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<sup>25</sup> See J. H. Drell, *Kinship & Conquest: Family Strategies in the Principality of Salerno 1077-1194* (London, 2002), pp. 8-9.

<sup>26</sup> E. Southon, ‘Marriage, Sex and Death: The Family in the Post-Imperial West’, PhD thesis (University of Birmingham, 2012), pp. 20-25.

<sup>27</sup> A. Arjava, ‘Paternal Power in Late Antiquity’, *Journal of Roman Studies* 88 (1988), p. 147.

<sup>28</sup> *Ibid.*, pp. 158, 163.

<sup>29</sup> A. Arjava, *Women and Law in Late Antiquity* (Oxford, 1996), G. S. Nathan, *Family in Late Antiquity: The Rise of Christianity and the Endurance of Tradition* (London, 2000) and K. Cooper, *The Fall of the Roman Household* (Cambridge, 2007), J. Evans Grubbs, *Law and Family in Late Antiquity* (Cambridge, 1995). See also A. Giardina, ‘The Family in the Late Roman World’, in A. Cameron, B. Ward-Perkins, and M. Whitby (eds) *The Cambridge Ancient History XIV, Late Antiquity: Empire and Successors, AD 425-600* (Cambridge, 2000), pp. 392-415.

there was particular cultural currency in fatherly affection for adult children.<sup>30</sup> This interest in the late antique family has tended to focus its attention on the Roman family's interaction with Christianity and has rarely engaged with the family practices of the 'Germanic' groups. These works incorporate understandings of gender and emotion with interest particularly in the role of women in the family. Women, slaves and ascetic clerics can be seen in these studies to gain importance and new approaches to power in the late antique world.

The early medieval family, particularly from the sixth to the eighth centuries, in turn, has received far less attention in recent years than the late antique family or household. At the beginning of the twentieth century Charles Galy (1901) produced one of the few studies to focus entirely on the Merovingian family.<sup>31</sup> Galy presented an impressive early view of the Merovingian family that supported and reinforced the dominant view of the macro-historical studies in pointing to a declining importance of family over this period. Three significant studies of the kin and household have emerged more recently; Alexander Callendar Murray's *Germanic Kinship Structures* (1983), David Herlihy's *Medieval Households* (1985) and a study of spiritual kinship by Bernhard Jussen (1991).

The focal point of Murray's study is an examination of family structures in the sixth century and earlier emphasising the 'Germanic' Law Codes.<sup>32</sup> This follows the practice of previous studies of the 'Germanic' family, such as the brief surveys of Katherine Fischer Drew which have analysed these texts.<sup>33</sup> Murray's primary emphasis is on clearing away misconceptions regarding the, already unstable, theory of the Germanic agnatic clan, and Murray convincingly argued that although Germanic society was 'kinship articulated', kinship was not based on rigid relationships, but fluid, bilateral, groupings.<sup>34</sup> This places the kin group in a wider context, helping to understand which relatives might be relevant to an individual for feuding, or oath keeping, or as regarding incest prohibitions. Studies such as that of Murray continued to focus on the legal basis of the family and connected fatherhood particularly to models of inheritance and property ownership.<sup>35</sup>

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<sup>30</sup> E. Southon, 'Fatherhood in Late Antique Gaul', in M. Harlow and L. Larsson Lóven (eds), *Families in the Roman and Late Antique World* (London, 2012), pp. 238-253.

<sup>31</sup> C. Galy, *La famille à l'époque mérovingienne* (Paris, 1901). Galy's work appears to have been little cited, referenced only once to my knowledge, as a 'very old book', in P. Guichard, 'Fondements Romains de la conception de la famille dans le haut Moyen Âge', in H. Brese, J.-P. Cuvillier, R. Fossier, P. Guichard and P. Toubert (eds), *La famille occidentale au Moyen Âge* (Brussels, 2005) p. 19.

<sup>32</sup> Murray, *Germanic Kinship Structure*.

<sup>33</sup> See the studies collected in K. Fischer Drew, *Law and Society in Early Medieval Europe* (London, 1988).

<sup>34</sup> Murray, *Germanic Kinship Structure*, p. 64. See also K. Kroeschell, 'Die Sippe im germanischen Recht', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte; Germanistische Abteilung* 77 (1960), pp. 1-25.

<sup>35</sup> For example Katherine Fischer Drew's brief study, 'The Family in Frankish Law', in *Law and Society*, VI, pp. 1-11.

Bernhard Jussen has argued that spiritual kinship should not be viewed as distinct from ‘real’ or ‘biological’ kinship but as an equal element in early medieval constructs of kinship. Jussen focussed on an examination of the role that Godparenthood and adoption can be seen to play in social interactions of this period. Due to Jussen, and also Joseph Lynch’s, significant studies of these aspects of kinship this study will therefore not emphasise Godparenthood or adoption, considering them in the context of wider considerations of fatherhood where they appear and offer a perspective on broader concepts of fatherhood. Instead it will explore other types of kinship against which Jussen sets his study but which he himself does not explore, carrying forward his understanding of the significance of the relationships between forms of kinship.

David Herlihy tracked the emergence of the family from ancient Greece through to the development of a ‘moral idea’ of the family in the seventh and eighth centuries and onto the historiographically established lineage system of the eleventh centuries.<sup>36</sup> The ‘moral idea’ of the family was conceived by Herlihy as a notion of the family that was conceptually the same across all strata of social life. Thus while elites might have lived in households of differing sizes from the poor, their central understanding of what constituted their ‘family’ was consistent. Herlihy, although not focussing on the fifth to eighth centuries, thus produced the most significant survey to date of the changes to the family in this period. As Herlihy moved away from overtly ethnic considerations of family behaviour and instead considered the particular transitions of this period, and family as something that ‘happens’ to everyone beyond ethnic and class boundaries, his work has had a significant influence on this thesis.

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### *Masculinity and Periodization*

A further historiographical trend that can help to shed some light on fatherhood has also been an increased interest in masculinity, although for the most part this has not translated to interest in non-spiritual fatherhood. However it is relevant for this study in having broken down some of the periodization of Late Antiquity and the early Middle Ages. Studies of masculinity, particularly in the Middle Ages, have largely focussed on clerical masculinity, particularly as it related to celibate clerics and monks.<sup>37</sup> Collected volumes such as *Medieval Masculinities: Regarding Men in the*

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<sup>36</sup> Herlihy, *Medieval Households*, especially pp. v-vi, and 3.

<sup>37</sup> See, for example, essays in J. D. Thibodeaux, (ed.) *Negotiating Clerical Identities: Priests, Monks and Masculinity in the Middle Ages* (New York, 2010), P. H. Cullum and K. J. Lewis (eds), *Holiness and*

*Middle Ages* (1994) have explored later medieval constructions of masculinity in warrior and clerical cultures but have rarely delved into fatherhood although occasional essays have focussed on particular relationships.<sup>38</sup> At the same time it is not uncommon for volumes on the household, such as *Household, Women and Christianities in Late Antiquity and the Early Middle Ages* (2005) or *Early Christian Families in Context* (2003) to emphasise the role of women in households and limit the attention given to fatherhood.<sup>39</sup>

In sum, approaches to fatherhood continue to draw upon two seemingly high points of patriarchal authority: in Antiquity and the High Middle Ages. The fifth to eighth centuries have been largely neglected, except for some evidence of spiritual kinship and fatherhood as an aspect of the masculinity of clerics, as explored by Jussen and scholars of gender. This thesis will explore this significant gap and, in providing empirical evidence for the period under consideration, will help to refine assumptions about how fatherhood must have transitioned that have constructed these points of beginning and ending as historically significant, by placing them in a context of longer-term change.

## Methodology

These previous studies of the family in the period 500-800, where they existed, have largely focussed on the legal tradition, as I have described above. This has contributed to the periodization of a theoretical ethnic divide between Roman Late Antiquity and the Germanic Middle Ages. This thesis, although using the laws extensively, will attempt to make a wider survey of the evidence for fatherhood and to contextualise these laws within a change which is both more gradual and less

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*Masculinity in the Middle Ages* (Toronto, 2005) and P. H. Cullum and K. J. Lewis (eds), *Religious Men and Masculine Identity in the Middle Ages* (Suffolk, 2013). M. C. Miller, 'Masculinity, Reform and Clerical Culture: Narratives of Episcopal Holiness in the Gregorian Era', *Church History* 72 (2003), pp. 25-52, J. A. McNamara, 'An Unresolved Syllogism: The Search for a Christian Gender System', in J. Murray (ed.), *Conflicted Identities and Multiple Masculinities: Men in the Medieval West* (London, 1999), pp. 1-24, V. L. Bullough, 'Being a Male in the Middle Ages', in C. A. Lees (ed.), *Medieval Masculinities: Regarding Men in the Middle Ages* (London, 1994), pp. 31-45, M. Kuefler, *The Manly Eunuch: Masculinity, Gender Ambiguity and Christian Ideology in Late Antiquity* (London, 2001) and essays in D. M. Hadley (ed.), *Masculinity in Medieval Europe* (London, 1999), especially the contributions by Nelson, Leyser and Swanson.

<sup>38</sup> C. A. Lees (ed.), *Medieval Masculinities: Regarding Men in the Middle Ages* (London, 1994). For an example of a study of a father and son see W. M. Aird, 'Frustrated Masculinity: The Relationship between William the Conqueror and his Eldest Son', in D. M. Hadley (ed.), *Masculinity in Medieval Europe* (London, 1999), pp. 39-55.

<sup>39</sup> A-B. Mulder-Bakker, A. B., and J. Wogan-Browne, (eds) *Household, Women and Christianities in Late Antiquity and the Middle Ages* (Turnhout, 2005), D. L. Balch and C. Osiek, *Early Christian Families in Context: An Interdisciplinary Dialogue* (Cambridge, 2003). One study on specifically fatherhood is by Cathy Jorgensen Itnyre, 'The Emotional Universe of Icelandic Fathers and Sons', in C. Jorgensen Itnyre (ed.), *Medieval Family Roles: A Book of Essays* (London, 1996), pp. 173-196.



binary than current approaches suggest in order to measure the laws against what can be derived from analysis of more anecdotal sources. The family was an aspect of everyone's life and concepts of fatherhood are to be found in manifold types of evidence allowing for a fuller picture to be built up of fatherhood as a status symbol, a determiner of inheritance, and a central relationship within the family.

Understanding family life requires developing an understanding of both the legal norms in place in this period and how they were used, and not used, in practice. Multiple legal strategies were in place in the early middle ages with Roman law, 'Germanic' law, and ecclesiastical law all available for use by individuals and groups. It is also important to realise that these laws could be supplemented and even superseded by custom, which was not necessarily formally recorded, and by individuals with sufficient power to override law and custom. As Caroline Humfress has observed, in Western societies throughout history this type of legal 'pluralism' can be observed whereby "multiple forms of state and non-state laws can be identified".<sup>40</sup> It was common, as Humfress has shown in Late Roman practice, to 'forum' shop, using this plurality to find the most sympathetic venue for a legal case. We can also see evidence in early medieval laws that this occurs, with legal documents referring to multiple types of law to make their case. Both law and custom could also be overridden by individual will through charters and testaments.<sup>41</sup>

I will work on an understanding that Roman, 'Germanic' and ecclesiastical law codes can all provide an insight into the expected norms of fatherhood in Gaul across the period but that none can be viewed as determinative. Most useful will be tracking the ways in which laws were adapted over the period and the changing ways in which they were utilised.

## Structure

This thesis will therefore move through key approaches and types of evidence to build a picture of fatherhood between late antiquity and the early middle ages. It will first examine the language that was used for fatherhood employing semantic analysis and testing the quantitative data against the anecdotal evidence for religious father figures in bishops and abbots. Secondly I will consider the

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<sup>40</sup> C. Humfress, 'Thinking through Legal Pluralism: "Forum Shopping" in the Later Roman Empire', in J. Duindam, J. Harries, C. Humfress, and N. Hurvitz (eds), *Law and Empire: Ideas, Practices, Actors* (Leiden, 2013), p. 229. A consideration of legal pluralism in a Gallic context can be found in S. Esders, 'Early Medieval Use of Late Antique Legal Texts: The Case of the *manumissio* in ecclesia', in Osamu Kano (ed.), *Configuration du text en histoire* (Nagoya, 2012), pp. 55-66.

<sup>41</sup> See, for example, *Marculf II.12*, discussed in greater detail below pp. 138.

legal context of fatherhood, in particular the ways in which property transmission occurred within families. This will examine law codes themselves and then put these in context with charters and formularies in order to test how different types of law were used in practice. The third and final section of this thesis will consider the broader literary and epigraphic evidence to develop a picture of the changing life cycle of fatherhood from late antiquity to the early middle ages. The first chapter is therefore an examination of the use of fatherhood as a rhetorical device for structuring understandings of both 'fictive' and 'real' relationships, while the second and third chapters consider fatherhood as an aspect of family and household life using a variety of sources to attempt to reconstruct both what was the expected behaviour of fathers and how this behaviour could occur in reality throughout the life-cycle of fathers.

The consideration of both 'fictive' and biological fatherhood is inspired by and explores further a crucial shift in terminology that was increasingly adopted during the period under examination. The 'fictive' fatherhood that was claimed by bishops and other religious figures to define and emphasise their relationships with their flocks was demonstrated through use of the term *pater*. Biological fatherhood meanwhile came to be connected to the term *genitor*. The *patres*, like the *paterfamilias*, did not need to be biological fathers but gained their status from the recognition of their authority over others and, as the *patresfamilias*, had been, these religious 'fathers' lay at the heart of public life. *Genitores* meanwhile did not command their children, slaves, and estates as a coherent group, as had the *patresfamilias*, but gained their status as *genitor* through the biological generation of children and their responsibilities and rights to and over them. While elite fathers might also have been associated with rights of lordship and power over others this was not implied by the term *genitor* which could apply as easily to *mancipia* as to a king. Both the *pater* and the *genitor* are key to understanding the nature of fatherhood in the fifth to eighth centuries.

The first chapter of this thesis will therefore concern itself with representation and begin with a discussion of the changing language of fatherhood and the family through analysing the semantic shift they underwent, since this language formed the framework to shifting understandings of the invoked relationships. I shall then discuss the means and manner by which some came to claim 'fictive' fatherhood over the course of this period as well as the connotations that these adoptions of fatherhood had for their status and relationships, measuring these larger changes in language against the use of them by and about bishops and abbots. Subsequently I will explore the expectations and practices of fatherhood within the biological family beginning with a discussion of paternal property management. Control over property was central to the position of the *paterfamilias* and this position in law has formed the core of many historiographical approaches to fatherhood. I will

then consider how the role of the father developed over the course of his lifetime, from the birth of his children to the commemoration of his death, and altered between the mid-fifth and -eighth centuries. Through this examination we can establish the manifold changes that occurred for fathers and the idea of fatherhood in this period and begin to understand how those changes to fatherhood reverberated in other relationships.

## Source Basis

Gaul provides a geographical boundary within which a rich variety of evidence can be found for the fifth to eighth centuries. I will introduce types of source with a more detailed assessment of their use for understanding fatherhood in the individual chapters below. This section will consider how the evidence used contributes to the methodology of the study. Considering fatherhood as a series of relationships that changed as did those involved in them has provided a method for structuring evidence around key points, for example the birth of children, children attaining adulthood, and the death of the father. Some sources apply particularly to moments in the life cycle; inscriptions and cemetery excavations are connected primarily to commemoration for example while others, such as the Gregory of Tours' *Histories* have broader applicability.

The sources under consideration provide a spectrum, from those which use fatherhood and paternal behaviours and rights as a representative ideal form, and those that refer to fatherhood as an incidental aspect of interactions. This thesis concerns itself with both. On the one hand it will consider the 'fictive' fatherhood of religious men through more representative sources such as hagiographies which represent the idealised relationships of their subjects. Towards the other end of this spectrum lie the charters, formularies and testaments that record transfers of property while referring, almost incidentally, to the family relationships of donors, recipients and witnesses.

As suggested above, previous studies have focussed on the law codes either the Roman legal codes of the Theodosian Code, and its transmission via the Breviary of Alaric, and the *Corpus Iuris Civilis* or the 'Germanic Codes' including the Burgundian *Liber Constitutionem*, the *Pactus Legis Salicae* and the *Lex Ribuaria*.<sup>42</sup> As a significant body of evidence the law will continue to be

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<sup>42</sup> *Codex Theodosianus*, ed. T. Mommsen and P. Meyer (Berlin, 1905), translated in *The Theodosian Code and Novels and the Sirmondian Constitutions*, ed. and trans. C. Pharr (Princeton, 1952), *Breviarium Alarici*, ed. C. Hänel (Leipzig, 1849). The various parts of the *Corpus Iuris Civilis* being; *Codex Iustinianus*, ed. P. Krueger (Cambridge, 2014), trans. F. H. Blume and T. Kearley (Wyoming, 2009), *Digesta*, ed. T. Mommsen and P. Krueger (Cambridge, 2014), trans. S. P. Scott, *The Digest or Pandects of Justinian* (Cincinnati, 1932), *Novellae*, ed. R. Schoell and E. Kroll (Berlin, 1954), trans. F. H. Blume and T. Kearley (Wyoming, 2009).

important in this thesis but contextualised within other available material. While two different legal traditions can be seen in these texts similarities can also be seen in the development, and use, of both ‘Roman’ and ‘Germanic’ law over the period and differences can be drawn on regional as well as ethnic grounds. These laws tend to be normative, not reflecting the individual circumstances that can be seen in other documents such as charters or letters. They represent instead a general sense of expected behaviour or, at times, behaviour which is common but undesirable necessitating legislation. Through considering the changes made to laws across the period we can gain insight into how these expectations had shifted. Through situating these laws within discursive, diplomatic and archaeological sources the codes can be brought into a survey of the fifth to eighth centuries that bridges the gap created by periodization and respects regional differentiation.

The majority of more discursive sources such as letter collections, sermons and Gregory of Tours’ *Historiae* are capable of being both referential and representational.<sup>43</sup> At once they might use recognizable tropes to appeal to a select audience expecting to encounter a particular model of fatherhood and yet also reference behaviours that their audience might have recognised. As these sources come under consideration they must be assessed carefully in their particular uses of fatherhood. Many of the textual sources for Late Antiquity and the early Middle Ages provide information about the lives of the elite whether bishops or kings while charters and formularies emphasise the lives of the propertied. To gain some, though still limited, insight into the behaviour of other groups we can consider non-textual sources. Through an examination of the archaeological record we can begin to gain a broader picture of life at non-elite levels. This is important because, as Herlihy suggested, it is significant when ideas of family relationships are shared across society, creating, in his terms, the ‘moral idea of the family’. While the source limitations may make this difficult, it is useful to understand where possible if changing ideas of fatherhood are limited to an elite group or have some commonality across society.

With regard to the sources used, it is also important to consider the difficulty of distinguishing the particular changes to ideas of fatherhood and family life from broader institutional changes. Certain aspects of property transmission, for example, become clearer at the end of the period when legal

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*Liber Constitutionem*, in *Leges Burgundionum*, ed. L. R. De Salis, *MGH LL nat. Germ.* II.1 (Hanover, 1892), pp. 29-116, translated in *The Burgundian Code*, trans. K. F. Drew (Pennsylvania, 1972), *Lex Salica*, in J. H. Hessels (ed.), *Lex Salica: the ten texts with the glosses and the lex emendata* (London, 1880), ed. and trans. T. J. Rivers, *Laws of the Salian and Ripuarian Franks* (New York, 1987), *Lex Ribuarua*, ed. F. Beyerle and R. Buchner, *MGH LL nat. Germ.* III.2 (Hanover, 1954), ed. and trans. T. J. Rivers, *Laws of the Salian and Ripuarian Franks* (New York, 1987).

<sup>43</sup> For a survey of some approaches to Gregory’s writing see W. Goffart, *The Narrators of Barbarian History (A. D. 550-800): Jordanes, Gregory of Tours, Bede, and Paul the Deacon* (Princeton, 1988), pp. 112-119.

documents started to be preserved in cartularies. Similarly, epistolographical sources from this period are largely episcopal because church institutions preserved them and may have made archival decisions about them. For example, the letter collections of Ruricius of Limoges and Desiderius of Cahors were probably preserved in the same archive, possibly due to a family connection.<sup>44</sup> It is not always possible to discern whether behavior has changed or whether the method by which the sources have been transmitted has determined our conclusions. This can be balanced by, again, using a range of sources and by building an understanding which takes these institutional changes into account, but it cannot entirely be mediated against.

## Terminology

The terminology of the ‘family’ raises particular problems for precision. This problem is exacerbated in the period under consideration due to changes in the use of the Latin terms for different social groups, as I will show in my first chapter. What this means is that I am unable to simply use the terms of the texts for my historical analysis. Terms such as ‘kindred’, ‘family’, and ‘household’ are those primarily used by historians of these topics and I shall briefly define their use in this study.<sup>45</sup> This refers only to the English terms as I shall explore the Latin terms in use during the period in below. These terms do not negate each other but rather express the different communities that individuals could be part of and which both the individual and society could value more or less highly.

Family: Jean-Louis Flandrin demonstrated that accepted use of the term ‘family’ has changed significantly since the sixteenth century.<sup>46</sup> In this study I shall use the term ‘family’ to refer to a group conceived of as a social unit tied together by a shared residence and by blood, as Lawrence Stone termed it ‘those who are both kin and household’.<sup>47</sup> This refers not to the legal concept of *familia* or its changes (which I will explore in the next chapter), but to the socially recognised flexible group.

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<sup>44</sup> For a discussion of the manuscript transmission of Ruricius and its connection to Desiderius see Ralph Mathisen, *Ruricius of Limoges and Friends: A Collection of Letters from Visigothic Gaul* (Liverpool, 1999), pp. 71-74.

<sup>45</sup> Of interest are the discussions of family and, within it, household in R. Williams, *Keywords: A Vocabulary of Culture and Society* (Glasgow, 1976), pp. 108-111.

<sup>46</sup> J-L. Flandrin, *Families in Former Times: Kinship, Household and Sexuality*, trans. R. Southern (Cambridge, 1979), pp. 4-9.

<sup>47</sup> Stone, *The Family, Sex and Marriage*, p. 21.

Household: Household has been vital to understandings of particularly elite Roman culture since the *familia* connected to the *paterfamilias* included not only blood relatives but also slaves and property. In addition since, particularly in late antiquity, wives were usually not legally members of their husband's *familia* but were part of the same household, household can represent the varying lived reality as opposed to legal expectation. In this study I shall apply it to the co-residential group. A residence can be understood to comprise the entirety of an estate. Not necessarily a single building but potentially multiple buildings that might make up an estate of a landowner.

'Fictive' family or father: Fatherhood, as I have already mentioned, described not only the biological parent-child bonds but also, as a concept, could be used to order a variety of different relationships as I shall explore. I shall refer to these connections as 'fictive' in order to distinguish them from those contained within the 'family' and from 'spiritual kinship', which is commonly used to refer to the relationships created through sponsorship at baptism.

Kin Group: Kinship, as I have discussed above, has been central to many studies of the early medieval family as influenced by anthropological studies. Kinship is not the primary focus of this work, as it commonly refers to connections more distant than fatherhood. Where I use the term, it can be understood to refer to accepted relations through either blood or marriage who are not co-residential nor considered to hold a close enough relationship to be 'family'. The difference between family and kin is thus largely one of degree and my study will focus on the closer relationship of the family.

'Nuclear Family': The family unit that might consist of father, mother, and children, which is often called the 'nuclear' family, the 'conjugal' family or even the 'Christian' family.<sup>48</sup> There is no term in Latin for this grouping that has nonetheless been frequently observed as the core of family and household connections; two parents and their biological children.<sup>49</sup> Although historians, anthropologists and social scientists studying the family from the nineteenth century until the middle of the twentieth tended to see the nuclear family as the end point of a progression over time from the wide kin group, we can understand the nuclear family as a long standing aspect of social

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<sup>48</sup> G. P. Murdock, *Social Structure* (New York, 1948), pp. 1-22, M. Mitterauer and R. Seider, *The European Family: Patriarchy to Partnership from the Middle Ages to the Present*, trans. K. Oosterveen and M. Hörzinger (Oxford, 1982), p. 6.

<sup>49</sup> R. P. Saller, "'Familia', 'Domus', and the Roman Conception of the Family", *Phoenix* 38 (1984), p. 355, Shaw, 'Latin Funerary Epigraphy', pp. 457-497 and R. P. Saller and B. D. Shaw, 'Tombstones and Roman Family Relations', pp. 124-156. I take under consideration here the critiques of D. Martin, 'The Construction of the Ancient Family: Methodological Considerations', *Journal of Roman Studies* 86 (1996), pp. 40-60.

organisation, which can rise or fall in importance, but with its relationships prioritised within changing family structures.<sup>50</sup>

The English terms of the family have thus been used variably by historians as concepts of the family have modified over time. The Latin terms used to denote fathers and the family also changed markedly over the fifth to eighth centuries and I will now turn to an examination of these developments.

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<sup>50</sup> A. Janssens, *Family and Social Change: The Household as a Process in an Industrializing Community* (Cambridge, 1993), pp. 2-4.

# I. The Language of Fatherhood and the Family

## Introduction

Understanding the language by which family life was represented and how it was rhetorically constructed enables an understanding of the context in which both ‘real’ and ‘fictive’ fatherhood developed and changed between Late Antiquity and the Early Middle Ages. In addition to the terms that historians use to understand the meaning of fatherhood and the family we must therefore also consider the terms that were used in contemporary sources. Developments in the meaning attributed to terms and new terms introduced during this period can, when read in context, provide important insights into the changing nature of fatherhood and family life between the fifth and eighth centuries. It is also important in enabling us to understand the texts which we are examining.

The language used to discuss fatherhood and the family evolved significantly between the fifth and eighth centuries with terms such as *pater*, *genitor*, and *familia* notably shifting in use. These were not merely minor linguistic alterations but indicate the changing of both the representation and the reality of fatherhood. This study focuses on the decline of the term *paterfamilias* and its division into the fictive and biological father; the *pater* and the *genitor*. This reflects the changes in the nature of fatherhood between the fifth and eighth centuries as paternal authority became invested in an individual father within his ‘nuclear’ family, the *genitor*, rather than the fatherless *paterfamilias*. Meanwhile fictive fatherhood, invested in the *patres*, became the domain of men defined by their religious status. In addition, the language of the wider family and kin group shifted from a *familia* model defined by a relationship with the *paterfamilias* towards a *parentes* model contingent on biological and conjugal relationships.<sup>51</sup>

In this chapter I will initially consider the methodology used for my linguistic analysis and place this analysis within the context of existing studies of terminology. It will then be applied firstly to the language of fatherhood, and then to the family more generally, in order to gain an understanding of the shifts in the use of language. This in turn will underpin the further study into the identities and behaviours of both fictive and biological fatherhood.

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<sup>51</sup> All these terms shift in meaning and my use of them here is based on their use in the eighth century rather than what might be expected in the fifth century.



I will then investigate the first aspect of this differentiation further, considering the fictive fatherhood of the *pater*. In order to do this I shall first consider the historiographical and historical background of fictive fatherhood between 500 and 750AD before testing how the language of fictive fatherhood changed alongside expected and perceived behaviour by two particular types of fictive fathers; bishops and abbots. Fictive fatherhood became associated almost exclusively with religious figures and this movement provides an important insight into how religious and political hierarchies interacted with the family.

Understanding ‘fictive’ fatherhood is important, because in early medieval rhetoric the image of paternal power was constantly evoked to describe abstract hierarchical relationships, between God and mankind, between rulers and subjects, or between religious authorities and their communities. These relationships used the language of kinship as models for non-biological relationships and indeed many fictive fathers were also biological fathers, meaning that different types of fatherhood could be united in a single individual.<sup>52</sup> Considering the representation of ‘fictive’ fatherhood is also vital to understanding the early medieval father since it is frequently through the eyes of non-biological fathers that we reach the world of the Early Middle Ages. A significant proportion of the texts that discuss paternal discipline or affection and survive from this period do so as an explanation of fictive rather than biological fatherhood. Anneke Mulder-Bakker and Jocelyn Wogan-Browne in their introduction to the collected volume *Household, Women and Christianity in Late Antiquity and the Middle Ages* stated that ‘whereas the official Church was modelled after the antique *patria potestas*, medieval practice was more modelled after the family’.<sup>53</sup> Given the limited nature of the available sources, the representation of the Church and religious leaders as members of a family provides an important insight into the nature of the family but in order to understand how this representation reflected ‘real’ family life we must understand the dynamics of the representation itself.

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<sup>52</sup> It is important to note that clerical celibacy was not yet a requirement, as will be seen later in my discussion of figures such as Ruricius of Limoges. The combination of types of fatherhood was explicitly discussed in Avitus of Vienne’s letter to Gundobad, Av., *Ep.*, 30. A useful survey of this background can be seen in M. Heinzlmann, ‘*Pater Populi*: langage familial et détention de pouvoir public (Antiquité tardive et très haut Moyen Âge)’, in F. Thelamon (ed.), *Aux sources de la puissance: Sociabilité et parenté: actes du colloque de Rouen 12-13 Novembre 1987* (Rouen, 1989), pp. 47-56.

<sup>53</sup> The medieval family being seen as egalitarian in contrast to the patriarchal juridical structure of the ancient house. A-B. Mulder-Bakker and J. Wogan-Browne, ‘Introduction Part I: Household, Women and Lived Christianity’, in A. B. Mulder-Bakker and J. Wogan-Browne (eds), *Household, Women and Christianities in Late Antiquity and the Middle Ages* (Turnhout, 2005), pp. 9-10, and Cooper in same volume on the idea of *materfamilias*, K. Cooper, ‘Household and Empire: The *Materfamilias* as *Miles Christi* in the Anonymous Handbook for Gregoria’, in A. B. Mulder-Bakker and J. Wogan-Browne (eds), *Household, Women and Christianities in Late Antiquity and the Middle Ages* (Turnhout, 2005), pp. 91-107.

Understanding fictive fatherhood therefore provides access to the wider changes that took place in fatherhood in the transition from Late Antiquity to the Early Middle Ages. As previously stated, the *paterfamilias* was not defined by his fatherhood but rather a symbolic paternity and the ability to exercise *patria potestas*. That His fatherhood could be literal but this was in many respects incidental. As religious leaders adopted the title of *pater* they were able to carry forward some of the civic authority possessed by the *paterfamilias*.

Thus to understand the transition from a world characterised by the *paterfamilias* to one without it, we must understand how fictive fatherhood came to be understood in the early medieval world. This will involve unpacking the concepts of authority and affection that were connected to fatherhood. Real and fictive fatherhood share important connotations of emotional ties and dependencies between the ‘father’ and his ‘children’. However, as the two types of fatherhood became increasingly distinct, we can begin to see how ideas of fatherhood were delineated over the period.

I will use the term ‘fictive’ fatherhood, rather than ‘spiritual’ or ‘ideal’ fatherhood as this allows me to consider the various relationships that adopted these ideas. Some of these relationships had a religious connection, such as those between a bishop and his flock or an abbot and his community. Others concerned political relationships, such as those between a king and his subjects. It is certainly true that not all of these relationships were ‘ideal’ and they shared the same types of complex interplay and negotiation that characterised relations between ‘real’ fathers and children.

### **Approaches to the Terminology of the Family**

These changes to the terms for family and kinship have not gone unnoticed by historians, as I will show further in this section, but the specifics of the changes and their importance has seen little serious study. As we have just seen, the meaning of term *familia* in particular can be seen to have changed significantly between Late Antiquity and the Early Middle Ages, yet it is frequently deployed by historians without consideration of its mutability.<sup>54</sup>

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<sup>54</sup> D. Bullough, ‘Early Medieval Social Groupings: The Terminology of Kinship’, *Past & Present* 45 (1969), pp. 17-18. Laurent Theis, ‘Saints sans famille, Quelques remarques sur la famille dans le monde Franc à travers les sources hagiographiques’, *Revue Historique* 255 (1976), p. 7.

Recent historians studying late antique family terminology frequently base their analysis of the language of the *paterfamilias* and the *familia* on the definition of Ulpian in the light of the aforementioned work by Richard Saller on the Roman idea of these terms. In this approach the *familia* is understood to be all of those who fell under the power of the *paterfamilias* therefore excluding the *paterfamilias* himself.<sup>55</sup> The terms thus emphasised by scholars as significant are those identified by Saller as being notable; *paterfamilias*, *materfamilias*, *familia* and *domus*. For works on Late Antiquity, considering the period before the sixth century, these do appear to be the terms used by contemporaries to describe and define their family relationships and they are generally assumed to maintain some degree of fidelity to the definition applied in second century Roman law.

For the early medieval period, from the sixth century onwards, David Herlihy built on Saller's work by observing that the later usage of the term *familia*, particularly as influenced by Christianity, came to mean kin-group and from the middle of the eighth century *familia* meant the entire 'family' including the head of the household.<sup>56</sup> Pierre Guichard and Jean-Pierre Cuvillier argued that *familia* had some ambiguity in the sixth to eighth centuries but by the late eighth century had emerged as a term for the conjugal household.<sup>57</sup> With the exception of Herlihy, and Guichard and Cuvillier's brief consideration however, little attempt has been made to develop Saller's work beyond its chronological end point. Where terminology has been considered it tends to follow Saller's understanding of the Roman family with little attempt to redefine the term in the context of a shifting social experience from the fourth century.<sup>58</sup>

Historians of the Early Middle Ages have defined terms such as *familia* in the context of their own periods of interest. A comparison of the definitions different scholars have used for these terms quickly demonstrates the different use of language across the period. Bailey Young, for example, referred to the seventh-century nun Gertrude of Nivelles adopting the burial costume of her monastic *familia* and presumably intends to imply that *familia* can apply to monastic

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<sup>55</sup> See, for example, Nathan, *Family in Late Antiquity*, p. 8, Cooper, *Fall of the Roman Household*, p. 108, Severy, *Augustus and the Family*, pp. 9-10 and E. M. Lassen, 'The Roman Family: Ideal and Metaphor', in H. Moxnes (ed.), *Constructing Early Christian Families: Family as Social Reality and Metaphor* (London, 1997), pp. 104-105.

<sup>56</sup> Herlihy, *Medieval Households* (Boston, 1985), p. 57, Herlihy, 'The Making of the Medieval Family: Symmetry, Structure and Sentiment', *Journal of Family History* 8 (1983), pp. 4-6. Saller critiques Herlihy in *Patriarchy, Property and Death*, p. 226.

<sup>57</sup> P. Guichard and J.-P. Cuvillier, 'Barbarian Europe', in A. Burguière, C. Klapisch-Zuber, M. Segalen and F. Zonabend (eds), *A History of the Family*, trans. S. Hanbury Tenison, R. Morris and A. Wilson (Cambridge, 1996), pp. 320-321.

<sup>58</sup> For example B. Jussen, *Spiritual Kinship as Social Practice* (London, 2000), p. 25.

communities.<sup>59</sup> Similarly Wolfart S. van Egmond discusses the ‘holy *familia*’ of the bishops of Auxerre in the sixth and seventh centuries.<sup>60</sup> Both of these studies seem to suggest a change in the meaning of *familia* as defined for the Roman period by Saller, but do not further explain it.

Historians of the eighth century and beyond usually define *familia* either as the religious community or as the group of servants on an estate. Michel Rouche for example has stated that monks would commonly use *familia* to encompass a community of monks and servants, and historians of the Carolingian period and later typically define *familia* as encompassing the servants of an estate.<sup>61</sup> These definitions of *familia* are strikingly different from those usually provided by historians of Late Antiquity following Saller, or even that of Herlihy. Definitions used by historians of the sixth century and later understand *familia* as implying either dependents or the constructed group with little or no reference to the *paterfamilias*, father or biologically constituted relationships.<sup>62</sup>

Developments in language have been noted by the translators of various texts. Jo Ann McNamara and John E. Halborg, for example, note at the beginning of *Sainted Women of the Dark Ages* that these texts frequently distinguish between biological mothers and abbesses by using the terms *genetrix* and *mater* respectively.<sup>63</sup> These observations tend to consider texts on an individual basis without noting or explaining wider linguistic trends. *Genitor* or *genetrix* were used when there was a direct need within a passage to separate a symbolic parent from a biological one where the two were in close proximity. However, by considering this matter more broadly, both in respect to the number of texts used and over a wider period, the evidence shows a shift in usage beyond simple practicality. This does not mean, of course, that the change may not have its roots in pragmatism but that the implications of the change extended beyond a practical need.

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<sup>59</sup> B. Young, ‘Exemple aristocratique et mode funéraire dans la Gaule mérovingienne’, *Annales ESC* 41 (1986), p. 381. I shall discuss this use of *familia* further below.

<sup>60</sup> W. S. van Egmond, *Conversing with the Saints: Communication in Pre-Carolingian Hagiography from Auxerre* (Turnhout, 2006), p. 22.

<sup>61</sup> M. Rouche, ‘The Early Middle Ages in the West’, in P. Veyne (ed.), *A History of Private Life: Volume I - From Pagan Rome to Byzantium* (London, 1987), p. 465. Paul Fouracre defined *familia* as ‘group of dependents of a lord or Church or of a monastery. Often associated with an ensemble of serfs of an estate’, though noting that in monastic terms *familia* often also included monks, while a glossary by Jean-Pierre Devroey and Nicolas Schroeder in an article concerning the early medieval Ardennes similarly defines *familia* as ‘the aggregate dependents, free or unfree, subservient to a Lord. P. Fouracre, ‘Marmoutier: *Familia* vs Family. The Relations between Monastery and Serfs in Eleventh-Century North-West France’, in W. Davies, G. Halsall, and A. Reynolds (eds), *People and Space in the Middle Ages, 300-1300* (Turnhout, 2006), pp. 255-273 and J.-P. Devroey and N. Schroeder, ‘Beyond Royal Estates and Monasteries: Landownership in the Early Medieval Ardennes’, *Early Medieval Europe* 20 (2012), p. 68.

<sup>62</sup> Herlihy suggests that from the mid-eighth century *familia* was no longer defined by the *paterfamilias* but Herlihy still understands *familia* as relating to the family of the ‘chief’. Herlihy, *Medieval Households*, p. 57.

<sup>63</sup> J. A. McNamara and J. E. Halborg (eds. and trans.), *Sainted Women of the Dark Ages* (New York, 1996), p. ix.

That there were larger linguistic trends at play in the semantic field of kinship and family over the course of the Early Middle Ages, however, becomes clear when we compare the conclusions of Saller with those of Anita Guerreau-Jalabert. Guerreau-Jalabert examined the medieval language of relationships in the period 800-1200.<sup>64</sup> One of the most interesting aspects of this study is the disconnect between the later medieval terms and those identified by Saller. As discussed above Saller and historians of Late Antiquity principally considered *familia* and *domus* while Guerreau-Jalabert examined *affinitas*, *cognatio*, *cosanguinitas*, *parentela*, *propinquitates* and *proximitas*. Guerreau-Jalabert noted, for example, that the term *parentela*, although not a classical term, was used frequently in the Middle Ages to represent a wide group of relationships. Yet she admitted that she could not track its development.<sup>65</sup> Guerreau-Jalabert also observed the importance of the connection between the vocabulary of spiritual and biological kinship in defining those relationships.<sup>66</sup> She also noted that *familia* was used frequently in this period, particularly in connection with monastic groups, thus confirming the implicit ideas of the historians already cited, but she did not connect these conclusions to the Roman use of the term.

As we can see, therefore, the evolution of terms concerning family, kinship and fatherhood can be seen in fairly precise definitions used prior to the fifth century and from the ninth century on. Building on David Herlihy's observation concerning changes in the use of *familia* and understanding its development within the context of changes in behaviour and representation while broadening the terminological scope, it is my aim to trace the development of the language of kinship, family and fatherhood during the chronological gap between the two influential studies of Saller and Guerreau-Jalabert, that is, between 400 and 800.<sup>67</sup> Put briefly, I will investigate when and why the observed shifts in language occurred.

## Methodology

Gaining an understanding of the language that was used to articulate ideas of fatherhood, family, kinship and household between the fifth and eighth centuries is important to understanding the nature of these relationships. The shifting use of language, examined within the context of other

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<sup>64</sup> A. Guerreau-Jalabert, 'La désignation des relations et des groupes de parenté en Latin Médiéval', *Archivum Latinitas* 46 (1988), pp. 65-108. Schmid has considered some of these questions in relation to the development of Lordship around the first millennium. Schmid, 'Zur Problematik von Familie', pp. 48-49.

<sup>65</sup> Guerreau-Jalabert, 'La désignation', p. 81.

<sup>66</sup> *Ibid.*, p. 102.

<sup>67</sup> Herlihy, *Medieval Households*, p. 57.

evidence, reflects changes in which individuals were included within a term and how those individuals were expected to interact with each other.<sup>68</sup> For example, if *familia* ceased to include both the freeborn individuals and their slaves but instead came only to refer to the slaves, we can infer that relationships between freeborn people and slaves had altered. This survey will attempt to track these developments.

I have considered a wide variety of texts including hagiography, testaments, legal formulae and histories in my examination of the terminology of the family. The terms that I have primarily considered and tracked are *paterfamilias*, *familia*, *domus*, *parentes*, *genus* and *pater/genitor*. I have considered around 120 uses of *familia*, over 500 uses of *domus*, over 650 of *paterfamilias*, *pater* or *genitor*, over 300 of *parentes* and over 250 of *genus*, not including multiple uses to the same relationship within one section of a text. For example Gregory in the preface of Book I of the *Historiae* uses *pater* multiple times to refer to God without any noticeable shift in meaning, so I have considered this as one usage.<sup>69</sup> Richard Saller in a comparable survey of the Roman conception of the family considered over 1200 uses of *domus* and 300 of *familia*, therefore I consider my survey to constitute a reasonable survey of the terms.<sup>70</sup> I have made use of, and taken advantage of the opportunity offered by the digitization of texts and search engines where possible, most particularly the *Thesaurus Linguae Latinae*, the *Digital Monumenta Germaniae Historica*, the *Patrologia Latina* and the *Perseus Tufts* database.<sup>71</sup>

Any kind of quantitative analysis based on late antique and early medieval sources is problematic.<sup>72</sup> The textual sources that are available to historians do not constitute a representative survey of language used as they are biased towards legal and clerical sources. Therefore just as the intention is not to create a ‘dictionary’ for the family, it is also not my aim to produce a strictly statistical study of the terms used. Rather these terms are placed within their cultural context in order to draw out general trends in their usage in order to facilitate a better understanding of the texts as well as to begin to understand shifting behaviour.

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<sup>68</sup> On the power of language in the Merovingian World and specifically hagiography see J. Kreiner, *The Social Life of Hagiography in the Merovingian Kingdom* (Cambridge, 2014) especially pp. 88-139.

<sup>69</sup> *HF* I.pref.

<sup>70</sup> Saller, “‘Familia’”, “‘Domus’”, pp. 336-337.

<sup>71</sup> Searches performed for ‘genit\*’, ‘genet\*’, ‘pat\*’, ‘famil\*’, ‘dom\*’, ‘parent\*’, ‘gen\*’, *Thesaurus Linguae Latinae*: [www.degruyter.com/db/tll](http://www.degruyter.com/db/tll), *Digital MGH*: <http://www.mgh.de/dmgh/>, *Patrologia Latina*: <http://pld.chadwyck.com/>, *Perseus Tufts*: <http://www.perseus.tufts.edu/hopper/>.

<sup>72</sup> As has already been discussed in the Introduction as regards demography and will come up again in my consideration of cemetery data.

We can gain further insight into meanings of these terms via an examination of late antique and early medieval categorisation of the terms, for example Old High German glosses or translations of Latin texts. A picture of how terms were being used, at the point at which a particular manuscript was produced, can be formed through comparing them to the Old High German gloss. Our understanding of contemporary use of terms is limited by our having to view them through texts thus reducing them to a literate elite. Through translations however we can begin to get hints of how these shifts were being represented beyond Latin. Using Old High German to track the translation of terms we can gain a better understanding of these changes occurring in wider society beyond the Latin of our largely clerical authors.

A central issue with using terminology to define relationships stems from the connection between representation and reality. Richard Saller has observed in his examination of the terminology of family of the Republic and Principate that there was no term used which held the meaning of ‘nuclear family’ and yet the ‘nuclear family’ group seems to have been the primary focal point of interaction within Roman society.<sup>73</sup> We should not, therefore, expect a direct correlation between terminology and behaviour, but terminology can act as a guide to behaviour. This is perhaps particularly true when language changed to prioritise new groups or individuals and to neglect others. The term *agnatus*, for example, which referred to those descended through the paternal line fell out of use by the seventh century. The decline in the use of the term did not necessarily mean that patrilineal kin ceased to be important; a term might have been replaced by another with similar meaning, have fallen prey to wider trends in shifting language such as increasing use of Germanic words, or the concepts and behaviours associated with it could already have declined while the term was preserved in conservative texts.<sup>74</sup> In order to understand not only the change in the term but also behaviour we must examine the use of the term itself, together with the context in which it was used, alternative terms that might have been used and how this affected meaning, and whether the behaviours associated with the term can also be seen to have changed. This is not *Begriffsgeschichte* but a lexical semantic study as has been developed by projects such as *Political Language in the Middle Ages: Semantic Approaches*.<sup>75</sup>

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<sup>73</sup> R. P. Saller, “‘*Familia*’, “*Domus*””, *Phoenix* 38 (1984), p. 355 although see Martin, ‘Construction of the Ancient Family’, for a discussion of some methodological issues with Saller's work and broader consideration of the use of epigraphy to understand family structure.

<sup>74</sup> This might be the case, for example, in legal texts that could borrow language from older laws.

<sup>75</sup> *Political Language in the Middle Ages: Semantic Approaches* [<http://www.geschichte.uni-frankfurt.de/46281173/politischesprache?>].

In the light of the complex relationship between terminology and behaviour this study will not attempt to produce dictionary definitions or contain descriptors of family or household groups, as its larger focus is on behaviour rather than terminology. Rather I will attempt to understand the general relationships to which the terms were applied and how these changed over the period in question; whether they tend to represent wide or narrow groups, whether they could encompass maternal and paternal kin, whether they represented contemporaries or ancestors and whether they were affected by blood relationships, in order to better understand the behaviours described within the texts.

Where a testament may be explicit in laying out the precise relationships indicated by each term, hagiographical sources often describe nothing more than the actions performed by a group. We must therefore consider not only the network of relationships indicated by a term which, as in the modern use of 'family' or 'relatives', might change from moment to moment but also the ties of duty and emotion which are implied.<sup>76</sup> Thus an account from Gregory of Tours' miracles of St. Martin describes:

'While a boy from the territory of Angers was living in his parents' house [*domo parentum*], he lost the use of his hands and feet because of an attack by a clever demon, as he himself always claimed. Because his fingers were bent inward, his fingernails were hence fastened into his palm; and because the tendons of his knees withered, they twisted his feet toward his legs. For six years he was carried about with difficulty by his parents [*parentibus*]; then he was brought to the church of the holy bishop. While he was persisting in prayer, his limbs were restored; and in accordance with the signification of his name, Floridus "flourished like a fresh flower."<sup>77</sup>

In this case it is not clear whether *domo parentum* refers to the house of the boy's parents, in the modern sense, or to his 'relatives'. It would seem odd for Gregory to comment especially on the boy living with his parents, although we cannot rule out this possible meaning for the text. We cannot be sure from this account of the exact people to whom *parentes* is being applied but it is clear that this is a category of people who were expected to hold an emotional connection to each

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<sup>76</sup> For some discussion see Williams, *Keywords*, pp. 108-111.

<sup>77</sup> *VSM*, III.27: 'Puer vero ex Andegavo territorio, dum in domo parentum resideret, per inmissionem, ut ipse adserebat, artis diabolicae, manum pedumque perdidit usum, ita ut, contractis intrinsecus digitis, ungulae in palmam difigerentur, nexusque poplitum arefacti calcaneos ad crura diverterent; sicque sex annos a parentibus male baiulatus ad templum sancti Antistitis deportatur. Sed in oratione perdurans, restituitis membris, iuxta nominis sui proprietatem quasi novus effloruit Floridus'. Van Dam has this as 'staying' in his parents' house, but living seems to be the appropriate term.



other and to provide care and attention. Using a text like Gregory's we can therefore begin to build a picture of a term like *parentes* that defines it not as a list of precise relationships encompassed, but as a term evocative of emotion and expectation. This can help to colour the more precise definitions. When other texts, for example legal documents, use *parentes* about a specific relationship we can understand the emotional relationships and expectations that the term may have evoked and likewise such legal texts can help to suggest precision to the literary use of these terms. This is not a one-to-one mapping, as in the case above terms can carry multiple meanings depending on context and authorial preference as well as the interpretation of different readers, but a reading of multiple texts allows the general trends to be observed.

### Contemporary Definitions

Sixth-century Gallo-Roman or Frankish authors offered no explicit definition of any of the significant terms for family relationships. Traditionally these terms, such as *paterfamilias* and *familia*, have been viewed by historians through their legal definition by the Roman jurist Ulpian in the early third century and those put forth by Isidore of Seville in his *Etymologies* of 636.<sup>78</sup> In the period between Ulpian's definition of the *familia*, based on legal relationships, and the comprehension by Isidore of Seville of the biologically constituted *familia* there is no source providing an explicit intermediary definition. Although both Ulpian and Isidore connected the *familia* to the father, and indeed they may have implicitly included many of the same members within the group, for Ulpian the *paterfamilias* defined the *familia* through his legal position following the death of his own *paterfamilias*. For Isidore, by contrast, the father created the family with the mother through the act of begetting children. Thus in the interim period a shift in emphasis occurred from the legal relationship as central to the primacy of biological kinship.

*Familia* in Ulpian's interpretation consisted of all of those under the power of the *paterfamilias* including both 'persons and property'. So while it included members related to the *paterfamilias* by blood it also included those connected to him 'by nature and by law'. Ulpian's *familia* consisted of the children and grandchildren of the *paterfamilias*, his slaves, other dependents and his land. Beyond this legal definition of the *familia*, Ulpian also acknowledged that in common usage it could also refer to paternal kin. Richard Saller has noted that he can only find three passages from the Republic and Principate in which *familia* included the maternal kin.<sup>79</sup> Ulpian discussed further

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<sup>78</sup> *Dig.* 50.16.195 (Ulpian) and *Etym.*, IX.5.

<sup>79</sup> Saller, "Familia", "Domus", p. 339.

the mutability of the term *familia* since, even once the *paterfamilias* had died and his children had become members of their own *familia*, siblings would frequently continue to refer to themselves as members of a shared *familia* due to their having previously been members of the same ‘house [*domo*] and lineage [*gente*]’.<sup>80</sup> This relationship was based on the bonds of association and affection so, for Ulpian, *familia* sprang primarily from the legal relationship to the *paterfamilias*, each *familia* being created through the death of a *paterfamilias*, and secondarily from shared bonds of blood or experience.

Isidore of Seville offered a much more extensive consideration to the terminology of family, considering it in the literary rather than legal sense, based heavily on classical texts and Isidore’s own idiosyncratic etymologies. Isidore understood the term *pater* to arise from *patratio*, meaning the consummation of sexual intercourse, a meaning that he borrows from a quotation by the first-century BC philosopher Lucretius’ *On the Nature of Things*.<sup>81</sup> This definition of *pater* is connected to the *paterfamilias* as both imply the person ‘from whom the beginning of the line (*generis*) springs’. Although the *paterfamilias* in Isidore’s depiction retained a duty of paternal care to his slaves as well as to his children. *Genitor*, for Isidore, derived from *gignere* meaning ‘to beget’ and Isidore linked this word to *parens*, emerging from *parere* also meaning ‘to beget’, and *mater* from *materia* because the mother provided the ‘matter’ of children.<sup>82</sup> Isidore distinguished between *pater* indicating a male ancestor; the beginning of the line, and *genitor* indicating the immediate father. Isidore’s focus on biological relationships extended to the construction of *familia* which, although Isidore considered it to include slaves to some degree, started with the union of two people and the begetting of children.<sup>83</sup>

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<sup>80</sup> *Familiae appellatio refertur et ad corporis cuiusdam significationem, quod aut iure proprio ipsorum aut communi universae cognitionis continetur. iure proprio familiam dicimus plures personas, quae sunt sub unius potestate aut natura aut iure subiectae, ut puta patrem familias, matrem familias, filium familias, filiam familias quique deinceps vicem eorum sequuntur, ut puta nepotes et neptes et deinceps. pater autem familias appellatur, qui in domo dominium habet, recteque hoc nomine appellatur, quamvis filium non habeat: non enim solam personam eius, sed et ius demonstramus: denique et pupillum patrem familias appellamus. et cum pater familias moritur, quotquot capita ei subiecta fuerint, singulas familias incipiunt habere: singuli enim patrum familiarum nomen subeunt. idemque eveniet et in eo qui emancipatus est: nam et hic sui iuris effectus propriam familiam habet. communi iure familiam dicimus omnium adgnatorum: nam etsi patre familias mortuo singuli singulas familias habent, tamen omnes, qui sub unius potestate fuerunt, recte eiusdem familiae appellabuntur, qui ex eadem domo et gente proditi sunt’, Dig. 50.16.195.2 (Ulpian).*

<sup>81</sup> ‘A father (*pater*) is the one from whom the beginning of the line springs, and thus, he is called the *paterfamilias*. Moreover, a father is so called because he engenders a son when *patratio* has been performed, for *patratio* is the consummation of sexual intercourse. Lucretius says (cf. *On the Nature of Things* 4.1129): “The well-done begettings (*patra*) of fathers”, *Etym.*, IX.5.3. Dirk Rohmann has helpfully pointed out that Isidore probably borrowed this quotation from a clerical author.

<sup>82</sup> *Etym.*, IX.5.

<sup>83</sup> ‘The ‘*materfamilias*’ is so called because she has crossed over into the ‘household of her husband’ (*maritus* + *familia*) through a certain procedure of law, and the matrimonial registers are the records of her

Isidore's contribution cannot be taken as necessarily representative of the state of early medieval attitudes towards fatherhood because his focus was on creating a link with a Classical tradition that he himself did not fully understand, much as Ulpian was primarily concerned with the law. Isidore emphasised terms such as *familia* based on his understanding of a Classical tradition that, as I shall demonstrate, was no longer in common use. However, it is significant that a shift had occurred between Ulpian and Isidore which emphasised the joint role of the mother and father in creating their biologically constituted *familia* and that for Isidore, unlike Ulpian, a *familia* was created not by the death of a *paterfamilias* but by the birth of a child.

### **The Language of Fatherhood and the Family (450-750AD)**

A detailed study of the use of the terminology of the family in Gaul between the fifth and eighth centuries demonstrates a clear shift in the language that resulted in a differentiation between biological kin, fictive relationships and dependents or slaves. The terms *paterfamilias* and *familia*, which could be used in the Roman world to define groups that included multiple types of relationship fell out of common use or saw their meanings change. By the seventh century the language of the family was dominated instead by terms such as *genitor* or *parentes* that were used to denote biological or conjugal relationships. An understanding of the language of family and the way it was used can be understood first through an examination on the language of fatherhood; *paterfamilias*, *pater* and *genitor*, and then through the terminology of family relationships; *familia*, *domus*, *cognati*, *agnati* and *parentes*.

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#### *The Language of Fatherhood*

The representation of fatherhood saw an increased division between the biological and fictive father.<sup>84</sup> *Paterfamilias* could combine both of these aspects as it was most commonly applied to men who were fictive fathers, as the providers of paternal care to their slaves and dependents but who might also be biological fathers. The other principal terms for fathers were *pater* and *genitor*.

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purchase. In another manner, just as matron (*matrona*) is a name for the mother of a first child, that is, as though the term were the *mater nati* ("mother of one born"), so the 'materfamilias' is the woman who has borne several children – for a family (*familia*) comes into existence from two people', *Etym.*, IX.5.8.

<sup>84</sup> For some consideration of the uses of *pater* and *papa* in the work of Ennodius of Pavia see S. Kennell, *Magnus Felix Ennodius: A Gentleman of the Church* (Ann Arbor, 2000), p. 141.

*Pater*, the most common Roman term for father both fictive and biological, increasingly denoted fictive fathers first and foremost and even, as I shall discuss further in the next chapter, becoming a title for religious men. Biological fathers, by contrast, were often referred to, particularly in legal texts, as *genitor*. The term *genitor* as an alternative term to *pater* for biological fatherhood increased significantly between the fifth and eighth centuries, though it never became universal.<sup>85</sup> Charters of the late seventh and early eighth century, such as those from Wissembourg, which I will explore further below, tended to use *genitor* to denote biological parents.<sup>86</sup> *Genitor* had been used in the Roman period to denote fathers although often fathers in a different sense, for example Jupiter as father of the Gods or Romulus as father of the city.<sup>87</sup> The word itself derives from *gignere* [to beget] and therefore has links to both *genus* and *gens* which derive from the same root. *Gens* was used with increasing frequency over the period to relate to the birth of an individual.<sup>88</sup> Gregory of Tours used it occasionally to relate to being born of senatorial family (or in one case not being senatorial).<sup>89</sup> Venantius Fortunatus in the same period used *gens* more frequently to relate to birth or lineage.<sup>90</sup> Fredegar in a similar fashion described some people as of *gens nobilis*.<sup>91</sup> The use of *genitor* in the early Middle Ages displays its connection to *gignere* as its use emphasises the process of begetting; of biological fatherhood, as Isidore of Seville noted and *gens* as the family of birth.<sup>92</sup> Thus the increased use of the term *genitor* in preference to *pater* suggests, as I shall explore throughout this thesis, an increased emphasis on biological fatherhood as distinct and significant.

This biological usage is important in contrast to the use of the term *pater*. It is not simply that the increased use of *genitor* to describe biological fathers naturally corresponded to a decrease in the use of *pater* overall, but that *pater* continued to be a frequently employed term to denote fictive

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<sup>85</sup> Interestingly Françoise Zonabend, in an anthropological study noted that medieval laws often differentiate between *pater*, as the father in the socially constructed family, and the *genitor*, who as the biological parent often has no rights. F. Zonabend, 'An Anthropological Perspective on Kinship and the Family', in A. Burguière, C. Klapisch-Zuber, M. Segalen and F. Zonabend (eds), *A History of the Family*, trans. S. Hanbury Tenison, R. Morris and A. Wilson (Cambridge, 1996), pp. 60-61.

<sup>86</sup> Though an interesting case from 712 of a certain Chrodoin in the Cartulary of Wissembourg occurs who refers to a piece of land he had been left '*quod mihi genitor meos pater moriens de[re]liquid*', *Wizen.* 232.

<sup>87</sup> See for example its use by Ovid to define Jupiter as father of the Gods in *Metamorphoses* XIV.91 and *Amores* I.13.45, Neptune as father of the sea in *Metamorphoses*, XI.202, Mars as father of Romulus and Romulus as father of the city in *Metamorphoses*, XV.862-3, Ovid, *Metamorphoses*, ed. W. S. Anderson (Leipzig, 1988) and *Amores*, ed. R. Merkel (Leipzig, 1884).

<sup>88</sup> *Genus* in contrast was used in the sense of race or ethnicity. This seems to remain the point at which the two meanings overlap; *genus* was used to relate to birth and although this mostly relates to an ethnic identity, it can also refer to rank. Fredegar frequently used *gens* to relate to ethnicity. For more on *gens* see C. J. Smith, *The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology* (Cambridge, 2006).

<sup>89</sup> *VP* VII.1 and XX.1.

<sup>90</sup> Fort., *Carm.*, IX 5.5.

<sup>91</sup> Fredegar, *Chronicorum*, ed. B. Krusch, *MGH SRM* II (Hanover, 1888), trans. J. M. Wallace-Hadrill, in *The Fourth book of the Chronicle of Fredegar with its Continuations* (London, 1960), IV.27.

<sup>92</sup> See above pp. 50-51 n. 82, *Etym.* IX.5.4.

fathers. Many uses of *genitor* in the fifth and sixth centuries were applied when, as noted above, a fictive and biological father needed to be distinguished within a passage. In a letter from Childebert II to Theodosius of 585, for example, requesting his intercession with Theodosius' father Emperor Maurice, Childebert uses the telling phrase '*patrem nostrum genitorem vestrum*'.<sup>93</sup> This phrase cast the Emperor in the role of symbolic parent, *pater*, to Childebert even as Maurice was biologically the father, *genitor*, of Theodosius. The rare uses of *genitor* by Sidonius Apollinaris and Avitus of Vienne, as I shall discuss, also follow this pattern. However, as discussed above, by the late sixth and early seventh century, in both testaments and letter collections, *pater* and *genitor* were used more as distinct than alternative terms.

Authors of the fourth and fifth centuries used *genitor* very rarely, and usually as a means of distinguishing when two fathers were close to one another. Sidonius Apollinaris for example in 51 references to fatherhood only once used *genitor*. This was to distinguish between two men in a poem: 'Thy sire (*genitor*) and thy lord's sire were kings; royal too is thy lord, may thy son also reign a king, both by his father's (*patre*) side and after him (*patrem*)'.<sup>94</sup> In a line juggling multiple fathers and fathers-in-law Sidonius uses *genitor* for clarity. Avitus of Vienne in his only use of the term *genitor* employs it in a similar manner within an early sixth-century letter to his cousin the *vir illustris*, and son of Sidonius, Apollinaris. Avitus notes that although Apollinaris is the only one of the two who is a biological father, through his son both were fathers. Avitus was drawing on a family connection to make himself an honorary father of his cousin's son, in a letter that emphasises family ties, but used the *pater/genitor* distinction to avoid confusion. Gregory of Tours later in the sixth century refers in the *Histories* to biological fatherhood 77 times and only in six of these cases uses *genitor*. He seems however far more likely to use the term in his hagiographical works, in which of 25 references to biological fatherhood seven use *genitor*.<sup>95</sup> The use of the term increased in the sixth century, particularly in hagiographical works, but would not become common until the end of the century. This tendency of Gregory's to use *genitor* in hagiography perhaps mirrors the need, as noted by McNamara and Halborg, to distinguish between saintly mothers as *matres* and biological mothers within female hagiographies.<sup>96</sup> The division of these terms is not purely practical, as evidenced by the increasing tendency for the division to appear outside of hagiographic texts and without the biological and fictive parents in proximity, but this genre, which highlights the paternal or maternal qualities of its saintly subjects, emphasises the distinction.

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<sup>93</sup> *Ep. Aus.*, XLIII.

<sup>94</sup> SA, *Ep.*, IV.8.5, see also Ennodius of Pavia, *Epistolarum Libri IX*, ed. J.-P. Migne, PL 63 (Paris, 1847), II.1.

<sup>95</sup> I will discuss hagiography further in the next chapter.

<sup>96</sup> See McNamara and Halborg, *Sainted Women of the Dark Ages*, ix, p. 166 n. 32, 240 n. 21, 249 n. 51.

In the seventh century the use of *genitor* to denote biological fatherhood became far more common. Legal texts, for example the testaments of Abbo of Provence and Bertram of Le Mans, as well as the formulary collections clearly use *genitor* in the majority of references to biological fathers.<sup>97</sup> Old High German references also support an increased emphasis on *genitor* as a commonly used term for the biological father. The *Vocabularius Sancti Galli* is a thematic glossary found in a single manuscript *Cod. Sang.* 913 from 790.<sup>98</sup> Several key terms were translated in this manuscript including *genitor* as *fater* and *genetrix* as *moter*.<sup>99</sup> In the letter collection of Desiderius of Cahors biological fathers are always referred to as *genitor* with *pater* reserved for bishops.<sup>100</sup> Although not all seventh century works show the same total shift that is demonstrated in Desiderius' works, hagiographies from the second half of the seventh century use *genitor* in around a third of references to biological fathers. The slightly lower usage in hagiographical texts may indicate that the use of *genitor* was highlighted in texts that needed to clearly distinguish between fictive and biological fathers; such as testaments.<sup>101</sup> Literary sources, whose authors may have had a more classical education were more likely to use the classical term for biological fathers: *pater*.

*Paterfamilias* was almost never used by authors in Gaul after the early sixth century, except in one case within the *Vita Wandregisili* as part of a biblical quotation.<sup>102</sup> In the Roman period the

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<sup>97</sup> Bert., *Test.*, 10, 15, 19, 28, 41. Abbo, *Test.*, 27, 39 and 43. This was also standard in cartularies.

<sup>98</sup> *Cod. Sang.* 913, J. West, 'Into German: The Language of the Earliest German Literature', in B. Murdoch (ed.), *German Literature of the Early Middle Ages* (Suffolk, 2004), p. 42.

<sup>99</sup> These pages are now lost in manuscript form but appear in *Die Althochdeutschen Glossen III*, eds E. Steinmeyer and E. Sievers (Berlin, 1895), p. 6.

<sup>100</sup> Des. *Ep.*, I.3, I.4 and I.6.

<sup>101</sup> On the specific language of hagiography see M. Van Uytfanghe, 'Le Latin des hagiographes mérovingiens et la protohistoire du Français', in M. Van Uytfanghe, J. Thomas, P. Verelstet et. al. (eds), *Romanica Gandensia* 16 (1976), pp. 5-90.

<sup>102</sup> *Materfamilias* is seen slightly more frequently and its use as a term is somewhat confusing, as fits with a term that seems to exist in relation to a better defined masculine term but which does not act as its opposite. *Materfamilias* was used several times in the sixth century. *HF* X.5, *VSJ* 47, also Salv., *De gubernatione Dei*, VII.4, VII.5, Des. *Ep.*, II.11, *Vita Caesarii*, in G. Morin (ed.), *Vie de Césaire d'Arles* (Paris, 2010), I.8, *Vita Genofevae*, ed. P. Perrier, *Acta Sanctorum* January III (Antwerp, 1770), trans. J. A. McNamara and J. E. Halborg, in *Sainted Women of the Dark Ages* (Durham, 1996), 42, *Vita Sanctae Geretrudis*, ed. B. Krusch, *MGH SRM* II, trans. P. Fouracre and R. A. Gerberding, in *Late Merovingian France: History and Hagiography 640-720* (Manchester, 1996), pref. 2. *Materfamilias* survives perhaps because of its less defined nature, allowing it to be utilised from time to time as a general term of respect and seems to be somewhat distinct therefore from my study concerning the breakdown of the *paterfamilias*. On the *materfamilias* see Saller, 'Pater Familias, Mater Familias and the Gendered Semantics of the Roman Household', *Classical Philology* 94 (1999), pp. 182-197 and Y. Thomas, 'The Division of the Sexes in Roman Law', in P. Schmitt Pantel (ed.), *A History of Women in the West: From Ancient Goddesses to Christian Saints* (Paris, 1986), pp. 116-119. For the use of *paterfamilias* see *Vita Wandregisili*, ed. J. De Moulin, *Acta Sanctorum* May III (Antwerp 1727), 10. The quotation is from Matthew 'It is enough for the disciple that he be as his master, and the servant as his lord. If they have called the *paterfamilias* Beelzebub, how much more then of his household?', Matt. 10.25.

*paterfamilias* was used to refer legally to the ‘head of household’ and holder of *patria potestas* and as a term of respect. In the fifth century for example Paulinus of Nola referred to a landowner as *paterfamilias* in a poem of thanks, Sidonius Apollinaris describes Faustinus as such in 472, also within a general sense of praise, and Ruricius of Limoges portrayed God as a benevolent *paterfamilias*.<sup>103</sup> The legal sense of the *paterfamilias* was thus lost but, as I shall discuss in the next chapter, some of the roles with which it was associated continued through the clerical adoption of *pater* as a title.

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### *The Language of Family*

As discussed above a detailed study of the textual sources reveals a clear development of the terminology used to indicate the family or kin group as alluded to by Herlihy.<sup>104</sup> Greater distinction was drawn between the land-owning family group and their wider relations who offered social support and their slaves and servants. At the beginning of the period the term *familia* was in use in both its legal meaning, all of those under the power of the *paterfamilias*, and to some degree its casual usage which meant the slaves of the *paterfamilias* or those who shared a familial and household relationship. Richard Saller has said that Romans typically used *familia* to describe their slaves rather than the ‘family’ unit because a term that excluded the ‘wife-mother’ was not suitable for normal discourse.<sup>105</sup> In the Gallic sources from prior to the mid-sixth century all of these meanings are in evidence. Ausonius of Bordeaux, for example, writing in the late fourth century used *familia* to indicate biological family and the wider household.<sup>106</sup> Sidonius Apollinaris nearly always used the term to indicate a relationship with rank, joining a patrician *familia* through adoption or marriage.<sup>107</sup> In one case Sidonius refers to a woman having two *familiae*, that into which she is born and that into which she marries.<sup>108</sup> There are instances where Sidonius seems to indicate subordinates with *familia*; sending his *familia* ahead to set up his tent is notable, but only in one or perhaps two cases in 22 uses.<sup>109</sup> Other authors of the early sixth century use the term in a

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<sup>103</sup> Paulinus of Nola, *Carmina*, ed. G. De Hartel, *CSEL* 30 (Prague, 1894), translated by P. G. Walsh in *The Poems of Paulinus of Nola*, (New York, 1975), 1, SA, *Ep.*, IV.4, Paulinus of Nola, *Epistulae*, ed. G. De Hartel, *CSEL* 29 (Prague, 1894), translated by P. G. Walsh in *The Letters of Paulinus of Nola* (New York, 1966), IV.4.1 and Rur., *Ep.*, II.22.

<sup>104</sup> Herlihy, *Medieval Households*, p. 57.

<sup>105</sup> Saller, *Patriarchy, Property and Death*, p. 226.

<sup>106</sup> For example Ausonius of Bordeaux, *Opera*, ed. and trans. H. G. Evelyn White (London, 1919 and 1921), *Ep.*, 3 and 26.

<sup>107</sup> SA, *Ep.*, I.11.5 and V.10.2.

<sup>108</sup> SA, *Ep.*, VII.9.24.

<sup>109</sup> SA, *Ep.*, IV.8.2, IV.9.4.

similar way. Stéphane Gioanni has noted that Ennodius of Pavia seems to have a particular and unusual definition of the term, using it to distinguish the private members of his circle, as opposed to those he encounters in the public sphere thus widening the term to distinguish intimates.<sup>110</sup> Ennodius' particular framing is not used elsewhere in the Gallic sources but demonstrates that *familia* was used flexibly. It was a term that indicated some degree of intimacy but in a broad and frequently non-biological sense.

The primary change in the use of *familia* can be seen to occur in the second half of the sixth century particularly through an examination of the writings of Gregory of Tours. The use of *familia* narrowed so that by the seventh century the term, when used, applied only to slaves, servants, dependants or perhaps monastic communities. Gregory of Tours' earliest use of the term *familia* in the second book of his *Historiae* fits with the usage of Sidonius; referring to the Franks selecting their kings from the noble *familia* of the Merovingians.<sup>111</sup> When Gregory uses the term later in the *Historiae*, or in his hagiographical works from the 580s and later, it seems to refer to dependents and servants. Several cases seem to indicate that the *familia*, in the sense of servants, maintained close ties to the family group who owned them but the terminology stressed their division. For instance, Chilperic, King of Neustria c. 561-584, travelled with his wife, daughter, and *familia*, and Gregory also described how the Dukes Ursio and Bertheфриd went into hiding with their wives, their *familia*, and their possessions.<sup>112</sup> Later uses of the term *familia* from the seventh and eighth are rare although some begin to display a connection with monasticism which has been emphasised by historians. The *Passio Praejecti* written around 676-686 and the *Vita Geretrudis* written in the last decades of the seventh century both use *familia* to indicate the 'family' of Christ and associate the term with monasticism.<sup>113</sup>

The shift in the use of *domus* is a fairly simple one comparatively. Richard Saller described the meaning of the term *domus* in the Roman period as referring to the physical house, the household comprising biological family and slaves, and the wider kin group, both maternal and paternal with a

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<sup>110</sup> Ennodius, *Epistolarum*, XII.1.

<sup>111</sup> *HF* II.9.

<sup>112</sup> *HF* VI.5 and IX.12. *HF* V.20 references Guntram's wife having been out of the *familia* of Magnachar and thus their sons being unable to inherit, implying at least low and probably servile status. *HF* IV.46 applies *familia* to household servants.

<sup>113</sup> *Passio Praejecti*, ed. B. Krusch, *MGH SRM V*, trans. P. Fouracre and R. A. Gerberding, in *Late Merovingian France: History and Hagiography 640-720* (Manchester, 1996) 16, *Vita Sanctae Geretrudis*, 2 and 6. An exception to this is a seventh-century charter from Freising that refers to a *mancipia* and his *familia* (*Freising*, 6). Duby defined *familia* in the eleventh and twelfth centuries as a 'group of dependent peasants', Duby, *Rural Economy and Country Life*, pp. 220-221. The 'family' included domestics and peasants in their own homes though without further study it cannot be clear whether this developed over the period or borrowed directly from Roman tradition.



particular emphasis on the *domus* as a focal point for honour and status.<sup>114</sup> In this sense *domus* simply seems to fall out of use over the early medieval period. Ausonius of Bordeaux, Sidonius Apollinaris and Constantius, author of the *Vita Germani*, all writing prior to the sixth century, make occasional use of *domus* to indicate the people of the household and relate it to a location of honour.<sup>115</sup> Ausonius for example refers to a *domus* being left without an heir and Paulinus of Nola's *domus* pays tribute to Ausonius but by the mid-sixth and into the seventh century *domus* was rarely used to mean anything other than a physical residence.<sup>116</sup> It is glossed and defined frequently into Old High German as *hus*, a recognisable ancestor of the English word house, and generally understood to mean simply the physical house.<sup>117</sup>

As *familia* and *domus* narrowed and declined in use the term *parentes* expanded and increased. *Parentes* is therefore perhaps the term most neglected by historians of the family since, despite its prominence and social significance in early medieval texts, its particular deployment has rarely been analysed.<sup>118</sup> In the Roman period and Late Antiquity *parentes* indicted parents or ancestors but it grew to encompass a wider notion of both maternal and paternal kin. Other terminology, such as *cognati* and *agnati* that could be used to distinguish paternal kin from general relations fell out of use so that the language of family emphasised the general group of relations as a support network. In the letters and poems of Sidonius Apollinaris, Ruricius of Limoges, Paulinus of Nola, Paulinus of Pella, and Ausonius of Bordeaux *parentes* was used only to mean parents and, occasionally, ancestors.<sup>119</sup> Ausonius of Bordeaux and Paulinus of Nola notably also used the term *parens* symbolically to claim spiritual parentage where the later term *parentes* tended only to be applied to relationships based on blood and marriage.<sup>120</sup> Romans used various terms for contemporary kin and Donald Bullough has argued forcefully for the strict distinction in classical and early Latin between *agnati* as those under the *patria potestas* of a *paterfamilias* and *cognati* as, essentially, everyone else who shares a relationship by blood or marriage. For Bullough, this then broadened out into the early Middle Ages with *cognati* expanding to mean kin generally.<sup>121</sup> Sidonius Apollinaris, for

<sup>114</sup> Saller, “*Familia*”, “*Domus*”, p. 342, 349.

<sup>115</sup> Ausonius of Bordeaux, *Opera*, ‘Ad Gratianum Imperatorem Pro Consulatu’, 8, *SA Ep.*, II.4.1, IV.4.1, Constantius of Lyons, *Vita Germani Episcopi Autissiodorensis*, ed. B. Krusch and W. Levison, *MGH SRM VII*, trans. F. R. Hoare, in *The Western Fathers* (London, 1954), 34.

<sup>116</sup> Ausonius of Bordeaux, *Opera*, ‘Commemoratio professor Burdigalensium’, 6 and Paulinus of Nola, *Epistulae*, 30.

<sup>117</sup> *Cod. Sang.* 913, p. 181, *Cod. Sang.* 916, p. 16.

<sup>118</sup> Exceptions are Guerreau-Jalabert, ‘La désignation’, B. Rawson, ‘A Wider Concept of the Term of *Parens*’, *The Classical Journal* 59 (1964), pp. 358-361 [As B. Wilkinson].

<sup>119</sup> For example Ausonius of Bordeaux, *Opera*, *Ep.*, 3, 28 and 31. *SA Ep.*, II.4.2, III.2.1 and III.12.5, Paulinus of Nola, *Epistolae*, 31, *Rur.*, *Ep.*, I.6, 8, .

<sup>120</sup> Ausonius, *Opera*, *Ep.*, 28, 30, 31.

<sup>121</sup> Bullough, ‘Terminology of Kinship’, pp. 6, 9.

example, writing in the second half of the fifth century, used the term several times to claim kinship in a general sense, in all cases in poetic references to classical ideas as in a poem in which he describes a Sassanian king boasting that he is kin (*cognatus*) with the stars.<sup>122</sup>

By the time of Avitus of Vienne, whose letter collection encompasses the years 499 to 523, the term *parentes* began to expand to mean relatives in the wider sense indicating not those who have gone before but also Avitus' contemporaries. This understanding of the term *parentes* was noted by Ian Wood and Danuta Shanzer. They argued in their translation of Avitus' letters that in the early sixth century Avitus used *parentes* to mean 'relative' noting that this seems clear due to a previous references to a mother separate from the *parentes*.<sup>123</sup> Of 11 uses of the term by Avitus, two seem to indicate relatives with the other nine continuing to indicate parents or ancestors.<sup>124</sup> From the fifth century and onwards both *agnati* and *cognati* were rarely used by Gallic authors. Gregory of Tours used *cognatus* three times, twice to refer to a brother-in-law, although in one case possibly maternal uncle, and once to an unknown relationship.<sup>125</sup> Subsequently, the term *cognatus* simply fell out of use which Anita Guerreau-Jalabert has been observed for the period 800-1200.<sup>126</sup> An examination of the Merovingian evidence demonstrates, however, that this had already occurred by 800. The corresponding term *agnati* seems to see no use at all during the early medieval period. Distinctions between paternal and maternal relations are preserved on an individual level through terms such as *avunculus*, but any general distinctions seem to have vanished.<sup>127</sup>

Meanwhile *parentes* became the term of choice for the living kin. In the works of Gregory of Tours and Venantius Fortunatus in the second half of the sixth century this shift appears to have become complete. Gregory most commonly uses *parentes* to indicate contemporary relatives. The role that the *parentes* play gives an indication of their nature: it is the *parentes* in Gregory's *Historiae* who seek revenge for death or abduction, or are compensated for it and from whom people seek shelter in times of trouble.<sup>128</sup> Green has noted that OHG glosses render *parentes* into the term *friunt*, for

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<sup>122</sup> SA, *Ep.*, VIII.9.5. See also *Carm.*, VIII.2, II.513, IX.56, 241, VII.205, 439, XV.28.

<sup>123</sup> Av., *Ep.*, 55, n. 2.

<sup>124</sup> Av., *Ep.*, 51 and 55.

<sup>125</sup> HF IV. 35, IV.39 and X.27. Thorpe considers Gregory's use of *cognato* to describe the relationship between Firminus and Palladius to be an error in Gregory's understanding of the relationship as he suggests *cognato* is being used in a specific sense to mean brother-in-law, see L. Thorpe, 'Introduction', in *History of the Franks*, p. 642. For Firminus and Palladius' relationship see HF IV.13, 39, and 40 and *The Prosopography of the Later Roman Empire (Volume II)*, J. R. Martindale (Cambridge, 1980), p. 484.

<sup>126</sup> Guerreau-Jalabert, 'La désignation', pp. 69, 89-90.

<sup>127</sup> Abbo, *Test.*, 36.

<sup>128</sup> HF V.32, VIII.29, V.5, VI.16, VI.17, VII.25, IX.19, IX.27.

example in the *Vocabularius Sancti Galli*.<sup>129</sup> *Friunt* is generally understood to mean kinsman, in the sense of blood relations. However Green notes that *friunt* also connects to OHG notions of peace which came to mean peace keeping and thus support in conflict. *Parentes* can be seen in several cases to include both maternal and paternal kin. In legal texts, for example the testaments of Abbo of Provence of 739 and Bertram of Le Mans in 616 as well as in the formularies of the seventh and eighth centuries, *parentes* continues to mean either parents or relations and is made more explicit as the relations in these cases are often named. Abbo's testament, for example, refers to his cousin Goda and his maternal Uncle Dodo as *parentes* as well as applying the term to his parents.<sup>130</sup> Overall, therefore, the term *parentes* increases in use and by the second half of the sixth century can be seen to have shifted from referring to parents and ancestors to encompassing parents and contemporary kin, both paternal and maternal, by blood or marriage. *Parentes* also held a significant social role since it encompassed those relations who acted as support in times of distress. This encapsulates a general shift in terminology that moved away from terms that were defined by the *paterfamilias* and included all the household towards terms that related to groupings defined by biological or conjugal relationships.

Between 450 and 750AD the language of fatherhood and the family thus tended towards an emphasis on relationships of blood and marriage rather than bonds created primarily by relationships to the *paterfamilias*. This does not, however, denote that the terminology of the family de-emphasised fatherhood. As I have already noted the *paterfamilias*, though often a father, was not, unlike the *genitor*, defined by his fatherhood.<sup>131</sup> Thus the terminology gave prominence to the distinction of biological and fictive fatherhood and to the significance and support offered by biological relationships.

### **'Fictive' Fatherhood in Antiquity**

As I have suggested and has been drawn upon by historians of the Later Middle Ages, fictive fatherhood drew not only upon the contemporary role of the father within families but also upon past constructions of paternal authority by both fictive and real fathers. In order to develop an appreciation of the use of fictive fatherhood in late antique and early medieval Gaul and, for the wider concerns of my study, to understand how fictive fatherhood related to contemporary 'real' fatherhood we must first understand how fictive fatherhood had developed since antiquity. The

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<sup>129</sup> D. H. Green, *Language and History in the Early Germanic World* (Cambridge, 1998), pp. 55-59, *Cod. Sang.* 913, p. 196.

<sup>130</sup> Abbo, *Test.*, 24, 34, 39, 40 and 49.

<sup>131</sup> See above p. 20.

identification of both Roman Emperors and God as fathers as well as early Christian hostility to paternal authority within family life all underlay the widespread adoption of religious figures as *patres* from the sixth century.

The presentation of the Roman Emperor as a father figure is clearly demonstrated through the title *pater patriae*, which some emperors received and which may also go back to earlier connections between kingship and fatherhood, as seen in Greek thought.<sup>132</sup> The title was first applied to Cicero after his successful suppression of the Catilinarian conspiracy and then, in the form of *parens patriae* it was awarded to Julius Caesar and Augustus received the title in 2BC.<sup>133</sup> Most scholarship on the Emperor as *pater patriae* has focussed on Augustus although Matthew Roller has suggested that parental metaphors were not significant outside of their use as a diplomatic tool until the fourth century.<sup>134</sup> Beth Severy, however, has recently argued convincingly that Augustus not only held the title of *pater patriae* but embodied it, casting the state as a *familia* of which he naturally was *paterfamilias*. Furthermore by casting his own *familia* as an ideal household connected the Emperor's fictive fatherhood firmly to real fatherhood.<sup>135</sup> This enabled the holding of power to be portrayed not as tyrannical authority but as *potestas* characterised by the demonstration of mercy.<sup>136</sup> The title of *pater patriae* reimagined the, at this point novel, power of the Emperor as legitimate *patria potestas*.<sup>137</sup>

The Emperor as *pater patriae* also tapped into an important aspect of Roman religion which was the household worship of the *genius* of the *paterfamilias*. Henry Fairfield Burton suggested that the worship of the Emperor as *pater patriae* was a logical extension of the worship of the *genius* of the *paterfamilias*.<sup>138</sup> Some literary presentations of the Emperor went further. In the *Aeneid* Virgil,

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<sup>132</sup> T. R. Stevenson, 'The Ideal Benefactor and the Father Analogy in Greek and Roman Thought', *The Classical Quarterly* 42 (1992), p. 421.

<sup>133</sup> Suetonius, *Divus Augustus*, 58, The title had been used earlier but was not formally accepted by Augustus until this date: G. B. Miles, *Livy: Reconstructing Early Rome* (New York, 1995), pp. 99-100.

<sup>134</sup> A. Alföldi, *Der Vater des Vaterlandes in Römischen Denken* (Darmstadt, 1971), S. Weinstock, *Divus Julius* (Oxford, 1971), M. Strothmann, *Augustus – Vater der Res Publica* (Stuttgart, 2000), B. Severy, *Augustus and the Family at the Birth of the Roman Empire* (London, 2003), pp. 200-209, K. Milnor, *Gender, Domesticity and the Ages of Augustus: Inventing Private Life* (Oxford, 2005), M. Lavan, *Slaves to Rome: Paradigms of Empire in Roman Culture* (Cambridge, 2013), p. 4 and M. Roller, *Constructing Autocracy: Aristocrats and Emperors in Julio-Claudian Rome* (Princeton, 2001), pp. 5, 205-206.

<sup>135</sup> Severy, *Augustus and the Family*.

<sup>136</sup> Barton, *Roman Honor*, pp. 174-178 and Seneca, 'On Mercy', in *Essays*, trans. J. W. Basore (London, 1928), 1.10.3.

<sup>137</sup> Weinstock, *Divus Julius*, p. 204.

<sup>138</sup> H. F. Burton, 'The Worship of the Roman Emperors', *The Biblical World* 40 (1912), p. 81, I. Gradel, *Emperor Worship and Roman Religion* (Oxford, 2002), p. 132.

probably with Augustus' *pater patriae* title in mind, refers to his hero as *pater Aeneas*.<sup>139</sup> Aeneas becomes the *paterfamilias* of his family during the poem and by extension of the men and women whom he led out of Troy and he then founded and symbolically begat Rome and was the father to all the Roman people.<sup>140</sup> As we shall see, a link might be drawn here to some Christian figures who also held this status. Augustine, for example, described Adam as the 'father of all', which, of course, he literally was, and Abraham too was described as the 'father of many nations'.<sup>141</sup> While these rhetorical constructions of imperial paternity reinforced the significance of paternal power, they could also be a tool with which to undermine the power of other *patresfamilias*. Through Augustus' claim of being father to the state he legitimised his interference with private power in matters such as adultery legislation.<sup>142</sup>

Roman Emperors continued to hold the title of *pater patriae* until the end of the fourth century, which would seem to support an end to this official claiming of 'fatherhood' as being connected to the adoption of Christianity.<sup>143</sup> One alternative consideration of the relationship of imperial fatherhood to Christianity was put forth by Tertullian in his *Apologeticus pro Christianis* in the late second century which argued that Augustus was *pater patriae*, addressed as Father, rather than Lord because the title of *dominus* belonged more rightly to God. Tertullian argued 'why should you call him lord, who is styled the father of his country? Surely that name of affection sounds sweeter much than that of power; and they had rather be called fathers of great families, than lords of slaves'.<sup>144</sup> Tertullian's interest in the term *pater patriae* suggests that its use was of some concern in establishing the hierarchy between God and Emperor and in contrasting Tertullian's understanding of the tyranny of the Emperors and their relationship with their subjects with the rightful mastery of God. Establishing the attitude of the Church to the fatherhood of emperors and kings was not a simple linear progression but the outcome of a debate over the nature of spiritual and political

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<sup>139</sup> Virgil, *Aeneid*, ed. J. B. Greenough (Boston, 1900), including I.580, I.699, III.343, V.461, VIII.115 and IX.172. This was discussed by Ennodius of Pavia in the late fifth and early sixth centuries, Ennodius, *Epistolarum* I.18.

<sup>140</sup> See also the Emperor as *pater Romanus* in Virgil, *Aeneid*, IX.446-9. Importantly, Augustus claimed descent from Aeneas.

<sup>141</sup> *De civ. Dei*, XV.8, XVI.28.

<sup>142</sup> Severy, *Augustus and the Family*, p. 176.

<sup>143</sup> It is hard to be precise about when exactly the title *pater patriae* was dropped. Eusebius certainly describes Constantine, Galerius and Licinius as all holding the title, in Eusebius, *The Church History*, ed. and trans. P. L. Maier (Michigan, 1999), VIII.17 and this also appears on inscriptions of this period [HD027242, HD023595, HD048603, HD059951]. A search of the Heidelberg Epigraphic Database (<http://edh-www.adw.uni-heidelberg.de/home>) shows *pater patriae* used once in relation to Constantius [HD044214] and further being used by Julian [HD039463, HD039449, HD039452].

<sup>144</sup> Tertullian, *Apol.* 34 '*Qui pater patriae est, quomodo dominus est? Sed et gratius est nomen pietatis quam potestatis. Etiam familiae magis patres quam domini vocantur*', Tertullian, *Apologeticum*, ed. T. R. Glover (Cambridge, 1931), translated in *The Apology of Tertullian*, trans. W. Reeve (London, 1709), 34.

authority. Western European monarchs would continue to address Emperors as ‘father’ into the early medieval period, as I shall discuss later. The concept of imperial fatherhood lived on but may have lost the general sense of *pater patriae* and took on a much more context-specific role while, in contrast, God’s fatherhood became more absolute and irrespective of context.

Despite Tertullian’s arguments God was understood prior to the sixth century as a *paterfamilias* and thus His fatherhood did not relate necessarily to His role as the creator just as the *paterfamilias* did not need to have biological children. As *paterfamilias* to all creation the relationship between God and mankind could be that of creator to creation, master to slaves, or father to child. The *paterfamilias* being both father and master allowed for a conceptualisation of God that allowed Him to remain fundamentally the same even as man could change its role in shifting from slaves to children. In His role as *paterfamilias* God oversaw all creation from His son, to His slaves and all else that existed. This assertion of God’s fatherhood was especially important as it allowed for God, as father, and God, as son, to be co-essential and co-eternal in refutation of Arianism.<sup>145</sup>

This is made clear by the assertion of various late antique authors that the fatherhood of God was not considered to be literal. As Peter Widdicombe has suggested in his examination of Origen’s thought, the ability to address God as a father was perceived only as being possible through the knowledge and love bestowed by Christ and the Holy Spirit.<sup>146</sup> Athanasius developed this idea by suggesting that a key problem with conceiving God as the ‘begetter’ of mankind comes through acknowledging that this would suggest that God as begetter and mankind as begotten share a common nature.<sup>147</sup> Instead, in Late Antiquity, Jesus was frequently referred to as God’s ‘only begotten son’ or *unigenitum filium*, translated by Jerome from the Greek *μονογενής*, and this reflected a concept of humanity as created, therefore not the children of God but creatures born in servitude.<sup>148</sup> Late antique authors believed that it was through Christ and the Holy Spirit that mankind could be ‘adopted’ by God as his children.<sup>149</sup> As John Cassian wrote in his discussion of the Lord’s Prayer in the early fifth century, in addressing God as Our Father ‘we profess immediately that we have been called from our condition as slaves to the adoption of sons’.<sup>150</sup>

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<sup>145</sup> Widdicombe, *Fatherhood of God*, pp. 128-130, 144.

<sup>146</sup> *Ibid.*, p. 108.

<sup>147</sup> *Ibid.*, p. 188.

<sup>148</sup> For discussion of the term *μονογενής* see M. Peppard, *The Son of God in the Roman World: Divine Sonship in its Social and Political Context* (Oxford, 2011), pp. 143-145. Jesus is *unigenitum filium* in *De civ. Dei*, XI.24

<sup>149</sup> Cass., *Conf.*, IX.18, XI.7. Augustine, *Confessionum*, XI.2, X.43, XV.22, *De civ. Dei*, XV.22, Widdicombe, *Fatherhood of God*, p. 229.

<sup>150</sup> Cass., *Conf.*, IX.18.

Edgar Foster has challenged this view somewhat and suggested that God's fatherhood cannot be so neatly divested of the generative qualities that many would have assumed from one addressed as *pater*, although Foster does not perhaps fully consider the wider meaning of *pater* as related to *paterfamilias* which could allow for a relationship not based on biology.<sup>151</sup>

Michael Joseph Brown discussed how this perception of God was expressed in the language of early Christianity noting that the use of father to address God, particularly as part of an invocation in the Lord's Prayer was a particularly Judeo-Christian form of worship with specific connotations.<sup>152</sup> *Pater* therefore, as it was rendered in the Vulgate, would invoke, to those who understood the term, the idea of the *paterfamilias* in the expectation that this itself would remind those speaking the Lord's Prayer and listening to it of various aspects of that term: the father as head of the household, the patron-client relationship, the emperor in his role as *pater patriae*, and Roman forms of divine address.<sup>153</sup> These connotations would be lost, therefore, with the loss of the term *paterfamilias* and the shift in the use of *pater*. While this thesis is not directly concerned with understandings of God it is important to note that changing social perceptions of fatherhood could impact understandings of the relationship between mankind and God as both creator and ultimate authority. The idea of God as the *paterfamilias* also demonstrates how fictive fatherhood was used in late antiquity to conceptualise relationships.

The conceptualisation of God as the universal *paterfamilias* was used in early Christianity not only to define individual interaction with God but also to control how relationships between Christians should be understood and expressed. The New Testament proclaims that none should be called father but God and none Master but Christ, all instead are brethren.<sup>154</sup> Kristina Sessa has noted that early Christian texts did not frame bishops as either fathers or heads of a Christian household. This equality was probably more pronounced in the West than in the East where evidence of bishops being conceptualised as fictive fathers is evident from a fairly early point and certainly by the fifth

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<sup>151</sup> E. G. Foster, *Metaphor and Divine Paternity: the Concept of God's Fatherhood in the Divinae Institutiones of Lactantius (250-325 CE)*, PhD. Thesis, (Glasgow, 2008), p. 208. The ease with which the *paterfamilias* model made non-familial connections straightforward is discussed in Lassen, 'The Roman Family', p. 110.

<sup>152</sup> M. J. Brown, *The Lord's Prayer through North African Eyes* (London, 2004), p. 4. In the Greek versions of the Bible this is *πάτηρ*, In the Vulgate *Pater* and the earliest extant OHG Lord's Prayer, in the *Abrogans* manuscript from 790, gives *Fater*, *Cod. Sang.* 911, p. 320.

<sup>153</sup> Brown, *Lord's Prayer through North African Eyes*, p. 4, M. R. D'Angelo, 'Abba and "Father": Imperial Theology and the Jesus Traditions', *Journal of Biblical Literature* 111 (1992), p. 629.

<sup>154</sup> '*paterem nolite vocare vobis super terram unus enim est Pater vester qui in caelis est nec vocemini magistrum quia magister vester unus est Christus*', Matt. 23.9-10.

century.<sup>155</sup> Individual relationships could be characterised by hierarchies expressed through paternal metaphors, at least in the East, but understandings of Christian equality were central in the West.

This forthright proclamation of God as the only father formed a part of what has been called an ‘anti-familial’ tendency within early western Christianity, in which the biological family was rejected in favour of the spiritual family found through Christ and conceptualised in the Church or, as Robert Hamerton-Kelly has expressed it ‘the need to break paternal ties for relationships of choice’ as demonstrated by Abraham’s willingness to execute his son Isaac.<sup>156</sup> Early Christianity seemed to demand that followers be willing to completely reject their ties of biological kinship for the sake of God, even to the point of death, embracing instead relationships only with co-religionists. This was elaborated in Jesus’ proclamation in Matthew ‘he that loves father or mother more than me is not worthy of me’ which brings to mind the implacability of the early third-century martyr Perpetua in the face of her weeping father.<sup>157</sup> The possible impact of these radical ideas on behaviour was recognised by Lactantius who believed that the acknowledgement of God’s paternity could dramatically affect human behaviour.<sup>158</sup> This was expressed in many late antique texts generally, as in John Cassian who explains that all men have two fathers, one who is to be forsaken and the other who is to be sought. More specifically, Augustine described his own personal experience of this philosophy with his mother teaching him that God should be his father: ‘she did

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<sup>155</sup> K. Sessa, *The Formation of Papal Authority in Late Antique Italy: Roman Bishops and the Domestic Sphere* (Cambridge, 2012), p. 89. On the East versus the West see E. M. Synek, ‘*Oikos-Ecclesiology* and “Church-Order” in Eastern Christianity’, in A. B. Mulder-Bakker and J. Wogan-Browne (eds), *Household, Women and Christianities in Late Antiquity and the Middle Ages* (Turnhout, 2005), p. 59. On the fifth century see V. Vuolanto, *Family and Asceticism: Continuity Strategies in the Late Roman World* (Tampere, 2008), pp. 72-73.

<sup>156</sup> Hamerton-Kelly, *God the Father*, p. 31, E. A. Clark, ‘Anti-Familial Tendencies in Ancient Christianity’, *Journal of the History of Sexuality* 5 (1995), pp. 356-380. On the Church as household see Synek, ‘*Oikos-Ecclesiology*’, pp. 37-70.

<sup>157</sup> ‘*qui amat patrem aut matrem plus quam me non est me dignus*’, Matt. 10.37. ‘*Post paucos dies rumor cucurrit ut audiremur. Superuenit autem et de civitate pater meus, consumptus taedio: et ascendit ad me, ut me deiceret, dicens: miserere, filia, canis meis, miserere patri, si dignus sum a te pater vocari; si his te minibus ad hunc florem aetatis prouexi; si te praeposui omnibus fratribus tuis: ne me dederis in dedecus hominum. Aspice fratres tuos, aspice matrem tuam et materteram: aspice filium tuum, qui post te uiuere non poterit. Depone animos; ne uniuersos nos extermines: nemo enim nostrum libere loquetur, si tu aliquid fueris passa. Haec dicebat quasi pater pro sua pietate, basians mihi manus, et se ad pedes meos iactans: et lacrymis me non filiam nominabat, sed dominam. Et ego dolebam causam patris mei, quod solus de passio mea gauisurus non esset de toto genere meo; et confortauit eum, dicens: hoc fiet in illa catasta quod Deus uoluerit; scito enim nos non in nostra esse potestate constitutos, sed in Dei. Et recessit a me constrictatus*’, *Passio Sanctae Perpetua*, ed. J. Armitage Robinson (Cambridge, 1891), 5.

<sup>158</sup> Foster, *Metaphor and Divine Paternity*, p. 200.



all that she could see that you, my God, should be my father rather than him [Augustine's own father]'.<sup>159</sup>

Although early groups foregrounded equality rather than hierarchies it was more common by the fourth century for Church leaders to use the model of the family to construct their own alternative relationships and in so doing created alternative authorities. Fourth-century authors like Hilary of Poitiers, as Andrew Jacobs has convincingly argued, modulated the harshness of statements such as Luke 14:26 'Whoever comes to me and does not hate father and mother, wife and children, brothers and sisters, and even his own life, cannot be my disciple' to understand them to apply in the context of families who rejected Christianity.<sup>160</sup> As later hagiographies would show, the biological family was only considered to be dangerous where it threatened the primacy of Christianity and it could generally be safely subordinated to the fictive family of co-religionists, while, as Ville Vuolanto has shown, *pietas* could encompass both the biological and fictive families.<sup>161</sup>

This rejection of the biological family has been seen by some, such as Elizabeth Schüssler Fiorenza as an important levelling factor in early Christianity, allowing for equal relationships between brethren rather than hierarchical relationships between parents, even those only constructed rhetorically, and children.<sup>162</sup> However, by the fourth century these family bonds within Christian groups featured hierarchical relationships with some being recognised as fictive fathers which challenged biological families in a slightly different manner. In the same way that Augustus' claim to being the ultimate *paterfamilias* of the Roman state allowed him to interfere in private family life as an authority above other *patresfamilias*, the existence of God, and earthly religious leaders, as alternative *patresfamilias* could undermine paternal power within families.<sup>163</sup> This has been expounded by Robert Hamerton-Kelly who has suggested that as *patria potestas* depended upon the *paterfamilias* having the ultimate power over his children, setting up an alternative father-figure

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<sup>159</sup> Cass., *Conf.*, III.6. Augustine; '*nam illa satagebat ut tu mihi pater esses, deus meus, potius quam ille*', *Confessionum*, I.11. See also the letter of Paulinus of Nola in which he praises Severus for placing 'your heavenly father before your earthly one' and leaving that earthly father 'on the tossing and uncertain ship of this life...enmeshed in his ancestral inheritance', Paulinus of Nola, *Epistolae*, 5.6.

<sup>160</sup> Hilary of Poitiers, *Commentaire sur le Psaume 118, II*, ed. and trans. M. Milhau (Paris, 1988), *Ep.* 15.2-3. A. S. Jacobs, "'Let Him Guard *Pietas*": Early Christian Exegesis and the Ascetic Family', *Journal of Early Christian Studies* 11 (2003), pp. 268-273.

<sup>161</sup> For some discussion of these relationships see Vuolanto, *Family and Asceticism* (Tampere, 2008), pp. 97-122 and V. Vuolanto, 'Early Christian Communities as Family Networks: Fertile Virgins and Celibate Fathers', in K. Mustakallio and C. Krötzel (eds), *De Amicitia: Friendship and Social Networks in Antiquity and the Middle Ages* (Tampere, 2010), p. 98 for *pietas*.

<sup>162</sup> Schüssler Fiorenza, 'Patriarchal Structures', p. 221. For a discussion of this as creating intimacy see Vuolanto, 'Early Christian Communities', pp. 97-98.

<sup>163</sup> See above p. 61.

whose power superseded that of the biological father deprives the patriarchal system of its absolute power and thus undermined it.<sup>164</sup> Similarly Christina La Rocca suggests that the development of the vocabulary of spiritual kinship, such as bishops being identified with fatherhood, challenged the legitimacy of the authority of biological parents.<sup>165</sup> Augustine described ‘those who were my parents but also my brother and sister, subject to you Our Father’.<sup>166</sup> It has widely been argued by those such as Elizabeth Clark that the impact of this ‘anti-familial rhetoric’ was in fact to help develop and reinforce the authority of Church leaders.<sup>167</sup> Certainly bishops could adopt rituals associated with the *paterfamilias*. For example when Demetrias, a woman from a significant Roman family, sought to devote herself to the ascetic life in 413 she was, as Peter Brown has described, Aurelius of Carthage bestowed the veil on her in the manner of a *paterfamilias* at a wedding ceremony.<sup>168</sup> This division of fatherhood into the spiritual and biological can also be seen in the increasing separation of *pater* and *genitor* as I shall discuss further in the next section.

This development of alternative spiritual kinship networks countered the limitations placed on the power of the early Church leaders by the position and authority of the *paterfamilias* and the strength of kinship ties. Encouraging Christians to reject their biological families and the authority of their biological fathers thus increased the power of the Church to the extent that some scholars have observed biological fathers almost vanishing from the records. Virginia Burrus has extended this argument to suggest that in Late Antiquity ‘the figure of the civic leader and family patriarch recedes to be replaced by the spiritual father’, thus implying that the desire to decouple fictive paternal authority from ‘biological’ paternal authority, whether or not it was intentional, was successful.<sup>169</sup> It is significant that the representation of fictive fatherhood could have repercussions for the experience of ‘real’ fatherhood. As I have already demonstrated and shall discuss further a new vocabulary developed for biological parents and their authority and societal importance shifted but did not necessarily diminish. The *paterfamilias* receded but he was replaced not only by bishops and abbots as *patres* but also by the *genitor*. The development of distinct vocabularies of fictive and biological family life, such as *pater* and *genitor*, helped to reconcile the continued importance of

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<sup>164</sup> Hamerton-Kelly, *God the Father*, p. 102.

<sup>165</sup> C. La Rocca, ‘Donne e Uomini, Parentela e Memoria tra Storia, Archeologia e Genetica: Un Progetto Interdisciplinare per il Futuro’, *Archaeologia Medievale: Cultura Materiale Insediamenti Territorio* 38 (2011), p. 11.

<sup>166</sup> ‘*meminerint cum affectu pio parentum meorum in hac luce transitoria, et fratrum meorum sub te patre*’, Augustine, *Confessionum*, IX.13.

<sup>167</sup> Clark, ‘Anti-Familial Tendencies’, p. 358.

<sup>168</sup> P. Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome and the Making of Christianity in the West, 350-550 AD* (Princeton, 2012), p. 302.

<sup>169</sup> Burrus, *Begotten Not Made*, pp. 4-5, similar ideas are also discussed by Kuefler, *The Manly Eunuch*, p. 203.

authority that was constructed as ‘paternal’ and the discomfort of some Christian leaders with the demands of a family life that nonetheless continued to be essential even to many Church leaders.

The tension between the reality of the continued presence and authority of biological fathers and the rhetorical tendency within Christianity to reject these social structures necessarily required the development of these methods of compromise. Taking the example of Augustine, not only as a case of early fifth-century thought but also for his influence on early medieval Gallic thought through followers such as Caesarius of Arles, it can be seen that this rejection of biological fatherhood was not absolute and could also be used to emphasise the authority of fathers by strengthening the rhetoric of paternal authority. Augustine suggested that because the world is not perfect ‘fathers have a duty to exercise their mastery’.<sup>170</sup> Augustine himself on one hand describes, in the *Confessions*, alienation from his non-Christian father, and in the *City of God* warns against the ‘secret treachery’ of family and friends. However, he also acknowledged the importance of social life and in his pastoral work emphasised the claim to authority of husbands and fathers.<sup>171</sup> Augustine drew metaphorically on the role of God as *paterfamilias* with loving sons and fearful slaves in order to develop a Christian view of the family existing in an imperfect world that encompassed the Roman household and biological family headed by a strong paternal authority. At the same time Augustine could describe a God who superseded the earthly necessity for these hierarchies and thus a potential escape from them through Christianity.<sup>172</sup>

The importance of kinship within Christianity was also strengthened by New Testament household codes and by Church Councils at Elvira and Nicaea. These made kinship ties sacrosanct by presenting women of the family as the only females safe for contact with monks and clerics.<sup>173</sup> Into the Early Middle Ages therefore Christian thought continued to develop both arguments; firstly that kinship and the household were essential ties which maintained order in society, and secondly that family life was dangerous in risking a prioritisation of the demands of secular life over the spiritual.

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<sup>170</sup> *De civ. Dei*, XIX.16.

<sup>171</sup> Augustine; *De civ. Dei*, XIX.15, 16, *Confessionum*, ed. L. Verheijen, *CCSL* 27 (Turnhout, 1981), trans. R. S. Pine-Coffin (London, 1983), I.3, Augustine, *Epistolae*, ed. K. D. Daur, *CCSL* 31 (Turnhout, 2004-2009), trans. W. Parsons (Washington, 1951-1956), 262, *Enarrationes in Psalmis*, ed. E. Dekkers and J. Fraipont, *CCSL* 38 (Turnhout, 1956), 38.11, *De Bono Coniugali*, ed. J.-P. Migne, *PL* 40 (Paris, 1845), pp. 371-396.

<sup>172</sup> *De civ. Dei*, XIX.16, Augustine, *Vingt-Six Sermons au Peuple d’Afrique*, ed. F. Dolbeau (Paris, 1996), 26, discussed usefully in P. Garnsey, ‘Sons, Slaves – and Christians’ in B. Rawson and P. Weaver (eds.), *The Roman Family in Italy: Status, Sentiment, Space* (Oxford, 1999), pp. 101-122.

<sup>173</sup> J. M. G. Barclay, ‘The Family as the Bearer of Religion in Judaism and Early Christianity’ in Halvor Moxnes (ed.), *Constructing Early Christian Families: Family as Social Reality and Metaphor* (London, 1997), p. 76, F. J. Griffiths, ‘Siblings and the Sexes within the Medieval Religious Life’, *Church History* 77 (2008), p. 30. *Elvira*, 27, in A. W. W. Dale, *The Synod of Elvira and Christian Life in the Fourth Century* (London, 1882), *Concilium Nicaenum*, ed. J.-P. Migne, in *PL* 84 (Paris, 1850), c. 3.

The development of both sides of Christian attitudes towards family life and fatherhood were important in developing fictive fatherhood from the sixth century with the consolidation of a distinct clerical form of paternal authority. This authority was also expressed through the use of collective fatherhood to describe the early leaders of the Church and its movements.

The description of, usually geographically or chronologically distant, groups as fathers can also demonstrate a key aspect of fictive fatherhood as the group stands, in essence, for collective authority and wisdom with the power both of numbers and age. This is already apparent in Roman texts which often discuss the Senate in the earliest days of Rome as having been termed fathers.<sup>174</sup> The official title of Senators into Late Antiquity was *patres conscripti* as some, the *patres*, had been in the senate from its origins while others, the *conscripti*, were able to join later through their ownership of property.<sup>175</sup> Within early monasticism collective fatherhood was used in a similar manner for denoting those from the earliest point of monasticism and its foundations. As an understanding of God connected to the conception of the *paterfamilias*, monastic fathers also invoked the ability to hold a paternal authority without biological fatherhood and to stand as fictive ancestors.

In Christianity prior to the sixth century this collective fatherhood was primarily connected to monasticism, for example in the monastic Rules of the Fathers. John Cassian in his *Institutes* repeatedly refers to the wisdom of the Fathers and the decrees that they passed down, seemingly referring to older or deceased monks. In one case he refers to an old maxim of the ‘fathers’ that monks ought to avoid women and bishops.<sup>176</sup> Mathew Kuefler has suggested that the term ‘Fathers of the Church’, a term frequently applied to late antique authors by modern historians, was first used by Vincent of Lérins in the 430s and I shall consider how this group authority came to be used in the early medieval Church.<sup>177</sup> This form of group authority was also significant for colouring the relationship between ‘fictive’ and ‘real’ fatherhood. Unlike individual, context-specific,

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<sup>174</sup> Cicero, *De Republica*, ed. C. F. W. Mueller (Leipzig, 1889), II.14, *In Catilinam*, in A. C. Clark (ed.), *Orationes* (Oxford, 1908). I.4, Sallust. *Catilinae Coniuratio*, in A. A. Ahlberg (ed.), *Catilina, Iugurtha, Orationes et Epistulae* (Leipzig, 1919), VI.6, Horace, *Carmen Saeculare*, in F. Vollmer (ed.), *Horatius Carmina* (Leipzig, 1917), l. 17, Livy, *Ab Urbe Condita*, eds. W. Weissenborn and H. J. Müller (Leipzig, 1898), II.1.11, Suetonius, *Divus Augustus*, in M. Ihm (ed.), *De Vita Caesarum* (Leipzig, 1907), 58. These passages are discussed in M. Heinzelmann, *Bischofsherrschaft in Gallien* (Munich, 1976), p. 156.

<sup>175</sup> For a survey of the origins of the *patres* and the *conscripti* see R. E. Mitchell, ‘The Definition of *patres* and *plebs*: An End to the Struggle of the Orders’, in K. A. Raaflaub (ed.), *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders* (Oxford, 2005), pp. 128-167 and A. Momigliano, ‘The Rise of the *plebs* in the Archaic Age of Rome’, in K. A. Raaflaub (ed.), *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders* (Oxford, 2005), p. 173.

<sup>176</sup> Cass., *Inst.*, XII.13.

<sup>177</sup> Kuefler, *The Manly Eunuch*, p. 204.

relationships this type of fatherhood did not necessarily hold any of the connotations of affection which were usually understood in individual relationships. It expressed instead the knowledge and authority of those who had gone before and there was significant continuity in understandings of collective fatherhood between Antiquity and the Middle Ages.

It is clear then that prior to 500AD there were numerous types of fictive fatherhood that held various degrees of connection to 'real' fatherhood and which could certainly impact upon the experience and relationships of fathers. We also need to consider these fictive fatherhoods as holding relationships with each other. Mary Rose D'Angelo has argued, for example, that the portrayal of the Emperor as *pater patriae* may have impacted upon the Christian conceptualisation of God as *paterfamilias*.<sup>178</sup> It is important to see these ideas as being not simply expressions of one particular relationship with an individual or a certain type of fictive fatherhood but also as interrelated and interdependent. In considering the development of fictive fatherhood from the sixth century on we must understand it in the contexts of the continuing conflict between the significance of both individual and group invocation of paternal power, of the continued role of the family within society and of the pressure to reject the family in order to devote oneself to a purely Christian community.

### **Fictive Fatherhood in Early Medieval Gaul**

In order to develop an understanding of how fictive fatherhood developed into the eighth century and how this interacted with a changing language of fatherhood I will examine the ways in which different types of individuals and groups lay claim to paternity. There has been little study undertaken regarding the role of fictive fatherhood in this period so I will focus on a study of the evidence which principally consists of hagiographical texts and letter collections. Fictive fatherhood, as I shall show, increasingly became the preserve of religious men and I shall thus examine the claims made by bishops and monks to fictive fatherhood. The model of fatherhood to which they lay claim from the sixth century was modelled not on *potestas* but on affection and duty. Bishops and abbots demonstrated their claim to fatherhood, and its attendant authority, through their nourishment of, and affection for, their flock who were expected to respond with devotion and obedience.

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<sup>178</sup> D'Angelo, 'Abba and "Father"', pp. 623, 629.

Bishops, as spiritual figures deeply involved in ‘worldly’ matters, embodied most clearly the conflict between the claims of fictive and biological fatherhood as both political and pastoral figures who were often also biological fathers. The position of monks offers a different perspective on the associations of fictive fatherhood as ascetic figures whose values more closely aligned with the anti-familial tendencies of earlier Christianity. I will thus test those changes which appear in language against these two groups.

I shall not discuss extensively the claims of other key groups to fictive fatherhood, primarily kings and emperors and godfathers. Kings and emperors seem, despite the centrality of the position of the *paterfamilias* in earlier conceptions of imperial authority, to have ceased to associate themselves with fictive fatherhood as prominently in this period. The claims of each of these groups to fictive fatherhood, sometimes in competition with each other, demonstrates the significant shifts between Late Antiquity and the early Middle Ages and are ripe for further study.<sup>179</sup>

### **Approaches to Fictive Fatherhood**

The use of fictive fatherhood as a means of expressing authority has been well recognised by scholars of Antiquity and the Middle Ages in considering the rhetoric around the role of God, emperors, kings and bishops amongst others. The general concept of fictive family ties, and how these bonds can create and describe bonds of duty and obligation have been extensively studied by

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<sup>179</sup> The particular relationship of rulers to fatherhood seems to undergo a particular change. Roman Emperors had laid claim to being the ultimate *paterfamilias* of the Roman state since the reign of Augustus. In contrast the Frankish kings seemed to make no claim of fatherhood over their subjects. In contrast to Roman Emperors, the position of Early Medieval kings as fictive fathers was never solidly established. There are scant records of any king in Gaul being referred to as a father and no king addressed his subjects as children. One attempt was made around 501 by Avitus of Vienne who wrote to the Burgundian King Gundobad and described him as the ‘father of everyone’ in a letter consoling him for the death of his daughter. Avitus reminded Gundobad that although he was a father mourning the death of a daughter, he was also the father to a kingdom and needed to move on from his grief (*Av., Ep.*, 5). However, Avitus did not reuse this phrase. The only direct reference to a Merovingian king as a father, and specifically as the *pater patriae*, is in a Life of Nicetius of Lyons from the late sixth century (*Vita Nicetii Episcopi Lugdunensis*, ed. B. Krusch, *MGH SRM* III, I.17, trans. Hamilton in ‘Merovingian Episcopal Hagiography’). It is difficult, with no other sources demonstrating this association of the Frankish kings, to see this as demonstrative of any wider representation. The Austrasian Letter collection demonstrates, however, that although the Merovingian Kings themselves did not claim fictive fatherhood themselves, they frequently ascribed it to the Eastern Emperors and in so doing cast themselves in the role of children (*Ep. Aus.*, XIX, XX, XXV, XXXI, XXXIII, XLIII, and XLVIII). This suggests that this representation of fatherhood was one that could have strong political benefits and suggested a caring and potentially protective role. Kings seem to have lost their status as ‘fictive’ fathers during this period, or rather the Frankish kings never seem to have taken it up. Instead they existed in a world in which fictive fatherhood was reserved those with spiritual roles and this meant that kings constructed their authority in different ways that reflected new types and models of authority.

anthropologists, sociologists and, occasionally, medieval historians.<sup>180</sup> ‘Spiritual’ kinship, an offshoot of these studies dealing with the Christian world and most commonly the network of relationships created by someone standing sponsor at baptism, has also been considered as an important aspect of medieval culture.<sup>181</sup> These types of ‘fictive’ kinship concern personal and context-dependent relationships between individuals and tend to neglect the broader claim to a non-biological fatherhood made by the bishop who is father to his flock or the king who is father to his country. Although this type of fictive fatherhood has not been the subject of intensive study, particularly as regards the early Middle Ages, it has received more attention than biological fatherhood. It will therefore be useful to examine the approaches that scholars have taken to fictive fatherhood in some detail to understand how different types of fictive fatherhood have been associated or contrasted with biological fatherhood.

The approaches taken by scholars of Antiquity and the Middle Ages to the question of fictive fatherhood have been significant in emphasising a largely Christian view of attitudes towards the family. In studies of early Christianity scholars have observed that anti-familial tendencies in religious movements gave way to a patriarchal view of God, and sometimes bishops and abbots, as a *paterfamilias*. This positioning of religious figures as *patresfamilias* has also drawn frequent comparisons by scholars to the similar treatment of Roman Emperors. In the High Middle Ages, by contrast, historians have emphasised celibate clerics’ interactions with the ‘world’ and the contrast between biological fatherhood and the fictive fatherhood of clerics. In both of these cases fictive fatherhood has a connection to some notion of biological or ‘real’ family life but the character of the relationship differs significantly. The nature of fictive fatherhood and how it changed by the eighth century and has been interpreted since can thus offer new insights into concepts of fatherhood in the early medieval world.

It is important to note that these two traditions, the early medieval positioning of fictive fathers as *patresfamilias* and the high medieval spiritual fatherhood of clerics, connect to very different models of paternity within the family. When God, or Emperors, or bishops were associated with being *patresfamilias* it was in the context of the absence of a father and thus as a higher authority. Fatherhood may have been implicit in this but it was not necessary. In contrast historians have explicitly understood clerics in the Later Middle Ages to be in competition with biological

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<sup>180</sup> See essays in J. Carsten (ed.), *Cultures of Relatedness: New Approaches to the Study of Kinship* (Cambridge, 2000), S. N. Eisenstadt and L. Roniger, *Patrons, Clients and Friends: Interpersonal Relations and the Structure of Trust in Society* (Cambridge, 1984).

<sup>181</sup> J. Lynch, *Godparents and Kinship in Early Medieval Europe* (Princeton, 1986), Jussen, *Spiritual Kinship*.

fatherhood which contrasted with an increasingly celibate clergy.<sup>182</sup> Through understanding the distinct approaches that have been taken to fictive fatherhood we can understand the importance of the transition that occurred in Gaul in the fifth to eighth centuries in the creation of a particularly clerical form of fictive fatherhood that connected and contrasted with both the *paterfamilias* and the *genitor*.

The presentation of God as a father has understandably received a fairly large amount of attention in the fields of theology and ecclesiology, some of which have attempted to tie it down into the various historical contexts in which this term has been used.<sup>183</sup> Feminist studies in particular have considered the fatherhood of God as an aspect of both female empowerment and of patriarchal dominance. Elizabeth Schüssler Fiorenza, Virginia Burrus and others have looked to early Christian interpretations of the fatherhood of God in search of feminist readings, in the former case motivated by the desire to reform the position of women within the modern Church.<sup>184</sup> The emphasis of these studies has been generally to connect the fatherhood of God to the image of the powerful *paterfamilias* while at the same time viewing God's paternity as a challenge to the earthly patriarchy.

Peter Widdicombe's *The Fatherhood of God between Origen and Athanasius* is the only significant study on the presentation of God as a father in late antiquity. Widdicombe has explored the fatherhood of God particularly in relation to the theological controversies of early Christianity such as Arianism, which was, if not the focus then often the context, of late antique discussions of the fatherhood of God.<sup>185</sup> The studies both of Widdicombe and of feminist theologians tend not to be concerned with the influence of biological fatherhood on God's fictive fatherhood as their emphasis is on the theological debates which contrast the idea of God as a relative father, who is a father only due to Christ, and the understanding of God as substantively a father regardless of context.<sup>186</sup> As

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<sup>182</sup> It may be the case that the term *paterfamilias* re-emerged in the High Middle Ages, but this requires further study.

<sup>183</sup> R. Hamerton-Kelly, *God the Father: Theology and Patriarchy in the Teaching of Jesus* (Philadelphia, 1979), V. Burrus, *Begotten Not Made: Conceiving Manhood in Late Antiquity* (Princeton, 2000). For a consideration of this in the context of the *paterfamilias* see C. A. Barton, *Roman Honor: The Fire in the Bones* (London, 2001), p. 165.

<sup>184</sup> E. Schüssler Fiorenza, 'Patriarchal Structures and the Discipleship of Equals' in *Discipleship of Equals: A Critical Feminist Ekklesia-logy of Liberation* (New York, 1993), pp. 220-221.

<sup>185</sup> P. Widdicombe, *The Fatherhood of God from Origen to Athanasius* (Oxford, 1994), pp. 133-140. The Fatherhood of God in the Greek world, particularly the thought of Gregory Nazianzus has been explored (see C. A. Beeley, 'Divine Causality and the Monarchy of God the Father in Gregory Nazianzus', *Harvard Theological Review* 100 (2007), pp. 199-214) however these discussions of the fatherhood of God generally seems to have been transmitted to the early medieval West via Athanasius and Origen.

<sup>186</sup> Widdicombe, *Fatherhood of God*, pp. 64, 182, 187, 255.



such they can only be of limited use to this study which will look to the importance of the mutual influences between biological and fictive fatherhood. Studies by scholars such as Widdicombe and Schüssler Fiorenza do, however, offer an important insight into the distinctions that could be drawn between fatherhood created by status, as I will argue that the *pater* would come to be, and the father whose status derives from his context, as in the case of the *genitor*.

The approach to fictive fatherhood taken by historians working on bishops as fathers has differed markedly from the aforementioned historians whose primary concern is with the paternity of God. Historians studying bishops have tended to divide between those who emphasise practical authority and those who emphasise masculinity. Historians who fall into the first camp consider bishops as individuals endowed with political and social as well as religious authority, who rose to prominence in the early medieval period as the Church became one of the most significant careers for members of the former Roman senatorial class.<sup>187</sup> Where these studies have thought about bishops as fathers they have emphasised the use of paternalistic authority as a means of claiming civic power.<sup>188</sup> These analyses therefore emphasise authority and a direct connection to traditional ideas of fatherhood.<sup>189</sup> Developing from these studies in this thesis I shall therefore explore what happens beyond the point where the *paterfamilias* was the key reference point as bishops continued to make claims to a paternal authority increasingly based in expected relationships of mutual affection.

The second type of study to consider bishops relates primarily to the situation after the eleventh century and concerns the masculinity of clerics, most notably after clerical celibacy was made universal from the 1070s. Authors such as Megan McLaughlin have suggested that celibate clerics began at this point to increasingly construct an identity as celibate fathers in a widespread crisis of masculinity that Jo Ann McNamara dubbed the *Herrenfrage*.<sup>190</sup> In these studies the adoption of fatherhood is, as with most studies of episcopal fatherhood, an assertion of authority but this itself is understood as a statement of masculinity in reaction to clerics no longer allowed, at least technically, to be biological fathers. Studies of episcopal fatherhood tend generally to look at how this type of fictive fatherhood was framed by ‘real’ fatherhood but take this as being the classical

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<sup>187</sup> J. S. Ott and A. Trumbore Jones (eds), *The Bishop Reformed: Studies of Episcopal Power and Culture in the Central Middle Ages* (Aldershot, 2007), M. E. Moore, *A Sacred Kingdom: Bishops and the Rise of Frankish Kingship 300-850* (New York, 2011).

<sup>188</sup> See, for example, Moore, *Sacred Kingdom*, pp. 194-196.

<sup>189</sup> *Ibid.*, pp. 49-51.

<sup>190</sup> M. McLaughlin, ‘Secular and Spiritual Fatherhood in the Eleventh Century’, in J. Murray (ed.), *Conflicted Identities and Multiple Masculinities: Men in the Medieval West* (London, 1999), pp. 25-43 and J. A. McNamara, ‘The *Herrenfrage*: The Restructuring of the Gender System 1050-1150’, in C. A. Lees (ed.), *Medieval Masculinities: Regarding Men in the Middle Ages* (London, 1994), pp. 3-29.

Roman *paterfamilias* holding *patria potestas*. Fictive fatherhood could therefore connect to models of paternal authority that no longer held sway for ‘real’ families but it was also affected by contemporary practice in family life. In this study I shall therefore consider how fictive fatherhood could be claimed in order to contrast and draw similarities between religious and secular life. The emphasis will be less on competing models of masculinity, since clerical celibacy was not yet a standard even by the eighth century, but will examine the particular circumstances of religious life to contextualise the specifics of late antique and early medieval fictive fatherhood. The question of whether and in what manner the idea of the *paterfamilias* might have been resurrected in the eleventh century lies outside the scope of the present study.

Fictive fatherhood, within the primarily clerical model, has thus been regarded as having been tied into the concept of the *paterfamilias* in Late Antiquity and beyond. This topic has been approached by historians primarily as relating to the technicalities of the claim to fictive fatherhood. Within such studies fictive fatherhood exists as competition for ‘real’ fatherhood for the right to hold authority or assert masculinity. An examination of the particularities of the claim to fictive fatherhood in the fifth to eighth centuries, building on the work of other scholars, will allow me to develop an understanding of not only the competition between fictive and ‘real’ fatherhood but also their divisions and shared ideals. I shall begin with a brief examination of the construction of fatherhood prior to the fifth century has been understood and will consider the impact of shifting ideas of fatherhood as applied both politically and spiritually. This builds largely on the work of other scholars considered in the light of the changing notion of the family. Following this I will look at the evidence from Gaul between the fifth and eighth centuries in order to understand how fictive fatherhood developed into the Early Middle Ages.

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### *Bishops*

In the simplest terms, between 500 and 750AD in Gaul there was a gradual adoption of a ‘fatherly’ identity for bishops. This development is reflected in letters, sermons and histories as well as legal texts. The use of fatherly terms spread and became more common until bishops held their fictive fatherhood as a key identity expressed through the standard title *pater*. Beyond this fairly simple narrative however lies a more complex interplay of identity that demonstrates the varied ways in which fictive fatherhood could be a tool for expressing relationships. The idea of bishops as fathers

connected to a model of authority which, much like identity of the Emperor as the *pater patriae*, rested on an authority tempered by, and increasingly characterised by, affection. In particular we can note the emphasis placed on fictive fatherhood as expressing the especial care and attention ideally shown by bishops to the poor. In this study I will focus on the dynamics that can be observed around the particular use of the terminology of the family and fatherhood for bishops in order to understand how this affected a broader shift in the use of terms such as *pater* and thus can come to understand how fictive and biological fatherhood were differentiated.<sup>191</sup>

In the late fifth and early sixth centuries various kinds of ‘fictive’ kinship, and fatherhood in particular, were used to delineate relationships between bishops, clerics and laypeople on a case-by-case context specific basis. Fictive fatherhood was not an essential quality of episcopal office but something that one bishop might lay claim to in his relationship to someone that was younger, or of lower status, or newer to religious life.<sup>192</sup> Ruricius of Limoges, for example, was the member of a prominent Gallo-Roman family and the father of five sons who, following a secular career, decided to adopt a religious life in the 470s and then became bishop of Limoges in 484. His letter collection spans the period from the 470s to around 506 and consists of approximately 100 letters between Ruricius and both laypeople and clerics.<sup>193</sup> Ruricius and his correspondents used the language of kinship to negotiate their relationships with each other and to express the particular nature of different relationships.

The use of kinship terms, including father, was dynamic and context specific while already holding strong connotations of religious life. When Ruricius was a layman, for example, being offered guidance by an established religious figure in Faustus, the bishop of Riez, he addressed him as a father to express his respect for Faustus’ superior knowledge and appreciation for the care being taken in Ruricius’ religious education. Faustus’ fatherhood was not merely a title but reflective of an intimate relationship. As I will show further below, however, as a bishop Ruricius might address one priest as brother, in respect of their shared commitment to religious life, but another as father, to acknowledge an age difference. In Ruricius’ first letter to Faustus by contrast, introducing himself before he had taken on the religious life, he addressed Faustus as a ‘reverend Lord and blessed prelate’ as well as a ‘patron’.<sup>194</sup> In a subsequent letter, while still a layman but with having

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<sup>191</sup> For other works on the representation of bishops see Heinzelmänn, *Bischofsherrschaft in Gallien* and Moore, *Sacred Kingdom*.

<sup>192</sup> This is from the Gallic evidence. Interestingly in *Nov.* 81.3 (539) it is explicitly stated that bishops cannot be under *patria potestas* because they are spiritual fathers.

<sup>193</sup> A useful summary of Ruricius’ life is in Ralph Mathisen, *Ruricius of Limoges and Friends: A Collection of Letters from Visigothic Gaul* (Liverpool, 1999).

<sup>194</sup> *Rur.*, *Ep.*, I.1.

established a relationship with Faustus, Ruricius addressed Faustus again as a Lord and patron but now also as his ‘best father’.<sup>195</sup> This fatherhood is not simply a title but Ruricius described it as the spiritual equivalent of the relationship that might be expected between ‘real’ fathers and sons. Faustus accordingly was presented as a father who holds the keys to an inheritance, in this case one of salvation. Ruricius expressed the hope that Faustus would act like a father and help him to be worthy of receiving this inheritance both through the authoritarian aspect of that role, correcting Ruricius with the ‘paternal right hand’, and its loving aspect, offering ‘paternal clemency’.<sup>196</sup> Ruricius in the late fifth century thus explicitly connected fictive fatherhood to ‘real’ fatherhood and used this to define what he expected from a fictive father.

During this period of their correspondence Faustus responded to Ruricius as his son and lord.<sup>197</sup> In one letter, however, congratulating Ruricius on adopting the religious life, Faustus referred to him as *frater*, which Ralph Mathisen has, in his translation of the letters, suggested was a way of welcoming Ruricius to the community of religious devotees.<sup>198</sup> At this time, as Ruricius was still a layman, his correspondence with other bishops shows a similar mutability. Graecus, the bishop of Marseille, addressed Ruricius as his son and Ruricius addressed a priest Nepotianus as father but Ruricius also addressed a bishop named Bassulus and Aeonius of Arles simply as ‘Lord and Patron’.<sup>199</sup> We can see therefore that high-status religious men were offered particular courtesy by Christian laymen such as Ruricius but the form that courtesy took varied from letter to letter.

After Ruricius became bishop of Limoges in 484 his forms of address largely, although not universally, altered. Faustus of Riez from this point consistently addressed Ruricius as his brother and Ruricius tended to use this mode of address with other bishops. However, Ruricius also used fraternal language to address lay people and continued to address some fellow bishops, such as Aeonius of Arles and Chronopius of Périgueux without reference to kinship, such as as his ‘lord and personal patron’.<sup>200</sup>

The significance of the choice between these different modes of address is demonstrated in a letter of Ruricius to Julianus Pomerius, an African priest and theologian who had settled in Arles, and

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<sup>195</sup> ‘*pater optime, pastor egrigie*’, Rur., *Ep.*, I.2.

<sup>196</sup> Rur., *Ep.*, I.2.

<sup>197</sup> ‘*Domino piissimo et in Christo summo mihi honore singulariter excolendo Ruricio filio Faustus*’, Rur., *Ep.*, SG 1, SG 3.

<sup>198</sup> ‘*Domino devinctissimo et tota pietatis virtute singulariter excolendo fratri Ruricio Faustus*’, Rur., *Ep.*, SG 2, discussion by Mathisen, *Ruricius*, p. 97.

<sup>199</sup> Rur., *Ep.*, I.6, I.7, I.15 and SG 6.

<sup>200</sup> Rur., *Ep.*, 2.6 For other letters to laypeople see Rur., *Ep.*, II.1-5. Rur., *Ep.*, I.18, II.6, II.7, II.8, II.12.

whom Ruricius had addressed in letters as a brother.<sup>201</sup> On one occasion, Ruricius defended the use of fraternal language that was ‘appropriate neither to our ages nor to our ranks’ as essentially a compromise ‘because just as you are greater in age you likewise are lesser in rank. And therefore, if I had looked to your longevity, by the Grace of God, or to my office holding, I ought to have written to either a father or a son’.<sup>202</sup> These kinship terms, as used by Ruricius and his correspondents, were therefore not simply titles but the subject of active choices and replete with meaning. Addressing another man as father often implied that he had superior knowledge or experience as well as taking some special interest in the well-being or education of his ‘son’. This built on Roman epistolographic conventions in which terms such as *pater* were used as flattering term of affection and respect for older men. In her study of latin forms of address Eleanor Dickey notes that this term was used as standard for Emperors and senators.<sup>203</sup> In Ennodius of Pavia’s Life of his predecessor Epiphanius, for example, Ennodius describes the affection, provision, and discipline provided to Epiphanius by a bishop Crispin.<sup>204</sup> The use of different kinship terms to describe relationships was changeable depending on individual circumstance. These terms were not fixed, although they followed similar patterns, and could be shifted in order to demonstrate fluctuating relationships. Bishops had established their fatherly role to some extent but this had to be weighed against competing claims of the relative ages, ranks and personal relationships of the correspondents. It is also notable that by the beginning of the sixth century the language of kinship, and of fatherhood in particular, was being used by some to draw a line between those with spiritual status and those without.

By the first half of the sixth century a more general connection to bishops as a source of paternal care, and perhaps also paternal authority emerged, even though it still competed with the notion of Christian brotherhood. A striking example of such mixed uses can be observed in the writing of Caesarius, the hugely influential bishop of Arles from 502 to 542. Caesarius’ standard address to his congregation in sermons was to his most beloved or loved brethren, which he used in 223 of the 239 of his extant sermons.<sup>205</sup> Yet, despite this brotherly language, Caesarius still occasionally presented himself as a father, likening himself to a father who longs to see his children often and in good

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<sup>201</sup> Rur., *Ep.*, I.17, II.10.

<sup>202</sup> Rur., *Ep.*, II.11.

<sup>203</sup> E. Dickey, *Latin Forms of Address: From Plautus to Apuleius* (Oxford, 2002), pp. 120-123. The particular use of father-son rhetoric as a device within letters is discussed by Jennifer Ebbeler in ‘Late Antique Latin Epistolary Codes’, in R. Morello and A. D. Morrison (eds), *Ancient Letters: Classical and Late Antique Epistolography* (Oxford, 2007), pp. 303-323.

<sup>204</sup> Ennodius of Pavia, *Vita Beatissimi Viri Epiphanius Episcopi Ticinensis*, ed. J.-P. Migne, *PL* 63 (Paris, 1847), p. 210.

<sup>205</sup> The standard terms being *fratres carissimi* or *fratres dilectissimi*, Caes., *Serm.*

health, as a means to encourage his flock to regularly attend church.<sup>206</sup> In other cases he speaks to his 'beloved brethren' with 'paternal piety', to discourage them from excessive drinking.<sup>207</sup> Caesarius used the language of kinship to demonstrate the shared love between himself and his flock with fatherhood in particular being invoked to imbue Caesarius' loving guidance with added authority.

The only other exception to Caesarius' tendency to present himself as a brother was in his testament in which he addressed the 'venerable daughters' of the convent which he founded at Arles and of which his sister was abbess and three sermons in which he addressed the 'venerable daughters and beloved brethren' of the Church at Arles.<sup>208</sup> This might be explained by Caesarius acting in the position of an abbot on these occasions in speaking to the women who had taken the religious life rather than lay members of his congregation. In Gregory of Tours' *Life of the Fathers*, Gregory describes an abbot Lupicinus asking that both his brothers and sons be called. This case occurs within a monastery and could be distinguishing monks by status or could be a reference to Lupicinus' own advanced age.<sup>209</sup> However, there is another example of this phrasing in Gaul, in the prologue to the Life and Miracles of St Martin written by Gregory, bishop of Tours until approximately 594, which is addressed by Gregory to the 'most beloved daughters and brothers of the church of Tours'.<sup>210</sup> This suggests that bishops were more comfortable in the sixth century addressing women as their children, and thus implicitly more subject to their authority and in need of greater care, than men.<sup>211</sup> This could also be an aspect of the authority granted by claiming fatherhood which bishops like Caesarius and Gregory were more able to claim over women than men.

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<sup>206</sup> Caes., *Serm.*, 6, 16.

<sup>207</sup> 'fratres dilectissimi' 'paterna pietate', Caes., *Serm.*, 47.

<sup>208</sup> Caes., *Test.*, 7, Caes., *Serm.*, 192, 193, 196.

<sup>209</sup> *VP XIII.2.*

<sup>210</sup> *VSM*, Prol., 'Dominis sanctis et in Christi amore dulcissimis fratribus et filiis ecclesiae turonicae mihi a deo commissae gregorius peccator'.

<sup>211</sup> Gregory's other uses of this sort of terminology typically shows either status or age difference. Gregory says that he himself called Siggo, a former secretary to Sigibert son, in *VSM III.17*. In *VP XII* Gregory describes Are dius referring to Gregory himself (who also calls himself a young man) as both 'brother' and 'son'.

Gregory describes a bishop calling his congregation children (*filioli*) in *GC*, 2, Leo, bishop of Agde, calls a count son in *GM 78*. In *VP I.2* the abbots Lupicinus and Romanus are fathers to their monks are 'children' and Monegundis' nuns refer to themselves as her daughters in *VP XX.4*. In other cases age may be a factor in the uses of these terms. In *VP VI.1*, an abbot calls Gallus 'son' (when Gallus is a child), and in *VP VI.3* a priest calls Gallus, son, with this priest being also his uncle, in *VP XII.1* St Aemilianus calls Brachio (a much younger man), son, in *VP XIV.2* a prior calls a thief son, in *GC 18* Eufro nius, bishop of Tours (an old man), calls a layman 'son' and in *GC 81* an old monk Eusicius calls a thief 'son'.

In the first half of the sixth century, then, the fatherliness expressed by and of bishops seems to have been commonly addressed to a select group and thus remained, as had been the case with Ruricius, highly context-specific. In the case of Caesarius, his identification of himself as father, through the presentation of his audience as ‘his’ children, seems to have focused on his role as a monastic leader, but for other bishops it centred more clearly around their congregations or those with whom they had personal relationships. With Ruricius and Caesarius this is seen most clearly as an inclusive measure used almost unconsciously. An examination of the letter-collection of Avitus of Vienne demonstrates the power behind a claim of fictive fatherhood as a tool of exclusion as well as inclusion.

In the letter-collection of Avitus, bishop of Vienne from 494 to approximately 518, Avitus used the selective nature of fictive fatherhood as a political tool. In writing to the Patriarch of Constantinople for example he presented the Burgundian King Sigismund as ‘my Lord and your son’.<sup>212</sup> This rhetorically served to lower Avitus as a servant relaying the message of his master, and to raise the Patriarch and with him the recently converted King Sigismund to a higher level of discourse and in so doing promoted the idea of a personal relationship between them. Avitus also played on the idea of the Patriarch’s paternal authority by beseeching him to guard the Church’s authority as a father and to serve as an example.<sup>213</sup> When writing to Apollinaris, his cousin, Avitus discussed Apollinaris’ famous father Sidonius, noting that he himself did not dare to call Sidonius ‘father’ but that he was instead ‘My Lord and your father’.<sup>214</sup> Here, of course, Sidonius was a ‘real’ father, but Avitus demonstrated both the potential for him to claim Sidonius as a fictive father and the power invested in that claim. In another case Avitus presented one of his clerics to the bishop of Ravenna as ‘my servant and your son’.<sup>215</sup> Again therefore Avitus raised the recipient of the letter up but in this case maintained the personal connection between himself and the cleric, thus perhaps impressing on his fellow bishop the need to treat the cleric well. In describing the relationship in this way Avitus invoked a father-son relationship to place the bishop of Ravenna under some obligation to treat the cleric well as the fictive son of the bishop. For Avitus therefore the fatherhood of any particular bishop was not individual but nearly always occurred as a means of drawing a contrast between those sharing the father-child relationship on one hand and those either above, as lord, or below, as servants. In this way the personal relationship between the ‘father’ and

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<sup>212</sup> ‘*domnus meus, filius vester*’, Av., *Ep.*, 9.

<sup>213</sup> Av., *Ep.*, 9.

<sup>214</sup> ‘*domni mei, patris tui*’, Av., *Ep.*, 51. See also Ennodius, *Epistolarum*, VII.24 in which Ennodius writes to Stephanus of their ‘son in common (*filius communis*) Marcellus who was Stephanus’ son by ‘nature (*natura*)’ and Ennodius’ son by ‘affection (*affectus*)’.

<sup>215</sup> ‘*servis vestris, filiis meis*’, Av., *Ep.*, 40.

'child' was strengthened, or possibly created, and distinguished from those who were now conceived as being outsiders. The spiritual authority of some bishops could still locate them as the fathers of laymen, for example the Patriarch of Constantinople was the fictive father to a king, but Avitus himself could cast off this paternal authority in the service of his aims. As we shall see, this would not be possible for later bishops.

Hagiographies in the middle of the sixth century demonstrated how the fatherly relationship of bishops expanded to encompass those over whom they held pastoral care and thus a more distant relationship. In the *Vita Viviani*, probably written around 540, Vivian of Saintes was typically described using the common terms of hagiographies of this period and earlier as 'most blessed priest', 'servant of God', 'holy bishop' and 'patron'.<sup>216</sup> When Vivian stepped forward to protect Saintes from the Visigoths, however, he was the 'pious father' protecting his children.<sup>217</sup> This Life seems to represent a change from the sermons of Caesarius in which bishops could more comfortably be recognized as the brothers of their congregants. This may to some extent be a reflection of the nature of hagiography and the difference between a hagiographer, in this case possibly a resident of Saintes looking to promote Vivian's cult through enforcing Vivian's 'paternal' relationship with the city, and the bishop as preacher himself casting the roles of father and children.<sup>218</sup> However even this hagiographical representation represents a shift, as in Caesarius' own Life, written shortly after his death, Caesarius was never identified as the father to his congregants in the way that Vivian was to the people of Saintes. In episcopal epitaphs this pattern also emerges. In Martin Heinzelmann's study of the representation of bishops he notes the emergence of terms of fatherhood for bishops primarily emerging from epitaphs written by Fortunatus. Earlier epitaphs made reference to virtues that had paternal connections, such as piety and patronage, but specific terms of fatherhood emerged in the sixth century.<sup>219</sup>

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<sup>216</sup> 'beatissimus antistites', 'Deus servi', 'sanctus episcopus' and 'patronus', *Vita Bibiani vel Viviani Episcopi Santonensis*, ed. B. Krusch, *MGH SRM III*, trans. S. Hamilton, in 'Merovingian Episcopal Hagiography: Text and Portrayal', PhD thesis (University of Reading, 2001), 2, 3, 4, 6, 7, 8, 9. Similar phrasing is used in the Life of Lupus of Troyes, *Vita Lupi Episcopi Trecensis*, ed. B. Krusch, *MGH SRM III*, trans. S. Hamilton, in 'Merovingian Episcopal Hagiography: Text and Portrayal', PhD thesis (University of Reading, 2001), pp. 257-264, the *Vita Germani* and the Life of Anianus of Orleans, *Vita Aniani Episcopi Aurelianensis*, ed. B. Krusch, *MGH SRM III*, trans. S. Hamilton, in 'Merovingian Episcopal Hagiography: Text and Portrayal', PhD thesis (University of Reading, 2001), pp. 4-15.

<sup>217</sup> 'pius pater', *Vita Viviani*, 4.

<sup>218</sup> Sarah Hamilton, 'Merovingian Episcopal Hagiography: Text and Portrayal', PhD. Thesis (University of Reading, 2001), p. 88.

<sup>219</sup> Heinzelmann, *Bischofsherrschaft in Gallien*, pp. 154-163, and for discussion of patronage ideology p. 127. For earlier epigraphs see *Corpus Inscriptionum Latinarum XIII*, ed. O. Hirschfeld (Berlin, 1899), 2395 and 2396.



Hence in the first half of the sixth century there are clear examples of bishops laying claim to fictive fatherhood but this fatherhood was contextual and dependent upon the personal relationships and circumstances, and tended to be used flexibly to represent relationships between bishops and laypeople when it suited rhetorical aims. This allowed some writers such as Avitus of Vienne or Vivian's hagiographer to deploy the idea of fictive fatherhood to create and strengthen such relationships. The aspect of fatherhood that seems to be drawn on in these relationships was that of protector, whether it was Avitus seeking to safeguard his travelling clerics by representing them as his children or Vivian defending the inhabitants of his city from attack.

It was in the second half of the sixth century that the fatherhood of bishops seems to have become more entrenched and less connected to personal relationships and specific contexts. The Austrasian Letters are a varied collection of letters which was probably gathered as a model book and include a selection of letters predominantly from the second half of the sixth century between bishops and laypeople, as well as between the Frankish kings and the Byzantine emperors, as I shall discuss below. In this collection it is evident that the fatherhood of bishops was becoming a standard phrase. For example, the poet, and later bishop of Poitiers, Venantius Fortunatus wrote to Magneric of Trier in 568 as his 'holy lord' and 'father in Christ' and furthermore proclaimed Magneric to be the 'father of fathers', as an archbishop standing as father to other bishops, while the Frankish aristocrat Gogo addressed Peter of Metz in the same year as 'Lord and father'.<sup>220</sup> This contrasts with the earlier collections, such as those of Ruricius of Limoges, where correspondence with laypeople often either did not invoke kinship or, when it did, referred to fraternal relationships.<sup>221</sup> These appellations seem to be fairly formulaic, as is perhaps appropriate for a collection that may well have been intended primarily as a style guide for letter writing, but they demonstrate that the notion of bishops as fictive fathers to laymen had been solidly established in contrast to the fraternal language seen occasionally in the letters of Ruricius. This idea of fatherhood as a standard aspect of episcopal status is also seen in the writings of the Irish monk Columbanus who arrived in Gaul around 590. In Columbanus' letters the author addresses the Gallic bishops as 'Holy Lords and Fathers in Christ'.<sup>222</sup> The construct of fathers in Christ, which is sometimes used by other authors, highlights the spiritual nature of the relationship. The explicit statement of this aspect of episcopal fatherhood was not always stated explicitly but was implicit within the use of *pater*. Columbanus combined this presentation of bishops by representing himself and his fellow monks as

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<sup>220</sup> 'Domino sancto, meritis apostolicis praedicando in Christo patri, Megnerico papae, Furtunatus [sic] humilis', *Ep. Aus.*, XIV, 'domno et patri', *Ep. Aus.*, XXII.

<sup>221</sup> Among others, *Rur.*, *Ep.*, I.12, I.13, II.1-5, II.13, II.50, II.62. See also *SA, Ep.*, 1.1-4.

<sup>222</sup> 'Domino sancto et in Christo Patri', Columbanus, *Epistolae*, in G. S. M. Walker (ed. and trans.), *Sancti Columbani Opera* (Dublin, 1970), *Ep.* 1.

‘inferiors’.<sup>223</sup> This for Columbanus seems almost to have been a weapon, however, defending himself against accusations of disrespect by praising bishops as fathers while at the same time undermining their authority.

Peter Brown has argued that in their ‘pastoral’ role, borrowing a term from Michel Foucault, the authority of bishops was unique in not being constructed as lordship but as a form of paternity.<sup>224</sup> Thus Venantius Fortunatus described Leontius of Bordeaux speaking to his congregation as ‘one would say that he had begotten this people as their father. For he admonished them in so gentle a voice that you would think that he was speaking to part of his own body’.<sup>225</sup> Brown argues that this ‘soft’ power was a key step in the construction of episcopal authority as distinct from civic power. The *pietas*, which had been a characteristic of the *familia*, and the power of the *paterfamilias* was applied to religious feeling particularly towards God and bishops.<sup>226</sup> This ‘soft’ power may have been exercised in competition with secular lordship but it was also being defined within a longer-term understanding of extended paternal authority characterised by affection..

It is also in the second half of the sixth century that Gallic bishops first seem to have claimed this fatherhood for themselves as an automatic relationship with laypeople, generally independent of circumstance, as evidenced in their letters. This seems, by-and-large, to have been a top-down process where bishops claimed these titles rather than the more egalitarian, or even bottom-up, process of the previous century. Nicetius of Trier wrote to the Lombard Queen Chlodosind as ‘most clement Lady and daughter in Christ’, in a letter of the 560s in which he explained Catholic ideas on the Trinity.<sup>227</sup> Similarly, Germanus of Paris in 575 addressed Queen Brunhild of Neustria as ‘most pious Lady and daughter in the Holy Church of Christ’ in a letter exhorting the Queen to encourage peace and Aurelian of Arles wrote to Theudebert as ‘most pious Lord and son in Christ’.<sup>228</sup> The roughly contemporary letters of Gregory the Great to Gallic correspondents show a somewhat weaker adoption of this identity, at least as it related to the Frankish Kings and Queens. Although Gregory frequently spoke of greeting his royal correspondents with ‘paternal care’ or ‘paternal love’ he only referred directly to lay people as his children three times, once in a letter to

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<sup>223</sup> ‘*inferiores*’, Columbanus, *Epistolae*, in *Sancti Columbani Opera*, Ep. 2.4.

<sup>224</sup> Brown, *Through the Eye of a Needle*, pp. 504-5.

<sup>225</sup> Fort., *Carm.*, IV.9.24-26, trans. Brown, *Through the Eye of a Needle*, pp. 505.

<sup>226</sup> Gregory of Tours applying *pietas* to the treatment of bishops; *HF* II.1, III.2. The *Pietas* of God; *HF* III.28, V.35, VII.34, VIII.37, IX.9 and IX.36. Kings showing *pietas*; *HF* II.32, III.34, VII.6, VIII.30 and X.7. *Pietas*, as religious feeling, can also more generally be seen in *HF* I.47, II.7 and VI.20. *HF* IX.20 demonstrates the only possible use of *pietas* to relate to the biological family.

<sup>227</sup> ‘*domine clementissimae in Christo filiae Hlodosuinde regine Nicetius peccator*’, *Ep. Aus.*, VIII.

<sup>228</sup> ‘*piissimae domnae et in Christo sancte ecclesiae filiae*’, *Ep. Aus.*, IX, ‘*in Christo piissimo domno et filio*’, *Ep. Aus.*, X.

Theuderic and Theudebert, once in a letter to Theuderic referring to Brunhild as ‘your Grandmother and our most excellent child’, and once in a reference to ‘our most excellent son, the King’ in a letter to Asclipiodatus, the Governor of Provence.<sup>229</sup> Otherwise he generally addressed lay people as ‘your excellence’ or ‘your glory’, bishops as brother, and abbots and clerics of lower status as his children.<sup>230</sup> This suggests that the adoption of the identity of fatherhood by bishops in Gaul, at least as related to the laity, was to some extent a regional phenomenon. Fictive fatherhood was thus developing not as a general aspect of the role of the clergy between Late Antiquity and the Early Middle Ages but in relation to the specific context of, in this case, Gallic society and the particular developments in the identity of fatherhood.

However, even in Gaul the development towards *pater* as a standard title of address for bishops was by no means completed by the second half of the sixth century. These changes can still be seen to be affected by the considerations of genre and the practices of different authors. Gregory of Tours in his *Historiae* occasionally represents bishops being addressed as father, usually when they are being asked for help, but interestingly never does so in his hagiographical works other than in the title of the *Vitae Patrum*, saving fictive fatherhood for abbots in their relationships with the monks of their communities.<sup>231</sup> This may be a feature of the earlier association of abbots with fatherhood as I shall discuss below. Gregory does, however, in his hagiographies make greater use of the term *genitor* to denote real fathers which suggests that he did experience the need to distinguish the biological from fictive fathers in his work.<sup>232</sup> Gregory himself was addressed as a ‘kind father Gregory’ by his friend the Italian poet Venantius Fortunatus though this may have been partly an aspect of Gregory’s patronage of Fortunatus with Gregory demonstrably acting like a father in caring and providing for Fortunatus.<sup>233</sup>

By the end of the sixth century therefore fictive fatherhood had become a core aspect of episcopal identity, useful as a tool for interactions with rulers, whom bishops could address as superiors in secular status but whom they could still assume the ability to advise and teach based on their fatherhood. Yet although bishops were identified as fathers more widely the assumption of this role

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<sup>229</sup> *Ep.* XI.215 to Theuderic and Theudebert, ‘*aviam vestram, filiam nostram praecellentissimam*’, *Ep.* XI.43, and ‘*excellentissimus filiis nostris regibus*’, *Ep.*, XIII.9, Gregory I, *S. Gregorio Magni Registrum Epistolarum*, CCEL 140-140a, ed. D. Norberg (Turnhout, 1982).

<sup>230</sup> Letters to Frankish Royalty ‘*excellantiae vestrae*’ or ‘*gloriae vestrae*’: V.60, VI.5, VI.49, VI.55, VI.57, IX.212, IX.213, IX.226, XI.46, XI.47, XI.48, XIII.7. To bishops: V.58, V.59, VI.48, VI.50, VI.51, VI.52, VI.53, VI.54, VI.55, IX.157, IX.216, IX.218, IX.219, IX.220. To abbots and clerics: VI.53, VI.54, VII.12, XI.9, Gregory, *Registrum*.

<sup>231</sup> For Gregory referring to bishops being addressed as *pater* see *HF* II.5, IV.11, IV.26, IV.35 and V.20.

<sup>232</sup> See above p. 54.

<sup>233</sup> ‘*pater alme Gregori*’, Fort., *Carm.*, 5.15a.

was not simply ceremonial. Fictive fatherhood bore certain responsibilities for both ‘father’ and ‘child’; care and authority on one side and duty, respect and, at least in principle, obedience on the other.

The nature of fatherhood as a means of connecting those of differing statuses and explaining their relationships was further developed in the hagiographical works of the seventh century. In the *Vita Gaugerici* written after 626 a young Gaugericus addressed a bishop as ‘most holy Lord, bishop and father’ thus playing on their respective ages.<sup>234</sup> Gaugericus himself is typically described by the author of the Life as the ‘blessed Pontiff’ except by prisoners seeking healing who address him directly as ‘most holy father’.<sup>235</sup> Bishops in the seventh century, at least as they are represented in their Lives, seem to have more automatically been addressed as fathers by those of lower status. In the *Vita Desiderii*, for example, written after 670 it is said that after the death of Desiderius of Cahors ‘the poor had no father, nor the Church a shepherd’.<sup>236</sup> As had been seen in earlier works such as those of Avitus, this Life contrasts those for whom Desiderius is a father against those for whom he is not but, unlike Avitus, Desiderius appears not as a lord or a servant to these others, but a shepherd. Thus after his death ‘the clerics mourned their father, the abbots their shepherd’.<sup>237</sup> Furthermore, Desiderius was known by his clergy, the anonymous author of the life tells us, as ‘a bishop in public but a father in private’, able to act as an authoritarian leader to the public but maintaining a strongly caring tone in private.<sup>238</sup> In the *Vita Arnulfi*, written around 700, Queen Brunhild addresses the bishop of Metz as ‘Lord’ but the ‘poor’ address him as ‘father’.<sup>239</sup> In Balthild’s own life, written before 690, it is said that she ‘obeyed the king as her lord, and to the princes she showed herself a mother, to the priests as a daughter, and to the young and the adolescents as the best possible nurse’.<sup>240</sup> Seventh-century hagiographies seem frequently to play on a bishop’s role as father to those with whom he has a personal relationship, but also to the poor over whom the bishop’s fatherhood is expressed as providing loving care. This fictive fatherhood as a

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<sup>234</sup> ‘*Domine sanctissime, pater episcopo*’, *Vita Gaugerici Episcopi Camaracensis*, ed. B. Krusch, *MGH SRM* III, trans. S. Hamilton, in ‘Merovingian Episcopal Hagiography: Text and Portrayal’, PhD thesis (University of Reading, 2001), 3.

<sup>235</sup> ‘*sanctissime pater*’, *Vita Gaugerici* 7. As ‘*beatus pontifex*’, *Vita Gaugerici*, 7, 8, 12, 13, 14 and 15.

<sup>236</sup> *Vita Desiderii Cadurcensis*, ed. B. Krusch, *MGH SRM* IV, pp. 547-602, trans. S. Hamilton, in ‘Merovingian Episcopal Hagiography: Text and Portrayal’, PhD thesis (University of Reading, 2001), 34.

<sup>237</sup> ‘*Clerus nimirum plangebatur patrem, abbates pastorem, parvuli nutritorem, senes tutorem, viduae protectorem, egeni adiutorem, pupilli defensorem, et, ut breviter complectar, tota eum civitas, tota simul planxit ecclesia*’, *Vita Desiderii* 37.

<sup>238</sup> ‘*in publico episcopum, domi patrem*’, *Vita Desiderii* 21.

<sup>239</sup> *Vita Arnulfi*, ‘*domine*’, 16, ‘*pater*’, 18, *Vita Arnulfi Episcopi Mettensis*, ed. B. Krusch, *MGH SRM* II, trans. Hamilton, in ‘Merovingian Episcopal Hagiography’.

<sup>240</sup> *Vita Sanctae Balthildis*, ed. B. Krusch, *MGH SRM* II, trans. Fouracre and Gerberding, in *Late Merovingian France*, 4.

literary device strips away the emphasis on paternal power to instead emphasise paternal affection which justified, to some extent, the authority of the bishop.

In contrast to hagiographies, letters from this period continue to reflect the same father-child relationship as the sixth-century letters. The letters of Desiderius of Cahors, written between around 630 and 655, show him typically addressing kings such as Dagobert as ‘most glorious and pious lord... son in the holy Catholic Church’.<sup>241</sup> Subsequently, Desiderius was addressed by Dagobert’s son Sigibert as his ‘holy and apostolic Lord and father in Christ’.<sup>242</sup> As in the sixth century, these letters follow a standard pattern where each is addressed as roughly equal in worldly status but as holding different roles in the spiritual family.

The late sixth- and seventh-century difference between the hagiographies and the letters, with hagiographies continuing to show the fatherhood of bishops as more dependent on context at a point when it had become standard in letters, may be due not only to formulaic practices of letter writing but also to the authors of hagiographies and their intended audiences. This has already been shown in the *Vita Viviani*, written by a resident of Saintes keen on emphasising Vivian’s fatherhood of the citizens. The *Vita Desiderii*, possibly written by a cleric of Cahors, also emphasises his personal relationship with those clerics.<sup>243</sup> General trends in the nature of episcopal fictive fatherhood thus mingled with the particular needs and demands of the author and the audience and therefore fatherhood remained a powerful tool for the development of personal relationships even as it seems to have become almost a standard phrase in some situations.

These forms of fictive fatherhood were represented through use of the title *pater*, as I have discussed. However, across this period bishops in particular also used the term *papa* in correspondence with each other and *papa* was adopted as a title by bishops prior to *pater*. It was the standard means by which Sidonius Apollinaris addressed his fellow bishops, and was also used in the correspondence of Ruricius of Limoges and Avitus of Vienne, through to the letters of Desiderius of Cahors and occasionally in hagiographical and legal sources as well. The most notable aspect of *papa*, as it was used by Gallic authors is that it appears to have been reserved as a title exchanged between bishops, with a few odd cases of it being used also by monastic authors. In the Formulary of Marculf from the late seventh or early eighth century, for example, various deeds

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<sup>241</sup> ‘*Domino gloriosissimo atque piissimo, ubique preferendo, undique praeclso, sanctae ecclesiae catholicae filio, Dagoberto rege*’, Des. Ep., I.4.

<sup>242</sup> ‘*sancto et apostolico domno et in Christo patri*’, Des. Ep., II.9.

<sup>243</sup> *Vita Desiderii*, 21. For another example, discussed further below see *Vita Ansberti Episcopi*, ed. W. Levison, *MGH SRM V*, trans. Hamilton, in ‘Merovingian Episcopal Hagiography’, particularly 5, 6, and 8.

and letters deal with the rights of bishops, however it is only in those letters between bishops, including between a Gallic bishop and the Pope, where *papa* is used.<sup>244</sup> The only other non-episcopal authors in this period who use *papa* are an abbot Florianus, of an abbey near Milan, and Venantius Fortunatus who uses the term frequently for his two great patrons, Leontius of Bordeaux and Gregory of Tours.<sup>245</sup> John Moorhead has considered the use of *papa* in this period as specifically applied to the bishop of Rome and found that for Italian authors *papa* did not become a particular title of this bishop until the later Ostrogothic period in the sixth century and that even amongst Italian authors the title was still frequently used more widely.<sup>246</sup> It is possible, therefore, that Fortunatus and Florianus are reflecting the wider use of the title which they would have experienced in Italy. For Fortunatus in particular, educated in Ravenna in the mid-sixth century, Moorhead's observation that bishops of Ravenna were styled *papa* suggests that Fortunatus may have been influenced by the education with which he was familiar from his youth.<sup>247</sup> We may therefore consider Fortunatus and Florianus to be outliers, with *papa* generally reserved within Gaul for the use of Gallic bishops amongst themselves relatively consistently from Late Antiquity until well into the Middle Ages.<sup>248</sup>

One of the most interesting aspects of the 'development' of a fatherly identity for bishops can be seen in the way that this fictive fatherhood was utilised as a tool of power by the individuals themselves, as well as those addressing them and those describing them. By considering this we can begin to understand some of the inherent meanings behind this fictive fatherhood such as a claim to authority over laypeople but also a more affectionate relationship than that between a lord and his followers. The fictive fatherhood of bishops also demonstrates the further ways in which the nature of fatherhood was being deconstructed. The role of *pater* came increasingly to be associated not with direct authority, as might be understood by the relationship between master and slaves, but particularly within hagiography as one of caring. I will discuss in Chapter 4 the emphasis on affection and care-giving as aspects of biological fatherhood in the context of its increased importance to fictive fatherhood. Thus the fictive fatherhood of bishops maintained strong ties to the expectations of 'real' fatherhood and can provide significant insights into contemporary understandings of that fatherhood.

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<sup>244</sup> *Marculf*, II.43, II.56 compare I.16, II.5, II.20, II.57.

<sup>245</sup> *Ep. Aus.*, V and XIV and Fort., *Carm.*, I.9, I.11, III.24, V.17, VIII.17.

<sup>246</sup> J. Moorhead, 'Papa as "bishop of Rome"', *Journal of Ecclesiastical History* 36 (1985), p. 344.

<sup>247</sup> *Ibid.*, p. 345.

<sup>248</sup> Moorhead notes that Gallic usage continues into the ninth century, *Ibid.*, p. 347.

In this section I will show that abbots had a different relationship to fictive fatherhood in the sixth century than was the case for bishops. This can be seen in the language used to define their relationship with their monks. Where bishops related their fatherhood at this point to each individual that they dealt with, abbots primarily associated their fatherhood to the closed community which they headed. In this way abbots as the centres of the life of their monasteries and as the central providers of care were acknowledged from early monasticism as fathers to their community. Over the course of the sixth to eighth centuries their role as father developed an aspect of competitiveness with that of bishops as to the claim of ultimate fatherhood, and thus authority, over their monasteries and in relation to the laity. As with bishops, we thus see the fictive fatherhood of abbots develop beyond the personal connection, in this case within the monastery, to the natural assumption of fictive fatherhood by any religious leader to the laity.

The position of abbots as fictive fathers to their communities was established from the early days of monasticism in Gaul. John Cassian in both the *Conferences* and *Institutes* in the early fifth century referred to the abbots of Egypt as fathers and describes them addressing monks as their children.<sup>249</sup> This continued into the early monastic foundations; Hilary, bishop of Arles, in his mid-fifth-century *Vita Honorati* says that at Honoratus own foundation at Lérins ‘all called him Lord and all called him father’.<sup>250</sup>

The role of abbots as outlined in the monastic rules of the period show the increasing role of abbots as the fathers of their communities. Caesarius of Arles in his Rule for Monks, written in 512, addresses his venerable children, but does not outline the specific role of the abbot in the way that his Rule for Nuns laid out the position of the abbess as the caring mother of the monastery.<sup>251</sup> It has already been seen that Caesarius adopted the position of father in monastic contexts when he mostly failed to do so in his role as bishop.<sup>252</sup>

The Rule of St Benedict, which was a clear reference point for the authors of monastic rules and which was itself used increasingly in Gaul from the seventh century, on the other hand explicitly likened the abbot of the monastery to Christ in the receiving of sons and as a father in the monastery

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<sup>249</sup> Cass., *Inst.*, IV.27, *Conf.*, I.23, XVIII.2 and XXI.2.

<sup>250</sup> ‘*omnes dominum, omnes patrem vocabant*’, Hilary of Arles, *Sermo de Vita Sancti Honorati Episcopi Arelatensis*, PL 50, trans. Hoare, in *The Western Fathers*, 19.

<sup>251</sup> Caes., *Reg. Virg.*, 25 and 32.

<sup>252</sup> See above p. 79.

to whom monks may look to satisfy their needs.<sup>253</sup> The Benedictine Rule further discussed the appropriate titles to be used in monastic life, forbidding older monks to call their younger companions ‘boy’ when they should be styled ‘brother’ although compelling younger monks to describe their elders as *nonnus* as a mark of paternal reverence. *Nonnus*, a term meaning ‘monk or ‘tutor’, seems to have been a specifically monastic term as it is also used in this sense by Jerome. The earliest surviving OHG manuscript of the Rule, a Latin text with OHG glosses, from the early ninth century does not gloss this word suggesting that it was seen primarily as a title and thus not translatable.<sup>254</sup> The attitudes of younger monks to their elders and vice versa were also differentiated so that where senior monks were told to love their younger brethren, youths were to honour their elders.<sup>255</sup> In this way differentiation is maintained between older and younger monks even as their equality as brethren is theoretically maintained. The abbot meanwhile is, as the one who stands in the place of Christ, to be called lord and abbot.<sup>256</sup> It is worth noting of course that *Abba* itself derived from the Aramaic for father and indeed in the *Abrogans* manuscript, a Latin Glossary from around 790, is one of the first words to be translated as *faterlih*, and thus a derivation of father.<sup>257</sup> In the ninth-century *Rule* abbot is glossed variously, and by various hands, as *faterlih*, *abate* or, most often, is not glossed at all suggesting that ‘abbot’ was most frequently used as a title, although one which at least some understood to mean father.<sup>258</sup>

The Rule of Columbanus, which was probably the most widespread monastic rule in Gaul following the holy man’s missionary activities at the turn of the seventh century, frequently referred to the abbot as the father of his monastery.<sup>259</sup> Columbanus further develops the attitude of monks to their abbot as one whom they should fear as a lord but love as a parent.<sup>260</sup> Columbanus’s Rule thus stresses the importance of the paternal figure of the abbot as one who gives discipline but also caring; as a father he is firm but loving, as a lord strict and intimidating. The importance of the abbot as a disciplinary figure, which seems to be emphasised in these sixth and early seventh century rules may relate to concerns about the stability of monastic communities in this period. In

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<sup>253</sup> For a discussion of the use of monastic rules see Wood, *Merovingian Kingdoms*, pp. 191-192 and I. Moreira, *Dreams, Visions, and Spiritual Authority in Merovingian Gaul* (London, 2000), pp. 178-179. *Reg. Ben.* 63.

<sup>254</sup> *Cod. Sang.* 916, p. 139.

<sup>255</sup> ‘*Iuniores igitur priores suos honorent, priores minores suos diligant. In ipsa appellatione nominum nulli liceat alium puro appellare nomine, sed priores iuniores suos fratrum nomine, iuniores autem priores suos nonnos vocent, quod intellegitur paterna reverentia.*’ *Reg. Ben.* 63.

<sup>256</sup> *Reg. Ben.* 63.

<sup>257</sup> *Cod. Sang.* 911, p. 4.

<sup>258</sup> *Cod. Sang.* 911, pp. 20, 21, 23, 25, 27, 28, 51, 53, 56, 81, 82, 141.

<sup>259</sup> Columbanus, *Regula Monachorum*, in *Sancti Columbani Opera*, 10.

<sup>260</sup> ‘*Praepositum monasterii timeat ut dominum, diligat ut parentem*’, Columbanus, *Regula Monachorum*, in *Sancti Columbani Opera*, 10.



516 or 517 Avitus of Vienne wrote to the presbyter, and future bishop of Lyons, Viventiolus, praising a mutual friend Eugendus, the abbot of a monastery that, as Avitus put it, had been held together by paternal love, where in other places fraternal dissension had made a desert.<sup>261</sup> The abbot thus stands, particularly in small and relatively new communities, as the central figure around whom all monastic activity was organized and as the only means by which the survival of the community could be assured. The central role of the abbot as father included authority and, overwhelmingly, affection.

The ‘fatherhood’ of abbots as it related to monks fulfilled a different role therefore to that of other fictive fathers. As the central figures in, often, cloistered communities abbots were central to the emotional life of their monasteries. The language used by monks writing about abbots tends therefore to be more insistently paternal than that of monks describing bishops. In, for example, the eighth-century *Vita Ansberti* the monastic author emphasised the point at which a monk became an abbot through the constant use of *pater* to describe him from that point on, as well as the love of monks for their abbot and spiritual father.<sup>262</sup> This Life, written by a monk of Fontanelle, describes how Ansbert became a monk following a secular career and entered the Abbey of Fontanelle in the time of its founder St Wandrille, constantly referred to in the Life as the ‘father’. Wandrille was succeeded by Lantbert who, from this point in the Life, is also referred to as ‘father’ and who subsequently provides Ansbert with land on which to make his own foundation, at which point Ansbert too becomes ‘father’. Like the *paterfamilias*, Lantbert’s fatherhood was created not simply by children but by the death of a father. -Ansbert later became bishop of Rouen and was then deposed and exiled from his see, although this is not mentioned within the Life. What is emphasised in the Life is his relationship with the monks of Fontanelle who cared for him after his death and buried him next to the abbot he succeeded. The reason for Ansbert being buried at Fontanelle may have been his exile from Rousen, although he appears to have been exiled to a different monastery at Hautmont, so his burial at Fontanelle must still have required an active choice. Within the Life Ansbert's burial by the monks of Fontanelle is presented as a natural aspect of the familial relationships within the monastery.<sup>263</sup> The sense therefore is of the proprietary feeling of monks to their abbots and the close links that could develop in these communities. This connection could be even stronger for those who entered monasteries as children although during this period child oblation was a relatively new and unusual phenomenon and would not hit its peak until the ninth

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<sup>261</sup> Av., *Ep.*, 19.

<sup>262</sup> *Vita Ansberti*, 8, 9 and 10.

<sup>263</sup> *Vita Ansberti*, 24 and 25. For Ansbert's exile see Hamilton, ‘Merovingian Episcopal Hagiography’, Vol. 1, pp. 52-53.

century.<sup>264</sup> We might compare this to the association of bishops with the provision of fatherly care for the poor and needy in seventh century hagiography as discussed above. Abbots also, perhaps, retained some connection to the identity of the *paterfamilias* through the continued use of *familia* to indicate the monastic community.<sup>265</sup> Although both abbots and bishops increasingly held fatherhood as an essential title there were particular groups to whom this especially indicated a role as caregiver.

Lay people are seen to address abbots as fathers in documents and hagiographies by the mid-sixth to mid-seventh century, by which time an abbot may appear in formulary collections as *sanctus pater*.<sup>266</sup> A letter to Desiderius of Cahors from his mother Herchenefreda which survives in his Life and dates to the mid-seventh century asks after an abbot as ‘our father’.<sup>267</sup> By this point hagiographies and legal sources all show abbots being referred to as *pater* in their dealings with the laity.<sup>268</sup> Abbots are never however referred to as *papa*, a title which seems to remain exclusive to bishops. The use of *pater* to describe abbots may be part of a more general trend in which spiritual figures generally acquire the title *pater*, as in the *Vita Boniti*, written around 705, a laywoman refers to a priest as *pater*.<sup>269</sup> This sense of *pater* becoming a title is further supported by the appearance in the formularies of abbots referring to each other as *pater* which, like the adoption by bishops of these titles, suggests that these terms were becoming general rather than particular and were not designed to differentiate between two people in a parent-child relationship but instead to acknowledge a level of status that each had reached, separate from the laity. However the late-seventh century *Vita Sanctae Balthildis* shows that monks were not yet in this category as Balthild ‘was friendly to all, loving the priests as fathers, the monks as brothers’.<sup>270</sup> Monks, as not being ordained, were not above the queen in the spiritual family.

The relationship of abbots to bishops was somewhat more temperamental, reflecting the complicated dynamic frequently found between the two groups in the Early Middle Ages. Caesarius

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<sup>264</sup> See the excellent study by M. De Jong, *In Samuel's Image: Child Oblation in the Early Medieval West* (Leiden, 1996), pp. 14, 16-55 and J. Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (Chicago, 1998), pp. 228-255.

<sup>265</sup> See discussion on p. 57.

<sup>266</sup> *Angers*, 7, 8, *Marculf*, II.15, 48 and 49.

<sup>267</sup> ‘*pater noster*’, *Vita Desiderii*, 9.

<sup>268</sup> *VP* VI.3, XV.4, *Vita Lantberti Fontanellensis*, ed. W. Levison, *MGH SRM V*, trans. Hamilton, in ‘Merovingian Episcopal Hagiography’, 7, Jonas of Bobbio, *Vita Sancti ac Beatissimi Columbani Abbatis et Confessoris*, ed. B. Krusch, *MGH SRM IV* (Hanover, 1902), I.28. See also For., *Carm.*, V.19, VIII.2.4, IX.11.2, *Angers* 7, 27, *Marculf* I.26, II.47.

<sup>269</sup> *Vita Boniti*, ed. B. Krusch and W. Levison, *MGH SRM VI*, trans. Hamilton, ‘Merovingian Episcopal Hagiography’, 1.

<sup>270</sup> *Vita Sanctae Balthildis*, 4.

of Arles, for example, who is one of the archetypal monk-bishops, in the sermons which he addressed to monks, described the abbot as ‘My Lord and your Father’.<sup>271</sup> In the middle of the sixth century the abbot Florianus identified various bishops, including both Nicetius of Lyons and Caesarius of Arles, as *dominus* but recognised only his predecessor as abbot as *pater*.<sup>272</sup> Desiderius of Cahors in the 630s wrote to Medoald, bishop of Trier, regarding the abbot of Desiderius’ monastic foundation as ‘our common son’.<sup>273</sup> Other episcopal authors happily referred to abbots as their brethren. In the *Vita Ansberti* the, probably monastic, author made a clear distinction between the bishops as ‘pontiffs’ and the abbots as ‘Holy fathers’.<sup>274</sup> The way in which abbots’ relationship with bishops was represented probably fluctuated depending on the personal context and the power of the episcopal seat and monastery in question. Much as religious leaders in the early Christian Church had used their fictive fatherhood to compete with the authority of the *paterfamilias*, the religious leaders of the sixth and seventh centuries used their alternative claims to fatherhood to assert authority over each other and their communities. The relationship of abbots to the laity was solidly established as paternal by the middle of the sixth century however, and suggests a relatively firm understanding of a spiritual hierarchy in which abbots like the clergy were recognised as paternal figures.<sup>275</sup>

## Conclusions

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<sup>271</sup> Caes., *Serm.*, 236. Caesarius uses similar language in Caes., *Serm.*, 233, 234 and 235.

<sup>272</sup> *Ep. Aus.*, V. In this same letter Florianus does use the term ‘papa’ to refer to the addressee of the letter, Nicetius of Trier. For discussion on this term see p. 86.

<sup>273</sup> Des. *Ep.*, I.7.

<sup>274</sup> ‘*sanctorum patres*’ and ‘*episcopus*’, *Vita Ansberti*, especially 5, 10, 11, 12.

<sup>275</sup> The establishment of solid claims to fatherhood by spiritual figures also developed into a claim to a group authority that previously might have been referred to as the wisdom of the fathers of the Roman Senate (see above). Cassian was able to reference the wisdom of the monastic fathers, Gregory of Tours identified the *Vitae Patrum* as the subject of his hagiography and the Merovingian Church Councils constantly identify the holy fathers, usually earlier bishops at older councils, as a source of both wisdom and authority. This could be used as a means of competition, as it was by Columbanus, who contrasted bishops, who gained their authority from an apostolic line of succession, to monks who stood as the inheritors of the holy fathers (Columbanus notes the perfection of the fathers in *Epistolae*, in *Sancti Columbani Opera*, *Ep.*, I.8). Columbanus’ need to assert his connection to a particular line of succession demonstrates the importance that showing a link to this earlier group authority was important in asserting contemporary authority. As discussed above the use of historic groups as authority figures in the form of fictive ancestors had been a long-standing practice since antiquity. The identification of these groups as fathers demonstrated the continuity in conceptions of *patres* as bearers of wisdom and authority while the shift in these father groups from political to religious figures between Antiquity and the Early Middle Ages further demonstrates the general co-opting of fictive fatherhood into the religious hierarchies.

The general shift in terminology applied to the family between Late Antiquity and the Early Middle Ages leans towards an emphasis on the separation of biological and marital kin from other members of the household and to some extent spiritual relationships. The terms *parentes* and *genitor/genitrix* were employed with increasing frequency to define ties defined by biology and marriage. *Genitor* in particular takes one branch of the classical *paterfamilias* into the Early Middle Ages. I will consider this transformation of biological fatherhood and family life in subsequent chapters. At the same time the classical idea of the household, whether understood as the *familia* or the *domus* seems to have fallen out of use. *Domus* was reduced to the idea of the dwelling itself and *familia* referred only to the subordinate or servile groups, except when applied within a monastic context. As with *parentes*, changes in the use of *cognati* and *agnati* also show the loss of distinction between paternal and maternal kin. Saller noted that in antiquity *familia* typically referred to only paternal kin while *domus* encompassed both maternal and paternal relatives. The term *parentes*, I have mentioned, seems to make no distinction. Other terms that make the distinction explicit, such as *agnati* and *cognati*, also fall out of use into the early medieval period. All of these changes seem to date linguistically from the second half of the sixth century although we must allow for the written language to change more slowly than day-to-day speech.<sup>276</sup>

In this way a separation occurred in the sixth century, at least linguistically between the dominant ‘family’ of a household and the subordinate members of the household who were unrelated to them, which may reflect a wider change in attitude or behaviour. The nature of these terms also means that no real distinction between general paternal and maternal kin is preserved. However, while the evidence of these changes is established through the linguistic material of the period, we must be cautious about drawing a direct line between the fragmentary linguistic evidence and changes in familial behaviour and attitudes to fatherhood. The changes to language are only one component, albeit an important one, of developing an understanding the changes in behaviour that this thesis will explore.

In the sixth century the language of spiritual kinship, particularly the association of bishops as fathers seems to have taken particular hold, perhaps leading to the increasing identification of biological fathers as *genitores*. It is likely that the transition to *genitrix* instead of *mater* as well as possibly for *germanus* instead of *frater* that can also be observed in our sources occurred for the same reasons. Other terms for fatherhood, most notably *pater*, became increasingly tied to non-biological fatherhood and, in the cases of bishops and abbots that I have considered, became a

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<sup>276</sup> R. Aslam, *Linguistic Differences in Speaking and Writing* (New Delhi, 1990), p. 44.

distinct and important aspect of their identity. However, further consideration of this spiritual fatherhood lies outside the scope of this study.<sup>277</sup> In the next chapter I shall focus on biological fathers and the movement from the power of the fatherless *paterfamilias* to the *genitor* through a consideration of property ownership.

## II. Property Ownership

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<sup>277</sup> For some suggestions of the wider changes implied see for example the uses of *materfamilias* as referenced above p. 69 n. 160, the relationship of Kings and Emperors to fatherhood as discussed in pp. 50-52 and p. 75 n. 190, and studies on godparentage and adoption discussed on p. 31 and 46.

## Introduction

The study of ‘real’, as opposed to ‘fictive’, fatherhood in Late Antiquity and the Early Middle Ages has often largely been the study of property ownership and management.<sup>278</sup> This historiographical emphasis is not without merit as property is key to understanding the family in this period, or at least the elite family. There were of course many among those belonging to non-elite groups who, even if they were fathers, did not own notable property, such as slaves. For elite families, however, sources regarding property management are some of our most plentiful for this period. The focus on this aspect of family life has been driven however, not only by the abundance of sources, but also, as Patrick Geary has suggested, because ‘property was the symbolic language through which people discussed, negotiated, and delimited the boundaries of family’.<sup>279</sup> Property helped to define the family and was central to the lived experience, for property, both moveable and immobile, was the economic centre of most family life. As Kate Cooper has pointed out, the family, even at the most elite levels, was not insulated from economic concerns. Yet, as she also argues, property management was an expression of not just financial but also emotional relationships.<sup>280</sup> For fathers in this period, as they have been traditionally seen, it was the ability to own, control, manage and pass on family property that defined and reinforced their roles as the ‘head of households’.<sup>281</sup>

I will refer throughout this chapter to both ownership and management. When I refer to ownership, as it is expressed in the documents, I am referring to someone who has a relationship with property that allows them to sell, gift, or bequest that piece of property or when their consent is required to allow property to be sold, gifted or inherited. By the eighth century the requirement for consent, as shall be seen, was a significant aspect of property transmission expressed in charters. Ownership, in this sense, is being used to mean having a claim to movable or immovable objects (including slaves), the right to claim possession of them or goods from them at some point, and, crucially, the right to alienate them. As we shall see in this chapter, between the fifth and eighth centuries joint

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<sup>278</sup> See, for example, discussion of patrimony in C. Violante, ‘Quelques caractéristiques des structures familiales en Lombardie, Émilie et Toscane aux XIe et XIIe Siècles’, in G. Duby and J. Le Goff (eds), *Famille et parenté dans l’occident Médiéval: Actes du colloque de Paris (6-8 Juin 1974)* (Paris, 1977), pp. 87-151. See also Saller, *Patriarchy, Property and Death*, Engels, *Origins of the Family* and studies in Fischer Drew, *Law and Society*.

<sup>279</sup> P. J. Geary, ‘Land, Language and Memory in Europe 700-1100’, *Transactions of the Royal Historical Society* 9 (1999), p. 171.

<sup>280</sup> K. Cooper, ‘Household and Empire’, p. 97.

<sup>281</sup> See for example Seneca; ‘Let us act as the *bonus paterfamilias*. Let us increase what we received. Let that inheritance pass enlarged from me to my descendants’. ‘*Sed agamus bonum patrem familiae, faciamus ampliora quae accepimus; maior ista hereditas a me ad posteros transeat*’, Seneca, *Ad Lucilium Epistulae Morales*, ed. L. D. Reynolds (Oxford, 1965), VII 64.7. As discussed in Saller, *Patriarchy, Property and Death*, p. 155.

ownership within a household became common. Joint ownership is distinct from holding the usufruct of property owned by someone else or being involved in property management neither of which require ownership. Property management would be, for example, a situation in which the *paterfamilias* administered and even collected the usufruct on a child's *bona materna* but had no authority to alienate any part of that property.

Differentiating between ownership and management is not always clear in early medieval documents. The rarity of women as sole actors in charters could, for example, be read as a lack of female property ownership but might instead demonstrate the role of their husbands and sons in managing property owned by their wives and mothers. Mine is therefore not a study of particular relationships as expressed in individual documents, but a consideration of the broader collection of charters and formularies. This wider perspective is in order to understand whether the relationship to property expressed in legal documents represented a general understanding of shared management or joint ownership of property. While I will not reflect in detail on the 'gift-economy' this chapter does concern itself in part with gifts.

Gifts can be significant as a means of property transmission and, within this chapter it will be seen that they also created the potential for joint ownership. Gifts given within families, from fathers to children, were sometimes stated to be a reward for good behaviour, sometimes not. I will also consider gifts that were given to monasteries by individuals or family groups. As in the Roman world, gifts could be *mortis causa*, meaning under the expectation of death by the donor, or *inter vivos*, meaning a gift during the lifetime.<sup>282</sup> These gifts allow us to examine the nature of the ownership of property in this period and in particular the emerging phenomenon of 'joint ownership' mentioned above. For such involvement of multiple 'owners' in pieces of property considerations of the 'gift economy', which often includes concepts of multiple ownership, are useful. The concept of the medieval gift economy emerged from the anthropological studies of Bronislaw Malinowski and Marcel Mauss, applied early on by medievalists such as Philip Grierson and Georges Duby. It posits an economic system in which exchanges are made as gift and counter-gift, rather than the later market-style economy.<sup>283</sup> Barbara Rosenwein, for example, in her study of

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<sup>282</sup> G. Mousourakis, *Fundamentals of Roman Private Law* (London, 2012), pp. 307-308. See also *Dig.* 39.6.35.2 (Paulus) and *Dig.* 39.6.2 (Ulpian). *Dig.* 24.1 and *C. Th.*, 8.12.

<sup>283</sup> B. Malinowski, *Argonauts of the Western Pacific* (London, 1932), M. Mauss, *The Gift*, trans. W. D. Halls (Suffolk, 1990), P. Grierson, 'Commerce in the Dark Ages: A Critique of the Evidence', *Transactions of the Royal Historical Society* 5 (1959), pp. 123-140, G. Duby, *The Early Growth of the European Economy*, trans. H. B. Clarke (London, 1974), pp. 48-57. See also F. Curta, 'Merovingian and Carolingian Gift Giving', *Speculum* 81 (2006), pp. 671-699 and S. D. White, 'The Politics of Exchange: Gifts, Fiefs, and

Cluny has observed that the giving of a gift transferred ownership of property but the previous owner maintained a link to the history of the property and the new owner was obliged to give a, not necessarily tangible, counter-gift.<sup>284</sup> The present study is not concerned, however, with establishing whether an early medieval gift economy existed, or was being developed, on a wider level but in understanding the dynamics of property which could be owned by a father and his child, for example due to property having been gifted jointly, or solely to one or the other.<sup>285</sup>

The association of fathers with property ownership must, however, be problematized. As this chapter will show, there was a clear change in the relationship between fatherhood and family property in the period under study. In the Roman period and into the fifth century, the *paterfamilias* would have explicitly owned almost all property of the *familia*. This does not mean, however, that all fathers held this property, but only those who were themselves fatherless, because their father had died or they had been emancipated.<sup>286</sup> Thus a relatively small number of fatherless individuals controlled most property. As I have argued in previous chapters, however, the *paterfamilias* model was already breaking down by the fifth century and, as I will show in this chapter, so too did property management increasingly move from those who were fatherless to those who were fathers; from the *paterfamilias* to the *genitor*.

This chapter will argue that the shift in property ownership that occurred between Late Antiquity and the early Middle Ages was certainly a significant element in the disappearance of the legal and cultural concept of the *paterfamilias*. Individual property ownership commenced on attaining adulthood. By the seventh century a father's control over his family property began to decline upon his own children becoming adults, at which point not only would he be likely to grant them their own property but he could also involve them in the management of his own property. Such property could be seen as part of the group ownership of the household and as such wives and children had a significant stake in its management. As a result, property ownership became more focused within nuclear family groups headed by fathers. This also meant that the power of the eldest male in the

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Feudalism', in E. Cohen and M. B. De Jong (eds), *Medieval Transformations: Texts, Power and Gifts in Context* (Leiden, 2001), pp. 169-188, reprinted in S. D. White, *Rethinking Kinship and Feudalism in Early Medieval Europe* (Aldershot, 2005).

<sup>284</sup> B. Rosenwein, *To Be the Neighbour of Saint Peter: The Social Meaning of Cluny's Property, 909-1049* (New York, 1989), pp. 132-143.

<sup>285</sup> For broader discussion of this topic see J. Moreland, 'Concepts of the Early Medieval Economy', in *The Long Eighth Century*, in Inge Lyse Hansen and Chris Wickham (eds) (Leiden, 2000), pp. 1-34, M. Osteen, 'Gift or Commodity?', in M. Osteen (ed.), *The Question of the Gift* (London, 2002), pp. 229-247, I. Fees and P. Depreux (eds), *Tauschgeschäft und Tauschurkunde vom 8. bis zum 12. Jahrhundert* (Cologne, 2013), and A. Offner, 'Between the gift and the market: the economy of regard', *Economic History Review* 3 (1997), pp. 450-476.

<sup>286</sup> Kaser, *Roman Private Law*, trans. R. Dannenbring (Muckleneuk, 1980), p. 307.



family, previously the *paterfamilias* who had held all the property, diminished as he had to share that authority with fathers in subsequent family generations. The appearance of this behaviour in law could be due to demographic shifts, as I discussed above, which meant that fathers were more likely to survive to the point where their sons were of property-owning age and legal norms needed to accommodate this new reality.<sup>287</sup>

This chapter will consider property ownership across the spectrum of sources from the period. Firstly, I shall consider the ownership and management of property within a father's lifetime. I will examine the ability of a father to control his wife and children's property and will show how property came to be devolved to adult children in the Middle Ages with families coming to own and manage property jointly. Finally, I will consider inheritance, the topic of most frequent concern to historians. This divides into two parts: the inheritance of fathers from their children, which includes a discussion of the controversial *de alodis* chapter of the *PLS*, and the inheritance from fathers and the increasing expectation that heirs were located within either the nuclear family or the Church.<sup>288</sup>

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<sup>287</sup> See above pp. 21-23.

<sup>288</sup> *PLS* 59.

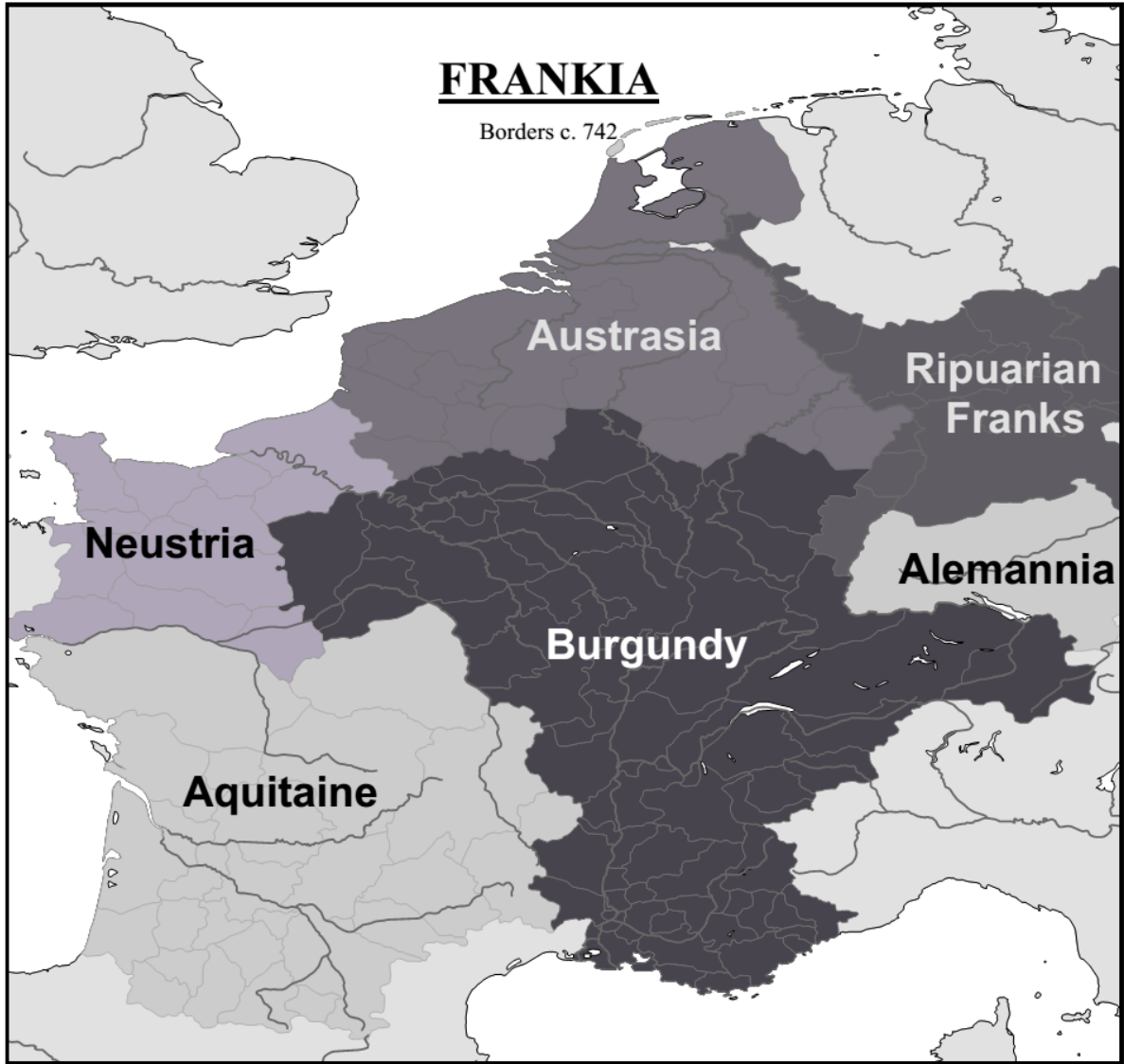


Figure 3: Regions of Gaul

Source Basis

The historiography of family property ownership, in both Late Antiquity and the Middle Ages, has identified legal sources as their most accessible source. This has led to a historiography that centres on the legal definition of fatherhood, particularly in relation to inheritance, rather than exploring the complex roles played by fathers across their lives.<sup>289</sup> In this study, however, I will consider the question of property management more broadly, because to understand the particular dynamics of fatherhood in this period we must not focus solely on end-of-life property arrangements but on the manner in which men and women could deal with property during their lifetimes.

Inheritance law in this period presents challenges as it emphasized unusual situations, for example where a man died without a testament or without children. Hence it does not necessarily offer insight into typical practice. Therefore in this study in addition to the law codes I will make use of testaments, charters, formularies, and literary evidence. By combining these sources, some of the most abundant sources of the period, we can develop a more complete understanding of the changing dynamics of property ownership.

Two different sets of legal tradition were in use in Late Antiquity and the Early Middle Ages. The first consisted of Roman law, both the Theodosian Code and the Code of Justinian. Roman law from both these collections was referenced in Frankish texts of this period such as the formularies. In addition, the Theodosian Code was partially replicated in contemporary interpretations such as the *Lex Romana Visigothorum* and the *Lex Romana Burgundionum*. Roman law was therefore known to some extent in Gaul and was being used by both Gallo-Romans and Franks.<sup>290</sup> New collections of Roman law were also put together for the Romans living in the region, notably the *Lex Romana Burgundionum*. The *LRB* mirrors the *Lex Burgundionum* in its style but offers alternative laws with direct reference to the laws contained in the Theodosian Code. The *LRB* had some significance and, as can be seen in figure 4, was sometimes bound together in manuscripts with the *PLS*, but as a transmission of Roman law it seems to have been somewhat superseded by

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<sup>289</sup> As was noted in S. D. White, 'Maitland on Family and Kinship', in J. G. Hudson, *The History of English Law* (Oxford, 1996), pp. 91-113, reprinted in *Re-Thinking Kinship and Feudalism in Early Medieval Europe* (Hampshire, 2005), p. 96.

<sup>290</sup> See studies such as I. Wood, 'The Code in Merovingian Gaul', in J. Harries and I. Wood (eds), *The Theodosian Code: Studies in the Imperial Law of Late Antiquity* (London, 1993), pp. 161-177, S. Esders, 'Early Medieval Use of Late Antique Legal Texts: The Case of the *manumissio in ecclesia*', in Osamu Kano (ed.), *Configuration du text en histoire* (Nagoya, 2012), pp. 55-66 and C. Radding and A. Ciaralli, *The Corpus Iuris Civilis in the Middle Ages: Manuscripts and Transmission from the Sixth Century to the Juristic Revival* (Leiden, 2007).

the production in 506 of the Breviary of Alaric. The Breviary is a collation of significant sections of the Theodosian Code, some novels of the fifth-century emperors and legal commentaries.<sup>291</sup>

Secondly, there was ‘Germanic’ Law. Although the law codes classed as ‘Germanic’ share some similarities and may have had some basis in similar customs the laws themselves are quite different and should not be assumed to represent shared practices. I shall consider the texts that were produced in the fifth to eighth centuries in the areas that were ruled over by the Merovingians. The primary law of the Frankish kingdoms was the *Pactus Legis Salicae*, commonly thought to have first been written down early in the sixth century, possibly at the time of Clovis, and which was influential primarily in Neustria.<sup>292</sup> There are multiple parts to this law code: the first 65 titles which appear alone in the four manuscripts thought to be the earliest redaction of the Code, six further capitularies to the Code some of which are ascribed to particular Merovingian kings, a prologue and epilogue, and a list of kings. Some of the manuscripts of the *PLS* can be seen in figure 4. The Merovingian kings themselves also seem to have been involved in the production of other law codes. There was also the *Lex Ribuaria*, or the Laws of the Ripuarian Franks, which has many similarities to the *PLS*.<sup>293</sup> The *Lex Ribuaria* version, which resembles the second version of the *PLS* text, has been attributed to Dagobert I (629-639), who is credited as the legislator in the prologue to the eighth-century *Lex Baiuvariorum*.<sup>294</sup> The *Lex Burgundionum*, also known as the *Lex Gundobada* or the *Liber Constitutionum*, seems to have been written between 500 and 532 for the Burgundians, who were defeated by the Franks in 534. Despite their defeat Ian Wood has argued that the *Lex Burgundionum* continued to be used as the primary legal code of the Burgundians.<sup>295</sup> The *Pactus Legis Alamannorum* in its first version was produced in the early seventh century, and another code, the *Lex Alamannorum*, was issued under Lantfrid, the duke of Alemannia, no later than 730.<sup>296</sup>

These law codes began to be transmitted, most likely, in the sixth century and were added to throughout the seventh and eighth centuries. The earliest surviving manuscripts of the law

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<sup>291</sup> M. Frassetto, *The Early Medieval World: From the Fall of Rome to the time of Charlemagne* (California, 2013), pp. 126-128.

<sup>292</sup> I will discuss some of the issues with the manuscript transmission below. For a key recent survey see K. Ubl, ‘L’origine contestée de la loi salique. Une mise au point’, *Revue de l’IFHA*, 1 (2009), pp. 208-234 and also Wood, *The Merovingian Kingdoms, 450-751* (London, 1994), pp. 111-114.

<sup>293</sup> The groups of the Franks that lived initially by the Rhine.

<sup>294</sup> Rivers notes that a Carolingian origin under Pepin is unlikely in a law code that includes a capital punishment specifically for the mayors of the palace; T. J. Rivers, *Laws of the Salian and Ripuarian Franks* (New York, 1987), p. 8 and *Lex Bav.* prologue.

<sup>295</sup> Wood, *The Merovingian Kingdoms*, p. 114.

<sup>296</sup> See *Lex Alaman.* prologue.

collections seem to indicate that these laws did, to some extent, travel together as can be seen in figure 4. To understand how inheritance law was managed I shall therefore consider all of these texts because they were all active in the various regions under Frankish control (figure 3). The *PLS* and other ‘Germanic’ legal collections should not be seen as working in tandem. Each law code, and indeed the Roman law collections, presented the legal expectation of behaviour for a particular group but these laws were probably conservative and practice may have been somewhat different with individuals probably making use of a variety of legal options as was convenient. Recent examinations of the various codes have emphasised the extent to which they must be seen as living, and amended, documents.<sup>297</sup> Some of the most interesting passages in the laws are observed through changes that were made to the laws as they exist in the earliest extant redactions, possibly from older custom, in the early sixth century. It may be occasionally possible to speculate which aspects of these laws appear to be ‘new’, or alien to Roman law, and therefore may represent the customs of a particular group, whether it be the Salian Franks or the Alamans, as understood by the law’s authors. We should not forget, however, that this cannot be more than speculation because it is equally possible that these changes were innovations of the sixth and seventh centuries put into place by lawmakers influenced by both traditions. As Antti Arjava has stated ‘influences could go in both directions and the possibility of parallel developments is in many cases very strong’.<sup>298</sup>

Both the Roman and ‘Germanic’ legal traditions were generally conservative. They were probably not intended to greatly change social dynamics but reflected changing practice in the expression of expected behaviour as it appeared to the drafter of the law at the time of writing when the laws were revised.<sup>299</sup> As Stefan Esders has commented, the Frankish period featured many different legal traditions and innovations and law in this period was complex and shifted with space and time.<sup>300</sup> The ethnic divides of these laws can also not be considered as absolute.<sup>301</sup> As intermarriage became more common both the Roman and the ‘Germanic’ legal traditions might have been relevant to

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<sup>297</sup> P. Fouracre, ‘The Nature of Frankish Political Institutions in the Seventh Century’, in I. Wood (ed.), *Franks and Alemanni in the Merovingian Period: An Ethnographic Perspective* (Woodbridge, 1998), pp. 285-316, Esders, ‘Late Antique Legal Texts’, p. 55. For consideration of Roman influences see T. D. Anderson, ‘Roman Military Colonies in Gaul, Salian Ethnogenesis and the Forgotten Meaning of *Pactus Legis Salicae* 59.5’, *Early Medieval Europe* 4, pp. 129-144, and I. Wood, ‘The Code in Merovingian Gaul’, p. 164. On ‘Germanic custom’ and Roman vulgar law see I. Wood, ‘Disputes in Late Fifth- and Sixth-Century Gaul: Some Problems’, in W. Davies and P. Fouracre (eds), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), p. 20.

<sup>298</sup> Arjava, *Women and Law*, p. 22.

<sup>299</sup> See Wood, *The Merovingian Kingdoms*, p. 112, R. Lesaffer, *European Legal History: A Cultural and Political Perspective* (Cambridge, 2009), pp. 160-161.

<sup>300</sup> Esders, ‘Late Antique Legal Texts’, p. 55.

<sup>301</sup> A useful discussion of the problems of assuming absolute ethnic boundaries, with specific reference to the *Leges Burgundionum* is P. S. Barnwell, ‘Emperors, Jurists and Kings: Law and Custom in the Late Roman and Early Medieval West’, *Past & Present* 168 (2000), pp. 6–29.

families who would pick and choose from what best suited their needs.<sup>302</sup> This can be called, following Caroline Humfress, as 'forum shopping'.<sup>303</sup> For example, the formularies might refer both to 'Roman' and 'customary' law.<sup>304</sup> Ian Wood has noted a passage in the *Passio Leudegarii* which described Childeric II in 673 commanding that 'the judges should maintain the law and custom of each *patria*' and a document in the *Formulary of Marculf* refers to penalties being determined by 'the custom in [a] region'.<sup>305</sup> This suggests that regional as much as ethnic variety was prevalent. It is probable that, for example, the south of Gaul held on to 'Roman' practice and law longer than the north. Humfress has also noted, citing Geertz, that regional differentiation could mean adherence to regional custom, differences in the knowledge of law in a region, and the perceived power of individuals to manage the law in their own interest.<sup>306</sup> In general, laws were used dynamically as they were needed and thus we must also analyse them against the background of other sources.

One such source-type that provides evidence of practice are the testaments. Building on the work of Ulrich Nonn in his seminal study on Merovingian testaments it is possible to identify twenty surviving testaments, including those in the formulary collections, which can be attributed to this period with relative certainty.<sup>307</sup> Some of these have survived in their original manuscripts but the majority exist only as later copies. Most of these testaments are those of religious men leaving large amounts of property to religious institutions, which is why they were preserved by those institutions. Almost all, however, also give or refer to the ownership of properties distributed amongst acquaintances, friends, and families and thus they are an important source for understanding property ownership and management.

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<sup>302</sup> See H. Hummer, 'Franks and Alemanni: A Discontinuous Ethnogenesis', in I. Wood (ed.), *Franks and Alemanni in the Merovingian Period: An Ethnographic Perspective* (Woodbridge, 1998), p. 13, on the aristocratic fusion at least being complete by the seventh century.

<sup>303</sup> Humfress, 'Legal Pluralism', pp. 248.

<sup>304</sup> See, for example, *Angers*, 40, 46, 49, 54, *Marculf*, I.37, II.12, and II.17.

<sup>305</sup> Wood, *The Merovingian Kingdoms*, p. 113, *Passio Leudegarii I*, ed. B. Krusch, *MGH SRM V*, trans. Fouracre and Gerberding, *Late Merovingian France*, 7 and 'quicquid lex loci vestri de tale causa edocet', *Marculf* I.37. See some discussion in A. Arjava, 'The Survival of Roman Family Law after the Barbarian Settlements' in R. W. Mathisen (ed.), *Law, Society, and Authority in Late Antiquity* (Oxford, 2001), p. 38.

<sup>306</sup> Humfress, 'Legal Pluralism', pp. 248-250, citing C. Geertz, 'Local Knowledge: Fact and Law in Comparative Perspective', in C. Geertz (ed.), *Local Knowledge* (London, 1983), p. 215.

<sup>307</sup> U. Nonn, 'Merowingische Testamente. Studien zum Fortleben einer römischen Urkundenform im Frankenreich', *Archiv für Diplomatik* 18 (1972), pp. 1-129. The testaments are those of Remigius of Rheims (c. 533), Caesarius of Arles (c. 542), Aredius and Pelagia (c. 572), Ermintrude (590-641), Bertramn of Le Mans (616), Burgundofara (633/4), Adalgisel-Grimo (634), Hadoin of Le Mans (645), Irmina of Oeren (697/8), The 'Son of Idda' (c. 690), Wademir and Ercamberta (690-1), Widerad of Flavigny (722), Abbo of Provence (739), and Desiderius of Cahors (c. 649/50) [in *Vita Desiderii*, 30]. The formulary testaments are *Angers*, 41, *Marculf*, II.7, II.8, II.12, II.17, *Formulae Turonensis* 17, (*Formulae Merowingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges*, pp. 144-145) and *Collectio Flaviniacensis*, 8 (*Formulae Merowingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges*, pp. 476-477).

The formulary collections also preserve information on general land ownership and transfers of property within and beyond the family. The formularies are collections of texts describing legal agreements, taken from real cases, but with identifying details taken out to enable their reuse.<sup>308</sup> From these collections, all of which date from the late sixth century and beyond, we can observe particular legal cases which addressed issues that the compilers expected to recur. The formulary collections surviving from this period were largely produced in the north and east of Gaul. Within formulary collections and in other collections there also survive various testaments. Within the formularies these tend to be those of laymen. The majority of those attributable to individuals do not include fathers, since the survival of the document tends to have been tied to the testator leaving the majority of their property to institutions, but they can still provide a valuable insight into family property arrangements and relationships between family members.

There are two surviving formulary collections relating to this period, the Formulary of Angers, which survives in Carolingian manuscripts and can be dated to the second half of the sixth century, and the Formulary of Marculf, collected by the eponymous monk in the second half of the seventh century.<sup>309</sup> These collections probably originated in Northern Gaul and demonstrate the diversity in the use of law and custom in this period, making reference to both Roman and Salic Law.<sup>310</sup> This, as well as the later date of the collections, suggest that the formularies are representative of a more ethnically diverse, although judging by the level of property being exchanged, mostly elite, society.

We also possess various land transfer documents and records of disputes for this period with identified individuals and properties. In particular I shall use some monastic cartularies, most significantly the Cartulary of Wissembourg. Several monastic cartularies hold documents from as early as the seventh century including St Gall, Honau, and Passau, but the Cartulary of Wissembourg, from a monastery founded in Alsace in c. 660AD, has by far the most extensive collection of documents, including 75 from between 661 and 747. The cartulary was compiled in 850 but its charters seem to be genuine due to supporting evidence within other seventh and eighth century sources.<sup>311</sup>

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<sup>308</sup> A. Rio, *Legal Practice and the Written Word in the Early Middle Ages: Frankish Formulae 500-1000* (Cambridge, 2009), pp. 20-26.

<sup>309</sup> A. Rio (trans.), *The Formularies of Angers and Marculf: Two Merovingian Legal handbooks*, p. 10, 18, 111, 118.

<sup>310</sup> Marculf II.12, II.37. Though Ian Wood has observed that we cannot know what 'Roman Law' these formularies refer to – it may have in fact been the Breviary of Alaric: Wood, 'The Code in Merovingian Gaul' pp. 161-162.

<sup>311</sup> See Introduction to *Traditiones Wizenburgenses: Die Urkunden des Klosters Weißenburg 661-864*, ed. K. Glöckner and A. Doll (Darmstadt, 1979), pp. 42-44, and discussion in H. Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600-1000* (Cambridge, 2009), pp. 181-184.

The Cartulary of Wissembourg, and others like it, has always been an important source for the period. However, historians have usually tended to use the Wissembourg Cartulary to seek evidence for the role of the monastery in high politics. The donors of Wissembourg, for example, have been seen to form a political group and hypothetical anti-Pippinid movement.<sup>312</sup> More recently, scholars such as Allan Scott McKinley and Stephen White have stressed the greater usefulness of charters in giving insight into the relationship between different donors of property to the monastery.<sup>313</sup> The donors of Wissembourg over the seventh and eighth centuries make up relatively tight-knit communities (see figure 6 for a map of these relationships) and by examining these documents for the relationships that fathers had with other individuals mentioned in the documents a picture of social networks emerges.

Hence, cartularies, testaments, and formularies and well as legal sources present a relatively wide source base for the study of property and the relationships it created and reflected. However, our knowledge is still limited to a small proportion of individuals whose property transitions can be observed. The sources, as I have already mentioned, are limited to land-owning families, except for those people they themselves ‘owned’, and largely to those giving significant amounts to religious institutions. Documentary sources for the earliest part of the period under consideration, the fifth and sixth centuries, are particularly scarce. We cannot be sure, therefore, how far the Franks would have recorded their property transmissions. As I have discussed above an absence of early sources followed by the emergence of the cartularies can distort our understanding of property management and ownership since a change in the manner in which these documents were preserved, and in particular the growing role of monastic institutions in preserving documents that related to their own concerns, could cause us to overstate as change in behaviour what may be partly a feature of a change in source transmission. Nevertheless by the second half of the sixth-century Gaul was very clearly a society that functioned through the use of documents. This can be seen in the attitude taken to the recording of property. Gregory of Tours, for example, reports the desperation with which a certain Anastasius held on to the title deeds of his property when under attack.<sup>314</sup> This shows that documents such as charters were not simply a working record, but the symbolic representation of the ownership of property and valuable in their own right.

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<sup>312</sup> Discussed in A. S. McKinley, ‘Strategies of Alienating Land to the Church in Eighth-Century Alsace’, in J. Jarrett and A. S. McKinley, *Problems and Possibilities of Early Medieval Charters* (Turnhout, 2013), pp. 37-39.

<sup>313</sup> S. D. White, ‘The Politics of Exchange’, pp. 4-5, McKinley, ‘Strategies of Alienating Land’.

<sup>314</sup> *HF* IV.12. See also Warren Brown in, ‘When Documents are Destroyed or Lost: Lay People and Archives in the Early Middle Ages’, *Early Medieval Europe* 11 (2002), pp. 337-366.



Using charters, as well as the formulary collections and literary sources, allows for an understanding of how property was managed outside the, sometimes sparse, evidence of the law codes. Land transfer documents provide information about paternal relationships not solely at the end of life but throughout a lifetime in which relationships could develop and change. The role of fathers in property management should not be understood solely through inheritance, but inheritance provides an insight into property ownership immediately after a father's death to be seen in the context of longer individual and family experience. By understanding property across the life of a father this chapter will shed some light on the changing dynamics of paternal property ownership during this period.

**Figure 4: PLS Manuscripts**

<b>Manuscript</b>	<b>Date and Location</b>	<b>Group<sup>315</sup></b>	<b>Included Texts</b>
Paris, Lat.4404	c. 803/814 Tours	A1	<i>Breviary of Alaric, PLS, Lex Alamannorum, Lex Ribuarica, Capitularies</i>
Wissembourg 97	c. 770/751-768 N/E France	A2	<i>PLS, Lex Romana Visigothorum</i>
Cod. Guelf. 50.2	First half C9 N-E France		<i>PLS, Capitularies</i>
Munich, Cllm. 4115	Late C8-Early C9 Southern Germany	A3	<i>Lex Ribuarica, Lex Alamannorum, PLS</i>
Paris, Lat.9653	Second quarter C9 Burgundy	A4	<i>Lex Burgundionum, PLS, Roman Canons, Breviary of Alaric</i>
Paris, Lat.4403B	Late C8-early C9 Luxeuil	C5	<i>Epitome Monachi, Latin Hymn, PLS, Homily Fragment</i>
Paris, Lat.18237	Second quarter C9 East France/Paris	C6	<i>Ansegis' Capitularies, Probations, PLS, Etymologiae, Lex Alamannorum</i>
Montpellier, H136	C9	D7	<i>Lex Romana Visigothorum, Lex Romana Burgundionum, PLS, Capitularies</i>
Paris, Lat.4627	First quarter C9	D8	<i>Formulae Senonenses, PLS, Formulary of Marculf</i>
<i>Cod. Sang.</i> 731	793 Alemannia	D9	<i>Lex Romana Visigothorum, Matt. 1.1-25, PLS, Lex Alamannorum</i>

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<sup>315</sup> Group refers to the manuscripts place in a redaction, for example A1 is a manuscript within redaction A as grouped initially in the *MGH*.

## Fathers and Household Property

One of the key changes to fatherhood that occurred between Late Antiquity and the Early Middle Ages was a shift in the dynamics of property ownership and management between fathers, wives and their children. In the Roman world only the fatherless *paterfamilias* or emancipated individuals could own property except in special circumstances, although those with fathers could manage property if their father placed it under their control. In this section I will examine the shifting rights of ownership, as those with a living father gained the right to own property, but also the ways in which fathers retained significant power in the management of their children's property. I will first consider children's property ownership and management of paternal property during their father's lifetime and will then consider other routes to property access such as *bona materna*, gifts from other family members and purchase. By looking at these different family connections we can gain insight into the means by which fathers gained greater control over the property of their own household while losing their extended control over adult children who had moved outside of their household.

The traditional position of the Roman *paterfamilias* had, as noted above, placed him in control of all the property that was associated with his *familia*. Yet, Roman law had a precedent of children holding, though not owning, property during their father's lifetime. Such property could, in the first instance, be given to them out of their father's property. Legally, a child could manage property in the form of the *peculium*. This was a grant of land made to a dependent, most frequently described as a son, under *patria potestas*, to be under his own jurisdiction even during his father's lifetime.<sup>316</sup> This was, however, a relatively fragile type of possession as the father could, if he so wished, reclaim the property at any time. There is some evidence in the *Digest* of fathers transmitting property to their sons before their deaths, Richard Saller noted that aristocrats would usually fund residences for adult sons, although Saller notes that this was probably less common in Rome than in later Europe.<sup>317</sup> Kaser argued that the *peculium* was the starting point for 'restricted proprietary capacity' for children under *patria potestas*.<sup>318</sup> However, he also notes that 'even at the close of

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<sup>316</sup> B. W. Frier, and T. A. J. McGinn, *A Casebook on Roman Family Law* (Oxford, 2004), p. 263. See Saller, *Patriarchy, Property and Death*, pp. 123-4. See also Arjava, 'Paternal Power', p. 150 for the special case of the *peculium castrense*.

<sup>317</sup> Saller, *Patriarchy, Property and Death*, pp. 123-126, citing *Dig.* 31.87.4 (Paulus), *Dig.* 32.37.3 (Scaevola), *Dig.* 34.4.23 (Papinian) and *Dig.* 41.10.4.1 (Pomponius). Saller also discusses families where income is not land dependent, p. 172.

<sup>318</sup> Kaser, *Roman Private Law*, p. 308.

antiquity children had not attained full proprietary capacity'.<sup>319</sup> Salvian of Marseilles in fifth-century Gaul made it clear that 'children take possession of their parents' goods only when the parents are dead'.<sup>320</sup>

The 'Germanic' laws demonstrated, as I have already indicated, a much clearer sense of property ownership by adult children with a living father at least by the sixth century including by the division or gifting of paternal property. Susan Wood has observed evidence for this practice in several of the law codes. Bavarian, Burgundian and Visigothic laws show that fathers distributed their property amongst their sons leaving themselves the equivalent to one son's share to live on.<sup>321</sup> So the early sixth-century *Lex Burgundionum* states that:

'If a father has divided (his property) with his children and offered them their portions and afterward had children by another wife, whether one or many, those sons who are by the second wife, whom the father acknowledges, shall succeed in that property division; and those, who had acquired their portions (dividing them together with the father), shall require absolutely nothing from them.'<sup>322</sup>

The implications of this joint ownership will be considered in more detail below but for the moment suffice to say that in early sixth-century Burgundy sons were expected to receive property from their father's lot during the father's lifetime.<sup>323</sup> In a similar vein, a capitulary of the mid-sixth century appended to the *PLS* connects a father's gifts to his children to important moments in their lives. This suggests that part of these rituals of maturing involved the acquisition of some paternal property:

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<sup>319</sup> Kaser, *Roman Private Law*, p. 77. It is interesting to note that Souter's Glossary of Later Latin defines the *peculium* as the wife's private property. It may be that the *peculium* adapted so that the basis of a son's independent wealth was maternal inheritance. A. Souter, *A Glossary of Late Latin to 600 A. D* (Oxford, 1949). On maternal property see also *Dig.*, 24.1.58.2 (Scaevola), discussed in Saller, *Patriarchy, Property and Death*, p. 129.

<sup>320</sup> Salv., *ad ecclesiam*, 1.3.

<sup>321</sup> S. Wood, *The Proprietary Church in the Medieval West* (Oxford, 2006), pp. 21-22.

<sup>322</sup> 'Aut si cum filiis diviserit et portionem suam tulerit, et postea de alia uxore filios habuerit, aut unum aut plures, illi filii de secunda uxore in illa, quam pater accepit, portione succedant; et illi, qui cum patre dividentes portiones suas fuerant consecuti, ab eis penitus nihil requirant.' [trans. Drew but kindly amended by Dirk Rohmann], *Lex Burg.* 1.2, see also 14.7, 24.5, 51.1, *Lex Bav.* 1.1, discussed in Wood, *Proprietary Church*, pp. 21-22.

<sup>323</sup> This has been observed in Carolingian Europe (as *Abschichtung*), see K. Leyser, *Rule and Conflict in an Early Medieval Society: Ottonian Saxony* (London, 1979), p. 59 and M. Becher, 'Vater, Sohn und Enkel: Die bedeutung von eintritts- und anwachungsrecht für die Herrschaftsnachfolge im Frankreich', in B. Kasten (ed.), *Herrscher- und Fürstentestamente im Westeuropäischen Mittelalter* (Cologne, 2008), pp. 301-320, which considers the *Lex Burgundionum* as a particular precedent.

‘If a father or relative, when he gives his daughter to a husband, gives some property to her on that [wedding] night, as much as he gave, let the whole of the remaining property be claimed by her siblings. Similarly whatever he gave to a son on the cutting of his hair, let [his son] hold this as his portion and the remaining siblings divide the rest [of the property] amongst themselves’.<sup>324</sup>

At key moments, marriage for girls and the ceremonial hair-cutting for boys, property could be taken out of the usual pool of inheritance by a father and given directly to a son or daughter. The passage implies that this would be all that the child would expect to receive from that parent as inheritance, since their remaining siblings receive any remaining property so these gifts are effectively the receipt of their expected inheritance during their father’s lifetime. The law clearly allows for this to occur for some children but it is unclear how siblings that received these gifts were divided from those who did not. It could have been simply those who had reached the milestone before their father’s death, or there may have been a more deliberate choice by fathers to separate some property from the inheritance.

As they appeared in the laws, paternal gifts included no explicit counter-gift or conditions. However, in the formularies it can be seen that parents, or other relatives, might also make some gifts of property in exchange for the service of their sons. In the manner of gifts, as discussed above, the presentation of property is expressed as a ‘counter-gift’ to services provided by the child.<sup>325</sup> In the late sixth-century Formulary of Angers, for instance, one document reads:

‘I, in God’s name A, and my sweetest wife B, to our son C, loved by us with full affection. Since you have been seen to serve us faithfully in all things and in every way, and have endured on our account many hardships and injuries in various places, and went in my place to fight the Bretons and Gascons in the service of [our] lords, we therefore decided to give you something from our property; which we did. Therefore we give to you in writing our small mansus of D, on the territory of the illustrious man E together with houses, buildings... and we

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<sup>324</sup> *‘Si quis pater aut parentella, quando filiam suam ad marit(um) donat, quantum ei in nocte illa quamlibet rem donavit, totam extra partem incontra fratres suos vindicet. Similiter quando filius suus ad capillaturias facit, quicquid ei donatu(m) fuerit, extra parte(m) hoc ten(e)at, et reliquas res equale ordine inter se diuidant.’*, PLS 67. Translation based on Rivers, *Laws of the Salian and Ripuarian Franks* with alterations by the author. The text of this passage is unclear and the gift may have been given to the daughter’s husband. More discussion of these rites of passage can be found in the next chapter.

<sup>325</sup> See pp. 96-97.

transfer it from the present day and for all time into your ownership, for you to have, hold or exchange it, and to leave to your children or whoever you decide'.<sup>326</sup>

In this case a very specific service has been provided by the son in taking his father's place when he was required to fight for their 'lords'. However, other similar formulary documents describe no particular service other than a general sense of faithful service and sometimes, as I shall discuss in the next chapter, the hope that a child will continue to provide such service in the parent's old age.<sup>327</sup>

On attaining adulthood sons, at least those of property-owning families, might therefore expect to independently own some amount of property because fathers customarily divided up their property before their death and because duty shown towards a parent could be rewarded with property.

The cause of the trend towards independent property ownership may be a demographic shift combined with Burgundian and Frankish practices. As explored above, Richard Saller has observed that in the Roman period very few adult men would have a surviving father due to the common age of marriage of men of property owning status.<sup>328</sup> As the age of marriage may have dropped for Roman men, and as it may always have been lower for the Franks, so the system of *patria potestas* would no longer have been as practical since it would have resulted in many adult men not owning property.<sup>329</sup> Since the Franks had no equivalent concept, as far as can be seen, it would be more logical for property ownership to begin at adulthood. It is difficult to access earlier practices by 'Germanic' groups but as a culture focused on martial values it might well have prioritised younger men in many aspects of society, including inheritance and property ownership. This emphasis on the power of young men as warriors, in lay society particularly, could also have been a factor in changing attitudes towards inheritance. As we shall see now property could also come to children as inheritance from their mothers as *bona materna*.

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<sup>326</sup> 'Idcirco ego in Dei nomen illi et cogive mea illa dulcissima et a nobis cum integra amore diligendo filio nostro illo. Dum in omnibus et per omnia et super totum nobis fideliter servire videras, multas penurias et iniurias per deversa loca pro nostra necessitate successisti, et in utilitate domnorum partibus Brittanici seu Wasconici austiliter ordine ad specie mea fuisti, proinde convenit nobis, ut aliquid de facultatis nostra te emeliorare deberent; quod ita et fecerunt. Ergo transcrivimus tibi mansello nostro illo super terraturio vir inluster illo, et hoc cum domebus, edificiiis ... hoc ad die presente perpetualiter ordine tradimus ad possedendum, et hoc est abendi tenendi seu conmutandi, posteris tui, vel ubi tua decrederit volomtas, derelinquendi', Angers, 37.

<sup>327</sup> See *Formulae Salicae Bignoninae*, in *Formulae Merovingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges* 10, 12. See pp. 190-193.

<sup>328</sup> Saller, *Patriarchy, Property and Death*, p. 229.

<sup>329</sup> See introduction for demography and expanded upon in Chapter 3.

A Roman *paterfamilias* would control the property of his children but not that of his wife who was the representative of her father's *familia* in her husband's household and legally distinct.<sup>330</sup> Legal concerns over the property ownership of wives in Roman laws of the third to fifth centuries therefore frequently centred on the relationship of fathers to the maternal property of their children. This consisted of the property, known as *bona materna*, that children gained from their mother through either testamentary or intestate inheritance.<sup>331</sup>

From the fifth century it became increasingly difficult for fathers to alienate the maternal property to which their children were entitled after a mother's death. In 426 Theodosius and Valentinian ruled, in a law that was included in both the Breviary of Alaric and the *Lex Romana Burgundionum*, that no father could acquire maternal property through his children after his wife's death for his own benefit; neither a mother's dowry or *bona materna*, or any inheritance from maternal relatives. Nor could the property of the spouse of a child under *patria potestas* could be claimed by that child's father.<sup>332</sup> Roman law from the first quarter of the fifth century thus allowed for children under *patria potestas* to own property, to hold its 'fee', but the *paterfamilias* would still manage it and claim its usufruct. As a result, direct control over maternal property remained limited to those who were fatherless.<sup>333</sup>

In a rescript of 529 Justinian reaffirmed the relationship of fathers to their children under *patria potestas* so that any property gained by a person within *patria potestas*, that is any property that did not originally belong to the *paterfamilias* such as *bona materna*, belonged to the person in power with the father being entitled only to usufruct.<sup>334</sup> This suggests that while previous laws on *bona materna* remained relevant in the Roman East they were perhaps frequently challenged in practice and therefore were in need of confirmation. It was noted in the 529 rescript that while the aforesaid father could not 'dispose of or mortgage [the maternal property]', children also could not 'demand an accounting from him as to its management'.<sup>335</sup> Yet, in a novel of 542 Justinian, in what Arjava has described as a major innovation, permitted testators including mothers the right to refuse the father even the usufruct of property and to allow a child to claim ownership of it upon attaining majority even if still under *patria potestas*.<sup>336</sup> Justinian's innovation seems in fact to be similar to a

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<sup>330</sup> S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford, 1991), pp. 365-366.

<sup>331</sup> Kaser, *Roman Private Law*, p. 309.

<sup>332</sup> *C. Th.*, 8.19.1 (426), *Brev.*, 8.10, *LRB* 22.2.

<sup>333</sup> *C. Th.*, 8.19.1 (426).

<sup>334</sup> *Cod. Ius.* 6.61.6 (529).

<sup>335</sup> *Cod. Ius.* 6.61.6 (529). See also *Nov.* 98 (539).

<sup>336</sup> Arjava, 'Paternal Power', p. 152.

Novel of Valentinian issued in 452, which allowed children to receive half of the *bona materna* of an intestate mother at 20.<sup>337</sup>

Valentinian's novel, seems to have been known in Gaul in the early sixth century. The *Lex Romana Burgundionum*, likely issued around 517 and consisting of a mixture of new law and custom, indicates that this approach, which would allow children to claim ownership of a portion of *bona materna* during their father's lifetime once they reached 20 years old, was already in use in Burgundy. This resembles but does not replicate the Novel and prevents fathers from alienating this property from their children.<sup>338</sup> Roman law was starting to allow fathers to be removed from the absolute control of *bona materna* once their children reached majority.

Salic law went further than Roman law in explicitly removing a father from the management of the *bona materna* once his children reached majority. The Third Capitulary appended to the Salic Law written in c. 575 discusses the position of a widower to his wife's dowry stating:

'If ... the children are still minors, let him be allowed to administer the property or the dower of the former wife carefully until they have reached maturity. But let him therefore not dare to sell or to give it away'.<sup>339</sup>

Salic law thus, at least from the later sixth century, also required fathers to hold and administer their children's property with care and disallowed explicit ownership of maternal property by fathers. However, this Salic law is different from the Roman precedent discussed above. Under Roman law no children could hold property, regardless of age, while under *patria potestas*. Thus a father held the maternal property, after his own father's death, unless his children were emancipated. In the

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<sup>337</sup> *'Muliere in matrimonio intestata deficiente superstitibus filiis derelictis pater ususfructus totius patrimonii habeat potestatem usque ad vicesimum filiorum aetatis annum: post medietatem restituat filio filiaeve, sibi in diem vitae suae medietate detenta. Si expleto filiorum vicesimo anno medietatem portionis suae unicuique dare noluerit, suboli, quae medietatem ex bonis maternis a patre non fuerit consecuta, (fructus eius medietatis) post obitum patris a successoribus aestimatione habita iubemus exsolvi, ut, quod in familia quis constitutus amisit, futura saltem compenset aetate', C. Th., Nov. Val. 35.10 (452).*

<sup>338</sup> *'1. Pater debet de maternis bonis medietatem filiis dare, cum annorum XX fuerint. Quod si de proprietate rerum maternas expressam non dederit portionem et per testamentum res proprias a filiis alienare voluerit, ab heredibus repetendum est, quidquid in expressa portione a vicesimo anno filii de fructibus accepere potuissent, secundum legem novellarum. 2. Nuptiales tamen donationes, defuncta eorum matre, secundum veterem consuetudinem in usufructu liceat possidere, proprietate filiis in nullo inminuta. 3. Quod si factum fuerit, fructus rerum ipsarum debentur, quibus tamen et de ipsa medietate, cum annorum XX fuerint, debet refundere. Quod si factum fuerit, vindicatio matris donationis iure debentur', LRB 26.* Compare the Visigothic law, *Form. Iud. IV.13.*

<sup>339</sup> *'Si tamen adhuc filii paruuli sunt, usque ad perfectam aetatem res uxor(i)s anterior(i)s uel dot(em) caute liceat iudicare; sic uero de has nec uendere nec donare praesumat', PLS 101.1.* Amendments to Rivers' translation suggested by Dirk Rohmann.



fifth century this was amended to allow children control of some of their property at 20. Salic law allowed for a father to own this property only until the child reached the age of majority.

The right of children to own maternal property during their father's lifetime and potentially to claim its usufruct could be a matter of some negotiation in Gaul as can be seen in a case from the seventh-century Formulary of Marculf. This document describes a settlement between a father and his children. The children had previously proceeded against their father in order to receive as inheritance some properties that he had given to their mother as a marriage-gift. That case having been successful they had come to an agreement with their father that, in exchange for his receiving the usufruct of those villas, he will grant them some other villas from his own property:

‘since I requested it, you, as befits good children, obeying my will, allowed me to hold and cultivate under usufruct, without any prejudice to you, these villas and property which had belonged to your mother, and which I had given to her. Therefore it pleased us to surrender to you by this document of concession our other villas X and Y in return for your benevolence and for [giving me] the said use of your villas, so that from now on I am to cultivate, by your favour both the said villas and those which I had given to your said mother by my document’.<sup>340</sup>

This demonstrates how a father's management of his children's property might work in the context of the sixth and seventh centuries.<sup>341</sup> The father is expected to simply turn over his children's maternal inheritance to them upon their reaching their majority so that they could not only own the property, as they always had, but also manage and receive goods from it. If a father did not do this, possibly because the properties involved were connected to his own land management strategies, he was required to compensate his children with alternative property. Fathers could still hold their children's property after those children had reached their majority but only through negotiation with them.

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<sup>340</sup> ‘*sed dum mea adfuit petitio, et vos, ut condecet bonis filiis, voluntatem meam obtemperantes, ipsas villas vel res, qui fuerunt genetrice vestrae, quas ego eidem condonaveram, mihi ad usum beneficii tenere et excolere absque ullo vestro preiudicio permisistis: ideo nobis conplacuit, alias villas nostras illas pro vestra benevolentia et suprascribto uso de villas vestras per hanc epistolam obnoxi acionis vobis obnoxiasse; ita ut deinceps tam suprascribtas villas quam etiam et illas, quod suprascribtae a genetrice vestrae per meam epistolam contuleram, per vestro beneficio excolere debeam*’, Marculf, II.9. Ian Wood has noted that this is one of four *precaria* created in the Marculf collection in Wood, ‘Merovingian *precaria*’, p. 44.

<sup>341</sup> There is discussion of this in Galy, *La famille* as the mother's *dos*, pp. 79-80.

Beyond their maternal property children, both minor and adult, could also come into the ownership of property through gifts from other family members and friends or through strategies of acquisition. Significantly, for example, dowries or *Morgengabe* could be acquired upon marriage and, as I shall discuss in the next section, could be an important element of a child's property.<sup>342</sup> Gifts from other family members could come through testaments. Evidence from testaments, although sparse, suggests that by the seventh century, these bequests were more likely to include land. The pre-533 testament of Remigius of Rheims includes Remigius making bequests to his *nepos* Praetextatus and to Praetextatus' 'little son' Parvius.<sup>343</sup> However, Remigius makes no gift of land to either, giving slaves and other goods to Praetextatus and 'a vinegar cruet, three spoons, and a monk's cowl' to Parvius.<sup>344</sup> In contrast, the testament of Bertramn of Le Mans of 616 shows that sons were receiving property independently during their father's lifetime.<sup>345</sup>

Bertramn, the bishop of Le Mans, had extensive land-holdings and his testament demonstrates multiple instances of him donating land to a range of relatives (see figure 6 for Bertramn's family tree). It is not always possible to be precise regarding the nature of Bertramn's relationship to the relatives to whom he grants property. However, it is clear in this extensive document that Bertramn particularly favoured the children of his living brother, to whom he was a paternal relative and to whom he bequeathed land directly and seemingly intended for their independent ownership.<sup>346</sup>

Bertramn gave property equally to fathers and sons. For example he gave one villa to Sigechelmus, his brother's son, and Thoringus, to whom his relationship is less clear, but who might be Sigechelmus' son: 'To my sweetest *nepos* Sigechelmus and my *pronepos* Thoringus: If my fears shall have been realised, you may divide the villa Seuva with the *villare* Ripariola equally between yourselves'.<sup>347</sup> Immediately after this in the document Bertramn gifts some land to the sons of Sigechelmus:

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<sup>342</sup> *Cod. Ius.* 6.61.2 (428). Intestate succession of such properties discussed *Cod. Ius.* 6.61.4 (472), a father's right to usufruct is reinforced in *Cod. Ius.* 6.60.4 (468). Gifts to minor children can be seen in testaments such as that of Remigius of Rheims, *Rem., Test.*, l. 365-367.

<sup>343</sup> For discussion of *nepos* see N. L. Delgado, 'The *Grand Testamentum* of Remigius of Rheims: Its Authenticity, Juridical *Acta* and Bequeathed Property', PhD thesis (University of Minnesota, 2008), p. 34.

<sup>344</sup> *Rem., Test.*, l. 358-367.

<sup>345</sup> For Roman law on gifts see *C. Th.*, 8.12 4-5 (319, 333).

<sup>346</sup> It is difficult to be precise regarding the exact relationship between Bertramn and some of those to whom he bequeaths property, largely due to problems regarding the use word *nepoti*, which may mean nephew or grandson.

<sup>347</sup> *Bert., Test.*, 12, see also 15.

‘In the same manner the villa Briomilia, which we are rightly owed from the succession of our *parentum* through the interregnum, was taken away from us for a long time and afterwards, when God gave the Lord Lothar his Kingdom in its entirety, he returned that same villa to us by his piety and confirmed [our ownership] through a precept: which villa I wish to be given to my sweetest *pronepos*- to the sons of Sigechelmus – Leutrannus and Sichrannus’.<sup>348</sup>

Much as law codes indicate that rites of passage could lead to children receiving land, in references within Bertramn’s testament we see that other relatives too might make gifts at significant moments: ‘The Villa Bualona situated near Pense, otherwise known as Aequelina, which I gave to my sweetest *pronepos* Leuthramnus on the day of his marriage through gifting the title, as it was included in the gift, and I wish it to be given to him through this my testament’.<sup>349</sup> Leuthramnus (alternatively spelled Leutrannus above) was therefore gifted, on his marriage during his father Sigechelmus’ lifetime, some property by Bertramn. This demonstrates that, as was seen above in the case of the *PLS* above, rites of passage such as marriage could be occasions for the receipt of property and enforces, although not definitively, that sons could own that property during their father’s lifetime.

Sons with a living father might therefore expect to receive property independently by inheritance or as gifts from relatives. We cannot assume however that all groups within society observed these same practices nor can we assign the Franks to automatic property ownership within the lifetime of a living father and the Romans only to attaining property on a father’s death. This is particularly the case in the seventh and eighth centuries as the lines between these groups were blurred through intermarriage and shared experience.

It is therefore clear that children could become independent property owners through inheritance or gifts from their mothers, and other family members, upon attaining their majority. The evidence of the sixth to eighth centuries shows too that children would expect not only to potentially gain maternal property but also to have paternal property devolved to them during their father’s lifetime. Sons, upon attaining majority, would become independent property owners and paternal authority

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<sup>348</sup> ‘*Simili modo villa Briomilia, quae ex succione parentum nobis juste debita erat et per interregna, longo tempore, nobis ablata fuit et postea, cum Deus domno Clothario regnum suum in integrum dedit, ipsam villam nobis sua pietas reddidit et per praeceptionem suam firmavit: quam villam dulcissimo pronepoti meo – filio Sigechelmi – Leutranni et Sichranni volo esse donatam*’, Bert., *Test.*, 13.

<sup>349</sup> ‘*Villam Bualone sitam juxtam Pense secus Aequelina, quam per donationis titulum dulcissimo pronepoti meo Leuthramno die nuptiarum suarum dedi, sicut donatio ipsa continent, et per hoc testamentum meum ipsam eis volo esse donatam*’, Bert., *Test.*, 16.

would be weakened. Much of this section has been concerned with sons gaining property in this manner, as they appear in the testaments and formularies, however children's independent ownership of property during their father's lifetime also had an impact on the importance placed on conjugal households as can be seen more clearly in the father-daughter property relationships to which I will now turn.

### **Fathers, Daughters and Husbands**

The relationship of married women to paternal property changed significantly between Late Antiquity and the Middle Ages with important implications for father-daughter relationships. During Roman Late Antiquity most women married *sine manu*, meaning that they remained part of their father's *familia* rather than joining that of their husband. Any property they received as paternal inheritance remained separate from that of their husbands and *donatio inter vivos*, or gifts between living persons, was limited.<sup>350</sup> From the sixth century on, however, women no longer held property only after the death of their father, or upon emancipation, but seem to have gained the majority of their paternal inheritance independently at the time of their marriage either in trust for their children or to be absorbed into joint property with their husband as the origin point of their new joint household. The aspect of the relationship between a father and daughter that had been maintained through his control over her property was thus undermined.

Indeed, a capitulary appended to the *PLS*, already mentioned above, enfolds daughters into the ranks of property-owners at this moment. To repeat, that capitulary of the second half of the sixth century reads:

‘If a father or relative, when he gives his daughter to a husband, gives some property to her on that [wedding] night, as much as he gave, let the whole of the remaining property be claimed by her siblings’.<sup>351</sup>

Returning to Roman practice, which still prevailed in the fifth century, we must acknowledge the likely fictive nature of the norms established by the late antique laws. As Kate Cooper has observed, women in the positions of wives and mothers throughout the Roman period may have had strong emotional bonds to the households in which they lived, even though bonds of affection would naturally have remained with their paternal family. Even as women held their own property and

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<sup>350</sup> Treggiari, *Roman Marriage*, pp. 365-366.

<sup>351</sup> *PLS* 67. This law has some similarity to *C. Th.*, 4.2.1 (402).

were able to leave their husband's household to return to their paternal family they would likely have avoided this at all costs since they would in this situation have lost contact with their children.<sup>352</sup> Nonetheless Roman custom was to see women as distinct from their husband's family.

By the end of the fifth century, however, the system that had made women distinct from their husband and children seems to have been certainly coming to an end. A new Christian emphasis on lifelong fidelity to a spouse meant that marriage was a far more fundamental change to women's status than it had been previously. A daughter may have remained legally part of her father's family at marriage as she had been in the Roman world for as long as *patria potestas* continued, but was now much more culturally defined as a spouse and a member of her husband's family. Cooper has observed this change pointing to the late antique 'reorientation' of the relationship between *domina*, father and husband, in which the female head of household was steered towards a new dependence on her husband.<sup>353</sup> The evidence from formularies and cartularies as well as literary sources from the sixth century and later in Gaul indicates a cultural and legal jump in addition to the 'reorientation' of the fifth century, which had implications for the property relationships of fathers and daughters in the long term.

In Late Antiquity a dowry was, as Antti Arjava has put it 'a normal though not compulsory part of Roman marriage'.<sup>354</sup> The dowry was property given by the bride's father, or the bride, usually to form part of the household property of the married couple.<sup>355</sup> The dowry was under the husband's control during the marriage but could return to the wife, and her *paterfamilias*, if he predeceased her, although the situation was not entirely clear-cut.<sup>356</sup> Any other property that came to a daughter through *bona materna* or other means was under the control of her *paterfamilias* until his death at which point she was *sui iuris*. In sixth- and seventh-century Gaul there is evidence of various exchanges of property that occurred upon marriage. As described in *PLS* 69 fathers seem to have frequently given a gift to their daughters on their marriage that formed part of their inheritance. The requirement of the *PLS* capitulary that daughters count this wedding gift as part of their paternal inheritance has some similarity to a rescript of Arcadius and Honorius of 402 which requires that if a father died intestate his married daughters must put any dowry received into the 'common fund' if

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<sup>352</sup> Cooper, *Fall of the Roman Household*, p. xii.

<sup>353</sup> Cooper, 'Household and Empire', p. 96.

<sup>354</sup> Arjava, *Women and Law*, p. 52.

<sup>355</sup> In Late Antiquity there also emerged the custom of the groom's gift to his bride but as this does not refer to father's property – although it has connections to the household property we can dispense with a full discussion of this topic.

<sup>356</sup> Arjava, *Women and Law*, p. 59.

they wished to be treated as equal heirs with their brothers.<sup>357</sup> There would also have been a gift from the groom to the father and from the groom to the bride. The dowry, or father's gift to his daughter which was a portion of her inheritance, and the *Morgengabe* which was a gift from the husband to the wife the morning after the marriage, seems to have been owned by the woman although usually in land transfer documents it was being administered by her husband.<sup>358</sup> The key change between Roman and Frankish practice, at least when the *PLS* was used, is thus in the daughter's ability to own the gifted property independently not just of her husband but also of her living father.

The property that a woman brought into marriage remained distinct in the sixth century and its origins were remembered, as had been the case with *bona materna*.<sup>359</sup> It did not lose its identity as property that had come as the wife's paternal inheritance. Whether that property was strictly owned or administered by the husband seems to have been determined on a case-by-case basis. There may have been some regional differences, for instance the early sixth-century Burgundian law states that, 'If any woman, Burgundian or Roman, gives herself voluntarily in marriage to a husband, we order that the husband have the property of that women; just as he has power over her, so also over her property and all her possessions'.<sup>360</sup> This may not have referred to all marriages and evidence from other Frankish regions indicates that women retained some rights to their own property but in Burgundy property seems to have been assumed to pass into the control of a woman's husband upon marriage. There was likely some leeway in which laws different families used and how they chose to apply them, based on the wealth and status of a couple coming into a marriage, which meant that broad trends were affected by regional difference and individual choice.

The case of Tetradia,, for example, demonstrates the protection of paternally inherited property. Tetradia was the wife of Eulalius the count of Clermont, whom she left in 585, eventually marrying the military commander Duke Desiderius. When Tetradia left Eulalius she took all of his [movable] property and their eldest son.<sup>361</sup> Eventually, after Desiderius' death in 587, this case came before a council of bishops with Eulalius seeking the restitution of his property. The court found in his

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<sup>357</sup> *C. Th.*, 4.2.1 (402).

<sup>358</sup> This is discussed in detail in Arjava, *Women and Law*, pp. 152-153. For *Morgengabe* being inherited by the sister of a deceased woman see the Treaty of Andelot recorded in *HF IX.20*. See also speculation on 'Germanic' marriage in F. Mezger, 'Did the Institution of Marriage by Purchase Exist in Old Germanic Law?', *Speculum* 18 (1943), pp. 369-371.

<sup>359</sup> See above pp. 112-114.

<sup>360</sup> *Lex. Burg.* 100, discussed briefly in Arjava, 'The Survival of Roman Family Law', p. 47.

<sup>361</sup> *HF VIII.27*.

favour and Tetradia was required to repay what she took fourfold.<sup>362</sup> Tetradia's second marriage was also declared void. Upon doing this however she was still able to keep 'and have ...the free use of' the property that she inherited from her own 'paterna'.<sup>363</sup> Tetradia is explicitly being found to be at fault in this case and is punished not only by being forced to return property that she took from her husband, but to make payment over and above that amount. Within the marriage itself Gregory's account of this case suggests some ambiguity with regards to a husband's claim over his wife's property. Eulalius is described as having used Tetradia's jewellery and money to pay his own debts.<sup>364</sup> This forms part of a depiction of Eulalius as a villain of the highest order and a fairly sympathetic description by Gregory of Tetradia choosing to leave him.<sup>365</sup> Gregory may be choosing to emphasise Tetradia's claim to some of the property in order to highlight Eulalius' misdeeds. In Gregory's account Tetradia has property within the marriage and Eulalius' use of that property to pay his debts is clearly portrayed as morally wrong, but not necessarily as illegal, in contrast to Tetradia taking Eulalius' property, in this case into another marriage, which is treated as criminal. However Tetradia's punishment, and Gregory is not explicit about what property she uses to pay it, in no way affects her right to her paternal property which she takes out of the marriage.

An example of the ways in which property could either be separately owned by husband or wife or be joint marital property comes also in Gregory's account of the downfall of Mummolus and the impact of his death and disgrace on his widow. Mummolus was the Count of Auxerre and a significant military leader under Guntramn before joining with the 'pretender' Gundovald and being killed during a siege.<sup>366</sup> After Mummolus was killed his widow, possibly named Sidonia, was brought before Guntramn as a captive and questioned about their wealth, which seems to have been vast.<sup>367</sup> This was confiscated by Guntramn and he allowed Sidonia to keep 'nothing, except what she had inherited from her relatives'.<sup>368</sup> The property that the couple accrued during the marriage may be seen as belonging to them both given that Gregory thinks it notable that Guntramn denied Sidonia any access to it. Gregory's emphasis in this story is on the punishment for Mummolus, and his wife, which provides the moral lesson to the reader. However, Mummolus and his wife's property was not interchangeable. Sidonia did not forfeit any inheritance from her own relatives

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<sup>362</sup> Galy, *La famille*, pp. 102-104, suggests that the fourfold restoration is a Roman legal custom. See further discussion below, discussing Badegisel and Magnatrude, Berthegonde, and examples in Fredegar.

<sup>363</sup> *HF* X.8.

<sup>364</sup> *HF* X.8, '*sed et pro multis sceleribus debita nonnulla contraxerat in qua ornamenta et aurum uxoris saepissime evertibat*'.

<sup>365</sup> Gregory accuses Eulalius of multiple counts of murder, abducting a nun and crimes which Gregory does not have space to describe, *HF* X.8.

<sup>366</sup> See further discussion of Gundovald, p. 162. *HF* IV.42, VI.24, VII.39.

<sup>367</sup> *Fred.*, IV.4.

<sup>368</sup> *HF* VII.40.

because of her (or her husband's) behaviour. Gregory's purpose in showing the confiscation of Mummolus and Sidonia's ill-gotten wealth places the acknowledgement that Sidonia is able to retain some of her own property in sharp contrast. For both Sidonia and Tetrada their paternal inheritance is treated as a separate category of property which seems to be protected from their husbands and even, possibly, from punitive action.

Testaments and charters sometimes recorded the origin point of property, for example as mother or father's alode although by the seventh century spousal property was increasingly treated as jointly managed in such documents.<sup>369</sup> In the Cartulary of Wissembourg property is usually identified as inheritance from a father but occasionally, as in a charter of a sale from a Rantwig to Duke Liutfrid of 736/7, the sale of property includes the details of the land that Rantwig received from his mother Ingina in Olwisheim and from his father in Schwindratzheim.<sup>370</sup> In the eighth-century testament of Abbo of Provence the testator references the origin point of some of his inherited property as from the alode of his mother and maternal uncle [*'ex alode genitrici mei...et avunculo meo'*] and from his maternal grandparents although, as I shall show below, he more often refers to combined parental property.<sup>371</sup> Beyond inheritance, women appear in charters managing their own property, some of which was gift or inheritance from their fathers. Women were usually represented as acting through sons or husbands, but a charter of 712 shows an Amita, with her son Radulf, selling some property that she had received from her father.<sup>372</sup>

In the sixth century literary sources there was hence a strong sense of married women as independent property owners with clear reference to that property having been received from their fathers. These continued links between fathers and daughters via their property were less distinct in the seventh century. This impression is, at least partly, due to the available sources. Legal sources place more emphasis on the owner of property and thus, as the change towards women receiving their paternal inheritance upon their marriage took effect, fathers and daughters appear less frequently together in legal sources. Literary sources, of which the most prominent for this period is Gregory of Tours, allow for more nuance and acknowledgement of ties driven by emotion or expectation rather than law. However within the available sources, particularly testaments, we can

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<sup>369</sup> I will consider alode in greater detail below.

<sup>370</sup> For inheritance from fathers see, for example, *Wizen.*, 13, 14, 41, 45, 225, 232, 233, 234. For an example from Honau in 723 see *Regesta Alsaciae: Aevi Merovingici et Karolini, 496-919*, ed. A. Bruckner (Strasbourg, 1949), 101, also *Freising* 1, 2, 6. For inheritance from mothers see *Wizen.*, 162, see also 40, and *Bert., Test.*, 35.

<sup>371</sup> Abbo, *Test.*, 36 and 44 and *Wizen.*, 169 for the alode of a grandmother. See also the 717 testament of Widerad of Flavigny in C. B. Bouchard (ed.), *The Cartulary of Flavigny, 717-1113* (Cambridge, 1991), 2 and 58.

<sup>372</sup> *Wizen.*, 225.



see an increased emphasis on spousal ties and a corresponding diminishing of father-daughter ties and I shall therefore now consider further the subject of spousal joint property.

The movement towards the treatment of the property of spouses as joint can be seen in the increasing tendency of couples to favour each other in their wills, therefore facilitating the transferral of property between spouses. In this way the former emphasis on paternal property which passed to children immediately upon a father's death became more about marital property. This is demonstrated by the commonness of mutual testaments from the sixth century on.<sup>373</sup> Husbands and wives would allot to each other either the outright ownership or the usufruct of their property on their deaths. Such documents were sufficiently common that Caesarius of Arles in the early sixth century expected spouses to leave property to each other.<sup>374</sup> In a sermon Caesarius describes the risk of leaving wealth to a spouse who would doubtless remarry.<sup>375</sup> This was unusual from a Roman perspective where spouses were often made some kind of gift in testaments but never in preference to children and only at most of half of their spouse's estate.<sup>376</sup> Despite Caesarius' warning however these mutual testaments seem only to have increased in frequency. This may have happened even without testaments. When Duke Desiderius was setting out to fight the Goths he was said to have divided his property between his wife Tetradia, who had left her previous husband for him a couple of years earlier, and his sons.<sup>377</sup>

The seventh-century Formulary of Marculf records several joint testaments between husbands and wives though none are identical. Some of these documents allow a surviving spouse to alienate property while others allocate only the usufruct.<sup>378</sup> These cases follow a pattern whereby the husband first makes over his property to his wife and then an identical agreement follows with the parties switched. So in the formulary of Marculf the couples using this document agree:

‘If you survive me in this age I give you the entirety of my property, wherever [it may be] and from whatever source, whether from the inheritance of my relatives

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<sup>373</sup> This sometimes included confusion over the term *ius liberorum* which shifted from referring to the rights of those with children to those without, for discussion of which see Arjava, ‘The Survival of Roman Family Law’, pp. 39-40.

<sup>374</sup> Under Roman Law an *uxor in manu* inherited equally with children as she was under *potestas*. Justinian in *Nov. 118* emphasised blood relationships and excluded spouses. Kaser, *Roman Private Law*, p. 286.

<sup>375</sup> Caes., *Serm.*, 33.3. Roman law, e.g. on dowries, also acted to protect inheritance such as dowries from the risk that a widower would remarry, *C. Th.*, *Nov. Th.* 14 (439).

<sup>376</sup> E. Champlin, *Final Judgements: Duty and Emotion in Roman Wills, 200 B.C.-A.D. 250* (Oxford, 1991), pp. 120-129.

<sup>377</sup> *HF VIII.45*. This seems to be moveable property.

<sup>378</sup> *Marculf*, I. 16, II. 7 and II.9, see also *Formulae Turonensis* 17 in *MGH Leges*, pp. 144-145.

or through a purchase, and that we cultivated together, entire and in full, with villas, houses – etc. – except for what we donated for the salvation of our soul to the places of the saints’.<sup>379</sup>

While many of these documents offer identical terms to each spouse an interesting case from the Marculf collection demonstrates that this was not always the case. In this lengthy example the husband bequeathed specific properties to two children and also to some religious institutions. He further noted that his wife was entitled to a third of those properties ‘because we acquired them together as a couple’ and thus provided some alternate property as compensation. The testament for the wife, by contrast, provides her husband:

‘the free power to do whatever you want with all my property, however much I am seen to own out of the inheritance of my relatives, or that we obtained together in your service, and that which I received for my third, in its entirety, whatever you want to do with it, to give it for the salvation of our soul to the poor or to your dependants or to those who deserve well from us, without any opposition from my heirs. And after your death, let what has not been given away revert to our legitimate heirs’.<sup>380</sup>

In this instance there is evidence that, as in the case of Sidonia mentioned above, both spouses had joint claim to property acquired during the marriage although the wife’s claim seems only to have been equal to that of their children. Interestingly, upon the death of the wife, provision seems to have been made neither for the children to receive any property immediately nor to protect their maternal inheritance from alienation by the father. This may suggest that the children would already have received property, thus removing the need to inherit, or that fathers were trusted to manage their children’s future inheritance absolutely.<sup>381</sup> Any property the wife had from her father is her husband's to administer and pass on as he sees fit.

The property that a woman brought into marriage might hence have frequently ended up in the hands of her husband through inheritance, even though it remained somewhat distinct during marriage. The dowry that a woman brought to the marriage, in the sixth-century *Edictum Chilperici*,

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<sup>379</sup> *Marculf*, II.8.

<sup>380</sup> See introduction to document by Rio, *Formularies*, pp. 200-201. *Marculf*, II.17.

<sup>381</sup> See further discussion of inheritance below pp. 132-138.

was, in the event of her death without children, divided between her husband and her relatives.<sup>382</sup> In general, this demonstrates that from the sixth century the property that a father might devolve to his daughter on her marriage was hers in outright ownership and he would not expect to regain it in its entirety nor to claim ownership of it. It would be likely to pass into the management, if not ownership, of her husband and then to her children.

This change was in part due to the increasing sense, from the fourth century, of marriage as being life-long, which meant that property was less likely, if given to daughters without controls, to risk being left to her husband or the children that he might have by a subsequent spouse.<sup>383</sup> This might be seen as the result of Christian moral teaching although Antti Arjava and Judith Evans-Grubbs have both shown that it was not only Christians who disapproved of divorce, particularly when initiated by the wife, since most pagans did too.<sup>384</sup> Our ability to observe this also improves in this period due to the emergence of formularies and the increased survival of testaments. This may somewhat skew our perspective towards change in this period. While Jane Gardner has argued that divorce, at least among the elite, was common in late Republican Rome it is likely that the ideal was always fidelity and monogamy, particularly for women.<sup>385</sup> Therefore there is evidence for continuity in the ideal of marriage, but significantly by the sixth century behaviour that reinforced this ideal became the norm. A marriage was the formation of a new independent property-owning household focused inwards and, in a break from the past, property acquired during marriage by both wife and husband could be considered under the dual ownership of both spouses.<sup>386</sup> That shift in attitudes to marriage may well have driven the increased separation, in economic terms, between fathers and their adult daughters.<sup>387</sup> It would also, if a father lived to see his daughter have her own children, have meant that, as a grandfather, he had less authority and influence over his daughter's children. I shall next consider the dynamics and impact of the joint management of property within households.

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<sup>382</sup> *PLS* 110. Discussion below, relatives in this case, probably means parents, then siblings as discussed below pp. 142-145. See *C. Th., Nov. Valentinian*, 35.9 (452).

<sup>383</sup> These changes begin in the fourth and fifth century as noted in M. Kuefler, 'The Marriage Revolution in Late Antiquity: The Theodosian Code and Later Roman Marriage Law', *Journal of Family History* 32 (2007), pp. 357-359.

<sup>384</sup> J. Evans Grubbs, "'Pagan' and 'Christian' Marriage: The State of the Question", *Journal of Early Christian Studies* 2 (1994), pp. 367-380, J. Evans Grubbs, 'Constantine and Imperial Legislation on the Family', in J. Harries and I. Wood (eds), *The Theodosian Code: Studies in the Imperial Law of Late Antiquity* (London, 2010), pp. 130-131 and Arjava, *Women and Law*, pp. 184-185.

<sup>385</sup> J. F. Gardner, *Women in Roman Law and Society* (London, 1987), pp. 50-51. Evans Grubbs "'Pagan' and 'Christian'", pp. 372-378.

<sup>386</sup> Galy in *La famille*, p. 337, suggests that Frankish husbands and wives were accustomed to working together.

<sup>387</sup> I will discuss the relationship between fathers and daughters in its practical and economic senses below, pp. 183-185.

## Dual Ownership and Joint Property

One of the more curious aspects of property ownership that emerges in this period, and one seemingly unconnected to existing Roman property traditions, is that of joint property ownership within the family.<sup>388</sup> This can be seen to develop between spouses although, as we have seen, there remained certain lines between the property of a husband and of a wife. Most explicitly, we see the phenomenon at play in the relationship between fathers and sons.<sup>389</sup>

As already discussed, by the late seventh century the distinctions between spousal properties became increasingly blurred as the marital household became a clearer unit and married couples were represented as involved in the joint management of their properties, even as ownership seems still frequently to have been distinct. In seventh-century charters from Cartulary of Wissembourg wives seem to have been required to confirm any property dealings of their husband. Frequently the donation was made as a couple, sometimes with a son as well, and wives' consent was usually added to any transfer. In a document of 695 concerning a sale of property by Adalgis-Allo, his wife Frawinsind, and their son Milo are all described as the vendors of land '*ex successione parentum nostrorum*'.<sup>390</sup> This showcases the joint holding of marital property described above but also includes a son as a co-owner.<sup>391</sup> Formulary collections show spouses acting together as well, for example in the Formulary of Angers, where a man sells himself to a couple in recompense for having stolen their property or when a husband and wife sell themselves to another couple.<sup>392</sup> Rather than property being seen to pass from father, as the property owner, to his children it instead appears in these documents to pass from both parents to their children or from married couple to married couple.

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<sup>388</sup> Phillpotts, *Kindred and Clan*, p. 262. Vinogradoff himself considered joint property to be an element of primitive property and private property key in the emergence of paternal authority. Vinogradoff, *Historical Jurisprudence*, pp. 201-202. Weber, *Economy and Society*, p. 373.

<sup>389</sup> There are no explicit instances of which I am aware in which daughters appear with their fathers although this may reflect that daughters (as discussed elsewhere) took their property into their own once they married. There are cases in which a father is referenced with his children as discussed elsewhere in this chapter, and a case of a mother and daughter bringing a case before the king regarding some property that they claim against the opposing claim of a father and son in *ChLA XIII*, 567 (679).

<sup>390</sup> *Wizen.*, 46, see also the testament of the Son of Idda where the unnamed testator describes exchanging property with Herrone and his wife, 'Son of Idda', 'Testament', *ChLA XIII* 569 (650-700), 1. 15-17, *Freising* 1 and *St. Gall.*, 14, *Codex Diplomaticus Fuldensis*, ed. E. F. J. Dronke (Cassel, 1850), 2.

<sup>391</sup> See also an Otmar and Imma donating land from '*alote [sic] paterna seu materna vel parentum nostorum*', *Wizen.*, 202, also 11, 12, 240, 247 and 265 and *Regesta Alsatie*, 102.

<sup>392</sup> *Angers*, 2. See spouses acting together also in *Angers*, 9, 17, 27, 31, 37, 46, 59. *Marculf*: II.3, 4, 5, 32, 39. Husband and wife sale *Angers*, 25.

Children distinguished less frequently between paternal and maternal property in their own charters than they had in the sixth century. This can be seen, for example, in the 732 testament of Abbo of Provence. Abbo does, as I have said, refer to distinct property from each of his parents and other relatives but he also refers most frequently to property that he has received from both of his parents.<sup>393</sup> This happened in other cases too, for example in the 709 judgement of Childebert III regarding a cleric named Audoin, which refers to the property under debate as ‘that which he has from the legitimate succession from his father Gundoin and his mother Ragambertha’.<sup>394</sup>

Within the household, property management was filtered through the husband as its head. During his marriage a man, even with a living father, could expect to control, if not own, both his and his wife’s property. However, memories were not obliterated and the property was acknowledged as belonging to the woman and her husband seems not to have been able to inherit it without a testament. In a charter of 741 from St. Gall a woman named Beata dealt with the disposal of some property that she had received from her father and that was later supplemented by property acquired or bought by her husband.<sup>395</sup> The property seems to have been managed, to some extent, by Beata’s husband and she connects it both with him and with her father.

The implications for fatherhood of a married woman holding her own property while her father was still alive and of the cultural assumptions about spousal joint property are various. Most particularly, the emphasis on the married couple as the definition of household broke kinship down into smaller more nucleated groups. Women would no longer have been quite as focussed outward on vertical links to their paternal family, but inward on their husband and children, both in practice and legally.

However, although daughters appear increasingly in this period to have broken most of their financial ties with their fathers upon marriage and held property independently, this did not represent a severing of all links. From the seventh century the property of a husband and wife seems to have been treated, for the purposes of management if nothing else, as joint. The property was still connected with the knowledge of its origins and, as shall be discussed further in the next chapter, daughters retained emotional links to their fathers.<sup>396</sup>

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<sup>393</sup> Abbo, *Test.*, 3, 4, 8, 10, 11, 13, 16, 23, 27, 28, 33, 35, 46, 51 and 58.

<sup>394</sup> *ChLA XIV*, 585 (709), *Wizen.*, 46 and 202, as above, 148, 234, 237, *St. Gall.*, 11, 12.

<sup>395</sup> *St Gall.*, 7. In *St. Gall.*, 10 Beata also disposes jointly of maternal and paternal property.

<sup>396</sup> We have no evidence of women maintaining distinctive maternal property though there is some for men as shall be seen in the discussion of Abbo of Provence below.

By the sixth century then, both male and female adult children would have expected to be independent property owners probably within their own conjugal households.<sup>397</sup> A man would therefore have gained more control over his immediate family in the case of his own and his wife's property but would likely sacrifice control over the property of, if not connections to and affections for, his married adult daughters and sons and his grandchildren. Unlike the *paterfamilias* who retained ownership of property until his own death and thus control over his daughters, and sons, but who would have no control over his wife's property during her lifetime, the *genitores* of the late sixth century and beyond would have greater control over the property of their household but much less over that of their adult daughters. However, beyond this apparently more disjointed ownership of property between generations there was the emergence of joint property ownership between fathers and children.

Roman law allowed for property to have multiple owners whether as joint heir to that property or through a business partnership asserted via contract.<sup>398</sup> The earliest form of this joint ownership was through the death of the *paterfamilias* when the co-heirs who had previously been within his power (*patria potestas*) and were now outside such power could continue as a household owning the property together.<sup>399</sup> Whether as a family *consortium* or a business *condominium* this joint ownership could be dissolved at any time by any of the owners terminating the arrangement and agreeing a division of the property.<sup>400</sup>

The nature of joint ownership as it is seen in the documents of the seventh and eighth centuries is markedly different to these Roman traditions. This new type of 'joint ownership' manifests itself in documents that demonstrate all parties being required in order to donate land. The impression therefore is that all of those involved, be they husband and wife or father and son, in some way shared ownership of the property being donated. Usually the parties appeared in the same document of donation, or sale, as joint-donors and signatories but occasionally a son's confirmation of his father's donation appears in a second confirmatory document. The father or husband was clearly the lead donor, or owner, but is not fully independent. A father was thus the head and manager of a

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<sup>397</sup> Some interesting additional information as to the reception of inheritance of property and the existence of separate households appears in the Lombard Laws. A law of 668 defines inheritance of legitimate sons first and then confirms the rights of legitimate daughters and natural [illegitimate] sons in inheritances from their paternal grandfather. The law notes that it would be wrong to exclude them from inheritance simply because their father died in the home of their grandfather – suggesting that among the Lombards legitimacy of children and thus presumably marriage, during a father's lifetime, required the formation of a separate household.

<sup>398</sup> A. M. Riggsby, *Roman Law and the Legal World of the Romans* (Cambridge, 2010), pp. 150-151.

<sup>399</sup> Mousourakis, *Fundamentals of Roman Private Law*, pp. 155-156.

<sup>400</sup> Discussion in Kaser, *Roman Private Law*, pp. 225, 367-8.

land-owning household but his ownership of property was not absolute, possibly not even during his children's infancy,

The cartulary evidence therefore shows fathers and sons in close collaboration in the management of the properties in which they may have shared ownership, with sons confirming land transfers either as co-signatories to charters or in separate charters. Thus in the Cartulary of Wissembourg, as with wives, sons habitually confirmed any land transfers made by their fathers. For example, in the 730s Duke Liutfrid, with his wife's consent confirmed a grant made by his father. This generally happens within the same document and only occasionally occurs by separate charter.<sup>401</sup> The standard nature of this practice indicates that sons were expected to confirm any action taken by fathers regarding land that they expected to inherit which may have been to insulate the transfers from future claims by heirs.<sup>402</sup>

The Wissembourg Cartulary shows that widowed women also required the consent of their sons on documents when they donated. This may represent a continuation of the practice discussed: if a widow had succeeded to a portion of her husband's property that her son might expect to inherit or if this represented a son's future inheritance from herself his consent was required for any alienation. Signature by a son could also be due to the need for a man, usually a family member, to act as a woman's legal representative.<sup>403</sup>

We need to consider how such property that was donated jointly came to be in the ownership of more than one person and for what reason. In some cases, when the property came from an external source, this was probably a direct procedure controlled by the original owner of the gift. In the testament of Bertramn of Le Mans, for example, Bertramn makes the following bequest among his donations to individuals including his, possibly, great-nephew Sigechelmus and Sigechelmus' sons: 'To you, my sweetest *nepos* Sigechelmus, I order to have in your possession jointly with your children the villas that I bought for a given price from bishop Dracoaldus of Auch'.<sup>404</sup>

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<sup>401</sup> *Wizen.*, 12.

<sup>402</sup> In an early eighth century charter from St. Gall a sons and a father sell property together, *St. Gall.*, 3, also in the 780s, *Wizen.*, 124.

<sup>403</sup> There is little evidence for women's roles in legal proceedings, and even less study thereof. Where women do appear acting alone they tend to be widows as in *ChLA* XIII, 559 (639-657), 561 (659/660) and *ChLA* XIV, 584 (703).

also G. Halsall, *Settlement and Social Organisation: The Merovingian Region of Metz* (Cambridge, 1995), p. 70.

<sup>404</sup> *Bert., Test.*, 64.

The property described in this testament was hence to be inherited as joint property by a father and his children. Similarly in a formula from the Marculf collection two heirs and their spouses require judicial intervention to aid in the division of property that they own jointly.<sup>405</sup> These cases clearly demonstrate that joint ownership existed as a legal concept.

This origin does not however apply to all joint property that appears in early medieval documents. Some property may have been owned by the father before he had children and then at some point became jointly owned. There is no direct statement in any document as to whether the division of the ownership of property between father and children was an automatic process (i.e. the birth of a child acknowledged by their father immediately gave them ownership of the property) or a more deliberate process. Indeed the very nature of some of this ‘ownership’ may, unlike in the cases in the testament of Bertramn of Le Mans, be ephemeral. It has been argued that some of the moves to require consent of family members for the alienation of property in the eighth century indicate not joint ownership but a recognition of the interest of the heirs in some pieces of property.<sup>406</sup> This need for consent may simply have been a more explicit recognition of the responsibility of fathers to their children’s future inheritance. Property was regarded as future inheritance, held in trust for the heirs. This was not black and white but depended on the nature of property. Some property such as that inherited from grandparents, as Alexander Callendar Murray has suggested, or mothers, may have been inalienable from the rights of the heirs, so that the current possessors had very limited rights to sell, exchange, or donate it. Other property, such as that gained through purchase or gift, was far more firmly under the control of its current possessor who could therefore sell, gift, or donate it relatively freely.<sup>407</sup> Even the latter type of property was, however, considered to be the future property of its heirs who, as I shall discuss below, were usually the current owner’s children. Due to the importance of that heirship institutions such as churches or monasteries could desire an explicit statement from the owner, and preferably his heirs as well, renouncing their claim to the property. This may also contribute to the thoroughness and explicit nature of clauses in Merovingian land transfers that protected donations from the claims of the donor’s heirs. An heir who had never been in ‘actual’ possession of a piece of property could still have an extensive claim to ownership of all land that once belonged to a person simply through the position of being this person’s heir.<sup>408</sup>

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<sup>405</sup> *Marculf*, I.20. See also *Angers*, 55 and *Marculf*, II.14.

<sup>406</sup> See for example Wood, *Proprietary Church*, pp. 33-91. For an examination of the later period see S. D. White, *Custom, Kinship and Gifts to Saints: The Laudatio Parentum in Western France, 1050-1150* (Chapel Hill, 1988).

<sup>407</sup> Murray, *Germanic Kinship Structure*, pp. 194-195.

<sup>408</sup> Two 745 charters from St. Gall record the consent of what appears to be a paternal uncle (*patruus*), *St. Gall.*, 11 and 12.



The consideration of the relationship of the heirs, or joint owners, to a piece of property can be further developed through an examination of the appearance of sons as fellow-donors or witnesses for their fathers. Most notable is the fact that fathers are only ever recorded as acting with one son. Thus although there are many charters which show fathers and sons acting to confirm property rights, there is no charter that shows multiple sons (or indeed children of any sex) acting together with their father. Given that this is the case in every document of this nature such absence cannot be accidental. It is possible that the son named in the document was acting as a representative of all heirs, or at least all children, to the property<sup>409</sup> This is not indicated directly in the documents but would be a means by which donations could be guarded against future claims by heirs. Alternatively the absence of any mention of other children might indicate that wealthy families were practicing family management through limiting the number of their heirs, as was seen to be responsible for Carolingian successes in the eighth and ninth centuries. Lynch and Adamo have suggested that the strength of the Carolingian dynasty was aided by their ‘luckily’ ending up with only a single male heir between 741 and 840, which prevented the kingdom from being divided and thus weakened.<sup>410</sup> It may also indicate that ‘extra’ sons were sent into the Church, or were given a portion of land to own independently prior to the production of the charter while one son remained tied as heir to his father’s portion. This seems to have been the case in Burgundy as a law in the early sixth-century *Lex Burgundionum* states ‘if the son [who has died] shall possess all things undivided with his father let one half go to the grandson...’.<sup>411</sup>

The process of the division of property, however its intricacies were managed, indicates some strategy on the part of fathers in arranging the transfer of land from inheritance even before their death. This may explain the seeming gaps in Frankish inheritance law that I will discuss below, but the charter evidence also indicates that fathers may have been able to enact divisions of property during their own lifetimes rather than on their deaths. It is also possible to see this prominent involvement of a single son as a forerunner of primogeniture.<sup>412</sup> If fathers were prioritising one son as the primary heir this could further demonstrate the distancing of adult daughters and other sons from paternal property, since they might instead receive less significant, possibly moveable, property upon marriage. Only one son might then be more closely tied to his father, even in adulthood.

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<sup>409</sup> I am grateful to Simon Loseby for suggesting this possible interpretation.

<sup>410</sup> J. Lynch and P. C. Adamo, *The Medieval Church: A Brief History* (Oxford, 2013), pp. 119-120.

<sup>411</sup> *Lex Burg*, 75.2.

<sup>412</sup> On later primogeniture see K. Schmid, ‘Zur Problematik von Familie’, especially pp. 2-3 and Herlihy, *Medieval Households*, pp. 93-98. On hints of lack of primogeniture in Roman society see Champlin, *Final Judgements*, pp. 111-114.

The management of property was probably performed with an awareness of the needs and expectations of a family in the moment and was affected by circumstances such as the number of acknowledged children who had to be provided for, as well as in the context of the origins and heirs of the ownership of different pieces of property.<sup>413</sup> An awareness of the various parties who had owned a property and the locations from which future heirs might come was built into complex historical concepts of different pieces of land, so that the pieces of property being held by an individual each created past, present, and future links to a myriad of others, similar to the custom of placing land that daughters passed to their children into the context of its origins.<sup>414</sup>

Land, and to some extent other forms of property such as moveable goods and also slaves, was represented by its owners less as the immediate and present property of the owner-of-the-moment, and more as a connection to the future, guarded by a present holder. As Patrick Geary has noted 'land was the means by which a family understood itself in historical perspective'.<sup>415</sup> In the seventh and eighth centuries the property of the family was represented as under the ownership of the couple of father and mother with wider kin, primarily grandparents, existing as past, but memorialized, owners of the family property and usually with one son identified as its future owner and current shareholder.

### **Inheritance: From fathers**

Turning to inheritance as a core, and relatively well-studied, area of property management we can observe, once again, negotiation between Roman and Frankish ideas of inheritance during the transition from Late Antiquity to the Middle Ages. Inheritance was central to conceptions of property management as the expectation of future inheritance defined the nature of family relationships. Links to maternal or paternal kin might be financially (if not emotionally) expressed through the hope of acquiring land via inheritance. This was standardized by laws but also modified through testaments and charters, according to both social expectation and personal inclination.<sup>416</sup>

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<sup>413</sup> For a discussion of fathers acknowledgement of children, legitimacy, and how it affected property see below pp. 134, 161-165.

<sup>414</sup> See for example the Testament of Abbo, *Wizen.*, 61, 87, 56, with discussion of some aspects of this in McKinley, 'Strategies of Alienating Land', pp. 33-56.

<sup>415</sup> P. J. Geary, 'Land, Language and Memory', p. 171.

<sup>416</sup> Although Tacitus no longer forms the basis on our understanding of Frankish inheritance it is interesting to recall his description from the *Germania* that 'a man's heirs and successors are his own children, and there is no such thing as a will. When there is no issue, the first in order of succession are the brothers and then uncles, first on the father's, then on the mother's side', in Tacitus, *Germania*, 20.

As I suggested above inheritance has often been the focal point of studies of both Roman and medieval fatherhood.<sup>417</sup> This is partly because most historians believe that the majority of property was gained through inheritance. As already demonstrated, however, by the sixth century a significant amount of property actually moved between generations as gifts prior to inheritance or, at times, as ‘joint’ property between generations. So although inheritance continued to exist as a central means of transferring property it must be analysed in light of this new insight. In addition, we must break inheritance into two distinct categories. The first concerns the question of children’s inheritance from fathers, which was an increasingly simple issue in the Middle Ages. The second relates to the issues to which I will turn in the next section: fathers inheriting from their children during their lifetimes. Due to the peculiar terminology used in the relevant legal texts inheritance from children has been a significant aspect of scholarship of the sixth century and I will consider how this kind of inheritance developed in the seventh and eighth centuries.

Inheritance was not a purely financial point. It could be a point of pride, as Caesarius of Arles highlighted in his testament noting ‘since I own nothing of my parents’ property, it is not without a feeling of shame that I have so boldly produced this my will’.<sup>418</sup> Receiving or granting inherited property connected an individual by ties of mutual responsibility. This had been key to webs of patronage in the Roman world and became, in the early medieval world, a vital component of family bonds.

In the Roman world laws existed both to provide for cases of intestate succession and to regulate the provisions of testaments. Roman law established the order of intestate succession of a father with *patria potestas* in the Twelve Tables as firstly *fili* under *patria potestas* including adopted children, then nearest agnate, then ‘clansmen’ (*gentiles*).<sup>419</sup> A rescript of 293 confirmed, or argued, that the Twelve Tables allowed for the grandsons by deceased sons, under *patria potestas*, to inherit equally with living sons.<sup>420</sup> Salvian of Marseilles gave further insight into Roman inheritance practices and custom in the fifth century by describing those who, after children, might expect a bequest as an ‘act of piety’. These included unfortunate parents, loyal brothers, faithful spouses, destitute kin, needy relatives by marriage, and those dedicated to God.<sup>421</sup> Late fifth-century Gallic practice demonstrates that spouses came relatively low in the hierarchy of those who might expect

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<sup>417</sup> See above pp. 30-31.

<sup>418</sup> Caes., *Test.*, 4.

<sup>419</sup> *Lex Duodecim Tabularum*, in C. G. Bruns (ed.), *Fontes iuris Romani antiqui*, I (Tübingen, 1909), V.

<sup>420</sup> *Cod. Ius.* 6.55.3 (293).

<sup>421</sup> ‘*parentes sint calamitosi, aut germani fideles, aut sanctae coniuges, aut, ut longius denique munus pietatis extendam, si aut propinqui inopes, aut affines egestuosi, aut denique cuiuslibet necessitudinis indigentes, ver certe, quod super omnia est, Deo dediti*’, Salv., *ad ecclesiam*, III.4.

extra gifts and that a prioritization of paternal kin still held sway in popular expectations.<sup>422</sup> Thus a *paterfamilias* holding all the family property passed his property on death (assuming he had made no testament) to his legitimate children and then along the paternal family line. Fathers could disinherit children who failed to show appropriate *pietas*, which increased the power of fathers over the property. A father whose own father was still living could, at least from the third century, pass on his right to future inheritance to his living sons via the *paterfamilias*.

Justinian amended the rules of intestate succession in novels of 543 and 548 but maintained the basic principle that children were primary heirs even before the *paterfamilias* of the deceased.<sup>423</sup> In the event of death those children would be the owners of that property inherited from their parents although their *paterfamilias* would have control over it. The expectation that parents would bequeath a portion of their estate to their children had long been an aspect of mutual *pietas* between parent and child.<sup>424</sup> Justinian shifted intestate succession from giving preference to agnatic relatives to a cognatic system. The line of intestate succession was thus: children and grandchildren by deceased children; parents and siblings; half-siblings; other blood-relatives; spouses.<sup>425</sup> Justinian had already emphasised the rights of children and other descendants in 528 by banning agnatic relatives from claiming any share in the property of an intestate person if there were descendants alive to inherit.<sup>426</sup> Laws under Justinian emphasised that the rights of children were not solely concerned with legitimate children as Justinian's novels also clarified the right of illegitimate children to a share of the paternal property. If there were no legitimate children and the father was intestate, illegitimate children, and their mothers, were entitled to two-twelfths of the father's property between them.<sup>427</sup>

The sixth-century laws of Justinian regarding inheritance via testaments placed greater emphasis on the rights of children to their paternal property. Novel 18, issued in 536, allowed that within both intestate and testamentary succession the birth-right of children, when there were fewer than four, was a third of the father's property. If there were more than four, it was a half to be divided equally amongst them.<sup>428</sup> Justinian's novel 98 even prevented spouses from making each other their heirs and excluding their children as 'unfatherly'.<sup>429</sup> This novel makes an interesting contrast to the

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<sup>422</sup> Visigothic law placed the ultimate pressure on fatherhood – dying without children or grandchildren a free man could distribute his property as he wished, *For. Iud.* IV.20.

<sup>423</sup> *Nov.* 118 (543), 127 (548).

<sup>424</sup> Saller, *Patriarchy, Property and Death*, pp. 110-111.

<sup>425</sup> *Nov.* 118 (543).

<sup>426</sup> *Cod. Ius.* 6.55.12 (528).

<sup>427</sup> *Nov.* 18 (536).

<sup>428</sup> *Ibid.*

<sup>429</sup> *Nov.* 98 (539).

Merovingian world in which, as I have discussed, testaments favouring spouses were very common. The Merovingian testaments did not exclude children but did allow spouses to postpone their claims.<sup>430</sup>

Into the sixth century Roman law was thus moving towards increased priority being given to children and direct descendants in inheritance law whatever their sex.

The majority of the Roman laws concerned intestate succession and therefore could be adapted in testaments and supplemented by bequests to individuals.<sup>431</sup> For example, Remigius, the bishop of Rheims in his testament written sometime before 533, as a presumably childless man, made his chief heirs beyond religious institutions his nephew Lupus, who was a bishop, and Agricola, his grandson raised in his household, with smaller bequests being made to various churches and to grandchildren and great-grandchildren. The bequests made to other relatives consisted primarily of moveable goods and slaves rather than land.<sup>432</sup> Remigius could choose to prioritise particular heirs through his testament and used his testament to spread patronage to the Church not to friends.

Intestate succession could hence to some extent be overridden by wills, but the evidence shows that the overall tenor of both was the same. The expectation in the Roman world was that children would be the chief heirs and Justinian's novels on the birth-right of children were probably catching up with existing practice. However, the circle of individuals that would normally receive property through bequests had begun to narrow. The traditional Roman principle had been that patronage should be spread widely. Edward Champlin has observed that Roman testators had prioritised their immediate family first and then left bequests of less significant amounts to their friends, their freedmen and women and their slaves.<sup>433</sup> In contrast Frankish wills show no record after the mid-sixth century of gifts to friends or acquaintances. The early sixth-century testament of Remigius of Rheims, as discussed above, records gifts to family members and to his servants and his archdeacon and the testament of Ermintrude, from around the beginning of the seventh century, shows the testator freeing some slaves in the name of piety, while Bertramn of Le Mans, like his fellow bishop Remigius, offered something to his archdeacon.<sup>434</sup> Most testaments show only bequests to family

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<sup>430</sup> See discussion on pp. 122-126.

<sup>431</sup> Although Justinian did attempt to prevent parents from excluding their children from inheritance of the property, *Nov.* 115 (542).

<sup>432</sup> *Rem., Test.*, especially l. 9-21, 358-385.

<sup>433</sup> Champlin, *Final Judgements*, p. 184. These slaves would also be freed.

<sup>434</sup> Ermintrude, 'Testament', *ChLA* XIV, 592 (590-641), l. 76-81, *Rem., Test.*, l. 358-385, 439-443, *Bert., Test.*, 39.

members including spouses, and to religious institutions.<sup>435</sup> We have few individual testaments from lay-people from the mid-sixth to the mid-eighth centuries, so it is possible that lay testaments did allow for greater gift-giving outside of the family and the church, but this is not attested to in either legal or literary sources. The testaments that survive were largely preserved by religious institutions so it is, perhaps, unsurprising that the testaments prioritise donations to such institutions.

Very little legislation was produced under the Franks to manage inheritance by children. Frankish practice assumed that children would inherit all property of an intestate father. In the original 65 title version of the *Pactus Legis Salicae* there is no law regarding the inheritance of anyone with children. The seventh-century *Lex Alamannorum*, which seems to have been issued by a Duke of Alemannia, contains two statements on inheritance. One of these concerns the inheritance of daughters married to men of different status from themselves, as I shall discuss below, and the other instructs brothers to divide their father's portion equally upon his death. Neither Alemannic law code describes a line of succession because inheritance by children was assumed.

In the later sixth century the *Edictum Chilperici*, to which I referred above regarding the inheritance of dowry, was issued as an addition to the *Pactus Legis Salicae*. The Edict included a new statement on Frankish inheritance law that reads:

‘In a similar manner, it is agreed and resolved that whoever has neighbours and has either sons or daughters alive after his death, so long as the sons survive, they should possess the land as the Salic law specifies. And if the sons have died, let the daughter in a similar manner receive this land just as the sons would have possessed it if they were living. And if she died, let another brother [to the father], who is living receive the land of his brother, not the neighbours. And [if] the brother died and no other brothers are living let the sister [to the father], take possession of this land’.<sup>436</sup>

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<sup>435</sup> Abbo, *Test.*, ‘Son of Idda’, ‘Testament’. An account by Gregory of Tours shows a certain Blederic making a donation of all his possessions, because he has no sons. He of course is then granted sons to whom he gives ‘other lands’, *VSM*, IV.11.

<sup>436</sup> ‘*Simili modo placuit atque conuenit, ut (qu)icumque uicinos habens aut filios aut filias post obitum suum superstitus fuerit, quamdiu filii aduixerint, terra(m) habeant, sicut et lex Salica habet. Et si subito filii defuncti fuerint, filia simili modo accipiat terras ipsas sicut et filii, si uiui fuissent, habuissent. Et si moritur, frater alter superstitus fuerit, frater terras accipiat, non uicini. Et subito frater moriens fratre(m) non derelinquerit superstitem, tunc soror ad terra(m) ipsa(m) accedat possidenda(m)*’, *PLS* 108. For a discussion of *vicini* see Murray, *Germanic Kinship Structure*, pp. 67-72, 79-82.

This would suggest a relatively straightforward line of succession of sons, followed by daughters, then brothers and then sisters. . The reason for recording this law may well be explained by the references to ‘neighbours’. In isolated communities neighbours, who might also have been relatives, may have attempted to claim the land and thus legislation was required to confirm the rights of children and siblings. Much of the interest in this law has revolved around the right of women to claim land, which seems to have been banned in a different passage of the *Pactus Legis Salicae*, the *de alodis*, as discussed below. However this passage in the *Edictum Chilperici* and that in the *PLS* called *de alodis* must be separated as the latter was concerned with returning lands to ascendants and the Edict dealt with paternal lands passing directly to descendants.

On the question of women as heirs, Murray has argued convincingly that neither the *Edictum Chilperici*, nor the Salic law excluded women from inheritance whether that be movable goods or land, but merely postponed them in place of their brothers.<sup>437</sup> As already seen, women were able to own and transmit land in the early medieval period. They are also shown in the sources to have been able to receive paternal inheritance, both during their father’s lifetime, notably on marriage, and on his death. In the *Lex Burgundionum* it is clear that daughters were postponed with sons inheriting first and daughters only in the absence of a son.<sup>438</sup> The *Decretio Childeberti* from 594 permitted grandsons to inherit in place of a deceased parent, whether that parent was a son or a daughter.<sup>439</sup> The *Lex Alamannorum* of c.730 demonstrates that in the region of Alemannia, see figure 2, which had been subjugated by the Franks but was ruled primarily by its dukes, daughters could certainly inherit their father’s property in the absence of any sons and their inheritance was determined by status. One law from this code directs that in a case of the death of a father with two daughters but no sons, one of whom was married to a free man of equal status to herself, the other to a *colonus*, the daughter who married her equal should receive all of her father’s land while the other could only share equally in moveable property.<sup>440</sup>

Laws that placed sons before daughters in the line of inheritance, or to exclude daughters entirely, could be circumvented, as is demonstrated in the most famous of the Merovingian formulae, the seventh-century formula Marculf II.12. In this formula a father describes the ‘impious custom’ that

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<sup>437</sup> Murray, *Germanic Kinship Structure*, pp. 210-212.

<sup>438</sup> *Lex. Burg.* 14.1.

<sup>439</sup> *Decretio Childeberti*, I.1, in Rivers, *Laws of the Salian and Ripuarian Franks*, p. 144, as included in Paris Lat.18237, Paris Lat.4627 and *Cod. Sang.* 731.

<sup>440</sup> *Lex Alaman.* 55. See also the late eighth century *Cartae Senonicae* 29, which arranges the division of a father’s allod between two brothers, *Cartae Senonicae* in *Formulae Merovingici et Karolini aevi*, ed. K. Zeumer, *MGH Leges* (Hanover, 1886), pp. 197-198.

excluded daughters from receiving an equal share in their father's lands with their brothers.<sup>441</sup> This formula overturned that custom and declared that she should share equally in his property 'whether from my father's inheritance or from a purchase, unfree servants or moveable parts ... and in no way are you to receive a portion smaller than theirs'.<sup>442</sup> In this case the formula upholds the existence of a distinction between sons and daughters, implying that a daughter would normally, without the active intervention of a father through such a charter, be entitled to less of her father's land than would sons (though moveable goods may not have been included in these restrictions). It seems that basic legal custom allowed women to certainly inherit after their brothers and possibly to inherit alongside their brothers, albeit a smaller share of the property, in some cases. However individual choice allowed fathers to overturn these restrictions.

This analysis of the formula gains some support from reviewing the testament of Burgundofara, a widow, from 633/4. In this testament Burgundofara disposes of a portion she received in the division of paternal property with her siblings. This property included a villa that she had received from her father's testament in its entirety and another villa that she divided with her brother.<sup>443</sup> While we cannot be certain that Burgundofara's portion was exactly equal to her brothers', she appears to have inherited a substantial amount of land from her father. Likewise in a charter of Wissembourg from 693/4, Hildifrid-Managold and his sister Waldswind gave everything that they had from their father and uncle to the monastery, clearly indicating that Waldswind had inherited paternal land.<sup>444</sup>

Despite this evidence, a woman's ability, or likelihood, of owning significant amounts of property has often been challenged, as in the Merovingian period only two independent testaments survive from women and these represent the smaller testaments.<sup>445</sup> This observation however glosses over the limited number of testaments available for single men. There are also only six, and these are preserved because they are by unmarried churchmen who made religious institutions their primary heirs. There is an absence of lay testaments in general rather than of those made by women. Therefore the lack of wills does not prove that women in the sixth to eighth centuries were not regularly receiving lands from various sources, and the evidence described above indeed seems to confirm this view. Ian Wood has observed from the wills of Irmina of Oeren and Burgundofara that

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<sup>441</sup> See also *Cartae Senonicae*, 42 discussed in Murray, *Germanic Kinship Structure*, pp. 132 and 189.

<sup>442</sup> *Marculf*, II.12.

<sup>443</sup> Burgundofara, 'Testament', ed. J. Guérout, in 'Le testament de saint Fare, matériel pour l'étude et l'édition critique de ce document', *Revue d'histoire ecclésiastique* 60 (1965), 6, 7 and 10.

<sup>444</sup> *Wizen.*, 38.

<sup>445</sup> See for example C. Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean 400-800* (Oxford, 2005), p. 189 n. 96, and Delgado, *Grand Testamentum*, pp. 121-122.



women frequently held and disposed of land.<sup>446</sup> Most significantly, as I have shown, daughters received land from their fathers.

From the sixth century on, inheritance from fathers might include a spouse, as was seen in mutual testaments, but after their death property would be expected to go to children with both law and custom giving some preference to sons. The assumption that children would automatically be heirs meant that non-Roman law codes were not especially concerned with legislating on inheritance beyond differentiating between children and, as I shall discuss below, on the inheritance from childless individuals.

### **Inheritance: Fathers from their Children**

In the relatively sparse body of ‘Germanic’ inheritance law a significant proportion is concerned with the ability of parents to inherit from their children. Laws on this subject appear in the *Leges Alamannorum*, the *Liber Constitutionum* and, most famously, in the Frankish *Pactus Legis Salicae* under the title *de alodis*. The ability of parents to inherit from their children was only ever of secondary importance to the more common expectation that an individual with property would have children as their primary heirs, but understanding how parental inheritance works can be of assistance in explaining the dynamics of family property control. The key example of this comes in the additions and amendments to the law codes which are occurred in a period of high legislative activity between the mid-sixth and mid-seventh centuries.<sup>447</sup> In this section a key discussion will be around the *de alodis* law, which shows that Merovingian legislative activity increasingly prioritised fathers, the nuclear family and paternal kin in inheritance law.

Outside the law codes, fathers can be seen to act as their sons’ heirs in charters and formularies by the seventh century. I can find no direct reference to inheritance from daughters which may suggest that women’s property ownership was defined by marriage and thus their husband, or children, rather than her parents, would inherit. The oldest charter in the Wissembourg Cartulary is a donation from a certain Bonefacius in 661AD. In the charter Bonefacius donates ‘that portion in the *villa* Gairoulde which was that of [his] son Gundebald and which came to [him] by sad

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<sup>446</sup> I. Wood, ‘Teutsind, Witlaic and the History of Merovingian *precaria*’, in W. Davies and P. Fouracre (eds), *Property and Power in the Early Middle Ages* (Cambridge, 1995), pp. 32-33, and Wood, *The Merovingian Kingdoms*, pp. 206-7.

<sup>447</sup> On this as a key period of legislative activity see Ubl, ‘Loi salique’, p. 40.

inheritance'.<sup>448</sup> Likewise a reference to this type of inheritance occurs in the later-eighth-century *Cartae Senonicae*, which provides a formula for a donation of property to a monastery.<sup>449</sup> The evidence from Wissembourg, and the inclusion of this in a formulary, indicates that while the inheritance of a father from his sons may not have been the most common type of inheritance in Gaul it did have some significance.

The position of a father as an heir to his children's property and the legislation of this provides insight into how the ownership of that property was understood during the lifetimes of both father and child. Between the fifth and eighth centuries the body of both 'Germanic' law codes and Roman laws suggest that fathers would expect to inherit any property they or their kin had previously given to their children and might also have had the ability to inherit any maternal property held by those children.

This begins to appear in laws within Gaul from the early sixth century and amendments to the *Pactus Legis Salicae* demonstrate that the rights of the father and of paternal kin were made explicit by the mid- to late-eighth century. This inheritance was distinct from earlier Roman practice in which a *paterfamilias* would still own or hold usufruct on his children's land unless they were emancipated because in Gaul by the eighth century a father could inherit outright ownership of his childless children's land as a direct and primary heir. The practice of Roman law can be seen in a fifth-century rescript issued in Ravenna:

'If a son or daughter should die without children and should leave surviving a brother or brothers, a sister or sisters, and a father, whether the deceased had been emancipated or had died under *potestas*, the father without doubt shall obtain the portion of such son or daughter whether acquired from the maternal estate or from any source whatever by any right whatever, and he shall possess such portion by perpetual ownership'.<sup>450</sup>

This rescript demonstrates that a father was his children's primary heir, regardless of how they obtained their property and that he was able to inherit all his children's property even if it was *bona materna* and would usually not have come into his sole ownership.

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<sup>448</sup> 'ideoque conuenit mihi, ut portione illa in uilla Gairoaldo, qui fuit filio meo Gundebaldo qui mihi de luctuosa hereditatem obuenerit', *Wizen.*, 203, see also *Wizen.*, 262, 248.

<sup>449</sup> *Cartae Senonicae*, 31.

<sup>450</sup> *C. Th.*, 8.18.10 (426).

The law goes on to explain that a father's position as primary heir changed if the father remarried, in which case he could still retain the usufruct of any of his deceased child's maternal property but that on his death maternal property must pass to a sibling of the deceased child from the same marriage. Fifth-century laws reaffirmed in the sixth century by Justinian held the order of intestate succession to *bona materna* as: children and grandchildren, full-blood siblings, half-siblings, then finally the father.<sup>451</sup> It is however observed in the text of the law that although siblings could receive the fee of the property the father would nonetheless retain the usufruct. Justinian amended this in a novel of 543 to give parents equal right of succession with siblings.<sup>452</sup> In the sixth century, Roman law thus permitted a father to inherit his own childless children's *bona materna* as a primary heir. Roman law held, of course, that paternal property would still be owned by the *paterfamilias* whether this meant the father in question or his own property. A child would not own outright any paternal property and so would need no heirs in this regard.

The *Lex Romana Burgundionum*, from the early sixth century uses the work of the third-century jurist Julius Paulus as its guide to the intestate inheritance of a child:

- '1. On the death of a child the father succeeds [to the inheritance], if he [the son] does not have a father [living], the paternal grandfather succeeds to the rights, if there is no grandfather the siblings of the deceased shall succeed, if the mother is dead the brother and sister [of the mother] succeed.
2. The mother is excluded by means of the siblings, and in the succession the brother and sister shall succeed equally.
3. For if there is no brother, the mother and her daughters, however many, should receive equal portions'.<sup>453</sup>

Therefore Roman law, as it was transmitted in sixth-century Burgundy, did place fathers as the primary heirs to any property held by a child.

The 'Germanic laws of this period share some similarities with Roman law but also introduce concepts such as shared property. The *Lex Burgundionum* of Burgundy is one of the earliest

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<sup>451</sup> *Cod. Ius.* 6.59.11 (529).

<sup>452</sup> *Nov.* 118 (543).

<sup>453</sup> '1. *Defuncto filio pater succedit; quod si patrem non habuerit, avus paternus iure succedat; quod si et ille defuerit, fratres defuncti succedant; quod si et ipsi defuerint, mater succedet quod si fuerit mater defuncta, frater et soror succedant.* 2. *Mater per fratrem excluditur, et in successione frater cum sorore aequa sorte succedat.* 3. *Quod si frater defuerit, mater et filie, quante fuerint, aequales capiunt portiones.*' *LRB* 28. Dirk Rohmann advised on this translation.

‘Germanic’ law codes and was probably heavily influenced by the Roman law of the *Lex Romana Burgundionum*. The *Lex Burgundionum*, as already discussed, makes clear that Burgundian fathers commonly divided their property with their sons during their lifetimes and they expected to regain that land in the event of the death of their sons. A law discussing the rights of sons states that as regards inheritance:

‘A son shall have full power of doing what he wishes with the portion he receives, with the further provision that if he dies without heirs and the decrees of fate permit his father to survive, and if he has made no gift from the property legally belonging to him during his lifetime and left no will, then his father may claim the succession to those portions in question. However the father shall have no power of alienating them and when he has died the property of their dead brother will pass to the remaining sons’.<sup>454</sup>

This passage demonstrates that although a father was his son’s primary heir he was effectively the controller of the property as he had to pass it to his other sons whole and entire on his own death.

The law on the succession of inheritance similarly reads:

‘Upon careful consideration of these matters, we have established that if a father shall have divided his allotment (*sors*) with his sons and afterward it happens that a son dies childless while his father is still living, the father may claim the use of the entire property by right of usufruct in accordance with the son’s wish. But upon the father’s death let him divide between sons and grandsons... Nevertheless the present law pertains to male heirs only’.<sup>455</sup>

Burgundian law for childless inheritance reflects the *Lex Burgundionum*’s emphasis on joint property and in so doing emphasises the father’s initial right to reclaim any property that he himself

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<sup>454</sup> ‘*ut filius de portione, quam acceperit, faciendi quod voluerit liberum potiatum arbitrium, ita ut, si sine sobole moriatur, et patrem eius superesse fatorum decreta permiserint, et de rebus in suo dum viveret iure compositis neque donationem fecerit neque condiderit testamentum, pater suus ita successionem, de qua loquimur, suis partibus vindicabit, ut nihil exinde abalienandi habeat potestatem; ipsoque in fata conlapso ad reliquos filios defuncti fratris substantia remeabit.*’, *Lex Burg.* 51. See also *Lex Burg.* 75.2, which allows for a son dying who had ‘possessed all things undivided with his father’.

<sup>455</sup> ‘*Adtentius pertractantes statuimus: ut si pater cum filiis sortem suam diviserit, et postea mori filium vivo patre contigerit sine filiis, pater voluntate filii integram usufructuario iure vindicet portionem, quam inter filios et nepotes ita moriens dimittat... Praesens tamen lex ad masculos tantummodo pertinebit*’, *Lex Burg.* 78.

had previously divided with a deceased son. No reference is made in these laws to landed inheritance from a mother or maternal kin, although moveable property from a mother is reserved explicitly for daughters, yet the laws as they relate to fathers show some similarity with Roman law in the ability of a father to claim the usufruct of at least paternal property.<sup>456</sup> However, as shown above, this was not the same as a *paterfamilias* retaining the usufruct of property inherited by the children of a deceased son; a father could only hold land in this fashion if his son had died childless. The *Lex Burgundionum* draws on the nature of joint ownership and its Roman influence to place fathers as prominent guardians, though not owners, of the property of their deceased childless children.

The *Pactus Legis Salicae* does not place the same emphasis on joint property and, as mentioned above, in its earliest extant version contains only one obscure piece of inheritance law. The laws of inheritance from childless individuals to their parents and families has been among the most controversial subjects within the study of the Frankish laws as it is the subject of one of the most confusing statements of Salic Law, the *de alodis* chapter.<sup>457</sup> *De alodis* is the only section of the 65 chapter version of the *PLS* which deals with inheritance and its very name is obscure. *Alode* derives from a compound of the Saxon ‘od’ meaning possessions or ‘all of the things’. It is unchanged in the lost and fragmentary Old High German translation of the *PLS* that was found in Trier in the nineteenth century.<sup>458</sup> *Alode* seems to mean simply the property, both moveable and immovable, that made up an inheritance and it appears in charters and testaments of the period that refer to inheritance from family members.<sup>459</sup> Alexander Callendar Murray has demonstrated that *alode* could mean either the portion of an individual’s property that they had inherited or all of an individual’s property that they would pass on to their heirs.<sup>460</sup> This can be seen, for example, in the eighth-century testament of Abbo of Provence. In his testament Abbo describes some of his property as *de alode parentum nostorum*, and some as *alode de genitor meo*.<sup>461</sup> Abbo also refers to his own *alode*. Similarly in a charter of 629-639 involving a dispute between two brothers, Ursinus and Beppolenus, the land over which the brothers are quarrelling is the *alode materna*.<sup>462</sup>

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<sup>456</sup> *Lex Burg.* 51.3.

<sup>457</sup> I will refer to this law as *de alodis* consistently, regardless of the grammar for ease of understanding.

<sup>458</sup> *Oxford English Dictionary*, ‘allodium’, Hessels, *Lex Salica*, xlv.

<sup>459</sup> Murray, *Germanic Kinship Structure*, pp. 183-215, S. Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 1994), pp. 75-77, and Wood, *Proprietary Church*, p. 3.

<sup>460</sup> Murray, *Germanic Kinship Structure*, p. 184.

<sup>461</sup> Abbo, *Test.*, 33 and 39.

<sup>462</sup> *ChLA XIII*, 554 (629-639).

Focussing on the changes made to the *PLS* as evidence for practice allows us to move beyond attempting to reconstruct early ‘Germanic’ custom and instead consider the dynamics of Frankish inheritance through contemporary legislation. The evidence from the *PLS* suggests that between the sixth and eighth centuries the *PLS* was amended to reflect greater prominence to fathers in the order of inheritance from a childless individual. During this period the *Edictum Chilperici* was also added which, as I have discussed, stated the right of children to their father’s land with that of daughters being postponed by sons.<sup>463</sup> The idiosyncrasies of Frankish law remained in the text, including the still unexplained significance of both maternal and paternal sisters, but later versions of the *de alodis* indicate that mothers and fathers were equal heirs, with fathers taking preference in relation to some land, and after the parents paternal kin had preference. Inheritance therefore became focussed within the nuclear family.

The text of *de alodis* exists in two primary versions in the earliest *PLS* manuscripts. The first is in three of the four manuscripts that are usually seen to make up the original redaction of the Salic Law and the second exists in the remainder of the early manuscripts including the Saint Gall text from around 793.<sup>464</sup> One manuscript, the Wolfenbüttel text of 770 shares features with the original and second redactions, using the original version of the first clause but including the ‘father’s sister’ addition. The ordering of *PLS* redactions is not certain but the redactions, as they are usually seen to be grouped, show a definite change in the *de alodis* chapter, with only the Wolfenbüttel manuscript making a alteration within a version of the law. An extremely similar law to *de alodis* also appears in the Ripuarian Laws. The three versions of the *de alodis* text are thus:

<b>Lex Salica (MS A1, A3, A4)<sup>465</sup></b>	<b>Lex Salica (including the Saint Gall text)</b>	<b>Lex Ribuaria</b>
If anyone dies and leaves no children, if the mother survives, she shall succeed to the inheritance.	If anyone dies and leaves no children, if the mother or father survives, they shall succeed to the inheritance.	If anyone dies without children, and if his father and mother are alive, let them succeed to the inheritance.

<sup>463</sup> See above, pp. 136-137.

<sup>464</sup> Murray discusses the manuscripts as regards *de alodis* in *Germanic Kinship Structure*. p. 204, n.6.

<sup>465</sup> These are manuscripts from the first redaction of the text classed as group A.

If the mother is not living and there is a brother or sister, they shall succeed to the inheritance.	If the mother and father are not living and there is a brother or sister, they shall succeed to the inheritance.	If the father and mother are dead let the brother and sister succeed.
If there are none then the mother's sister shall succeed to the inheritance.	If there are none then the mother's sister shall succeed to the inheritance.	If however they have none of these, let the mother's sister and the father's sister succeed. And up to the fifth generation let whoever is closest [in relationship] succeed to the inheritance.
	If the mother's sister does not survive then the father's sister shall succeed to the inheritance.	
But if there are no mother's sisters, in that case whoever is the nearest relative within that kindred shall succeed to the inheritance.	But if there are no father's sisters in that case let whoever is the nearest relative succeed to the inheritance who is from the paternal kin [ <i>genere</i> ].	
But of <i>terra</i> no portion shall be inherited by a woman but the entire land shall belong to the male sex who are brothers.	But of <i>terra salica</i> no portion shall be inherited by a woman but the entire land shall belong to the male sex.	But while a man lives no woman may succeed to the <i>hereditas aviatica</i> .

Early scholars of the Franks, being mostly interested in the first redaction of the texts, read *de alodis* as evidence of the Frankish people's matriarchal past, with Brunner suggesting that later redactions demonstrated clumsy attempts to insert the paternal kin.<sup>466</sup> In recent years the approach to *de alodis*, and indeed Frankish kinship in general, has been set by Alexander Callendar Murray. In agreement with Heinrich Brunner, Murray argues that the *de alodis* is incomplete.<sup>467</sup> Murray

<sup>466</sup> H. Brunner, 'Kritische bemerkungen', pp. 15-16.

<sup>467</sup> Murray, *Germanic Kinship Structure*, p. 208.

argues that the passage designated the order of succession of the maternal kin and that, therefore, the mother's brother would inherit with his sisters in the third clause with men at every stage inheriting land in preference to their sisters.<sup>468</sup> He suggests that the first five clauses of the existing law are concerned with moveable property and that a preceding section, concerning men, would have shown preference to men and to paternal kin in relation to the landed portions of inheritance. He has suggested that the reason that this particular section of inheritance was recorded may reflect that it was an explanation of a distinctly Frankish practice. The general emphasis on sisters is indeed supported by a similar preference in the *Lex Burgundionum* in which the sequence of inheritance is: sons; daughters; sisters.<sup>469</sup> Whereas Roman law distinguished between agnatic and cognatic kin the Frankish system emphasised matrilineal vs patrilineal kin.<sup>470</sup>

As far as the first version is concerned *de alodis* as understood by Brunner and Murray is relatively straightforward and does not seem to concern itself with fatherhood. I will follow the changes to Frankish inheritance further to understand inheritance into the eighth century. The various versions of *de alodis* seem to show fathers and paternal kin being gradually inserted into Frankish inheritance law from at least the second quarter of the seventh century, as shown by the above chronological arrangement of the texts, to be read from left to right. Murray considered only the first redaction of the laws in detail as his interest was in recreating Frankish inheritance practice of the sixth century.<sup>471</sup> The second version of the text appears in manuscripts that lie just outside the period with which this study concerns itself, in the 770s. It is significant that the amendments made to the second version of the text seem to work from the first redaction and if, as Murray suggested, a section is missing from the 65 chapter version of the law it was not known or incorporated into the second family or the *Lex Ribuariorum*. This suggests that any missing elements were already lost by the eighth century. The general trend of this second version was to prioritise fathers, the nuclear family, and, after them, paternal kin.<sup>472</sup> Fathers were not singled out individually but rather a father was

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<sup>468</sup> *Ibid.*, pp. 206-212. For the exclusion of uncles see also Becher, 'Vater, Sohn und Enkel', pp. 306-308.

<sup>469</sup> *Lex Burg.* 14.1-2.

<sup>470</sup> Murray bases this also on readings of Frankish law on kin generally, in particular in regard to *reipus*, Murray, *Germanic Kinship Structure*, pp. 163-175.

<sup>471</sup> *Ibid.*, p. 202.

<sup>472</sup> The interest in paternal and maternal kin has also involved a concern with the preceding law within the *PLS* 58 which is titled *de chrenecruda*. This concerns the case of someone who has committed murder and cannot fulfil the required compensation and the order of the relatives who must contribute. *De Chrenecruda*, has an even stranger collection of variations between manuscripts than *de alodis* with the first responsible for aiding in compensation varying between the father and siblings and the mother and siblings until the later redaction which makes it father, mother and siblings. This casts some doubt on the relationships that have been assumed between the manuscripts but may be related to the Carolingian copyists leaning on the *de alodis* glosses. As Murray has noted, from the prospective of the eighth-century Franks this law was ancient history. Murray, *Germanic Kinship Structure*, pp. 129-131.



included where previously it had been only the mother named as heir in the first instance. Subsequently paternal kin were privileged where previously it had been the maternal kin, with the exception of the mother's sister. The line of succession thus ran parents, siblings, mother's sister, father's sister, paternal kin.

The final rubric, which restricts land, or some portion of it, to men, has been of great interest to historians.<sup>473</sup> I would argue that this is significant in the second version of the *PLS* as it suggests that some element of land was inherited only by male family members and, in the first instance, by fathers. As can be seen above in the second version of this text '*terra*' becomes '*terra salica*' and the *Lex Ribuarica* makes it '*hereditas aviatica*'.<sup>474</sup> T. J. Rivers defined *terra salica* as 'ancestral or patrimonial land, which is associated with a household and is indistinguishable from it'.<sup>475</sup> Thomas Anderson convincingly argued that the original version of the law is founded in the Franks' past as military colonists thus *terra salica* referred to a particular category of land granted for military service. Laws such as the *Edictum Chilperici* which refer to inheritance by daughters should thus be understood as amendments when the changing circumstances of the Franks meant that such restrictions on the *terra salica* were no longer pertinent.<sup>476</sup> Murray has plausibly argued that given the phrasing of '*hereditas aviatica*' in the Ripuarian laws, the territory referred to was land that had been within a family for at least two generations having belonged to grandparents before passing, possibly via inheritance by the parents, to the grandchildren.<sup>477</sup> The second version of the law, which also removes the requirement that the male heirs in question be 'brothers', would allow moveable goods and some land to be inherited from a childless individual by parents, then siblings etc. while land that had been within the family for a number of generations was inherited by the father of the deceased, then brothers, and then male paternal kin. This rubric seems to have restricted portions of land to male ownership and, from the sixth century on, to have at least allowed male family members to postpone female ownership.<sup>478</sup> It is possible that this provides some insight into the unclear distinctions that we see made in practice, for example in the Formulary of Marculf, between daughters and sons inheriting from their fathers. It may be that *terra salica* is the land from

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<sup>473</sup> T. Anderson, 'Roman Military Colonies', pp. 129-144 and I. Wood, 'Jural Relations among the Franks and Alemanni', in I. Wood (ed.), *Franks and Alemanni in the Merovingian Period: An Ethnographic Perspective* (Woodbridge, 1998), pp. 213-214.

<sup>474</sup> *Lex Rib.* 57.

<sup>475</sup> Rivers, *Laws of the Salian and Riparian Franks*, p. 158.

<sup>476</sup> Anderson, 'Roman Military Colonies', pp. 129-144. Beyond the Salian laws an emphasis on newly acquired land can be seen in *Lex Burg.* 84, *Cart. Sen.* 23.

<sup>477</sup> Murray, *Germanic Kinship Structure*, p. 212.

<sup>478</sup> For an example of a mother inheriting from a son see the 590-641 testament of Ermintrude, whose husband is presumably dead, who distributes the property that she received from her son Deorovaldus. Dereovaldus may, of course, have left a testament, Ermintrude, 'Testament', l. 5-6, 9-10 and 16-17.

which women were normally excluded and, though no sources make this clear, that fathers could use testaments and charters to overcome that exclusion. Overall this element of *de alodis* again shows a legal distinction made between sons and daughters that may have been somewhat softened in practice.

The *Lex Ribuaria* appears to allow for cognatic inheritance, with preference given to the closeness of relationship, where the *PLS* in its second redaction prefers the paternal kin in the absence of the mother's sister. Unfortunately we cannot be certain of the dating of the second version of the *PLS* and thus whether it pre- or post-dates the production of the *Lex Ribuaria*.<sup>479</sup> No distinction is made in any version of the text between maternal and paternal land, beyond the somewhat mysterious *terra salica*. *De alodis* appears to treat all property alike and, in its second version, to allow parents and other family members to inherit property based on their relationship to the deceased regardless of its origins.<sup>480</sup> Immediate inheritance existed within the parent-child household. We have already seen that children acted as their parents' primary, and often only, heirs. Over the course of the sixth to eighth century this became true also of parents being their children's primary heirs. The right of spouses to inherit directly from one another was fairly limited. As I have discussed above regulation included in the *Edictum Chilperici* from the second half of the sixth century allowed that, for a childless couple, either spouse was entitled to half of the wife's dowry with the other half returning to her relatives.<sup>481</sup> Excluding intestate spousal inheritance, which was limited to the dowry or *Morgengabe*, primary inheritance was limited to the nuclear household and beyond that to sisters and, dependent on location within the Frankish kingdom, to either paternal or cognatic kin.

Beyond the *PLS* and the *Lex Ribuaria* other laws in Gaul from the sixth to eighth centuries pointed to a distinct advantage to fathers with regards to inheritance from their childless children. The *Lex Alamannorum* from 730AD, in contrast to the paternally-focussed *Liber Constitutionum*, concerned itself specifically with the question of a father's right to maternal inheritance. Chapter 89 of the *Lex Alamannorum* legislated on cases in which women died in childbirth. The law states:

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<sup>479</sup> For discussion, see Murray, *Germanic Kinship Structure*, pp. 119-134. The A redaction is often placed with Clovis though Murray has critiqued this, The C redaction is placed in the later sixth century and the D redaction in the later eighth century under Pepin.

<sup>480</sup> This potential ability of parents to inherit their spouse's land through a child could be significant for the role of marriage in this period but further discussion lies outside the bounds of this thesis. An example of a mother inheriting her husband's property via a child can be seen in *HF*, IX.33 and X.12, discussed in Murray, *Germanic Kinship Structure*, pp. 197-200.

<sup>481</sup> *PLS* 110.

- ‘1. If a woman who has received <her> father's inheritance after marriage, becomes pregnant and gives birth to a boy and she dies in that hour [in childbirth], and the child for as long as one hour remains alive such that his eyes open he is able to see the roof of the house and its four walls, and he later dies, then the maternal inheritance falls to his father.
2. Nevertheless, if his father has witnesses who saw [that] the child could open his eyes and see the roof of the house and its four walls, then his father has the right within the law to defend the things (*res*). He decides who owns the property’.<sup>482</sup>

Alemannic law thus seems to place fathers as their children's primary heirs even in cases of maternal property. This law is explicit in stating that a father cannot directly inherit any of his wife's paternal inheritance but that it must come to him through his child. This law demonstrates that the boundaries between a husband and wife's property was being blurred but that some distinction remained.<sup>483</sup>

Over the course of the sixth to eighth centuries, then, amendments to existing laws and new statements of laws, possibly derived from customs, explicitly made fathers the heirs to their children often in conjunction with the mother. This emphasised the shifting ownership patterns within the family. A child with a living father could own their property independently and a father could therefore inherit as next of kin upon the child's death. Little emphasis was placed on the requirement that the father preserve the inheritance for his children but fathers would have typically left all of their property to their children thus making this concern less important. Different areas of Gaul probably still had slightly different customs with regard to the precise manner in which fathers could inherit but the general trend was towards fathers acting as the primary heirs to their childless children even, in some cases, in respect to the maternal inheritance of those children. It is notable too that many of these laws, certainly the *Liber Constitutionum* and the *Lex Alamannorum* refer explicitly to sons and, as in the *PLS*, restrict some types of inheritance to men. No explicit reference is made to the inheritance of parents from their daughters beyond the general right of a childless woman's relatives to half of her dowry upon her death and we can presume that any other property she held, in the light of the *Lex Alamannorum*, returned to the family of her birth.

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<sup>482</sup> ‘*Si quis mulier, qui hereditatem suam paternicam habet post nuptum, et pregnans peperit puerum, et ipsa in ipsa hora mortua fuerit, et infans vivus remanserit tantum spatium, vel unius vel unius horae, ut possit aperire oculos et videre culmen domus et quatuor parietes, et postea defunctus fuerit, hereditas materna ad patrem eius pertineat. 2. Tamen si testes habet pater eius, qui vidissent illum infantem oculos aperire et potuisset culmen domus videre et quatuor parietes, tunc pater eius habeat licentiam cum lege ipsas res defendere. Cui est proprietas, ipse conquirat*’, *Lex Alaman.* 89.1. Dirk Rohmann advised on this translation.

<sup>483</sup> See also *Lex Alaman.* 54.

## Conclusion

The ownership and management of property was an important element of family dynamics in Late Antiquity and the Early Middle Ages. In Antiquity the *paterfamilias*, as the only member of a household to independently hold property, had been at the pinnacle of property ownership for his household. This legal power served to bind his descendants and dependents to him even as it could alienate him, in legal terms, from his spouse.

The absolute control of the *paterfamilias* began to change in Late Antiquity and accelerated from the seventh century in Gaul where *patria potestas* no longer held sway. Fathers were increasingly expected to divide their property with their children during their lifetime. A father would thus presumably have less authority as his children reached adulthood and became independent property owners. Not only could he no longer control his children's finances but his own wealth could be diminished through these divisions. For women, particularly, marriage increasingly meant that a father's legal power over a daughter, and her portion of his land, was lost as spouses were bound together and jointly managed their property with the husband as head of the household. Grandchildren were under the power of their own father as property passed more immediately from their parents with grandfathers correspondingly holding less authority.<sup>484</sup>

These changes in property ownership and management over this period served to emphasise nucleated families in which the father of a household, comprised of his wife and young children, held the majority of control over property, even when his own father was still alive. Property was connected to a long-term concept of the biological family and therefore could be managed and even jointly owned across family generations. Consequently rather than being the preserve of a few *patresfamilias*, property ownership became possible for all fathers - to use a contemporary term, all *genitores* - but in an absolute sense only as long as their children were minors. As changes in the average age of marriage meant that, among property owners, fathers survived longer into their children's lifetimes the *patria potestas* model of property management would no longer make sense even in a Roman context. It is likely that the customary practice of the Franks, and the Burgundian and Alemannic peoples, had been to allow children to own property once they reached the age of majority and, by and large, this became the rule for all the groups living in Gaul by the eighth

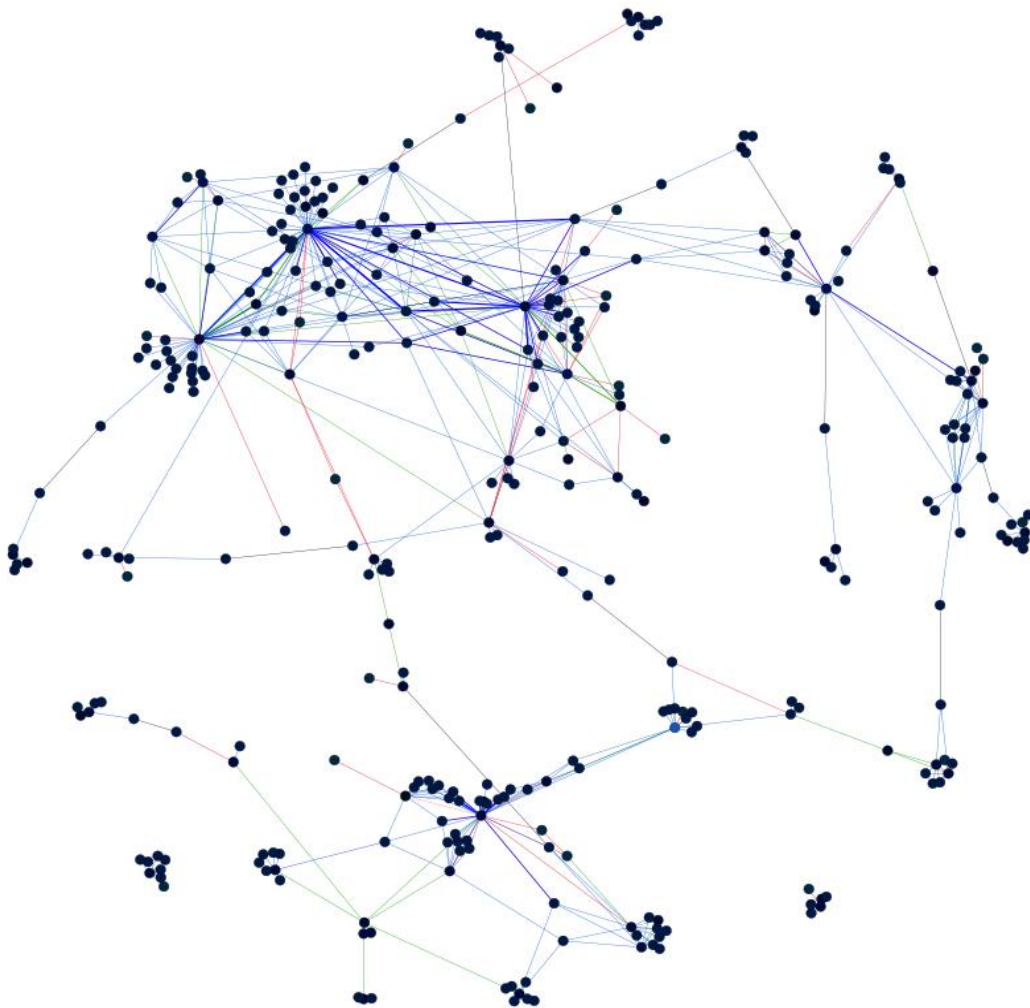
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<sup>484</sup> I shall discuss the connections between grandparents and grandchildren further pp. 191-194.

century. The internal dynamics of the household and of the family changed and in the next chapter I will consider how fatherhood was affected by these changes beyond property management.

## Figures

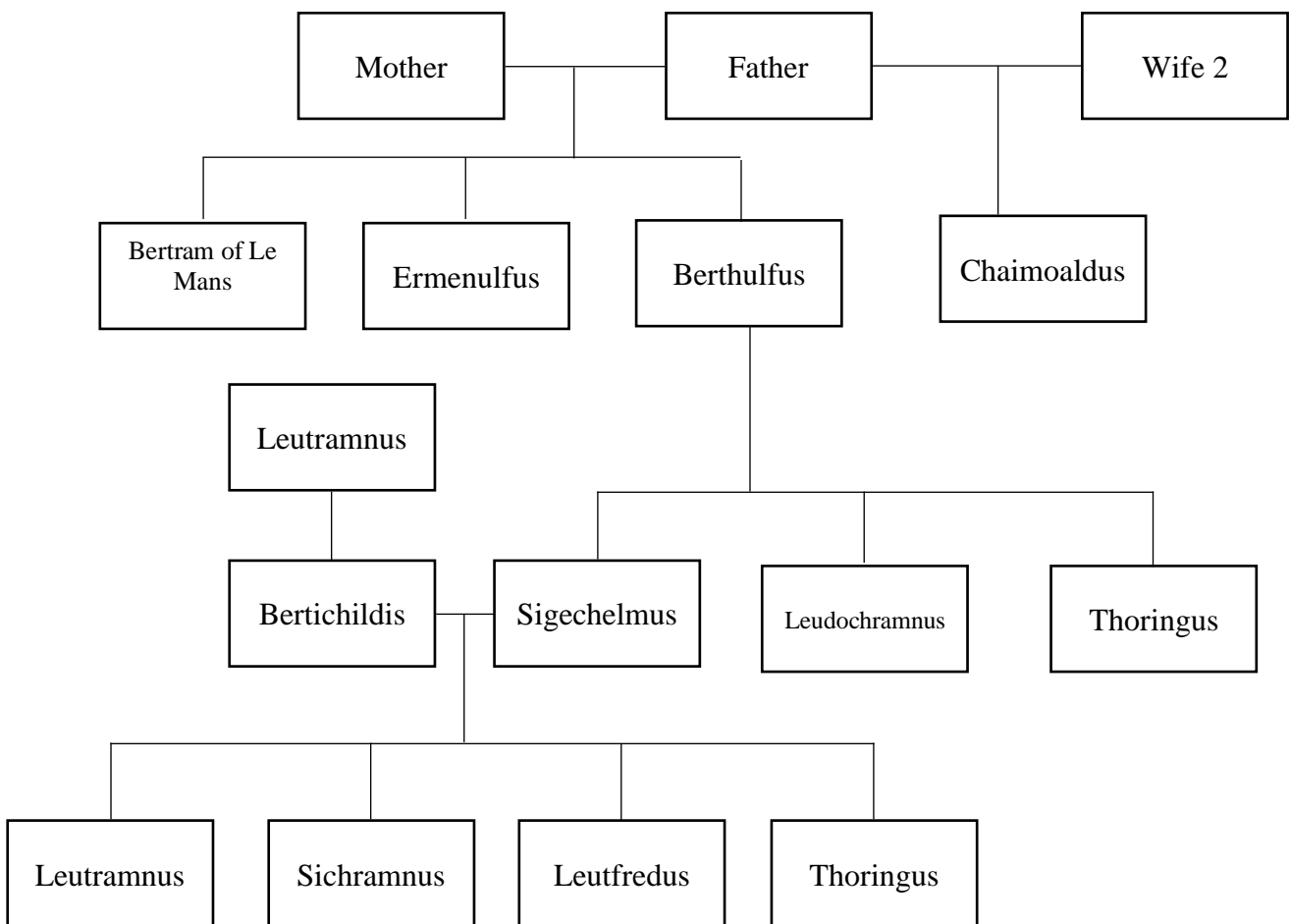
**Figure 5: Social Network of the Wissembourg Cartulary**



Each node represents an individual and the lines represent their connections – Red is family connections, blue, witnesses and green, scribes. The closer together the nodes the stronger the connection; for example someone who appears as a witness on two charters for the same individual is drawn closer to their node.

As can be seen from this graph the majority of the connections cycle around one family group at the top of the chart. Two other significant groups of charters exist with around nine individual charters unconnected to the rest. The social world of the donors of Wissembourg over the eighty-nine year period was hence relatively small. Created using Gephi.

**Figure 6: Bertramn of Le Mans Family Tree**



This is a partial reconstruction of the family tree of Bertramn of Le Mans including those individuals referenced in this chapter. Birth order within generations is unknown.

Based on *Das Testament des Bischofs Bertram von Le Mans vom 27. März 616*, ed. M. Weidemann (Mainz, 1986).

### III. Fathers: From Youth to Old Age

#### Introduction

In contrast to family property and fictive fatherhood, the role of biological fatherhood in the sixth to eighth centuries has not been subject to extensive study. The narrative of the decline of the *paterfamilias* and the rise of the ecclesiastical fictive father has obscured the continued importance of fathers in both civic and private life. A study of the role of the father within the family over the course of his lifetime will allow us to understand much more clearly how family structures adapted to the different circumstances of the sixth, seventh and eighth centuries and the ways in which family power shifted from the fatherless *paterfamilias* to the father of young children.

As the previous chapter has already shown, by the Early Middle Ages biological fathers could no longer lay claim to many of the forceful aspects of authority that had been part of the role of the *paterfamilias*, such as life-long property ownership, while some of their earlier civic role had been claimed by ecclesiastical fictive fathers.

This argument can be developed further to demonstrate that fathers saw a highly different experience of the life course in the eighth century than they had in the fifth. Fathers now achieved the peak of their power and influence earlier in life, and power was more equitably distributed among individual fathers rather than being concentrated in a smaller number of *patresfamilias*. As a consequence the relationship of a father with his adult children was characterised by greater tension, in the case of his sons, or more distance, in the case of his daughters. Grandfathers had significantly less power over both their children and grandchildren than they would have in the Roman world. Gender differences in relationships with children occurred early in the lives of children and were exacerbated by the movement of women from their fathers' power to their husbands. Understanding these changes in father-child relationships caused by gender are important to understanding many of the social dynamics that emerged in the Early Middle Ages. Furthermore, the nature of authority changed in relation to those of lower status. The father was no longer the *paterfamilias* and head of

a household claiming all of his slaves under his paternal authority. Elite men still controlled ‘slaves’ but as the slavery system changed the ‘household’ dynamic of these relationships shifted so that slaves were understood to have independent families and households.

These transformations in the nature of authority can be observed not only through an analysis of the legal details of property ownership, as in the previous chapter, but also by looking fatherhood not as a single event in a man’s life but as a dynamic experience altered by the age and rights of his children and by his own age and level of authority. The *paterfamilias* had attained his authority through the death of his own father whereas early medieval men were empowered upon adulthood and fatherhood. Unlike the static figure of the religious *pater* who, by the late sixth century, could claim his position by virtue of his age or rank, the biological father (or *genitor*) saw his power and relationships fluctuate over his lifetime.

Until now there has been no significant work done on the lifelong experience of changing relationships in the Early Middle Ages although some studies have considered the life course in Antiquity and the medieval period generally.<sup>485</sup> In this analysis of fatherhood the focus will be on the experience of men as it related to stages in the lives of their children, as detailed in the sources, such as infancy, puberty and marriage. The point in a man’s lifetime at which these stages might occur for his children varied across the period, as discussed in the introduction, with fathers likely to be younger in relation to their children in the eighth century than they had been in the fifth.

The development of an understanding of daily life relies primarily on literary and epigraphic evidence although I shall make some reference to the legal sources such as formularies, which were discussed in greater detail above. The literary evidence comes from surviving letter collections such as that of Sidonius Apollinaris in the fifth century, poems, and accounts like Gregory of Tours’ *Historiae*. These sources offer valuable insight into the lives of their authors and the author’s acquaintances and social circle. Their emphasis thus tends to be on an elite group with a clerical emphasis in the literary texts, and on property owners in legal texts, but the evidence that can be gleaned from these sources can indicate attitudes towards fatherhood and the behaviour of families among those of high social status.

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<sup>485</sup> See also discussion by Chris Callow and Mary Harlow. M. Harlow and R. Laurence, *Growing Up and Growing Old in Ancient Rome* (London, 2002), R. Gilchrist, *Medieval Life: Archaeology and the Life Course* (Suffolk, 2012) and C. Callow and M. Harlow, ‘Left-Over Romans: The Life Course in the Late Antique West’ in M. Harlow and L. Larsson Lóven (eds), *Families in the Roman and Late Antique World* (London, 2012), pp. 221-237.



Further evidence can be gathered from an examination of hagiographies from the period. Hagiographies must be used with caution in reconstructing daily life since their accounts of the lives of their subjects and the other figures that appear in these texts are structured somewhat by genre convention. Jamie Kreiner has argued recently that the use of hagiography as a source needs to be tempered by the dual objectives of the text; firstly as ‘truth-telling’ in an attempt by authors to accurately represent the life of their subject, and secondly as ‘persuasion’ as authors sought to influence societal organisation and to promote their subject as an object of devotion.<sup>486</sup>

Hagiographies can be used to consider how fathers are represented in the texts, for example in a saint’s relationship with their biological family or the representation of fathers seeking miracles, and how this representation changed between the fifth and eighth centuries. Some of these textual elements, such as saints rejecting their fathers, cannot be taken as proof that children frequently acted in this way, but their frequent use as a positive trope by authors might be taken as an indication of approval of this behaviour and as demonstrative of the expectations of the father-child relationship. Authors were guided by literary expectations and sought to persuade their audience by, through hagiographical tropes, representing a society that their audience would have recognised and which we can use to aid in recreating the values of that society.<sup>487</sup> Epigraphic evidence can provide an insight into the demographic factors of daily life, such as age at marriage, and is particularly important for developing an understanding of how fathers were remembered after death.

Inscriptions provide information about who within family circles was involved in commemoration and, by examining to whom inscriptions were raised, it is also possible to understand how often and in what ways fathers were commemorated in relation to other family members.<sup>488</sup>

In general, however, it must be recognised that often what can be observed is neither an absolute biographical account of any individual father nor a complete picture of the life of a given family. Frequently, what we can deduce are only the changing (largely elite) expectations, regarding the ideal behaviour of fathers at different times of their lives, rather than fathers’ experiences. For instance, the shift between family relationships structured by *pietas*, which expressed the duties owed by parents in the care of their children and the corresponding expectations of children’s obedience and care for their parents, to relationships based on emotion. These expectations shifted within the life course. In the fifth and early sixth centuries the representation of affectionate

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<sup>486</sup> Kreiner, *Social Life of Hagiography*, p. 7.

<sup>487</sup> T. Head, (ed.) *Medieval Hagiography: An Anthology* (London, 2000), p. xxix. See further F. Graus, *Volk, Herrscher und Heiliger im Reich der Merowinger* (Prague, 1965).

<sup>488</sup> For a particularly important recent study of epigraphy see M. A. Handley, *Death, Society and Culture: Inscriptions and Epitaphs in Gaul and Spain, AD 300-700* (BAR: I) (Oxford, 2003).

relationships was largely centred on fathers and their adult sons. In the seventh and eighth centuries the emphasis for paternal affection was on the relationship between fathers and young children while the relationship between fathers and adult children often showed tension and division. Expectations must have been grounded within experience and therefore a study of the changing expectations of different moments in the life course can provide insight into the shifting experience of fatherhood.

In this chapter I will first examine the relationship between fathers and their young children and the role that they played during their lives as carers, providers and figures of authority for their family. Subsequently I will discuss the relationships of fathers with their adult children and the significant changes to the expectations placed on these relationships between the fifth and eighth centuries and to the related significance of paternal power. These discussions will primarily deal with the upper levels of society before I finally turn to a consideration to those at the bottom of the social ladder and the increased importance of fathers without property to societal understandings of the family. Finally I will examine the commemoration of fathers, and other family members, to develop an understanding of changes in how fathers were memorialised and the role that they could play in their family's life after their own death.

### **Fathers before Fatherhood**

Before embarking on a further discussion of fatherhood it will be useful to first consider the understanding of, attitude to, and desire for fatherhood. Men could attempt to exercise a choice over their fatherhood either by preventing procreation or by refusing to acknowledge their children. The means and reasons why fathers made these choices can indicate when fatherhood was viewed as desirable and when not. On a personal level this decision could depend on financial or family status but on a wider level societal attitudes towards the desirability of fatherhood changed in the late fifth and early sixth centuries.<sup>489</sup> In Late Antiquity fatherhood was presented by ascetic Christian authors as undesirable but by the eighth century procreation was central to a reimagined family life, the boundaries of which were controlled by fathers.

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<sup>489</sup> A particular case regarding motherhood can be seen in Venantius Fortunatus' *Vita Germani* as Germanus' mother tried to abort him as she felt it was too soon after another pregnancy, see Herlihy, *Medieval Households*, p. 53, *Vita Germani*, 2.

No aspect of family life in this period was untouched by the influence of Christianity. Early in the period its 'anti-familial tendencies' cast their shadow, but as these receded new Christian ideas of family life took shape.<sup>490</sup> The anti-familial rhetoric of ascetics declined in the Early Middle Ages which made space for the emergence of spiritual fathers. The decline of this idea also allowed men to begin to express their desire for children once more. We can assume, of course, that this desire for a family had never truly vanished in practice but in texts, particularly hagiographies, it had been unexpressed or even attacked. For example, in the first decade of the fifth century Paulinus of Nola, himself a father, cast doubt on the value of children. Paulinus suggested that the desire for children in fact made little sense given that children were frequently sources of pain to their parents.<sup>491</sup> An early sixth-century sermon attributed to Caesarius of Arles accuses people of having turned to 'devilish drugs' in the fervent desire to have children despite the dangers children posed to their souls.<sup>492</sup> Children were typically presented as more trouble than they were worth.

By the sixth- and seventh-century the desire for children again became represented as a virtue in hagiographies and poetry. The aspects of parenthood that had been attacked earlier, especially the wish for children in order to pass on an inheritance, were now perceived as less dangerous. Where Salvian of Marseille had attacked parents for procreating to pass on property in the fifth century, Gregory of Tours would praise Gregory of Langres in the sixth for approaching his wife 'only... for the sake of having children'.<sup>493</sup> This held true in the general religious culture of the time, with the need for children being the primary justification for sex and marriage with the *Gelasian Sacramentary* stating that the purpose of marriage was the procreation of children.<sup>494</sup> There was not a reversal of the perception of marriage and procreation by clerical authors but a need for procreation could be acknowledged while still privileging the spiritual value of chastity. On a practical level it was no longer good policy to attack procreation when saintly men, and members of one's own family, were doing so. As asceticism found a place within society and established itself as superior there was less need to defend its status.<sup>495</sup> Religious authors still asserted the superiority of celibacy, and the sinfulness of lust, but were less likely to attack marriage itself.

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<sup>490</sup> As I have discussed earlier, pp. 64-68.

<sup>491</sup> Paulinus of Nola, *Epistulae*, 25.

<sup>492</sup> Caes., *Serm.*, 51. It is interesting here that the author points out that celibate men may be fathers too, fathers of the spirit.

<sup>493</sup> Salv., *ad ecclesiam*, III, VP VII.1.

<sup>494</sup> *Gelasian Sacramentary*, in *Liber Sacramentorum Romanae Ecclesiae*, ed. H. A. Wilson (Oxford, 1894), III.52.

<sup>495</sup> For parental pressure to produce grandchildren, see pp. 191-194.

This is not to say that all children were always welcome. Children could also have been rejected, of course, through abortion, abandonment, or infanticide as I shall discuss below. However, that the risk of children being aborted was considered to be an issue is clear: a sermon attributed to Caesarius condemned abortion in the sixth century and did so addressing both women and men, which suggests that, as might be expected, many people attempted to control their reproduction through drugs or other means.<sup>496</sup>

### **Defining the boundaries of the family**

Fathers were not necessarily obliged to support their offspring. One of the key roles of the Roman *paterfamilias* had consisted of delineating the boundaries of the household by potentially determining the acceptance of his own or his dependents' children. Ulpian's strangely circular definition of the *familia* in the second century regarded the *paterfamilias* as the head of the *familia* and the *familia* as all of those under the power of the *paterfamilias*.<sup>497</sup> In terms of fatherhood this meant that the *paterfamilias*, through the *nominalia* ceremony held eight or nine days after the birth of a child, could choose to acknowledge, expose or simply deny any child as a member of the household.<sup>498</sup>

The abandonment of children has been a somewhat controversial topic in modern scholarship, particularly where the study of the medieval period is concerned. Abandonment could mean infanticide, for example the exposure of a child, or that a child was given to a religious or social institution to be raised. John Boswell argued that the practice of infanticide, widespread in the ancient period, declined in the Early Middle Ages to be replaced by oblation in which a child was 'gifted' to a monastic institution to be raised.<sup>499</sup> This view has been refuted by Ville Vuolanto, amongst others, who pointed at continuing practices of abandonment on the one hand and the wealthy background of many child oblates on the other, which may suggest that abandonment as a form of infanticide and oblation had different motivations or that child oblation was not easily accessible to those of lower status.<sup>500</sup>

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<sup>496</sup> Interestingly, Caesarius condemned equally the practice of using drugs to conceive – both challenged the will of God, Caes., *Serm.*, 50.4.

<sup>497</sup> *Dig.* 50.16.195 (Ulpian).

<sup>498</sup> Dixon, *The Roman Family*, p. 101.

<sup>499</sup> Boswell, *Kindness of Strangers*, pp. 228-255.

<sup>500</sup> Vuolanto, *Family and Asceticism*, pp. 124-125, De Jong, *Samuel's Image*, p. 5. See also discussion in Crawford which observes that abortion was probably a relatively minor factor until modernity due to the danger to the mother: S. Crawford, 'Infanticide, Abandonment and Abortion in the Graeco-Roman and Early Medieval World: Archaeological Perspectives', in L. Brockliss and H. Montgomery (eds), *Childhood and Violence in the Western Tradition* (Oxford, 2010), p. 60.

As Vuolanto has suggested the evidence from Gaul suggests that despite the increasing criticism of infanticide the practice continued alongside systems such as oblation and that fathers controlled both practices. Evidence of infanticide can be seen in the late-seventh-century *vita* of Queen Balthild of Neustria. Balthild was said to have forbidden an ‘evil custom, namely that many people determined to kill their children rather than nurture them’.<sup>501</sup> We cannot be certain of the frequency with which abandonment or infanticide were practiced although references to infanticide are rare and condemnatory. The only cases we have are from the Merovingians themselves, not surprising given the lack of detailed information on individual families lower down the social spectrum, and are therefore not likely to be representative of typical cases, but their presentation by Gregory of Tours can provide hints to the mechanisms of abandonment and infanticide. The most interesting aspect of child abandonment or infanticide as it emerges from the early medieval Gallic sources confirms the vital importance of the father in the practice. In one of the few cases of potential infanticide we know about from Gaul in this period it is the child’s mother, Fredegund, the queen and therefore not someone for whom the child would be a financial burden, who wishes it to be removed. The father, Chilperic, King of Neustria in the second half of the sixth century, refuses and insists, notably, that the child be baptized.<sup>502</sup> This indicates that it was the father who made, or at least was expected to make, the ultimate decision about the acceptance of the child into the household, assuming of course that he was in a position to make that decision, and that, by the late sixth century, the vehicle for this acceptance came through baptism.<sup>503</sup>

The acknowledgement of a newborn child underwent a great many changes in this period as former practices came under attack from a number of directions. The first was from new ideas regarding legitimacy. Legitimacy had been defined in Roman law as those born within a legally contracted marriage although illegitimate children were not all equal and the status of ‘natural’ children, whose fathers were known, was usually better than that of children whose fathers were unknown or who did not acknowledge them.<sup>504</sup> Children born within marriage were assumed to be legitimate unless rejected by their mother’s husband. Illegitimacy did not necessarily carry a great social stigma but it did limit children from partaking completely in public life and, perhaps most significantly, *spurii* children were both excluded from *patria potestas* and had limited ability to inherit paternal property

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<sup>501</sup> *Vita Sanctae Bathildis*, 6, as discussed in Herlihy, *Medieval Households*, p. 53.

<sup>502</sup> *HF* V.22.

<sup>503</sup> This could also tie in the godfather, for which see Jussen, *Spiritual Kinship*, pp. 103-104 and 183-187.

<sup>504</sup> See L. Wertheimer, ‘Continuity and Change in Constructs of Illegitimacy between the Second and Eighth Centuries’, *Historical Reflections/Réflexions Historiques* 33 (2007), p. 371.

if their father died intestate.<sup>505</sup> The *Institutes* emphasise the absence of *patria potestas* as key to understanding *spurii*. This being key to illegitimacy means that the acknowledgement of a child probably had to encompass the *paterfamilias*, as the person taking the child under *potestas*, if he and the putative father were not one and the same.<sup>506</sup> The father and the *paterfamilias* were thus central to acknowledging his children born outside marriage to provide some status and to actively provide for them.

The fathering of children outside of marriage may not have been uncommon among high-born men in the fifth century and there appears to have been no pressure to acknowledge such children. The poet Paulinus of Pella, in the autobiographical poem *Thanksgiving* written in 460, noted that in his ‘youthful wantonness’ he had fathered a child but notes, to mitigate this error, that he never saw the child who died young nor any other possible bastards.<sup>507</sup> It is unclear whether Paulinus formally acknowledged the child but, at least in writing, he expressed no affection for his child. Paulinus also considered himself to be relatively discreet in that he confined his attentions to slaves rather than freeborn women, thus containing his behaviour within the household and to those who shared a common *paterfamilias*. This would have offered protection from claims to inheritance and would also mean that men such as Paulinus would have been able to see their children freely if they so desired or, presumably, could ensure that they were untroubled by them.

However, by the sixth century the status of illegitimate children had undergone a major change. We can observe this in Roman law, as Justinian instated the right of illegitimate children to inherit some property from their father if he died intestate, though still less than legitimate children.<sup>508</sup> It may have been that this change in Roman attitudes was recognition of a long-standing practice that illegitimacy could be overcome when a father had a lack of legitimate heirs as Nathan has suggested had happened already in the fourth century.<sup>509</sup> This was an important concern both for safeguarding family property and because of the affection that fathers often felt towards their illegitimate children. When Valentinian allowed greater leniency to the inheritance of illegitimate

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<sup>505</sup> See Dixon, *The Roman Family*, p. 62, also Kaser, *Roman Private Law*, p. 315. And also, as Wertheimer has observed, no spurious child – regardless of their father’s acknowledgement – could be under *patria potestas*: Wertheimer, ‘Continuity and Change’, pp. 371-372. Judith Evans Grubbs has observed that Constantine’s efforts to prohibit marriages such as those between women and slaves almost always mention children whom quasi-married parents had wanted to make legitimate heirs. In the fourth century Constantine clearly wanted to restrain the ability of those of low-social status to inherit from the socially respectable. Evans Grubbs, ‘Constantine and Imperial Legislation’, pp. 131-2. See Chapter 2 for further discussion of property.

<sup>506</sup> *Inst.* 1.10.12.

<sup>507</sup> *Euch.*, 1. 169-175.

<sup>508</sup> *Nov.* 18 (536), 89 (539).

<sup>509</sup> Nathan, *Family in Late Antiquity*, p. 145.

children in 371, the rhetorician Libanius, whose only child was his son by his concubine, said that the law had relieved him of ‘the immense distress that the same day would be the end of me and a day of impoverishment and extreme hardship for my son’.<sup>510</sup> Thus Justinian’s law was likely an acknowledgement of contemporary practices and attitudes and may have been partly influenced by the practices of the ‘barbarians’, although it is impossible to be certain. The ‘Germanic’ laws do not mention legitimacy as an inheritance issue. Again, the only cases of inheritance where we know the legitimacy, or illegitimacy, of those concerned occur amongst the Merovingian royals themselves. Otherwise legitimacy is not mentioned. Lack of evidence cannot be decisive but, combining the lack of other evidence with the, albeit possibly atypical, royal evidence, implies that only incestuous illegitimacy was a factor in inheritance in practice as we shall now see.

The Merovingian dynasty was unconcerned with legitimacy as far as it related to parental marriage or status. When Clovis died in the early sixth century he left his throne to three younger children, the sons of his wife Clotild, and to an older son whose mother was a concubine.<sup>511</sup> Inheritance by a child born outside marriage was clearly not an uncommon practice, as it continued through the sixth century and even beyond although this may have conflicted with a Christian emphasis on the need for marriage.<sup>512</sup> In a famous incident from Jonas of Bobbio’s seventh-century *Vita Columbani* the Irish saint met the Burgundian King Theuderic II and his grandmother Brunhild. Columbanus condemned Theuderic for taking a concubine and refused Brunhild’s request to bless Theuderic’s children by the concubine, prompting a fierce struggle between the queen and the saint.<sup>513</sup> The royal family clearly had no objection to children born outside wedlock but this jarred with Christian perceptions of the family.<sup>514</sup> The only case where legitimacy was acknowledged as a problem in the ‘Germanic’ sources of this period was in cases of incestuous unions, which are highlighted in law codes from the second half of the sixth century as well as church councils.<sup>515</sup> The *Decretio Childeberti* of 594 notes that children born of incestuous unions were prohibited from inheriting.

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<sup>510</sup> Libanius, *Orationes*, ed. R. Foerster, *Opera* (Leipzig, 1903-1908), I.145, discussed in K. Harper, *Slavery in the Late Roman World, AD 275-425* (Cambridge, 2011), pp. 457-8.

<sup>511</sup> Ian Wood has even suggested that it was only Clotild’s political power that enabled her sons to inherit and that without this Theuderic might have inherited independently. I. Wood, ‘Kings, Kingdoms and Consent’, in P. H. Sawyer and I. Wood, *Early Medieval Kingship* (Leeds, 1977), pp. 6-29. For more see M. Widdowson, ‘Merovingian Partitions: a ‘Genealogical Charter’?’, *Early Medieval Europe* 17 (2009), pp. 1-22.

<sup>512</sup> S. Zale, ‘Bastards or Kings or Both? Louis III and Carloman in Late-Medieval French Historiography’, *Comitatus* 29 (1998), pp. 95-112.

<sup>513</sup> Jonas of Bobbio, *Vita Columbani*, I.19.

<sup>514</sup> It should also be noted, as Wertheimer has observed, that Christian thought stopped distinguishing between *naturales* and *spurii*. Wertheimer, ‘Continuity and Change’, p. 382. Isidore of Seville simply stated that *naturales* are the children of freeborn concubines, *Etym.*, IX.5.19.

<sup>515</sup> Orléans III (538), 11, Mâcon (581-583), 11 and Épaone (517), 30, in *Les Canons des Conciles Mérovingiens : VIe-VIIe siècles*, eds and trans. J. Gaudement and B. Basdevant (Paris, 1989).

This prohibition was also added to the second recension of the 65-chapter *PLS* probably dating to the sixth or seventh century.<sup>516</sup> Interestingly Gregory of Tours describes a case in which a woman who had left her husband and married again had her second marriage voided and the children declared illegitimate. This case is presided over by a church council and the children are ruled to be the products of incest.<sup>517</sup> Illegitimacy for the Merovingians was defined by the Church and it does not seem that legitimacy was a particular concern within Frankish inheritance.

Different approaches to legitimacy may well have caused some conflict as Gallo-Romans and Franks intermarried and as individuals chose to apply different laws and customs based on circumstance. Evidence of potential conflict is provided in Gregory of Tours' discussion of the sons of King Guntram in the second half of the sixth century. Gregory notes that some, presumably significant, members of the court were saying that Guntram's sons, who predeceased him in 577, were not legitimate heirs as their mother was a servant, but Gregory dismisses this by pointing out that 'irrespective of their mother's birth, all sons born to a king count as that king's sons'.<sup>518</sup>

Different approaches were available to legitimacy from both Frankish and Gallo-Roman traditions, as well as from the perspective of the Church, as would also be seen in Columbanus' struggle with Brunhild later that century.<sup>519</sup> On the one hand Guntram's acknowledged children were born within marriage, on the other hand doubts could be cast on their status due to the status of their mother. In contrast the most famous 'illegitimate Merovingian' was Gundovald who arrived in Gaul in the 580s claiming to be the son of Lothar I and seeking a share in the Frankish kingdoms. Gundovald was acknowledged by Lothar's brother, Childebert I, who had no children of his own and may therefore have looked upon Gundovald as an heir, and Gundovald seems to have been raised at Lothar and his brothers' courts.<sup>520</sup> However, his illegitimacy, whatever the truth of it may be, was settled because Lothar had not acknowledged him as a son, with Gundovald himself reportedly saying 'everybody knows that my father Lothar hated me'.<sup>521</sup> A father could choose to acknowledge his children, providing them with a claim to share in any inheritance, or not. Choosing to accept children meant an increased division of property. Not to do so, as may have been the case with Gundovald, increased the share of other children.<sup>522</sup> However, the acceptance or rejection of a

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<sup>516</sup> *Decretio Childeberti* I.2, in Rivers, *Laws of the Salian and Ripuarian Franks*, p. 145 and *PLS* 13.11 in manuscripts Paris, Lat.4403B and Paris, Lat.18237. For dating of manuscripts see figure 4.

<sup>517</sup> *HF* X.8.

<sup>518</sup> *HF* V.20.

<sup>519</sup> Jonas of Bobbio, *Vita Columbani*, I.19.

<sup>520</sup> *HF* VI.24 and VII.36.

<sup>521</sup> *HF* VII.36.

<sup>522</sup> It is unclear how this was dealt with by maternal grandfathers – they presumably could choose whether or not to support their daughters and their illegitimate children.



child still remained the prerogative of the father. The critical groups who had whispered about Guntramn's children would simply have had to reconcile themselves to the idea that, for a while at least, a legitimate child was simply any child that a father recognised.

The acknowledgement of children can thus be seen to have come more firmly into the control of individual fathers in the Early Middle Ages. Most importantly, the legitimacy of children was not connected any longer to whether their parents had contracted a marriage. Fewer legal restrictions held fathers back from accepting the children they wished to raise and have as heirs. In turn, they were relatively free to reject, or remove, those they did not. Fathers could use these strategies to manage their property and limit its division. Having defined the conceived limits of the family we should now turn to the ideas about raising children in this period.

### **Fathers and Young Children: Nourishment, Education and Affection**

Having recognised a child, a father had the most control prior to their attaining majority. I have already discussed the means by which property was increasingly devolved to children once they reached maturity. However, prior to this a father was responsible for the management of the property of the household and nourishing, in the sense of providing for their physical well-being, and educating his children. Fathers in Late Antiquity undoubtedly felt affection for their children, but the motivation for nourishing and educating their young children was generally expressed as a duty, with affection only becoming a noteworthy characteristic for describing relationships between fathers and their adult children. In the Early Middle Ages, although both nourishment and education continued to be important aspects of the paternal role, they were increasingly subsumed within the expectation that a father's primary motivation would be his affection for his children. Affection was the cause of provision and central to the representation of relationships between father and young children. Overlaying this shift was a change in the attitude of clerical authors towards the position of fathers in their children's lives from one of general disapproval towards greater approbation.

The quintessentially Roman expression of the bonds of duty within a family was *pietas*.<sup>523</sup> *Pietas* called upon children to offer obedience and *reverentia* to their parents while the *paterfamilias* was

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<sup>523</sup> For useful discussions of *pietas* see J. Evans Grubbs, 'Promoting *pietas* through Roman Law', in B. Rawson (ed.), *A Companion to Families in the Greek and Roman World* (Oxford, 2011), pp. 377-392, Gardner, *Family and Familia*, especially pp. 123-4, Saller, *Patriarchy, Property and Death*, pp. 102-133 and H. Wagenvoort, 'Pietas', in H. S. Versne (ed.), *Pietas: Selected Studies in Roman Religion* (Leiden, 1980), pp. 1-21. Two potential sixth-century uses of *pietas* to describe family feeling can be seen in *HF* IX.20 in which Childebert's envoy appeals to Guntramn's '*pietatem*'.

expected to mitigate his *potestas* with understanding and to support his children.<sup>524</sup> The change that occurs in the early medieval world emphasised the care of parents for their young children more than the duty of children towards their parents. This is not to say that fathers came to love their children more, but that the cultural expectation and ideal was to express affection for young children as objects of love and to de-emphasise their position as heirs.

Concepts of the ideal father in the fifth and early sixth centuries focussed on the importance of nourishment. It was a father's ability to provide for his children that defined and empowered him. This idea appears also in monastic texts. It is therefore perhaps not surprising that beyond the abbot the other member of the monastic community identified as a father in the early rules was the cellarer 'who may be as a father to the whole brotherhood'.<sup>525</sup> In the early sixth century, Ruricius of Limoges wrote to his son Ommatius to prompt him to visit him, reminding him that Ruricius had 'taught and nourished him'.<sup>526</sup> The ability to provide for one's family and to prepare one's sons for their public role was an essential part of elite masculinity and also an aspect of the role of the *paterfamilias* as the property holder. These texts extolling such aspects all came from authors with Roman backgrounds.

Despite the legal sources of the Roman period suggesting that fathers needed to be carefully guarded against the constant temptation to alienate their children's property, literary and moral sources suggest that the expectation was rather of fathers caring carefully for such property.<sup>527</sup> A 531 ruling by Justinian concerning inheritance notes that: 'The father (*pater*), moreover, must support his sons, daughters and other descendants, not because of ... inheritances, but because nature requires it and because of the laws which direct parents to support their children, and command children to support their parents if, in either case, necessity therefore exists'.<sup>528</sup> This emphasis on the duty of parents to support and pass property on to their children caused conflict

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<sup>524</sup> See *Dig.* 48.9.5 (Marcian).

<sup>525</sup> *Reg. Ben.* 31. Corresponding sections in women's rules refer only incidentally to 'maternal order', Donatus of Besançon, *Regula ad Virgines*, ed. J.-P. Migne, *PL* 87 (Paris, 1851), trans. J. A. McNamara and J. Halborg, in *The Ordeal of Community: Hagiography and Discipline in Merovingian Convents* (Toronto, 1993), c. 4, see also Waldebert [attr.], *Regula Cuiusdam Patris ad Virgines*, ed. J.-P. Migne, *PL* 88 (Paris, 1850), pp. 1053-1070, trans. J. A. McNamara and J. Halborg, in *The Ordeal of Community: Hagiography and Discipline in Merovingian Convents* (Toronto, 1993), pp. 75-103, c. 4.

<sup>526</sup> *Rur., Ep.*, II.28.

<sup>527</sup> Discussion of fathers alienating property see above pp. 118-120. For the *pater* protecting property as an older Roman concept see for example Seneca's statement 'Let us act as the *bonus paterfamilias*. Let us increase what we received. Let that inheritance pass enlarged from me to my descendants', discussed in Saller, *Patriarchy, Property and Death*, p. 155.

<sup>528</sup> '*Ipsum autem filium vel filios vel filias et deinceps alere patri necesse est non propter hereditates, sed propter ipsam naturam et leges, quae et parentibus alendos esse liberos imperaverunt et ipsis liberis parentes, si inopia ex utraque parte vertitur*', *Cod. Ius.* 6.61.8 (531).

with ascetic writers who wished to encourage the movement of property away from the household and into the Church.

The fifth-century author Salvian of Marseille discussed the concern over property at length in attempting to reconcile an ascetic Christian encouragement of poverty and almsgiving with his audience's discomfort with giving away family property. In discussing donations of property to the Church he considered that parents might protest that they must leave something to their, even misbehaved, children, due to 'parental love' and the 'ties of blood'.<sup>529</sup> Denying a child their heritage was described by Salvian as judging that child 'valueless in the eyes of their parents'.<sup>530</sup> Salvian accepted, though perhaps with a heavy dose of sarcasm, that allowances had to be made for parents because nature demanded that they provide for their children.<sup>531</sup> Salvian's concern was explicitly not for land management but for the notion of property as an expression of paternal love within a biologically conceived family. He excoriated those who, being childless, adopted to provide themselves with heirs, which he saw as summoning a crisis where none existed. Salvian encouraged parents to limit their acquisitiveness urging, 'it [is not] wrong for a Christian man to provide less well for his legitimate heirs in this world, provided that he make provision for himself, in as many ways as possible, for eternity'.<sup>532</sup> Salvian may not be reliable as a witness of how property was being managed, as he was more concerned with critiquing contemporary attitudes than accurately describing their practice of property management. However, Salvian indicated that for lay fathers the need and expectation that they would provide for their children trumped their concern for salvation.

Salvian was not unique in these observations within the late antique world. Several authors explored the intersection of paternal love, authority and inheritance particularly through explorations of the parable of the prodigal son (Luke 15.11-32).<sup>533</sup> Affection was not absent from these representations but it was less important than paternal provision. Ruricius of Limoges, casting Faustus of Riez in the role of his spiritual father, in a letter of the 470s, praised the father who welcomed the prodigal

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<sup>529</sup> Salv., *ad ecclesiam*, III.2.

<sup>530</sup> *Ibid.*, III.4.

<sup>531</sup> I am grateful to David Lambert for his useful comments on Salvian.

<sup>532</sup> Salv., *ad ecclesiam*, III.4.

<sup>533</sup> A sermon attributed to Caesarius of Arles explored the theme understanding the two sons to be the Jews, as the dutiful son, and the Gentiles, Caes., *Serm.*, 163. In the Pseudo-Theophilus commentary on the Gospels the two sons are interpreted as Adam and Christ, Pseudo-Theophilus, *Commentary on the Four Gospels*, ed. M. M. Gorman, 'The Earliest Latin Commentary on the Gospels', *Augustinianum* 2 (2003), pp. 307-308. For a discussion of the Pseudo Theophilus commentary see Y. Hen, 'A Merovingian Commentary on the Four Gospels (Pseudo-Theophilus, CPL 1001)', *Revue des Études Augustiniennes* 49 (2003), pp. 167-187.

son, despite his having squandered his inheritance ‘with a joyful embrace, more willing to rejoice in his return than to find fault with his error’. Ruricius portrayed the father as not just offering love, for ‘the pardon of paternal clemency alone is not sufficient...unless it also generates bountiful gifts’.<sup>534</sup> Thus the father also provided goods such as a ring ‘lest, led astray by perfidy, the son depart again from his father’.<sup>535</sup> Ruricius was not speaking literally, of course, but casting Faustus in the role of the father who will lovingly receive the transgressing son and offer the bounty of salvation. In doing so Ruricius drew upon an understanding of the paternal role that connected affection with nourishment.

In a letter written by Cassiodorus, on behalf of the Gothic King Theodoric, to the influential Roman politician Symmachus at the beginning of the sixth century requesting that Symmachus ensure the punishment of a man who has attacked his own father, Cassiodorus noted that ‘children are nurtured from their infancy; for them we work; for them we seek riches; and although each man may think his property ample for himself, when fathers continue to pursue it, they sin for the next generation rather than themselves’.<sup>536</sup> Both providing for his children during his lifetime and leaving them with an inheritance were central to fatherhood in the fifth and early sixth centuries and this was not yet fully reconciled with the ideals of Christian ascetics. The evidence for this comes mainly from authors in the south of Gaul who came from Roman backgrounds and who still tend to equate the father with the *paterfamilias* and the owner of all property. These authors used that rhetorical idea as both stick and carrot. In the case of Ruricius it can be observed how the image of the generous father could be used to place an obligation on someone cast in the role of a spiritual father, and in the case of Cassiodorus’ letter the image of the father as provider makes an ungrateful son seem all the worse. The images thus invoked provide an image of fatherhood that show the expectations placed upon it if not day-to-day reality.

Beyond nourishment a further aspect of the interaction between Christianity and ideals of fatherhood in the fifth and early sixth centuries concerned the paternal role in the education of their children. In the late antique world arranging an education for their children was a central concern of fathers. Ruricius of Limoges, for example, wrote several letters to his sons’ tutor Hesperius emphasising the importance of the tutor’s task in being entrusted with Ruricius’ ‘hopes and consolation’.<sup>537</sup> Paulinus of Pella’s father gave up hunting to ensure that his son was not distracted

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<sup>534</sup> See discussion pp. 76-77 of this relationship. Rur., *Ep.*, I.2.

<sup>535</sup> Rur., *Ep.*, I.2.

<sup>536</sup> Cassiodorus, *Variae*, II.14.

<sup>537</sup> Rur., *Ep.*, I.3, see also I.4.

from his studies.<sup>538</sup> For these authors a healthy interest in the provision of an education for their sons was vital to being a good father. This education, amongst the elite, was often connected to knowledge of classical authors and the preparation for a secular life. However, this definition of an appropriate education was at odds with the purposes of ascetic authors.<sup>539</sup>

Not all of the education that fathers provided for their sons was connected with literacy. Indeed given the probably low rates of literacy in Late Antiquity and the Early Middle Ages it is likely that relatively few, even amongst the elite, received an extensive literary education.<sup>540</sup> Fathers lower down the social spectrum not have had the financial resources to provide the ideal education to all, or even any, of their children. Gregory of Tours tells us that St. Patroclus, a sixth-century priest from Bourges, was initially given the job of watching the flock while his brother learnt 'letters' but upon his brother insulting him for his lack of education promptly took himself off to school.<sup>541</sup> The story may have been somewhat manipulated to give Patroclus a saintly journey but it is not implausible to assume that people of the social status of Patroclus' father might have needed to make decisions about their sons' education based on financial resources.

Many fathers would also have provided some practical education for their sons. Paulinus of Pella's father trained him in household management and took him hunting.<sup>542</sup> Indeed, hunting comes through as one of the clearest activities reserved for men and which fathers of a certain status would have been expected to pass on to their sons. As Guy Halsall puts it, it was the aristocratic activity *par excellence*. The popularity of hunting is attested to by accounts which indicate that several Merovingian kings were killed while hunting.<sup>543</sup> Hunting appears on various sarcophagi as a central male activity. The late fifth-century sarcophagus for example, from the cemetery of Saint-Sernin in Toulouse (Figure 7) shows a scene from a boar hunt including a smaller figure which may be a child. The centrality of hunting continued into the Early Middle Ages as in the seventh- or eighth-

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<sup>538</sup> *Euch.*, I. 127-134.

<sup>539</sup> The key text is P. Riché, *Education and Culture in the Barbarian West*, trans. J. J. Contreni (Columbia, 1976). There is also a discussion of education in Ariès, *Centuries of Childhood*.

<sup>540</sup> Augustine famously noted the expense that his own father put into his education in fourth-century Carthage, *Confessionum*, II. For some discussion of Augustine's experience see B. D. Shaw, 'The Family in Late Antiquity: The Experience of Augustine', *Past & Present* 115 (1987), especially p. 16.

<sup>541</sup> *VP* IX.1.

<sup>542</sup> *Euch.*, I. 129-134.

<sup>543</sup> G. Halsall, *Cemeteries and Society in Early Merovingian Gaul: Selected Studies* (Leiden, 2010), p. 164. See also the famous signet ring in Childeric's grave in Tournai which represents Childeric holding a lance. Discussed in R. Le Jan, 'Frankish Giving of Arms and Rituals of Power: Continuity and Change in the Carolingian Period', in F. Theuvs and J. L. Nelson, *Rituals of Power: From Late Antiquity to the Early Middle Ages* (Leiden, 2000), pp. 304-305. Kings reportedly killed while hunting (although not by the act of hunting itself): Lothar, Chilperic, Childeric, and Theudebert, *HF* IV.21, VI.46, *Passio Leudegarii* 13, and Agathias, *The Histories*, I.5, ed. and trans. J. D. Frendo (Berlin, 1975).

century *Vita Ansberti* which describes the love of Ansbert's father for his son which was manifested in a keenness 'for him to be employed in hunting and to be armed for the charms of the world'.<sup>544</sup> Hunting was both an educational and leisure activity.<sup>545</sup> On the one hand it could improve health and exercise military muscles, as Paulinus emphasised, on the other it seems to have been a primary means of entertainment.<sup>546</sup> Beyond hunting, and at different levels of the social spectrum, fathers might also have been involved in training their sons for farming, trade or other employment but this is not attested in the sources.



**Figure 7: A Gallic Sarcophagus of the Late Fifth Century Showing Hunting.**<sup>547</sup>

There is some evidence from the late antique period that in matters of education the family divided along gender lines. Geoffrey Nathan has argued that in Late Antiquity parents divided their labour, with fathers responsible for preparing their children to succeed in the world, and mothers providing their children with spiritual direction.<sup>548</sup> As will be described below, by the later sixth century boys intended for a life in the Church would often receive further religious education outside the home. Gender divisions did not emphasise difference between parents so much as differences in their expectations for sons and daughters.

Hagiographical sources of the fifth and early sixth century shared the representation of this paternal interest in education but tended to present it negatively, as a dangerous facet of worldly ambition,

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<sup>544</sup> *Vita Ansberti*, 1.

<sup>545</sup> Examples listed in B. Effros, *Caring for Body and Soul: Burial and its Afterlife in the Merovingian World* (Pennsylvania, 2002), p. 120, Riché, *Education and Culture*, pp. 231-233. Such hunting scenes were not unique to gallic sarcophagi – Edward James has suggested that Aquitanian examples may have been influenced by contemporary Irish examples - E. James 'Ireland and Western Gaul in the Merovingian Period' in D. Whitelock, R. McKitterick and D. Dumville, *Ireland in Early Medieval Europe* (Cambridge, 1982), p. 395. Other leisure activities are also attested to in the sources, such as dice games and ball sports (SA, *Ep.*, II.2) but not with quite the same masculine or paternal association.

<sup>546</sup> *Euch.*, I. 129-134.

<sup>547</sup> A Gallic sarcophagus of the late fifth century showing hunting. Held in the Musée Saint-Raymond, Toulouse. Photograph J. F. Peire [[http://saintraymond.toulouse.fr/Sarcophage\\_a126.html](http://saintraymond.toulouse.fr/Sarcophage_a126.html)]. Found in É. Salin, *La civilisation mérovingienne : d'après les sépultures les textes et le laboratoire* (Paris, 1959), Vol. 2, plate 5.

<sup>548</sup> Nathan, *Family in Late Antiquity*, p. 143.

akin to fathers pushing their saintly children towards marriage.<sup>549</sup> Christian authors did not necessarily interpret misguided parental ambitions as stemming from a lack of parental love. Gregory of Tours described St. Papula, for example, whose parents did not wish her to become a nun because of their love for her, forcing Papula to pretend to be a man in order to enter a monastery.<sup>550</sup> This love, like earlier ideas of the dangers of family, was represented as preventing saints from achieving their holy purpose.

Another aspect of the paternal role in the education of young children was the provision of discipline and punishment. The use of corporal punishment on children had been a common and integral feature of ancient family life and education.<sup>551</sup> Augustine famously bemoaned infancy as a fate almost worse than death for the beatings it brought, while in fourth-century Gaul Ausonius of Bordeaux would advise his grandson to resign himself to his schoolmaster's criticisms and beatings, for both of his parents had undergone them too.<sup>552</sup> The physical punishment of children was a frequent topic of discussion for authors in the late antique world.

In Roman antiquity anxiety over the physical punishment of children had centred on distinguishing between the punishment of sons and slaves. Richard Saller has argued that flogging was reserved for the punishment of slaves. To cross the boundary and flog a son would be to blur the lines between sons and slaves.<sup>553</sup> Theodore DeBruyn has suggested that by the end of the fourth century this attitude had changed and the *pater flagellans* had become central to Christian concepts of father-child relations.<sup>554</sup> However, beating seems, as discussed by Julia Hillner, to have been primarily reserved for young children, while the beating of older children, perhaps from the age of puberty, remained problematic.<sup>555</sup> The position of the *paterfamilias* as master to both his children and to his slaves meant that there was constantly a risk that the lines between these two groups would be blurred where punishment was an element of his relationship with both.

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<sup>549</sup> See Vuolanto, *Family and Asceticism*, p. 107-117. For later examples of this trope see *Vita Genofeva*, 5, *VP* I.1, *GC* 17, *Vita Ansberti* 2.

<sup>550</sup> *GC* 16.

<sup>551</sup> Summarised by Christian Laes, 'Child Beating in Roman Antiquity: Some Reconsiderations', in K. Mustakallio, J. Hanska, H.-L. Sainio, and V. Vuolanto (eds), *Hoping for Continuity: Children, Education and Death in Antiquity and the Middle Ages* (Rome, 2006), pp. 75-89.

<sup>552</sup> Nathan, *Family in Late Antiquity*, p. 143, Laes, 'Child Beating', p. 81, Ausonius of Bordeaux, *Opera, Liber Protrepicus ad nepotem*, l. 14-34.

<sup>553</sup> See Saller, *Patriarchy, Property and Death*, p. 151.

<sup>554</sup> T. S. De Bruyn, 'Flogging a Son: The Emergence of the *pater flagellans* in Latin Christian Discourse', *Journal of Early Christian Studies* 7 (1999), pp. 249-290.

<sup>555</sup> J. Hillner, 'Monks and Children: Corporal Punishment in Late Antiquity', *European Review of History* 16 (2009), p. 775.

Punishment was not presented as being a hindrance to affective fatherhood; it could even be a requirement. Salvian of Marseilles wrote to his parents-in-law, in an attempt to gain forgiveness: ‘The severity of a father should not be an obstacle but a pathway for love, since, whatever the discipline of one has brought to correction, so much should correction return to the love of the other’.<sup>556</sup> A fifth-century letter of Sidonius complained to his relative Simplicius of his ‘spoiled’ sons who were too secure in his affection, warning Simplicius to be stricter.<sup>557</sup> This was not incompatible with another letter of Sidonius in which he condemned a father who cared more for his ambitions for his children than for them having a carefree childhood.<sup>558</sup> Fathers were firm with their children in order to support and educate them.

Up to this point the primary role of the father in the lives of his young children was portrayed as the provider of nourishment and education. This was often characterised by clerical authors as worldly ambition. Neither affection nor grief focussed on young children and Sidonius emphasised a father’s role at this point as one of authority. In Late Antiquity it was the affection for adult children that was often highlighted. When Sidonius Apollinaris’ wife died, for example, he observed the devastation that it had wrought on her father.<sup>559</sup> Although fathers would have grieved for their young children, the surviving sources show that the expectation for a public display of grief was centred on the death of adult children. From the sixth century, however, depictions of young children would often centre on paternal, and parental, affection with the provision of nourishment and education as consequential to this affection.

A *dictio* of 509 by Ennodius of Pavia explored the expectation of mutual affection between fathers and sons in response to a declamation attributed to the first-century author Quintilian.<sup>560</sup> The declamation explores the case of a father whose two sons, one dutiful, the other wasteful, had been captured by pirates. The father, unable to ransom both, had chosen to rescue the profligate son, who was ailing, and died shortly after his release, leaving the other son to escape by his own devices. The dutiful son subsequently disputed that he had any responsibility to provide the support that his father still demanded of him. The declamation of Quintilian, or Pseudo-Quintilian, took the part of the father. Lewis Sussman has noted that among the Major Declamations this is the only one which

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<sup>556</sup> ‘*scilicet ut patris motus non detrimenta amoris sint, sed profectus, cum quantum coercito, adtulerit unius correctioni, tantum correctio reddat mutuae caritati*’, Salv. *Epistolae*, 4.

<sup>557</sup> SA, *Ep.*, V.4. Sidonius also praised another father as ‘stern but not dreadful’ in *Ep.*, IV.9.

<sup>558</sup> SA, *Ep.*, VII.2.3.

<sup>559</sup> SA, *Ep.*, II.8.

<sup>560</sup> Kennell, *Magnus Felix Ennodius*, pp. 153-7. Ennodius of Pavia, *Dictiones*, ed. J.-P. Migne, *PL* 63 (Paris, 1847), 21, on Quintilian’s (attr.) *Major Declamation* 5. Doubts are cast on whether Quintilian in fact wrote the original piece but Ennodius certainly considered him to be the author.



features a son displaying a lack of *pietas*, for which the son is condemned, as in all other cases sons were determined to demonstrate *pietas* even under the most trying of circumstances.<sup>561</sup> Ennodius, in contrast, argued on behalf of the son. As Stephanie Kennell has observed whereas Quintilian had based his argument on the law, Ennodius built his case on the basis of mutual affection.<sup>562</sup> A father, in Ennodius' reckoning, was required to demonstrate love for his sons before he could expect the son to offer him a duty of care. We cannot be certain that the arguments on either side demonstrate a sea change in opinion, since in both cases the arguments may be about rhetorical exercise. Yet, Ennodius' choice of argument is significant.<sup>563</sup> Ennodius expected fathers to show their children affection and considered children within their rights to withhold service if that affection was not forthcoming. The father's role in his children's lives during their youths was expected to be as much a provider of affection as nourishment. Depictions of the father's expected role in education also began to shift as education became centred on the Church.

The increased role of the Church in education led clerical authors to be more accepting of the influence of fathers in their children's lives. For example, it is clear from numerous hagiographical and secular texts that education continued to be central to the idea of fatherhood into the sixth and possibly seventh centuries. The form which education took shifted in the Early Middle Ages to increasingly being provided by religious establishments.

Although much of this religious education was provided outside the household fathers were expected to play a significant role in raising their children as good Christians. Sermons of the sixth century repeatedly enjoined parents to teach their children the Creed and the Lord's Prayer and to set a good Christian example.<sup>564</sup> Later sixth- to eighth- century hagiography tended to depict the provision of education by fathers as a much more positive aspect of their role than had the earlier hagiographies. Thus the hagiographies of Nicetius of Lyons, Sequanus of Burgundy, and Desiderius of Cahors show the saints receiving a literary education under the guidance of their parents.<sup>565</sup> Those parents were sometimes represented as feeling some reluctance regarding their children's asceticism but not to the point of preventing those children assuming their offices. This shift

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<sup>561</sup> L. A. Sussman, 'Sons and Fathers in the Major Declamations Ascribed to Quintilian', *Rhetorica* 13 (1995), pp. 189-190.

<sup>562</sup> Kennell, *Magnus Felix Ennodius*, p. 155.

<sup>563</sup> For a consideration of the rhetorical construction of declamations see Sussman, 'Sons and Fathers', *Rhetorica* 13 (1995), pp. 179-192.

<sup>564</sup> For example Caes., *Serm.*, 130.

<sup>565</sup> *VP VIII.1, Vita Sequani*, ed. J. Mabillon, *Acta Sanctorum* September VI (Antwerp, 1757) 1, *Vita Desiderii Cadurcensis*, ed. B. Krusch, *MGH SRM IV* (Hanover, 1902), pp. 547-602, trans. in S. Hamilton, 'Merovingian Episcopal Hagiography: Text and Portrayal', PhD thesis (University of Reading, 2001), 1.

connects to the more general decrease in the anti-familial rhetoric of Christianity, and may also demonstrate the changes in the nature of this ambition as the Church became an increasingly attractive career prospect. Where parental ambition had been directed towards secular aims it was problematic, but as education and energy was increasingly directed towards the Church, fathers could no longer be castigated so easily for promoting their children's interests.

Education outside of the household in the Early Middle Ages was increasingly provided by religious establishments. Edward James has observed that a decline in lay literacy probably led to the majority of those capable of providing the desired education being found within the Church.<sup>566</sup> Pierre Riché suggested that the religious nature of education was probably affected by geography. He argues that until around 650 an aristocratic education south of the Loire was likely to resemble a late Roman education. North of the Loire, in the areas more dominated by the Franks, education would have been more religious in flavour and provided by religious institutions. Clerics, for example, would have been educated within the household of a bishop, as I shall discuss further in the next section.<sup>567</sup> Parents also made use of monastic establishments in order to educate their children by sending them to monastic schools or even 'giving' their children to monasteries as oblates. Fathers no longer 'competed' with religious institutions for their children, even in hagiographical representation, but had absorbed these institutions into family strategies.<sup>568</sup>

The education provided could be of benefit to a clerical career. Gregory of Tours learnt his letters and had a strong religious education through the influence of Avitus, the bishop of Clermont when Gregory was a young cleric, but bemoaned his ignorance in profane literature. Gregory's education had prepared him for his clerical career but was not provided with sufficient knowledge of classical authors. Praejectus, another bishop of Clermont in the second half of the seventh century, was taught grammar and the liturgy.<sup>569</sup> Lupus of Sens who was destined, his hagiographer tells us, for episcopal office was 'handed over' to a school to be taught letters and the religious offices.<sup>570</sup> Education was not uniform however and access to Gregory's 'profane literature' might have been available to some within the Church as well as those seeking careers outside it. In fact Gregory

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<sup>566</sup> Edward James, 'Introduction, *Life of the Fathers*, p. xxi.

<sup>567</sup> Riché, *Education and Culture*, pp. 229-230. See discussion of Gregory and Bertram below p. 205.

<sup>568</sup> De Jong, *Samuel's Image*, pp. 232-233. It is notable that some monastic rules of the period specifically forbid this – suggesting that it was relatively common, Caes., *Reg. Virg.*, 7 and Donatus of Besançon, *Regula ad Virgines*, 54.

<sup>569</sup> Avitus is often considered to be Gregory of Tours' uncle but Heinzelmann doubts this. M. Heinzelmann, *Gregory of Tours: History and Society in the Sixth Century* (Cambridge, 2001), pp. 30-31. *VP* II.pref, *Passio Praejecti*, 4.

<sup>570</sup> *Vita Lupi Episcopi Senonici*, ed. B. Krusch, *MGH SRM* IV, trans. Hamilton, in 'Merovingian Episcopal Hagiography', 2.

criticises a bishop named Cautinus for taking interest in neither sacred nor profane literature.<sup>571</sup> A wider education seems to have been available to Bonitus of Clermont, for example, who was a chancellor to Sigebert III and later governor of Provence and then bishop of Clermont from 689-706, after being trained in grammar and the Theodosian Decretals by his parents and by a priest.<sup>572</sup> The value of this education to churchmen can therefore indicate why fathers' role in its provision was treated positively within the literary sources of this period. It is likely that the change we can observe within the literature of the period was not particularly felt in lay culture, where paternal provision of education was always key, but is instead a shift in the attitude of the authors of available sources.

The transition in the nature of education observed so far has largely focussed on the role of fathers in providing education for their sons, however it is also important to consider the paternal involvement in the education of daughters. For daughters the emphasis of education, as expressed in sermons, was on good moral behaviour. A sermon of Caesarius noted that 'all men want their daughters to be chaste, and their wives too, for daughters become wives'.<sup>573</sup> This already suggests that, while fathers were supposed to take an interest in the education of both boys and girls, the aims of this education, and by consequence the nature of fathers' expected involvement, were different.

In the late antique east, John Chrysostom, discussing the problems of raising a son in the city, noted that girls were mostly their mothers' business.<sup>574</sup> The writings of an ascetic monk in the fourth century do not, of course, necessarily tell us a huge amount about the practicalities of early medieval households in Gaul. However, the association of girls with their mothers occurs elsewhere and makes sense when we consider what was expected more generally of fathers in the education of their children. Fathers would not necessarily have the practical skills to educate their daughters for future life, these abilities would instead be passed on by mothers and did not concern male authors. References to fathers in their daughters' lives at this stage present them as focussing primarily on their daughters' marital prospects. For example, the *Vita Geretrudis*, from the late seventh century, describes Gertrude being called to her father, who was dining with the King Dagobert, to be asked if she wished to marry the son of the Duke of Austrasia.<sup>575</sup> She refused and 'returned to her mother'.

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<sup>571</sup> *HF* IV.12.

<sup>572</sup> *Vita Boniti*, 2.

<sup>573</sup> *Caes.*, *Serm.*, 90.

<sup>574</sup> John Chrysostom, *On Vainglory and the the Right Way for Parents to Raise Their Children*, trans. in M. L. W. Laistner, *Christianity and Pagan Culture in the Later Roman Empire* (Ithaca, 1967), 90.

<sup>575</sup> *Vita Sanctae Geretrudis*, 1.

Other stories of female saints, such as Aldegund, also show this particular maternal connection.<sup>576</sup> To be sure, provision was sometimes made for the education of daughters. Radegund, Fortunatus tells us, was ‘taught letters and other things suitable to her sex’ but this was not explicitly connected with her father.<sup>577</sup> The primary role of the father, as it appears in the texts, was to be the voice encouraging their daughter to marry. Fathers seem to have had authority over their daughters’ prospects, but the fine details of their education was left to mothers. This may again reflect the concerns of clerical authors. Fewer hagiographies concern women and the role of women within the Church was limited so, for these authors, the education of women was not a frequent topic. When clerical authors of the sixth century and later were focusing on female saints they often demonstrated that the saints maintained their gender roles and linking the saints with their mothers rather than their fathers was an effective literary device for doing so. Fathers’ roles in their daughters’ lives may be obscured by authorial focus.

It can therefore be seen that fathers invested, when they were in a position to do so, in their sons’ education both as first-hand providers and by providing their sons with access to teachers who could prepare them for a future career either in secular office or, as hagiographies frequently represent, the Church. The education of daughters, as portrayed by clerical authors, was expected to be overseen by fathers but managed by mothers. There is, however, little non-clerical evidence to balance those clerical accounts.

A further change in the expected role of fathers in their children’s education can be seen through authors showing less concern for the paternal role in discipline. There is less discussion in the sources of the early medieval period on the subject of physical punishment of children by either of their parents as there had been in Roman and late antique sources. This is not, of course, to say that the physical chastisement of children by their fathers was unheard of or even uncommon in this

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<sup>576</sup> *Vita Aldegondis*, ed. C. Smet, *Acta Sanctorum* January II (Antwerp 1643), trans. McNamara and Halborg, in *Sainted Women of the Dark Ages*, 3.

<sup>577</sup> *Vita Sanctae Radegundis*, ed. B. Krusch, *MGH SRM* II, trans. McNamara and Halborg, in *Sainted Women of the Dark Ages*, I.2. We also have some information about the education of other women. Fortunatus wrote an epitaph for Vilithula who was ‘a barbarian by birth but Roman by her learning and upbringing’. *Fort. Carm.*, IV.26. See also Eustadiola of Bourges, ‘trained in the sacred letters’, *Vita Sanctae Eustadiola*, ed. P. Labbe, *Acta Sanctorum* June II (Antwerp 1698), trans. McNamara and Halborg, in *Sainted Women of the Dark Ages*, 2. The nature of the education received by women who Venantius Fortunatus wrote about does not, of course, reveal much of what were likely to be the general educational provision but Fortunatus makes it clear in his description of Radegund that the requirements of girls were very distinct from those of men. In the Life of Rictrude the anonymous hagiographer describes the characteristics that make the saint and her spouse suited for marriage as being his ‘strength, good birth, good looks, and wisdom’, and her ‘good looks, good birth, wealth and decorum’, *Vita Sanctae Rictrudis*, ed. G. Henschecio and D. Papebrochio, *Acta Sanctorum* May III (Antwerp 1680), trans. McNamara and Halborg, in *Sainted Women of the Dark Ages*, 9. Thus her education need only provide her with ‘decorum’ to prepare her for marriage.

period. It would be possible to make the opposite argument, that beatings were so common and matter of fact that they warranted no special reference. The imposition of discipline by parents continued and was not only performed by fathers. This can be seen in a reference in the *Vita Rictrudis* to Rictrude's husband having been raised by his mother with 'the highest standard of discipline'.<sup>578</sup> It is also possible that the lack of reference to physical punishment in hagiography may also be explained by the increased emphasis of the holiness of the infant saint, for no saint would require a beating to behave. Monastic rules indicate that physical punishment was certainly part of the education of child oblates. In the Rule of Benedict, for example, the guidance was that boys and adolescents 'who cannot understand the seriousness of the penalty of excommunication', should be restrained or punished through beating.<sup>579</sup> A seventh-century monastic Rule that has been attributed to Waldebert of Luxueil certainly emphasised the role of discipline in raising children within a monastery so 'they should be raised with all affectionate piety and service of discipline, lest in tender years they should be infected with sloth and lascivious vice become so strong that later no one can correct it'.<sup>580</sup> Monastic rules hence show that these particular ideas of biblical discipline, which also may have corresponded well with inherited Roman ideals of education, were still circulating in society. Monastic rules are not a foolproof guide to the behaviour of parents and children but do suggest that the physical punishment of children was expected and accepted.

However, the lack of discussion of punishment within the family reveals that the physical chastisement of children was no longer a major aspect of either the ideal or the anti-ideal image of the father. Monastic texts regulated punishment occurring outside the household, possibly because abbots stood in a position like that of the *paterfamilias* to monks, but what happened within the household was not a matter of concern.<sup>581</sup> The breakdown of the *paterfamilias* role meant that there was no blurring between the roles of an individual as father, or *genitor*, and as a slave owner, even if the same man might hold both roles. This meant that less anxiety needed to be expressed regarding the role of punishment in a father's relationship with his children.

Late fifth- and early sixth- century sources emphasised the affectionate connection between fathers and adult children but from the mid sixth-century the emphasis was on affection for both young and adult children. This can also be seen through the emphasis on the commemoration following the deaths of young children, which I will discuss below.<sup>582</sup> This emphasis on the death of the young

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<sup>578</sup> *Vita Rictrudis*, 9.

<sup>579</sup> *Reg. Ben.* 30, *Caes.*, *Reg. Virg.*, 26, Donatus of Besançon, *Regula ad Virgines*, 52.

<sup>580</sup> Waldebert [attr.], *Regula Cuiusdam Patris*, 24.

<sup>581</sup> For abbots as *patres* see pp. 88-92.

<sup>582</sup> See some discussion pp. 203-205.

may of course be simply due to the demographic reality that parents were more likely to experience the death of a young child while adults were less likely to have surviving parents to mourn them. The notable examples we have of parents mourning the deaths of adult children tend to involve death in childbirth, for women, and violent death, for men.

Despite the demographics, however, the expression of affection for young children shines through in the sources. When the poet Venantius Fortunatus wrote a poem of consolation to Chilperic and Fredegund on the death of their sons in 580 he expressed his hope that God would provide another son for ‘his father to play with, his mother to hold, his parents to snuggle’, and he likewise wrote that a certain Dagulf on the death of his wife in childbirth ‘wept tears for the burial of a child scarce born, he saw what he should mourn, not what love should possess’.<sup>583</sup> Beyond the realities of emotion it had begun to be expected in this period that parents would publicly express grief at the death of a young child. In fact, as I shall discuss below, young children came to be the primary focus of family commemoration and of the emotional language found on inscriptions. The affection for young children was not simply limited to the relationship between parent and child but represented the increased importance of the conjugal family. Fortunatus described Dagulf as ‘wanting to be a father - one of three’, and thus mourning the loss of the tight family unit of father, mother and child, and Gregory described one unnamed father desperately seeking a miracle to cure his infant son who was ‘the only reminder of his wife’s love’.<sup>584</sup> We have already seen too that paternal affection was a strong reason for the claim made by bishops and other religious leaders to fictive fatherhood, and thus affection was increasingly the unifying element in the different types of fatherhood that men could claim.<sup>585</sup> The primary concept of the role of a father in the life of his children during their youth thus became, largely over the course of the sixth and seventh centuries, the father as a figure of affection tied with his wife into a family unit. While he would still retain other duties as the provider of his children’s education and the manager of family properties this was less significant within the representation of his role.

As I have already suggested, many sons were also placed in the houses of other men to further their education thus emphasising biological fathers as the organisers rather than the direct providers of education, and it is to this practice that I shall now turn.

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<sup>583</sup> Fort., *Carm.*, IX.2 and IV.26, discussed in Southon, ‘Fatherhood in Late Antique Gaul’, pp. 247-248.

<sup>584</sup> Discussed in Southon, ‘Fatherhood in Late Antique Gaul’, pp. 247-248. Fort., *Carm.*, IV.26 and *VSM*, II.43.

<sup>585</sup> See Chapter 1.

## Substitute Fathers, Substitute Sons

In addition to sons gaining surrogate fathers, fathers could also adopt sons. Adoption was the clearest means by which a man might gain a child whom he could potentially raise and, most clearly in law, have as an heir. Adoption was relatively common in the Roman world as attested in famous cases such as Caesar's adoption of Octavian. In a full adoption the adopted person was completely absorbed as the *filiusfamilias* of the *paterfamilias* and was under *patria potestas*. This created, as Hugh Lindsay has described, an artificial kinship usually for purposes of succession and the ability of the adoptive *paterfamilias* to control the property of the adopted child.<sup>586</sup>

Salic and Ripuaruan law both describe the ritual for the adoption of an heir with the adopter throwing a rod into the lap of the person being adopted. The adopted person must then stay in his adoptive father's house and receive at least three guests.<sup>587</sup> Adoption therefore seems primarily, in both Roman and Frankish law, to be focused on taking adults in as alternative heirs rather than taking in children to be raised within the household. Adoption seems to have been primarily a strategy for the management of property taken on in the absence of heirs and, based on the legal requirements, usually involving adults. The Salian law required the case to be stated in public court, then for the adopter to throw a stick into the adoptee's lap, then the adoptee to receive witnesses in the adopter's house, and finally for property to be transferred. While these rituals do not preclude the adoption of infants, and may not always have been explicitly followed, they seem to assume the adulthood of the adoptee.<sup>588</sup> This form of adoption also involved the transfer of property immediately, rather than upon the death of the adopter. Unlike under Roman law, the formulary evidence suggests that adoption was far more limited in the Early Middle Ages. The sixth-century *Formulary of Angers*, for example, contains a case wherein a man adopts his 'lord brother' as an heir in exchange for the adoptee providing care in his adoptive father's old age.<sup>589</sup> The absence of the institution of *patria potestas* meant that while adopting a child might make the individual an heir it offered no particular benefits to the adoptive father in terms of control of his adopted child's property and any care he might expect to receive needed to be created by contract.

Early medieval fathers could also choose to have their sons, though probably not their daughters, educated through fostering. This was a relatively common practice that we can observe from the

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<sup>586</sup> H. Lindsay, *Adoption in the Roman World*, (Cambridge, 2009), pp. 6-7.

<sup>587</sup> *PLS* 46, *Lex Rib.* 50.

<sup>588</sup> *PLS* 46.

<sup>589</sup> *Marculf*, II.13.

sixth century on, at least among the children of the high-status families that provide most of the evidence.<sup>590</sup> Under this practice boys were placed into other households for a period in their early teens without any particular legal formalities. Praejectus, the seventh-century bishop of Clermont, for example, having been given a basic education at home, was later placed into the household of the archdeacon Genesisius who ‘raised and educated him with fatherly affection’.<sup>591</sup>

The boys remained connected to their biological father and had no explicit rights of heirship from their foster parent or legal duty of care towards him. However, in addition to receiving an education boys might be fostered as a means of creating a bond with someone of more social influence than their biological father. Gregory of Tours describes a man placing his son in the house of Gogo, who had been Childebert's tutor, in the hopes of procuring his advancement.<sup>592</sup> Similarly, St Aunemund, the son of high status Romans, was fostered at the court of Clovis and Dagobert in the seventh century.<sup>593</sup> As has already been seen, fostering could be a strategy by fathers to further their son's education. Those taking boys in could also receive some expectation of care or interest from the boys they cared for. Both Bertramn of Le Mans in his testament of 616 and Abbo of Provence in 739 offered donations for the benefit of the souls of the men that had cared for them in their youth.<sup>594</sup>

Some men were raised in the household of other family members rather than kings, high officials or celebrated clerics, often explicitly due to the death of their father such as Gregory of Tours.<sup>595</sup> At times this may have been part of a strategy to encourage bequests. In his testament of 533, Remigius designated two primary heirs from amongst his large family: Lupus and Agricola. The first was his nephew, seemingly singled out for having become a bishop, and the second was his grandson whom Remigius designates his heir due to the affection he held for him having raised him in his household.<sup>596</sup>

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<sup>590</sup> Herlihy, *Medieval Households*, pp. 54-55.

<sup>591</sup> *Passio Praejecti*, 4.

<sup>592</sup> *HF* V.46.

<sup>593</sup> *Acta S. Aunemundi alias Dalfini episcopi*, ed. P. Perrier, *Acta Sanctorum*, September VII (Antwerp, 1760), trans. Fouracre and Gerberding, in *Late Merovingian France*, 2, see also *Vita Austrigisili Episcopi Biturigi*, ed. B. Krusch, *MGH SRM* IV, trans. Hamilton, in ‘Merovingian Episcopal Hagiography’, 1 and *Vita Boniti*, 2.

<sup>594</sup> Abbo, *Test.*, 49, Bert., *Test.*, 18, 44.

<sup>595</sup> Gregory was placed in his uncle's household after his father's death, Heinzelmänn, *Gregory of Tours*, pp. 12-13.

<sup>596</sup> Gregory of Tours too was partly raised in the house of his great-uncle Nicetius, after his father's death, and was partly educated there, *VP* VIII.2. This may well have been in the hopes that he would eventually take on Nicetius' bishopric. See below p. 226 for Bertramn of Le Mans caring for the sepulchre of the man in whose household he was raised in Bert., *Test.*, 18 and 44.



High-status men might thus become proxy fathers to those entered into their households, which seems to have often created lasting emotional bonds, and they might in turn have sent their own sons to other households. This emphasises the importance of affection, as well as nurture and education, in the concept of fatherhood. By forging an emotional bond and demonstrating their ability to provide for a foster son and to educate him a man could establish his ability to stand in the place of a father. A biological father, meanwhile, could see it as part of his own duty to prepare his sons for later life. Much like the spiritual fathers of the Early Middle Ages a man could in this way achieve a version of fatherhood through his fostering. However although this affection was ‘fatherly’ it was never represented as creating a father who replaced the bond of affection that existed between a son and his biological father.

### **Rites of Passage**

The age at which the passage from infancy or childhood into young adulthood occurred seems generally to have been placed in adolescence. At this point children might expect to go through rites of passage that would begin to remove them from their father’s immediate orbit. Unlike the *paterfamilias* an early medieval father could not assume that his authority would automatically survive this transition intact. The process by which this change occurred was thus important in the life of the family. For the father it marked the transition in paternal identity from responsibility for young children whose fate he could relatively unilaterally decide, to fatherhood of those who could assert their independence or be tied to the authority of other men.

The difference between a father’s changing relationship with his sons and daughters becomes most evident when rites of passage are examined. These seem to have been associated with adolescence. Adolescence was understood as ushering in the ‘age of reason’, the point at which physical chastisement would cease and fathers would be expected to interact with their children on a more equal footing.<sup>597</sup> The clearest indication of the moment this occurred for both male and female children, and also how it differed by gender, can be seen in a previously mentioned capitulary appended to the Frankish law collection the *Pactus Legis Salicae*. It states that:

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<sup>597</sup> See for example *Vita Bertilae abbatissae Calensis*, ed. B. Krusch and W. Levison, *MGH SRM VI*, trans. McNamara and Halborg, in *Sainted Women of the Dark Ages*, 1 and *Reg. Ben.*, 45.

‘If a father or relative, when he gives his daughter to a husband, gives some property to her on that [wedding] night, as much as he gave, let the whole of the remaining property be claimed by her siblings. Similarly whatever he gave to a son on the cutting of his hair, let [his son] hold this as his portion and the remaining siblings divide the rest [of the property] amongst themselves.’<sup>598</sup>

The implications for inheritance that this source suggests have already been discussed in the previous chapter, but the rites of passage it details need further attention. They identify the points at which a father might see his children entering into adulthood and the role he played in that transition.

The *PLS* passage shows that, for a son, unlike for a daughter, it was not marriage that significantly changed the relationship with his father, but a series of rites beginning with an earlier event. A different rite of passage, the *barbatoria*, is represented in the *PLS* as the pivotal change in the son’s identity and this ceremony was entirely centred on the father-son relationship.<sup>599</sup> A symbolic hair cutting is attested to in Greek and Roman sources as early as the third century BC and involved a symbolic cutting of the first beard, although Yitzhak Hen has suggested that it may well have been merely a touch to the cheek.<sup>600</sup> By the early eighth century this ritual had received a Christian sheen. The *Gelasian Sacramentary*, a book of liturgy composed in Paris in the mid-eighth century describes an associated special mass. Nonetheless, as Nelson observed, unlike baptism the *barbatoria* remained a symbol of paternal, rather than Christian, authority.<sup>601</sup> The importance of the *barbatoria* in defining, and perhaps altering, the father-son relationship is demonstrated in Charles Martel sending his son Pippin to the Lombard King Liutprand for the ceremony in 738.<sup>602</sup> In the ninth century Adrevald of Fleury said that in doing so ‘he [Liutprand] will be the first to cut his hair

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<sup>598</sup> ‘*Si quis pater aut parentella, quando filiam suam ad marit(um) donat quantum ei in nocte illa quamlibet rem donauit, totam extra partem incontra fratres suos uindicet. Similiter quando filius suus ad capillaturias facit, quicquid ei donatu(m) fuerit, extra parte(m) hoc ten(e)at, et reliquas res equale ordine inter se diuidant*’, *PLS* 67. Translation based on Rivers, *Laws of the Salian and Ripuarian Franks* with alterations by the author. An indication of this may also be the reference to a *barbatoria* taking place in a nunnery in *HF* X.16, possibly at the same time as the engagement of the abbess’ niece.

<sup>599</sup> This ceremony is discussed most fully in Y. Hen, *Culture and Religion in Merovingian Gaul, AD 481-751* (Leiden, 1995), pp. 137-143.

<sup>600</sup> Y. Hen, ‘The Early Medieval *Barbatoria*’, in M. Rubin, *Medieval Christianity in Practice* (Oxford, 2009), pp. 22-23. Another ceremony, the *capillatoria*, was a hair-cutting performed on infants, but this is not referenced in sources of this period.

<sup>601</sup> *Gelasian Sacramentary*, III.83. J. L. Nelson, ‘Parents, Children and the Church in the Earlier Middle Ages (Presidential Address)’, in D. Wood (ed.), *The Church and Childhood* (Oxford, 1994), p. 99, also liturgy in the *Sacramentary of Angoulême* for those who cut their beards for the first time, *Liber Sacramentorum Engolismensis, CCSL* 159C, ed. P. Saint-Roch (Turnhout 1987), 2057.

<sup>602</sup> See Hen, ‘*Barbatoria*’, pp. 22-3.

and thus become his spiritual father'.<sup>603</sup> The *barbatoria* was taken so seriously as a ceremony that anyone cutting the hair of another man's son without permission was punishable by a fine of 45 *solidi* equivalent to the loss of a thumb or a nose.<sup>604</sup>

The *barbatoria* was a key moment in the relationship between father and son. The act of a father welcoming his son into manhood demonstrated the importance of this bond and the role a man played in the life of his son. This moment may also have marked the point at which greater tension began to enter the relationship as a son became more the equal of his father. He began to receive his inheritance and entered into public life. The ceremony occurred around the age when we see young men begin to act with their fathers as subordinate partners: Theuderic I of Austrasia, for example, began going to war with his father Clovis around the age of fourteen.<sup>605</sup> It may also have signalled an increased involvement by sons in family property management, property ownership and, potentially, marriage and fatherhood. The next stage of the father-son relationship was, in the Early Middle Ages, fraught with tension, as we shall see in the next section.

In contrast to sons, it was marriage that was the decisive rite of passage for daughters, although by the eighth century marriage for both men and women probably came at around the same age.<sup>606</sup> As already alluded to in the introduction, David Herlihy has noted that at the end of the period in question, the late seventh and early eighth centuries, the age of marriage was probably falling for men and rising for women so that couples were expected to marry at a roughly similar age, towards the end of adolescence.<sup>607</sup> This still may have meant that girls passed out of their father's authority earlier than boys for most of the early medieval period even though the first beard cutting was probably often earlier in adolescence. Although the *barbatoria* signalled greater independence for men, sons seem to have remained more strongly connected to their fathers than girls did after their marriage. Evidence from the sixth century supports this idea, as elite girls certainly seem to have been betrothed younger, in early adolescence. For example Venantius Fortunatus described a Eusebia in the mid-sixth century as betrothed at ten years old and a Vilithula was married at thirteen.<sup>608</sup> The marriages of these girls would have been directed by their parents with

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<sup>603</sup> 'Pepigitque foedus cum Liutprando Langobardorum rege eique filium suum Pipinum misit, ut more fidelium christianiorum eius capillum primus attonderet ac pater illi spiritalis existeret', Adrevald of Fleury, *Miracula Sancti Benedicti*, ed. O. Holder-Egger, *MGH SS XV.1* (Hanover, 1887), I.14, trans. Hen, *Culture and Religion*, p. 141.

<sup>604</sup> *PLS* 97, *Decretio Childeberti* III.1, 5 and 6, in Rivers, *Laws of the Salian and Ripuarian Franks*, p. 149.

<sup>605</sup> *HF* II.37.

<sup>606</sup> See Introduction pp. 21-22.

<sup>607</sup> Herlihy, *Medieval Households*, pp. 74-78.

<sup>608</sup> Fort., *Carm.*, IV.28, 26.

hagiographies suggesting that it was fathers who were the driving force behind marital unions although mothers also clearly had an important role. As I have discussed above, this was the case for Aldegund, for example, whose late seventh-century life depicts her mother approaching her to ascertain the saint's thoughts on marriage.<sup>609</sup> Some evidence from sixth-century Gaul indicates that a formal agreement with a father was necessary for marriage. In the *Historiae*, Gregory of Tours recounts the story of Andarchius, a slave, who was able to persuade a woman to let her marry her daughter. On her father's return he refused the marriage on the basis that since he has not received any property from Andarchius the betrothal was invalid.

It will be useful at this point to discuss the concept of *mundium*, or *Munt*, which has traditionally been interpreted as the guardianship by the head of a household over a woman in the 'Germanic' world and has therefore been a part of typical understandings of fatherhood.<sup>610</sup> The transfer of the *mundium* between father and husband, in exchange for *dos* constituted the *muntehe* form of marriage. However, as Ruth Mazo Karras has pointed out, the evidence for *mundium* is sparse.<sup>611</sup> The evidence for *mundium* as guardianship over women comes, according to Karras, only in the Lombard laws and cannot be construed as evidence of practice amongst other groups.<sup>612</sup> Where the concept appears in most Merovingian texts, such as the *Lex Ribuaria* and charters, it describes the protection of a king or lord over dependents and monastic institutions.<sup>613</sup>

*Munt* does appear twice in the eighth-century *Lex Alamannorum*.<sup>614</sup> In one instance this seems to refer to a claim acquired by a husband over his wife's *munt* from her father in exchange for money. The claim also extended to the the right to the *wergeld* of her children. In the cases referring to a father's right to the *munt* of his children or grandchildren we can see indications of paternal control over his daughter ending at the time of her marriage, at least in eighth-century Alemannia, by means of a property transaction. We should not, however, read from this into customary marital practice across the 'Germanic' world and lack of evidence means that *mundium* does not seem to offer any additional insight into fatherhood.

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<sup>609</sup> *Vita Aldegondis*, ed. C. Smet, *Acta Sanctorum* January II (Antwerp 1643), trans. J. A. McNamara and J. E. Halborg, in *Sainted Women of the Dark Ages* (Duke, 1996), 3.

<sup>610</sup> An excellent recent survey is R. M. Karras, 'The History of Marriage and the Myth of *Friedelehe*', *Early Medieval Europe* 14 (2006), pp. 120-130.

<sup>611</sup> *Ibid.*, pp. 127-130.

<sup>612</sup> In the Lombard laws the disposition of a widow's *mundium* seems to refer to a right of authority over her and the corresponding responsibility to provide for her, *Lex Lang.* 182.

<sup>613</sup> *Lex Rib.* 35.3, *MGH DD Mer.* 2, 4, 5, 6, 9, 20, 22, 23, 50, 66, 72.

<sup>614</sup> *Lex Alaman.* 50, 53.2.

Turning to the marriage of sons the hagiographical evidence tends to place marriage, as in Gregory of Tours' account of the life of Leobardus, at the age of majority, probably around fourteen.<sup>615</sup> In this account marriage at this age is described as the 'custom of the world' and his father argues against Leobardus' own unwillingness to marry by referencing both the need to pass on property and the scriptural obligation to filial obedience. Gregory's account presents a forceful argument from a father for his son's marriage upon reaching his majority which, as is probably Gregory's intention, excuses Leobardus for agreeing to the betrothal by demonstrating the importance of paternal authority in this respect. An examination of epigraphic evidence from Trier shows that spouses generally replaced parents in commissioning tombstones for women deceased in early adolescence and for men deceased in later adolescence (see figure 10). These tombstones, as I discussed in the introduction, probably represent elite practice and cannot be automatically be used as a guide to norms at lower levels of society. However, other customs that we know of, such as the *barbatoria*, suggest a strong connection was made between puberty and mental maturity which leant itself to the formation of new households by those in late adolescence. Both hagiographical and epigraphic evidence would therefore place male marriage in the mid- to late-teens and hagiographical sources suggest fathers were closely involved in arranging matches.

Fathers appear not only to have expected to arrange the marriage of their daughters, they also expected to be able to select their sons' partners.<sup>616</sup> The seventh- or eighth-century *Vita Ansberti*, for example, describes Ansbert's father seeking the daughter of another prominent man, Hrobertus, to be Ansbert's wife.<sup>617</sup> Similarly Leobardus' father, as discussed above, is presented as the driving force behind his marriage. Hagiographies almost always present marriage as being something entered into at the prompting of parents. While in hagiography the interference of parents is presented as contentious this involvement must have existed, as it is a common theme in the sources for this period.<sup>618</sup> It is notable that fathers still seem to have maintained a greater control over their children in this regard than their mothers. Various saints, such as Lupicinus and Patroclus, were pressured, or were being pressured, into marriage by their parents and it was their father's death, even if their mother was still alive, that could offer a release from the bond.<sup>619</sup> Fathers taking on the

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<sup>615</sup> *VP* XX.1, see also *GC* 74.

<sup>616</sup> On the need in the Roman world for the *paterfamilias* to consent see Evans Grubbs, "Pagan" and "Christian", pp. 363-364.

<sup>617</sup> *Vita Ansberti*, 2.

<sup>618</sup> Children being prompted to marry such as Paulinus of Pella, *Euch.*, l. 313-323. In *VP* 1.1, Lupicinus is forced to marry by his father but leaves after the death of his parents. Patroclus was able to refuse his mother's prompting to marry after the death of his father, *VP* 9.1. Leobardus in *VP* 20 was also released from a betrothal upon his parents' death.

<sup>619</sup> Discussion of this in late Roman practice in Arjava, *Women and Law*, pp. 33-34.

role of arranging their children's marriages was in way in which they could build family status and manage future property transmissions to their children and grandchildren. Marriage was a key way in which family alliances were build, as is the case with Ansbert's marriage, and through being a key player in arranging, and approving marriages, a father was positioned as the mediators of his family's relationship with others.

Sons and daughters seem increasingly to have married at a similar age.<sup>620</sup> The impact this had on their relationship with their father, however, was notably different for men and women. The marriage of a daughter took her out of her father's family circle and into her husband's. A daughter seems to have passed out of her father's primary control as soon as the betrothal took place. Salic Law states that in the case of the abduction of a betrothed women the *wergeld* should be paid to her fiancé.<sup>621</sup> It also seems probable, as seen in the previous chapter, that a daughter received the majority of her inheritance upon her marriage and at that point her financial relationship with her father ended. While this did not mean the end of contact or support, as I shall discuss later, it did mean a fundamental change to their relationship.

The marriage of his children, of course, brought a father into contact with new family members, in the shape of his in-laws. This might prove to be a powerful bond and there is some evidence to suggest the importance particularly of relationships between fathers and their son-in-laws. Fortunatus' epitaph for Eusebia, which I have already mentioned, suggests the double loss to her father of both daughter and son-in-law.<sup>622</sup> Judith George has noted that Venantius even describes her father as *socer*, rather than *pater* or *genitor*, in order to emphasise this particular loss. A son-in-law, and his family, might also however prove a threat to a father. His daughter now came under the authority of another man and, as I shall discuss later, this complicated his relationship with her. A daughter-in-law was also important as a source of grandchildren. Ruricius of Limoges would write to his granddaughter-in-law's father that both were now prostrate before her, for she had produced a child and heir to both. The purpose of a marriage was at least in part to build these family connections. Isidore of Seville described the qualities to be considered in seeking a spouse. He suggested that women seeking a husband should look for valour, family, good fortune and wisdom, and men should desire wives who have beauty, family, wealth and character.<sup>623</sup> The common thread

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<sup>620</sup> See Introduction pp. 21-23.

<sup>621</sup> *PLS* 13.

<sup>622</sup> Fort., *Carm.*, IV.28.

<sup>623</sup> *Etym.*, IX.7.27-8.

was thus the family. A father had good reason to involve himself in the marriages of his children in order to build and maintain networks.

## Adult Children

Once children had become adults their father's authority over them was increasingly fragile as the period under study progressed. Nevertheless, fathers retained strong connections with their children built by ties of affection, duty and shared interest in property. I will thus consider in this section how the expectations placed on relationships between fathers and sons and fathers and daughters changed between the fifth and eighth centuries.

It is important to consider how far paternal power, without the legal right of *patria potestas*, stretched in this period. In the early fifth century John Cassian referenced the unique power of Roman parents and in the last quarter of the fifth century Faustus of Riez described the power of a paternal command.<sup>624</sup> This shows that in the region under study, despite the gradual receding of Roman power and the long-term loss of emphasis on paternal power, *patria potestas* was maintained to some degree. While demographic patterns and the frequency of emancipation make the extent to which *patria potestas* had ever impacted upon the lives of adult children debatable, the idea of *patria potestas* was still influential and required continued legislation.<sup>625</sup> In Gaul paternal authority from the late fifth century on clearly held weight but, as I will show, became much more based on negotiation than the letter of the law.

As indicated above, the nature of a father's control over his daughter did begin to change as soon as she married. Unlike the late Roman *paterfamilias* whose authority over his daughter was relatively unaffected by her marriage, a Gallic father from the sixth century would have found his authority limited by his new son-in-law.<sup>626</sup> The absence of the *paterfamilias* meant that upon their marriage women largely passed into the control of the man who would be the father of their own children. This meant that this younger husband's power increased, while the power of the older man was diminished. Power shifted from grandfathers to fathers. In part this may have been due to the increased emphasis on marriage as a life-time union, as I have discussed above. Although lifelong

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<sup>624</sup> Cass., *Inst.*, I.9 and *Rur. Ep.*, SG 1.

<sup>625</sup> *Nov.* 81 (539), as noted in Chapter 1, notably excludes bishops on the grounds that they are fathers (in spirit) themselves. This sets up the expectation that other adult men were under *patria potestas*. *Nov.* 117 (542).

<sup>626</sup> Even if, as above, they might also provide new sources of influence in in-laws: Arjava, *Women and Law*, pp. 42-43.

marriage had long been an ideal for women it seems to have been increasingly understood as a norm in law in the Merovingian period.<sup>627</sup> This meant that when daughters married, fathers were expected to treat it as a permanent action and to view the relationship as fundamentally changed, rather than one that might revert back with divorce.<sup>628</sup> In practice daughters might still return to their fathers, as discussed below, but this was unexpected and more likely to be a product of widowhood.

Some tensions that could emerge between a father and his daughter can be seen in Salvian's touching letter to the parents of his wife Palladia of the mid-fifth century. By marrying Salvian, Palladia had become estranged from her parents and Salvian wrote this letter, with her and on her behalf, in order to attempt reconciliation. In doing so Salvian addressed the problem of the relationship between daughter and parents. They felt she had disobeyed them but Salvian observes that, because her parents had chosen a husband for her, Palladia's obedience to her husband, himself, was in fact obedience to her parents.<sup>629</sup>

A different problem might emerge through widowhood. In the later fifth century Sidonius Apollinaris was involved in a dispute regarding a recently widowed woman. Her father wished to control his daughter's [property] interests while his widowed daughter wished them to be looked after by her mother-in-law.<sup>630</sup> The women appealed to Sidonius who acted on their behalf. In this case a daughter wished to exert control and was able to wrest it from her father but only through appeal to a higher-status man. Such cases make clear the problem of continued fatherly involvement with their married daughters. This problem was by no means new as marriage had always diminished to some extent a daughter's accountability to her father, but it was complicated in the early medieval period by the fact that married daughters were increasingly unlikely to have any stake in future paternal inheritance, limiting a father's ability to exert control.<sup>631</sup>

This did not mean that fathers would not longer play a meaningful role in the lives of their daughters. There are a number of cases in which a woman can be seen to turn to her father for support, particularly in disputes with her husband. Gregory describes the case of a woman in Paris

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<sup>627</sup> For discussion of changing attitudes to marriage see Evans Grubbs, "Pagan" and "Christian" Marriage', pp. 367-380, Evans Grubbs, 'Constantine and Imperial Legislation', pp. 130-131 and Arjava, *Women and Law*, pp. 184-185.

<sup>628</sup> See discussion above pp. 124.

<sup>629</sup> Salv. *Epistolae*, 4.

<sup>630</sup> SA, Ep., VI.2.

<sup>631</sup> For inheritance see Chapter 2.



who, having already left her husband, was accused of adultery.<sup>632</sup> Her husband's relatives went to her father who defended her and swore an oath for her at the church of St Denis but the husband's supporters claimed that this was perjury. This case plays out in a manner which falls somewhat in line with a Lombard law regarding *mundium* which states that if someone possessing a woman's *mundium*, other than her father, 'plots against her life', he loses her *mundium* and she can return to her relatives or pass her *mundium* to the king. The original possessor of the *mundium* can retrieve it by swearing an oath.<sup>633</sup> This demonstrates that, in the Lombard laws at least, there was a legal framework for a woman to return to her father although in the Paris case it isn't clear why the woman initially left her husband and it is the woman who is accused of the crime not her father. Gregory does not make any reference to *mundium*. The cases of Tetrada and Sidonia, discussed above, also show women returning to their fathers, or at least paternal families. In both of these cases the women are widows and, notably, have lost any marital property and retain only paternal inheritance. That women retained a connection with their fathers is also shown by sixth- and seventh-century charters and formularies, which frequently identified women by both their husband and their father.<sup>634</sup> This connection was important since in a patriarchal society a living father could be his daughter's strongest ally against accusations by her husband, although he might also use this relationship to try and regain control over her. The expectation was of a more distant relationship between fathers and their adult daughters who, once married, were expected to stay with their husbands. In practice although women may have been less likely than elite women in the classical period to marry multiple times, their fathers, and the family networks those fathers represented, were significant sources of support for women. The relative power of a husband and father might also influence the ability, and desire, of women to rely on paternal, or even maternal, connections.

Equally, the apparent entry into manhood through the *barbatoria* did not necessarily mean that a father ceased to be an authority in his son's life. The sources show clearly the involvement and guidance still being meted out to young men by their fathers after this point. This is, however, true mostly for sources describing cases of the fifth to early sixth century. For example, Caesarius of Arles, attempting to become a monk at 18, still required the protection of the abbot to prevent his parents recalling him to the secular life.<sup>635</sup> In the fifth and early sixth centuries the letter collections of Sidonius Apollinaris and Ruricius of Limoges show both men chiding their youthful sons and, with varying degrees of success, attempting to guide them away from bad company and licentious

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<sup>632</sup> *HF* V.32, similarly *GM* 69.

<sup>633</sup> *Lex Lang*. 195. I am grateful to Simon Loseby for pointing to the possible connection with *mundium*.

<sup>634</sup> *Angers*, 1, 54, *ChLA* XIV, 575 (691).

<sup>635</sup> *Vita Caesarii*, I.4.

behaviour.<sup>636</sup> We have to take into account the background of these sources. The Frankish attitudes demonstrated by the behaviour of Clovis in allowing Theuderic to control armies in his early teens, for example, or held in the customs of the *Pactus* cannot be translated automatically to the practices of the Gallo-Roman elite. Caesarius', Sidonius', and Ruricius' stories may suggest that in the late fifth and early sixth centuries Gallo-Roman fathers would still have expected to be able to hold some control over their sons in early adulthood. Yet, even then, the power was not absolute. Ruricius for example could advise his sons but they did not necessarily take heed.<sup>637</sup>

Fifth and early sixth-century sources often emphasised the friendship and affection between father and son as I have already discussed. In the early sixth century, for example, Ruricius of Limoges wrote to his son Ommatius expressing the desire that they 'grow old in friendship' and Paulinus of Pella mourned his father as a friend in the late fifth century.<sup>638</sup> While the particularly masculine nature of this may simply be a reflection of the almost exclusively male authorship of the sources, it may also show that the same circumstances that later led to tension, shared management of property and close living, could also create a close bond between father and son. An adult son could share the same social group as his father and would be in a position to offer support and camaraderie.

These relationships were not all plain sailing; Ruricius of Limoges had a somewhat more irritable relationship with a younger son Constantius who was apparently overly fond of wine, women, and song.<sup>639</sup> Even this relationship however is not tense but characterized by gentle nagging. When Sidonius Apollinaris found the son of a friend on his doorstep his response was to scold him heavily but then to write to his father asking for leniency when his chastened son should return.<sup>640</sup> These examples show sons that have gained some independence, through their own professions, but are still tied to the lasting authority of a father still generally in command of the majority of family property.

The later sixth century produces a somewhat different view of the father-son relationship. Frankish and later sixth century Gallo-Roman fathers saw their control over their sons decline even more. A (somewhat alarmist) sixth-century sermon, warning against having children, cautioned prospective parents that 'earthly sons reach manhood and wish their parents dead'.<sup>641</sup> While this may be an

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<sup>636</sup> SA, *Ep.*, III.13, Rur., *Ep.*, II.24, II.25, II.43.

<sup>637</sup> *Ibid.*

<sup>638</sup> Rur., *Ep.*, II.28, *Euch.*, I. 239-245.

<sup>639</sup> Rur., *Ep.*, II.24, II.25.

<sup>640</sup> SA, *Ep.* IV.23.

<sup>641</sup> Caes., *Serm.*, 51.

exaggeration by a bishop with a strongly ascetic and anti-familial perspective it does seem true that from the later sixth century on, relationships between fathers and adult sons are represented as more characterized by tension and dispute in contrast to the expected affectionate relationships of those children's youth. The pages of the Gregory of Tours' *Historiae* are rife with sons betraying their fathers interspersed with frequent reminders by Gregory that 'the judgement of God hangs over anyone who makes plans against his own father'.<sup>642</sup> Whether it is Mummolus, Chramn or Hermangild, the constant theme is that of division between father and son.<sup>643</sup> Fredegar reported on the tense discussion between Dagobert and Lothar regarding the amount of property that Dagobert should be granted.<sup>644</sup> As Nelson has observed of the Carolingian kings, conflict between fathers and sons was a notable feature of early medieval royal dynasties.<sup>645</sup> This tension was not limited to royal relationships and narrative sources that emphasise high-status conflicts, however, but can also be seen in the legal sources of the period. These show, particularly in disputes over property management, sons clashing with their fathers. A seventh-century formulary, for example, involved two sons bringing a case against their father in order to gain the property that they had inherited from their mother.<sup>646</sup> The general sense of this period is that of the public clash for authority and control over property between fathers and their adult sons.

Fathers still acted as the 'face' of their families in the sixth and seventh centuries for both sons and daughters.<sup>647</sup> Both literary and diplomatic sources show that when a man's son was accused of a crime it was frequently his father who represented him.<sup>648</sup> Gregory describes an occasion when the son of one man had rebuked the son of another (his brother-in-law) and the fathers acted to defend their respective children until the situation descended into chaos.<sup>649</sup> The reverse situation however, a son acting for his father, does not seem to have held true. In a case described in a charter of 692/693 regarding some property illegally seized from an orphan, the accused party does not appear in court but instead sends his son, Amalricus in his place.<sup>650</sup> This was declared inadmissible and Amalricus and his father lost by default. The father, and oldest man, in the family still publicly

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<sup>642</sup> *HF* VI.41.

<sup>643</sup> *HF* IV.16, 20, 42, V.38. Murray notes in contrast the lack of this tension as part of the close ties between men and their maternal uncles in *Germanic Kinship Structure*, pp. 62-63.

<sup>644</sup> Fredegar, *Chronicorum*, IV.53.

<sup>645</sup> Nelson, 'Parents, Children and the Church', pp. 99-100.

<sup>646</sup> *Marculf*, II.9.

<sup>647</sup> See also *SA, Ep.*, 4.23, *Rur., Ep.*, 1.2.

<sup>648</sup> *HF* VIII.43 and *Angers*, 11.

<sup>649</sup> *HF* X.27.

<sup>650</sup> *ChLA* XIV, 576 (692/693).

represented his household, he might even be called upon by his married daughters.<sup>651</sup> This emphasis on the oldest man, however, related far more to external interactions than internal family dynamics.

I would argue that the tendency for conflict between fathers and adult sons stemmed from the changes to the internal dynamics of family property ownership described in the previous chapter. As sons began to 'inherit' property in their adolescence they may well have started to compete with their fathers over its management and to enquire whether or when they might expect to receive further properties. There was also scope for disagreement about what property a father passed to a son, and when. Such conflicts about property may well have been further exacerbated by the sons themselves becoming fathers. Sidonius Apollinaris commented to his cousin in the fifth century that their relationship was closer than that of brothers since it was not interrupted by disputes over their inheritance.<sup>652</sup> It appears that in the sixth century the fraternal propensity for dispute also became characteristic of the father-son relationship.

### **Fathers in Old Age**

In old age a father might expect to enter the next stage, that of grandparenthood. Being a grandfather seemed to offer somewhat different rewards and expectations than fatherhood. Old age could also bring vulnerability however as Roman values of *pietas* began to be held less strongly and men, unlike the *paterfamilias* of Rome, no longer enjoyed the same familial authority over their adult children. In the Roman world grandfathers were key figures of power since they were able to extend their authority over their children to authority also over their grandchildren. In the early medieval world the absence of *patria potestas* meant that grandfathers held particular legal authority over neither their adult children nor their grandchildren and thus their role in society changed.

The desire for grandchildren is a constant refrain in the sources. It is usually the reason provided for both fathers and mothers pushing children into marriage. Grandfathers tend to be portrayed as figures of greater indulgence and affection than fathers. In the fifth century Sidonius Apollinaris, for

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<sup>651</sup> See above, pp. 187-188.

<sup>652</sup> SA, *Ep.* IV.1.

example, would use the simile ‘tender as a grandfather.’<sup>653</sup> The early seventh-century *Vita Eustadiola* describes Eustadiola’s parents pressuring her to marry and bear children for fear that their possessions will otherwise go to a stranger.<sup>654</sup> Grandchildren were frequently referred to as a special blessing. In the sixth century Venantius Fortunatus wished that Sigibert and Brunhild might ‘embrace grandchildren, offspring of your children’.<sup>655</sup> This could transcend biological fatherhood as well, for example, Guntramn thanked God for letting him look upon the children of his adopted heir.<sup>656</sup> It may be that grandchildren were a joy because they came without the responsibilities of care and tension over property, particularly since once the *paterfamilias* model declined since grandchildren by sons were no longer under their grandfather’s power, yet grandchildren offered the certainty of the continuation of family property through their status as heirs. This might be affected by the death of a child. The early sixth-century *Lex Burgundionum* stated that if a man’s son died and his daughter-in-law remarried he should take care of his grandchildren and their possessions and grandchildren could also be fostered by grandparents as I discussed above.<sup>657</sup>

For men who reached old age, which we may define as an age beyond the ability to easily care for oneself, being a father might be of central importance as it provided children with a duty to provide that care.<sup>658</sup> As Tim Parkin has discussed old age in the Roman world came with the expectation that children would provide care according to the principle of *pietas*; indeed, the philosopher Lucretius cited this as a reason for having children.<sup>659</sup> As Carlin Barton has observed, *pietas* meant that a Roman child was eternally in debt to a parent whom they could never repay in full, and care for a parent in old age was therefore seen as the duty of children although it was not obligatory.<sup>660</sup> However, as Parkin has observed, in theory the *paterfamilias* controlled the purse strings and could effectively demand care, perhaps explaining the lack of legislation on the care of elderly parents.<sup>661</sup> A father was not necessarily a *paterfamilias* but demographic realities suggest that anyone who had reached old age would be unlikely to have a living father (figure 2).

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<sup>653</sup> SA, Ep. IV.9.

<sup>654</sup> *Vita Sanctae Eustadiola*, 2.

<sup>655</sup> Fort., Carm., VI.1.

<sup>656</sup> HF IX.11.

<sup>657</sup> *Lex Burg.* 59.

<sup>658</sup> Parkin has discussed the problem of defining what ‘old age’ was in a period when our demographic picture is not all that clear. Isidore of Seville seems to have suggested that the final three stages of life are the senior years characterized by decline of 50-70, old age as 70 and over and finally the end, *Etym.*, XI.2. T. G. Parkin, *Old Age in the Roman World: A Cultural and Social History* (Baltimore, 2003), pp. 13-90.

<sup>659</sup> *Ibid.*, p. 206.

<sup>660</sup> *Ibid.*, p. 214. Barton, *Roman Honor*, p. 169.

<sup>661</sup> Parkin, *Old Age*, p. 215.

The connection of care of elderly parents to both duty and affection but also the hope of a later inheritance seems to have continued into Late Antiquity.<sup>662</sup> Paulinus of Pella, for example, gives some indication of this in the fifth century describing the death of his sons, and with them such property as he had entrusted to them, leaving him bereft of consolation and of the care they might have offered. Paulinus instead required the aid of others to whom he had promised what was left of his estate.<sup>663</sup> However in the early sixth century *dictiones* discussed earlier in the chapter, Ennodius of Pavia argued that children only owed a duty of care to their father where they had been in receipt of care and affection from him.<sup>664</sup> This indicates that the strict sense of obligation, *pietas*, as the reason for children to support their parents was weakening and instead affection was emphasised and obligations were created by a father providing care to his children.

The seventh- and eighth-century formularies tell an even more distinct story regarding care. As has already been seen adult children would usually have received a significant portion of any expected property making them less susceptible to the implicit threat of disinheritance. Instead fathers can be seen to offer gifts, in addition to what might be expected through inheritance, in exchange for their children's attentions. In one example from the Formulary of Angers a father transferred the ownership of two-thirds of his property directly to his son (the remaining third having been reserved for his heirs), on the condition that his son would offer him such care as might be required in his old age. In so doing he cited a variety of legal authorities: Roman, customary and royal power.<sup>665</sup> Another later case, from the Formulary of Marculf shows a similar transaction between a grandfather and grandson with a gift of property in exchange for care. This case is perhaps particularly telling because the author of the deed tells us that he has other sons and grandsons who still exist as his heirs, but that this property is being taken out of the inheritance pool.<sup>666</sup> As has already been shown, in the seventh and eighth centuries adult children would be largely independent of their parents and would also be certain of receiving their inheritance since children were the primary heirs. Elderly fathers and grandfathers could still use their property to incentivise their children or other relatives to provide care in case of physical or mental infirmity but rather than simply naming that person as an heir and retaining ownership this may often have required a father to immediately divest himself of the property.

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<sup>662</sup> On children's care for their parents being a duty see Cassiodorus, *Variae*, II.14.

<sup>663</sup> *Euch.*, I. 554-563.

<sup>664</sup> See above pp. 183-184. Ennodius of Pavia, *Dictiones*, 21.

<sup>665</sup> A precedent for this is discussed in Parkin, *Old Age*, pp. 210-215. Ulpian stated explicitly that this duty may be expected but is explicit due to *potestas*. *Dig.* 25.3.5.13-17 (Ulpian), Parkin suggests that men in the Roman world should have, in theory, been fine due to *potestas* but women could be more vulnerable to circumstance.

<sup>666</sup> See also *Marculf*, II.13.

This connection of elderly care to property transmission in this fashion made caring for one's elderly parents primarily the duty of men. This does not mean that it was always carried out by men, or at least the men named in these documents, as wives and slaves would likely have also been key.<sup>667</sup> The male relatives are named but necessary tasks could have been carried out by a wider number of individuals. However an older father's connection to his adult sons was an effect of the removal of many daughters from his household into their husbands'. It was to sons that men expected to entrust their care in old age, rather than to daughters, and this strengthened those bonds of mutual care and attention which could be expressed through affection or gifts. Neither daughters, nor other female relatives, nor sons-in-law are named in these documents as potential caregivers which suggests they were not central to strategies of care for elderly men.

Fathers and grandfathers could thus arrange for care in their old age, if they had land, through the careful doling out of property to, mostly male, relatives. They could no longer rely on the obedience of children and grandchildren waiting for property but instead needed to be proactive to buy from their children what care they needed.

### **The death of Fathers**

A consideration of commemorative practice is an important way to gain insight into the position of fathers in early medieval Gaul.<sup>668</sup> The moment of death and loss of an individual forced a family to reform and to, through their mourning, express the position of the deceased within the family, their social import and emotional value. Beyond their lifetime fathers could be significant figures in the lives of their families and their death, and the way it was commemorated can offer valuable insight into their power.

In the Roman world the *paterfamilias*, as I have said, was central to his household and held power over his children both young and adult until his death. The death of a *paterfamilias* allowed his children control over property and greater independence as newly created *patresfamilias* themselves. From the sixth century onwards this was no longer the case, as children would expect to become independent property owners and to form their own households once they reached majority.

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<sup>667</sup> See Parkin. *Old Age*, pp. 214-215 for the Roman world.

<sup>668</sup> A survey of the discussion of approaches to Merovingian burial practice and its prospects is excellently summed up in B. Effros, *Merovingian Mortuary Archaeology and the Making of the Middle Ages* (London, 2005), pp. 71-118.

Consequently the death of a *genitor* was thus of greatest significance for the property ownership of his family if he died while his children were young and he therefore still held, either jointly or alone, all of the family property in which case his death would have dramatically altered the lives of his dependents.

The death of a father was not, however, simply a moment of property transfer for a family but a time of intense emotion and religious contemplation. The manner by which and by whom an individual was commemorated can provide important information as to how family, friends and dependents understood the need for the public expression of emotion and their relationship with the deceased after their death.<sup>669</sup> The absence of commemoration of a particular relationship is not an indication that was emotionally unimportant but that there was less social expectation to express grief than for other members of the group.<sup>670</sup> The nature of these commemorations is partially revealed to us through the placement of inscriptions, the writing of literary memorials, and community events such as feasting. I shall endeavour to show that between the sixth and eighth centuries the practice of highlighting the position of the father in commemorations declined in favour of an emphasis on commemorating children and religious figures who were prized particularly for their virginity or celibacy. A man might still arrange for a commemoration to be held after his death, perhaps with his freedmen and women, and a father would be commemorated by his children and other immediate family, but the long-term expectation that those who had been fathers within a family should be memorialised by their descendants declined.

This section will begin by establishing who had responsibility for organising the commemoration of fathers in this period. I shall also examine the role of commemorators within the family, including the significance of fathers commemorating their children. I will finally turn to the an examination of some of the means by which fathers were commemorated, both in the immediate aftermath of their death and over time.

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### *The Identity of Commemorators*

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<sup>669</sup> For a sensitive consideration of reading grief in the burial record, see H. Williams, 'The Emotive Force of Early Medieval Mortuary Practice', *Archaeological Review from Cambridge* 22 (2006), pp. 107-123.

<sup>670</sup> A central discussion of emotion, as I shall discuss below, is in B. Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, 2006).



It is not a straightforward task, to identify those who commemorated fathers in early medieval Gaul, as the sources are frequently silent about who organised the burial and subsequent commemoration of the deceased. The main sources for this aspect of commemoration are inscriptions and literary sources. From both of these we can observe not only the role played by children in the process of commemoration but also the emphasis in the period shifting away from commemorating fathers and towards commemorating ascetics and children.

Inscriptions seem generally to have been raised after funerals were held, as suggested by the reference on some inscriptions to the date on which the funeral was held, though possibly not long after.<sup>671</sup> The most important recent study by Mark Handley has given some insight into the wealth of evidence provided by inscriptions, of which some 2941 survive from Gaul.<sup>672</sup> Studies by Brent Shaw and Richard Saller have examined the insight that inscriptions can give into family structures in Late Antiquity although Dale Martin, without disputing entirely their conclusions, has accurately noted that we cannot necessarily use inscriptions to ascertain wider structures but only the prioritised relationships within them.<sup>673</sup> There was a general decline in the use of inscriptions around the turn of the seventh century in Gaul, from the c. 300 inscriptions raised between c. 550 and 600AD to around 120 between c. 600 and 650 AD although Bonnie Effros has suggested that this change is not as dramatic as sometimes suggested.<sup>674</sup> It does mean, however, that inscriptions provide more insight into the period prior to 600AD than afterwards.

The largest surviving set of inscriptions, 921 according to Mark Handley, from the early medieval period in Gaul come from Trier, a city that, until the early fifth century, had been the location of an imperial residence.<sup>675</sup> Inscriptions at Trier may have remained a primarily 'Roman' custom into the seventh century, though one possibly adopted by those who would not have considered themselves entirely or at all Roman. In either case the probable expense of erecting an inscription would suggest that this practice would be more common among elite members of society.<sup>676</sup> The

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<sup>671</sup> Examples of inscriptions with funeral dates: Gose, 429 and 470, Gauthier, 104.

<sup>672</sup> Handley, *Death, Society and Culture*, pp. 1-7.

<sup>673</sup> B. D. Shaw, 'Latin Funerary Epigraphy and Family Life in the Later Roman Empire', *Historia* 33 (1984), pp. 457-497, B. D. Shaw, 'The Cultural Meaning of Death: Age and Gender in the Roman Family', in D. I. Kertzer and R. P. Saller (eds), *The Family in Italy from Antiquity to the Present* (New Haven, 1991), pp. 66-90, R. P. Saller and B. D. Shaw, 'Tombstones and Roman Family Relations in the Principate: Civilians, Soldiers and Slaves', *Journal of Roman Studies* 74 (1984), pp. 124-156, Martin, 'Construction of the Ancient Family', p. 45.

<sup>674</sup> Handley, *Death, Society and Culture*, p. 181, Effros, *Caring for Body and Soul*, pp. 112-114.

<sup>675</sup> Handley, *Death, Society and Culture*, p. 5.

<sup>676</sup> Gregory of Tours in *Glory of the Confessors* tells the story of a poor man who steals the lid of a bishop's sarcophagus for his son's grave demonstrating some of the impact that wealth had on commemoration. *GC* 17.

tombstone of a Ciocioeno, discussed by Handley, lists the cost as 11 solidi, or approximately the cost of a herd of 11 cows.<sup>677</sup> In Trier it seems to have been a more common practice than in the rest of Gaul to include details of the commissioners of tombstones as well as those of the deceased. As Handley has noted this does not necessarily indicate a different attitude to the family or ageing in Trier but demonstrates the diversity of practice in the manner of inscriptions.<sup>678</sup> Around 60 of Trier's inscriptions provide this information. By using the inscriptions from Trier as a case study we can therefore try to understand who took responsibility for this aspect of commemoration and identify whether, and at what point, children took responsibility for memorials to their fathers as opposed to the spouse or parents of the man in question.

The language of inscriptions also provides us with an insight into the role that emotion played in these types of public memorials. Inscriptions could include affective terminology such as *dilectissimus*, which might vary according to the relationship between the deceased and the commissioner of the inscription. Over time too other influences, perhaps most notably Christianity, changed the use of language on inscriptions and the way in which relationships were represented. Barbara Rosenwein has recently studied changes in the emotional language of inscriptions and applying this type of analysis it can be possible to evaluate whether the identification of a man as a father influenced the use of emotive language.<sup>679</sup>

Keith Hopkins asserted rightfully that we directly connect commemorative evidence, such as inscriptions, to an understanding of demography.<sup>680</sup> An increase in inscriptions to a particular group does not necessarily signify an increase in that group's mortality rate but may be indicative of the prioritisation of who should be commemorated. Following this, Brent Shaw has noted that between the fourth and seventh centuries Christian commemoration through epigraphy was increasingly directed 'downwards', from parent to child, rather than from children to parents, in contrast to pagan practices, leading to a general increase in inscriptions dedicated to children.<sup>681</sup> Also at Trier inscriptions show a higher proportion of epitaphs for children than was normal in Gaul in this

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<sup>677</sup> Handley, *Death, Society and Culture*, p. 38. Tombstone is no. 296 in *Inscriptions latines des Trois Gaules (France)*, ed. P. Wuilleumier (Paris, 1963).

<sup>678</sup> *Ibid.*, p. 73. On regional diversity see also L. Revell, 'The Roman Life Course: A View from the Inscriptions', *European Journal of Archaeology* 8 (2005), pp. 43-63.

<sup>679</sup> B. Rosenwein, *Emotional Communities in the Early Middle Ages* (London, 2007).

<sup>680</sup> Keith Hopkins, 'Graveyards for Historians' in *La Mort, Les Morts et l'au delà dans le Monde Romain; Actes du colloque de Caen 20-22 Novembre 1985*, François Hinard (ed), (Caen, 1987), p. 126.

<sup>681</sup> Brent Shaw, 'Latin Funerary Epigraphy', pp. 472-473.

period.<sup>682</sup> Therefore, over the early medieval period inscriptions continued to be commissioned by members of the nuclear family, chiefly parents and children, but also siblings, but the emphasis shifted from parents, primarily fathers, towards the commemoration of children, influenced to a large extent by an increasingly Christianised world-view.

As the analysis will show celibate ascetics and children were increasingly valued as the possessors of ‘innocence’ and thus as representatives of spiritual purity which caused their commemoration to become more central to family identities, displacing fathers as the highest priority individuals. Although there was still value placed on children commemorating their fathers, this began to be matched in importance by parents’ memorials to their children and, in the longer-term, by the commemoration of more distantly related individuals of high religious import.

References in sermons to mourners in this period support the notion of commemoration being generally directed by the nuclear family. In a sermon discussing a general lack of concern towards the death of the soul, Caesarius of Arles contrasted spiritual death with the fact that when ‘a wife, a child or husband has died, men dash themselves upon the ground, tearing their hair and striking their breasts’.<sup>683</sup> Sermons addressed a large audience and were, therefore, presumably intended to make references that would generally be recognised as representative of common experiences. Caesarius in this case expected his audience to recognise this image of mourners as typical, which supports the evidence from inscriptions in suggesting that for society in general commemoration was led by parents, spouses and children with little reference to the wider group of relations or friends.

The clearest indication we have regarding the identity of commemorators at a point close to the funeral comes through a reading of the inscriptions at Trier. Men of all ages constitute the majority, 59.8%, of those who were commemorated, and the identity of those who raised their inscriptions can be seen to change depending on the point in their life at which the individual being commemorated had died.<sup>684</sup> Parents are the sole recorded commemorators for men until the age of twenty-five to thirty years at which point wives become the primary commemorators. This marks a

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<sup>682</sup> In Southern Gaul 16% of inscriptions to men were raised to boys under 10, in Northern Gaul outside Trier this was 27.5% and in Trier 39.5%. The figures for girls are comparable (17.4%, 27.5% and 37.7%). Handley, *Death, Society and Culture*, p. 71.

<sup>683</sup> Caes., *Serm.*, 179.7.

<sup>684</sup> Of 905 inscriptions at Trier, 602 have unknown gender, 181 were to males and 122 were to women. Across the whole of Gaul inscriptions to men make up 63.8% of those where gender is known. Handley, *Death, Society and Culture*, p. 72. See below, figure 10.

slight shift away from the age of marriage of Roman men being at least thirty, though age at marriage would likely drop further by the eighth century.<sup>685</sup> Children begin appearing as commissioners of inscriptions, often jointly with their mothers, for men aged as young as thirty-four, with sons acting as commemorands more frequently than daughters.<sup>686</sup> Children are the most common commissioners of inscriptions for men over the age of sixty suggesting that the commissioners of inscriptions were drawn from a man's immediate family.

Some value or honour seems therefore to have been placed on children, particularly male children, acting as commemorators. Sidonius Apollinaris noted in a letter of 467 regarding his having raised an epitaph to his grandfather that he claimed the right to do so '[Sidonius'] father and paternal uncles all being dead' and observes to his nephew, the letter's addressee that it is both of their duty as 'heirs in the third and fourth degree'.<sup>687</sup> This may reflect a situation in which the chief commemorators were those who also stood as heirs to the deceased, but it also seems to show that this type of memorial was seen as the duty and the right of children and perhaps particularly male children. A sixth-century *dictio* of Ennodius of Pavia portrays a young man gambling away the land on which the tombs of his ancestors stand as a lesson in the dangers of profligacy and Ennodius speaks of the priority that should be given to 'reverence for the dead'.<sup>688</sup> In the 616 testament of Bertramn of Le Mans the bishop designates his grandson to manage his commemoration with his sons and their sisters and wives as necessary:

'I ask you, my sweetest grandson Sigechelmus, and your children, and I swear by almighty God, that as long as He shall grant you to remain in this world, that you always visit my grave two or three times a year together with your wives or sisters, health permitting, and this I swear by the abbot of that place, that he restore you entirely and honour your children, just as he knows me to have been consoled by the holy church, in order that he may frequently delight in you and your children visiting that holy place or commemorating my memory'.<sup>689</sup>

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<sup>685</sup> See pp. 21-24.

<sup>686</sup> Gose, 5.

<sup>687</sup> SA, *Ep.*, III.12. This story of Sidonius' also indicates the risks to tombs as Sidonius happens on grave-robbers at the site.

<sup>688</sup> Ennodius of Pavia, *Dictiones*, 19, discussed and trans. in Kennell, *Magnus Felix Ennodius*, p. 161.

<sup>689</sup> '*Praecipio tibi, dulcissime nepos meus Sigechelmi, et filiis tuis rogo et adiuro per Deum omnipotentem, ut quamdiu vos in saeculo supertitisse voluerit, una cum coniuges vestras vel sobolis vestris, si sanitas permiserit, semper annis singulis bis aut ter sepulturola mea visitetis; et hoc adiuro Abbate loci illius, ut totaliter vos reficiat, et filios vestros honoret, qualiter cognoscit me sancta Ecclesia fuisse consolatore, ut vobis et filiis vestris delectet frequens visitare locum ipsum sanctum, vel meam commemorare memoriam*', Bert., *Test.*, 66. I was assisted in my translation by Dirk Rohmann. For Bertramn's family tree see figure 6.

Relatives and acquaintances outside the nuclear family could also act to raise memorials. In some cases these may have been in addition to, or in place of, parents, wives, and children however in some identifiable cases it occurs either because an individual was childless, or due to a link through a fictive familial connection.

Other members of the family and wider kin group might step in to provide an appropriate memorial for the childless, and possibly unmarried, dead. A small proportion of inscriptions, five at Trier, or 8.3% of those for whom this data is available, show siblings stepping in to raise memorials. Of those four acted alone without involvement of the parents or children of the deceased.<sup>690</sup> The role of siblings is also seen in Caesarius of Arles' supervision of the burial of his sister and in the exchange of letters between Avitus of Vienne and his brother Apollinaris, also a bishop, regarding their duty to pay annual tribute to their deceased sister.<sup>691</sup> In both of these cases unmarried sisters, both highly religious women, were commemorated by their equally religious brothers which further demonstrates the increasing emphasis being placed on members of the family of spiritual value, in this case female virgins. These two cases could be unusual, since both concern bishops and their religious sisters, unlikely to be a common scenario, but these show that siblings could take on the duty of commemoration. In other cases fostering could provide a similar link. I have already discussed the important role played by those who fostered boys into their households and the testament of Bertramn making bequests and confirming previously made gifts to honour the burial place of the bishop Germanus who had 'cared for [Bertramn] most sweetly'.<sup>692</sup> By contrast Bertramn made no specific bequest to care for the tombs of his relatives. Bertramn's connection to Germanus demonstrates the importance of relationships formed by fostering and, possibly, the prioritisation of the commemoration of those individuals who held high religious status.

Beyond those related by blood or marriage, it is also necessary to consider another group who could play a key role both in the immediate process of commemoration and in longer-term memorials: members of the deceased's household. The household could consist of the slaves, servants and freedmen who were dependent upon and served the head of the household and could share affective ties within the household.<sup>693</sup> These people might be spread out over a fairly large region depending upon the status of the family and have varying degrees of contact with members of the primary

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<sup>690</sup> Gose, 2, 7, 402a and 722, Gauthier, 116 and 142a. Gose, 2, 116, 465 and Gauthier, 142A show siblings acting alone. In Gose, 7 a mother and brother act together. Gose, 722 may show the deceased's son and sister acting together but this is unclear.

<sup>691</sup> *Vita Caesarii*, I.58, Av., *Ep.*, 13.

<sup>692</sup> 'qui me dulcissime enutrivit', Bert., *Test.*, 44 also 18.

<sup>693</sup> Herlihy, *Medieval Households*, pp. 3-4.

family, but they could still play a role in the commemorative process. As landowners and patrons elite individuals could still arrange for and expect their own commemoration.

Formularies show that freedmen and women were sometimes instructed, through testaments, to take responsibility for annual memorials of lights at tombs, for which they were rewarded with freedom or land.<sup>694</sup> In the testament of Bertramm, in addition to his request for family members to visit his grave, he also enjoined the men and women he freed to do likewise:

‘I order these here to be freed: Libigiselus and his wife and children [there follows a long list of family groups and individual slaves], ... and may we deserve to have the protection of the holy basilica of Lords Peter and Paul the apostles, where I wish my body to rest in the name of God; in such a way that each one should assemble at the time of my death, and offer gifts in my name before the holy altar, and... each one shall observe the aforesaid day in the name of God; and they shall offer solace to the abbot of that place, and afterwards the abbot shall give the noblest refreshment on the next day, and each one shall return to their homes, ... and those who are known to remain in the territory of Le Mans here, and are known to stand for the defence of the holy basilica of the Lords and Apostles Peter and Paul... shall customarily celebrate my death and dedicate a light for my grave every year in such a way as others delight, to enrich the places of the saints in greatest manner.’<sup>695</sup>

This demonstrates the means by which men, and women, could take steps to ensure that they would receive commemoration in a similar form to that provided to parents. It is notable that testaments from those who had children do not usually include such requirements. This would suggest that these actions were undertaken by children and it was only in their absence, when one could not be certain of a spouse long surviving them, that special steps needed to be taken.

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<sup>694</sup> *Marculf*, II. 17, II.34. Bert., *Test.*, 69.

<sup>695</sup> ‘*Huius, has liberas liberosve esse iubeo: Libigiselo cum uxore et filiis... et defensionem sanctae basilicae domni Petri et Pauli Apostolorum, ubi corpusculo meo in Dei nomen opto requiescere, habere mereamur; ita ut unusquisque tempore depositionis meae convenient, et oblata tantum nominis mei ante sanctum altarium offerant, vel... unusquisque in Dei nomen in praedicta die observent; et abbati loci illius solatium praebeant, et postea in crastinum abbas det illis dignissimam refectionem, et unusquisque ad domos eorum revertantur, ... et qui hic in Cenomannico terraturio manere noscuntur, defensionem sanctae basilicae domnorum Apostolorum Petri et Pauli se habere noscuntur... depositionem meam et lumen sepulturo lae meae annis singulis taliter studeat celebrare, qualiter aliis delectet loca sanctorum in maximis rebus ditare*’, Bert., *Test.*, 67. I was assisted in this translation by Dirk Rohmann and Simon Loseby.

Commemorations undertaken by the family or the household swiftly following death were only one aspect of memorialisation however, and we should now turn to literary memorials that could be produced long after the death and at a greater distance from it. These, often literary, memorials show that although fathers still tended to be focal points for family commemoration in the immediate aftermath of their death, as time went on others, often those who had ‘access’ to God, became more important with fathers acting as commemorators.

Ausonius of Bordeaux’ *Parentalia* gives some insight into the way later generations had raised memorials to particular members of their family in the fourth century. Ausonius dedicated epitaphs to thirty members of his family, beginning with his father, although he noted that in terms of rank his maternal uncle might have claimed the prime position of the first commemorand.<sup>696</sup> Ausonius placed his father first in this selection of family memorials because it was his duty to demonstrate the social and perhaps also the emotional importance of his father to him, writing ‘even if his son should hesitate to place him first, yet natural order will have it so’.<sup>697</sup> The majority of his poems were dedicated however to members of his wider, mostly maternal, family who appear to have been of higher status than his paternal family. Sidonius Apollinaris echoed this practice in a letter to his friend Aper in 472. In the letter Sidonius sought to emphasise Aper’s connection through his maternal family to the Auvergne, in order to convince Aper to grant a request being made to him by the people of the Auvergne. Before discussing this maternal connection, however, he first explained how: ‘in any statement of genealogy the father’s side takes the place of honour’ thus performing his duty towards the memory of Aper’s father.<sup>698</sup> For these fourth and fifth century authors therefore a key-duty remained to award fathers the primary position in any family memorial.<sup>699</sup>

Subsequent Gallic authors do not provide us with any material like Ausonius’ *Parentalia*, but they did take the time to write memorials for family members. As I have already discussed Sidonius Apollinaris, in raising a memorial at the tomb of his grandfather, demonstrated that generations beyond children could provide commemoration.<sup>700</sup> Authors in this period showed an inclination to commemorate those members of their family who held exalted religious status. Gregory of Tours, for example, in the sixth century discussed his father as well as other members of his family in the context of his own life, but set out to provide explicit memorials, as part of his hagiographical

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<sup>696</sup> Ausonius of Bordeaux, *Parentalia*, III.

<sup>697</sup> *Ibid.*, IX, X, XI.

<sup>698</sup> SA, *Ep.*, IV.21.1.

<sup>699</sup> The Life of Arnulf of Metz describes a man preparing for the burial of his father with much weeping – having been both his son and his friend. Luckily Arnulf prevents the death. *Vita Arnulfi*, 12.

<sup>700</sup> SA, *Ep.*, III.12.

works, to his great-grandfather, Gregory of Langres, his great-uncle Nicetius, bishop of Lyons, and his uncle Gallus of Clermont.<sup>701</sup> These claims tend to come from a much broader range of relationships, both maternal and paternal, than the close bonds of kinship or household ties demonstrated soon after death. As time elapsed between death and memorial there was a tendency therefore to branch out to writing memorials to those to whom the author was more distantly related and thus to claim a connection with them. As the early medieval period wore on memorials were increasingly written for relatives of religious importance, such as clerics, even above the author's father. This may, in part, be a demonstration of the interests of authors. It is to be expected that authors such as Gregory, who were in part writing hagiographies, would emphasise those relatives that were also members of the religious elite. The observed change can in part be attributed to a changed literary culture which means that surviving sources emphasise religious figures. Authors continued to prioritise family members but chose to focus in on other members of the family that had spiritual import. In a Christianised world-view the most important members of a family, and those whom one would most want to claim a relationship, were those of the highest spiritual value, which was increasingly located in celibacy or clerical status, rather than in fatherhood.

This focus on those members of a family perceived as being of high spiritual value can also explain changing attitudes to the death of children at Trier, as seen from the increased proportion of inscriptions dedicated to the young. While fathers continued to be commemorated, by the sixth century the father himself would put more emphasis on the commemoration of his deceased children than that of his own father. It is important to note that this shift in emphasis is not an indication of sixth-century fathers loving their children 'more' than their fathers or loving their children more than fifth-century fathers had loved their own children. We might reasonably expect that fathers throughout history have loved their children. However, the ways in which they were expected to express this love has depended on wider societal understandings of acceptable behaviour. An observation that early medieval fathers were expected to be affectionate towards their young children, as discussed above, does not mean that they loved their children more than earlier or later fathers, but simply that the manner in which they were expected to demonstrate this had shifted.<sup>702</sup>

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<sup>701</sup> References to Gregory's family; *GM* 70, *GM* 83, *VP* XIX.3, *VSM* III.60, *VSM* I.36. Hagiographical accounts; *VP* VI, *VP* VII, *VP* VIII.

<sup>702</sup> See further discussion below.



Throughout both Late Antiquity and the early Middle Ages there were high rates of child mortality.<sup>703</sup> Richard Saller has estimated that during the early Roman Empire approximately half of the children born would be likely to die before the age of ten, most before their first birthday.<sup>704</sup> Philippe Ariès' argument that high rates of child mortality lead to parents investing less emotion in their young children has, however, long been repudiated.<sup>705</sup> In the sixth and seventh centuries far more literary evidence survives for parents commemorating their children than vice versa and epigraphical evidence supports a shift towards the focal point of commemoration being the death of children.

Gregory of Tours would single out the deaths of children as particularly tragic in his account of the plague that struck Gaul in 580, and Isidore of Seville noted that there are three types of death; the death of children which is heartrending, that of youth which is premature, and the death of old people which is natural.<sup>706</sup> Beyond the emotion associated with bereavement it was expected in this period that parents would engage in a public expression of their grief. Clearly this grief was not limited to the death of young children. When Sidonius Apollinaris' wife died he observed the devastation which it had wrought on her father; however, in early medieval sources it was the death of young children which was singled out as particularly tragic.<sup>707</sup>

The focus on children, as expressed by clerical authors, emphasised their innocence as a Christian virtue. Roman funerary monuments had, as Janet Huskinson has observed, usually focussed on the status of children, their dynastic links, and their future place in society rather than this focus on innocence.<sup>708</sup> Ruricius of Limoges, writing a letter of consolation to a couple on the death of their son in the early sixth century, observed that the innocent boy was ensured a place in heaven and

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<sup>703</sup> A. R. Burn, '*Hic Breve Vivitur*: A Study of the Expectation of Life in the Roman Empire', *Past & Present* 4 (1953), pp. 2-31 and J. C. Russell, 'Late Ancient and Medieval Population', *Transactions of the American Philosophical Society* 48 (1958), pp. 22-24.

<sup>704</sup> Saller, *Patriarchy, Property and Death*, pp. 23-25.

<sup>705</sup> Ariès, *Centuries of Childhood*. For one discussion see M. Golden, 'Did the Ancients Care when Their Children Died?' *Greece & Rome* 35 (1988), pp. 152-163.

<sup>706</sup> *HF* V.34, *Etym.*, XL.2.32.

<sup>707</sup> *SA. Ep.*, II.8. This may of course be simply due to the demographic reality that parents were fairly likely to experience the death of at least one child in their youth, but were far less likely to survive until their children were adults. The notable examples we have of parents mourning the deaths of adult children tend to involve childbirth, for women, and violence, for men.

<sup>708</sup> J. Huskinson, 'Constructing Childhood on Roman Funerary Memorials', in A. Cohen and J. B. Rutter (eds), *Constructions of Childhood in Ancient Greece and Italy* (Athens, 2007), p. 327. . Huskinson says that status of children was emphasised, dynastic links and place in society (p. 327) See also J. Huskinson, *Roman Children's Sarcophagi: Their Decoration and its Social Significance* (Oxford, 1996), pp. 86-89, which discusses the changing representation of innocence.

could therefore act as a patron for his grieving parents, a frequent theme in Ruricius' letters.<sup>709</sup> Avitus of Vienne in a letter to King Gundobad conveyed a similar sentiment, advising the king to be grateful his daughter died while she was still a virgin.<sup>710</sup> Children, like clerics, were perceived as family members of high spiritual value and this may explain the increased expectation of public memorials to them.

The sources also demonstrate that there were somewhat gendered expectations of parents in their mourning. The deaths of two of Chilperic and Fredegund's sons in 580 are fairly well documented. Gregory of Tours offers some narrative of an initial illness of the boys, attributed by him to the wrath of God over taxation, and then later of their death which drives their parents into grief, with them mourning the children for a month.<sup>711</sup> Venantius Fortunatus wrote a poem of consolation to Chilperic and Fredegund in which he advised Chilperic to bear his suffering in a manner 'dignified and manful', to suppress his own tears and to quiet those of his wife.<sup>712</sup> A father, and king, was expected to mourn for his children but to do so with some air of masculine forbearance.<sup>713</sup> This call for stoicism was gendered but also expresses an idea about the inappropriateness of mourning those who have gone to heaven.

Special attention being paid to the death of a child became part of a particular Christian rhetoric of consolation in which the deaths of children should be mourned but, simultaneously, that death in youth could offer the increased hope of the child going to heaven as, in the case of girls, she may still be a virgin and, in the case of boys, he might not have become too worldly.<sup>714</sup> These children were then represented as becoming sponsors for their parents in heaven. Indeed, by the seventh century parents were incorporating their deceased children into particularly Christian commemoration. For example, the late sixth- or early-seventh-century testament of Ermintrude shows a mother arranging for a dead son's memorial along with her own, through gifts of property to the Church, while paying no mind to the commemoration of other family members.<sup>715</sup> Evidence from eighth-century charters shows parents paying tributes to their sons in this way. In a charter of 747 a certain Bodal donated property and slaves to the monastery of St. Gregory in Münster on the

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<sup>709</sup> Rur., *Ep.*, II.39, II.3, II.4.

<sup>710</sup> Av., *Ep.*, 5.

<sup>711</sup> HF V.34.

<sup>712</sup> Fort., *Carm.*, IX.2.

<sup>713</sup> This is echoed in Fort., *Carm.*, IV.28.

<sup>714</sup> Paulinus of Nola warned against mourning the worldly, *Epistulae* 13, in contrast with *Carmina* 31.

<sup>715</sup> Ermintrude, 'Testament' l. 76-77.

death of his son. Similar donations were made by fathers, and mothers, to the abbey of St Peter and Paul at Wissembourg in the eighth century.<sup>716</sup>

This impression of longer-term memorials as not only being spread amongst a wider base of relationships but also being less heavily focussed on fathers may be influenced by the nature of the accessible authors at this time as being high-status clerics who placed value on the writing of hagiography. Yet it is also supported by the epigraphic and literary emphasis on children. Burials, which can provide evidence of greater variety in terms of status, do not reveal the identity of those who made choices and we must therefore base our understanding of the identity of commemorators on the available sources, which reflect a relatively elite view point. Given that none of the available evidence contradicts the impression presented by these sources it seems sensible to assume that they present a reasonable account of the identity of commemorators in this period. It appears, therefore, that in the immediate aftermath of a death the primary commemorators of adult men were spouses and children, occasionally supplemented by other family members and members of the household especially in the absence of children. In the longer term, at least amongst high-status clerics, emphasis shifted away from fathers as the focal point of commemoration and towards women, children and ascetic men as the bearers of a family's religious status and thus the focal point for memorialisation.

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### *Forms of Commemoration*

In this section I will look at the ways in which fathers were commemorated. In particular, I will investigate the question of whether fathers were remembered for the social status they bestowed upon families or for the emotional bonds they had held with those they left behind. The increasingly focus on spiritually-valuable individuals can be balanced by a consideration of the important role that property ownership could play, particularly in the commemoration of fathers, and of how different forms of commemoration could therefore express social importance or emotional connections, as well as of how these two ideas interacted.

Emotion is a contentious topic as the nature of what constitutes emotion is not entirely certain. Emotions can be considered to be physiological, socially-constructed or a combination of the

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<sup>716</sup> *Regesta Alsaciae*, 160 (747), see also *Wizen.*, 203, 248 and 262.

two.<sup>717</sup> I would argue that emotions, as historians can understand them, are more likely to fall into the latter category. Grief or anger are natural reactions to an event, for example a death, and may be prompted physiologically but how the emotion is expressed is filtered through codes of expected social behaviour. How a child reacts to the death of a parent may be instinctive, but how they express that reaction is governed by the codes of their society.

The emotion expressed in the sources often comes through formulaic actions that can seem to be as much about social duty as emotion. We must, however, be careful not to draw a line too strictly between duty and affection. Actions such as placing lights and hosts at tombs, both commemorative acts that could be performed by relatives or servants, can seem like the actions of duty more than love that might be performed by servants in exchange for freedom or land. Yet occasionally our sources provide an insight into how tightly entwined obligation and affection are. When Apollinaris of Valence wrote to his brother, Avitus of Vienne, in the early sixth century, to admit that he had forgotten to honour their sister on the anniversary of her death, and had been haunted by a dream that Apollinaris interpreted as a punishment for the lapse which filled him with ‘confusion and bitterness’, Avitus understood and sympathised with his sense of guilt. He expressed the hope that Apollinaris ‘in [his] kindness’ would some day perform that same office for Avitus himself.<sup>718</sup> These letters between Avitus and his brother are not literary devices but an account of an authentic dream and Avitus’ comforting response.<sup>719</sup> Social duties, such as these annual memorials, were not merely the mindless carrying out of routine action, but were invested with meaning by participants. They were not substitutes for emotion but were instead, despite their formulaic nature, an acceptable means by which emotion could be demonstrated.

Given the fact that emotion is often communicated in transient ways, weeping at a funeral for example, trying to appreciate the expression of emotion using the available literary and archaeological data is challenging. An important aspect of burials in this period, for example, is grave goods. It is possible to analyse the placement of grave goods with regards to the age and sex with those with whom they were buried but it is probable that many objects were invested with an emotion that we cannot deduce.<sup>720</sup> A Roman law of 426 for example states that ‘a mother obtains as solace the goods of a deceased child’. In this case the connection of property to an expression of

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<sup>717</sup> Peter N. Stearns and Carol Z. Stearns, ‘Emotionology: Clarifying the History of Emotions and Emotional Standards’, *The American Historical Review* 90 (1977), pp. 89-115.

<sup>718</sup> Av., *Ep.*, 13 and 14.

<sup>719</sup> Av., *Ep.*, 13.

<sup>720</sup> S. Tarlow, ‘Emotion in Archaeology’, *Current Anthropology* 41 (2000), pp. 713-746.

mourning and grief is clearly articulated but we could not necessarily construe this from the objects in and of themselves.<sup>721</sup>

Guy Halsall's analysis of cemeteries in the region of Metz shows that significant deposits of grave goods tend to occur in the graves of adult men, between approximately 20 and 60 years old, and young women in their late teens to early twenties.<sup>722</sup> Halsall argued that this is because these individuals would have had high 'value' within their families as the heads of households, in the case of men, and as potential links to other families through marriage for the young women.<sup>723</sup> These age groups also show a strong association with gender specific deposits such as weapons for men and jewellery for women. Similarly Bonnie Effros has observed that men were most likely to receive inscriptions between the ages of 25 and 60 years and women between 20 and 50.<sup>724</sup> Considering the work of Halsall and Effros with my own research into internal household dynamics allows these insights to fit into the context of the changing household.

The age of peak commemoration for men thus fits the point at which they were the head of the household and the *genitor*, at the peak of their power in their own household and controlling the property of their young children while also being able to take part in socially significant activities such as fighting. Young women seem to have received high value commemoration when of an age close to their marriage, at a time in their lives when they were significant to the household of a new spouse and still held an emotional connection to their fathers.<sup>725</sup> This may have been seen by external observers as a display of social status but does not necessarily reflect the level of grief that would have been felt by mourners. We can thus develop our understanding of commemoration by considering the differences between the commemoration of an individual who held important social status and was central to the household, for instance a younger *genitor*, and that of an individual who did not, such as a father in old age.

The reaction that an individual had to death was significantly affected by the economic and social impact of the death. Ausonius of Bordeaux addressed the death of his father in a poem of 383 titled 'On his little Patrimony', in which he observes the change in his position: 'of old the pleasure only

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<sup>721</sup> *C. Th.*, 4.1.1 (426).

<sup>722</sup> For a discussion of Halsall's methodology see Halsall, *Settlement and Social Organisation*, pp. 162-163. A survey of the discussion of approaches to Merovingian burial practice and its prospects is excellently summed up in B. Effros, *Merovingian Mortuary Archaeology and the Making of the Middle Ages* (London, 2005), pp. 71-118.

<sup>723</sup> Halsall, *Settlement and Social Organisation*, pp. 254-255.

<sup>724</sup> Effros, *Caring for Body and Soul*, pp. 93-94.

<sup>725</sup> For a discussion of the demographics of marriage, see above pp. 21-23.

was my share, the rest was all my father's'.<sup>726</sup> Paulinus of Pella in 459 wrote an autobiographical poem in which he described his 'boundless grief for [his] departed father', and immediately went on to discuss how his father's death also meant that he was suddenly responsible for ensuring his mother's financial security and entered into a conflict with his brother over the issue of her inheritance.<sup>727</sup> I have already discussed how male children were more often shown to commemorate their fathers than female children and suggested that this might relate to inheritance practices. These texts show that when the death of the father resulted in a significant change in the status and responsibilities of his sons, their relationship with his death was materially changed and their emotional reaction was inextricable from the social impact.<sup>728</sup> This means that the commemoration of a father could be notably affected by changes in inheritance practices. As children were increasingly granted portions of their inheritance prior to their father's death that death began to be a less significant point in their lives from an economic perspective. This did not eradicate the emotional impact of the death but rather caused their grief to be performed differently. We should therefore move away from the issue of property ownership to consider how the emotional impact of a death could be expressed.

As we shall see there may be a discrepancy between what appears to be the 'value' given to certain individuals as expressed through grave goods compared to their commemoration through inscriptions. Pre-pubescents, for example, tended to receive very few grave goods but, as we have seen, were commonly honoured through inscriptions.<sup>729</sup> This may be explained by the particular status of those who made use of inscriptions as a more elite group who remained connected to Roman traditions as opposed to cemeteries which may show a wider cross-section of society, but we must also need to recognise the emotion that might have been part of the commemorative process that cannot be read easily through grave goods. Young children may have received some grave goods too that have not survived but which held sentimental value.

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<sup>726</sup> Ausonius of Bordeaux, *Opera*, 'On His Little Patrimony', p. 33.

<sup>727</sup> *Euch.*, l. 232-253.

<sup>728</sup> For important considerations of the role of inheritance in burial see L. Jørgensen, 'Family Burial Practices and Inheritance Systems: The Development of an Iron Age Society from 500BC to AD 1000 on Bornholm, Denmark', *Acta Archaeologica* 58 (1987), pp. 17-53, especially pp. 42-43, Brown, J. A., 'The Search for Rank in Prehistoric Burials', in R. Chapman, I. Kinnes and K. Randsborg (eds), *The Archaeology of Death* (Cambridge, 2009), pp. 25-38, and Sayer, 'Death and the Family', on the need for the understanding of generations within cemetery archaeology.

<sup>729</sup> Halsall, *Settlement and Social Organisation*, pp. 254-255.

Barbara Rosenwein has studied inscriptions from Gaul in an attempt to understand how different communities might have different customs for the expression of emotion.<sup>730</sup> In doing so she noted that emotional expression is most likely to be found in inscriptions commissioned by parents or children. I wish to take this further in order to consider the ‘direction’ of this emotion, whether it was primarily from parent to child or vice versa in order to consider how the emotional focus in parent-child relationships at death may have shifted over time.

Inscriptions dedicated by children to parents sometimes made use of emotional language such as *carissimus* or *dulcissimus*. An inscription might therefore read ‘Here rests in peace Nunechius, who lived approximately 80 years, Florentina his beloved daughter raised this inscription’.<sup>731</sup> In this inscription the dedication is from a daughter to her father, but the word denoting emotion is applied to Florentina the commissioner, who used the inscription to present her father’s attitude towards herself. This seems to have been the standard practice for this type of memorial; of ten inscriptions at Trier that show children raising inscriptions to their fathers, four used emotive words. Of these four inscriptions, two directed the emotion at the child commissioning the inscription rather than the parent, the third was erected ‘with love’ while only one used an affectionate term for the father specifically.<sup>732</sup>

In dedications raised by parents to their children, a larger group of forty-four inscriptions, twenty-six contain no emotional language but of those that do use emotive words the language in a majority of cases is directed at the child, for example ‘Here rests in peace Martina, sweetest girl, who lived 16 years and 1 month. Her parents raised this inscription’.<sup>733</sup> This suggests that although the deaths of parents and children both provoke emotion, bearing in mind that the small number of inscriptions raised to parents makes a clear comparison difficult, the emphasis in both cases is on the attitude of the parent to the child. This would correlate with an increased emphasis on children as the subject of inscriptions. Children were increasingly important in commemoration, whether for the child themselves or their parents. This may well be due to the spiritual value placed on children that was expressed through the literature of condolence as I have already discussed. Christian Laes has argued that pagan and Christian inscriptions in Rome show a high degree of continuity in the

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<sup>730</sup> Rosenwein, *Emotional Communities*, p. 68. An early study of emotional language in inscriptions is S. G. Harrod, ‘Latin Terms of Endearment and of Family Relationships: A Lexicographical Study Based on Volume VI of the *Corpus Inscriptorum Latinorum*’, PhD thesis (Princeton University, 1909).

<sup>731</sup> ‘*Hic quiescent Nunechius in pace, qui vixit annos pl(us) me(nus) LXXX, Florentina filia carissima titulum posuit*’, Gose, 46.

<sup>732</sup> Gose, 46, 73 (‘with love’), 76 and 722.

<sup>733</sup> ‘*Hic quiescit in pace Martina dulcissima puella, que vixit an(os) XVI et me(nsem) I. Patris [sic] titulum posuerunt*’, Gose, 35.

number of inscriptions raised to children but that there was a demonstrable shift in the fifth century towards an emphasis on the virtuous innocence of children rather than classical virtues like *pietas*.<sup>734</sup>



**Figure 9: An inscription to Martina From Her Parents.**<sup>735</sup>

Terms expressing emotion were used more often on inscriptions at Trier than were references to aspects of social status such as professions. At Trier, 17 inscriptions make reference to professions; of these five were commissioned by children for their fathers, five were commissioned by spouses, two were raised by siblings, both to men who were presbyters, and finally there survive two dedications to consecrated virgins from the eighth century, one raised by the woman's parents and the other by a fellow-nun.<sup>736</sup> Three more inscriptions make no reference to family. The profession of a man therefore seems only occasionally to have been considered as an appropriate element of this type of commemoration although we must acknowledge the possibility that the act of raising an inscription in and of itself, incurring the expense and being part of a Roman tradition, may have been a way to assert social status. Children also seem to have prioritised the profession of their fathers more than other commissioners of inscriptions as half of inscriptions raised by children make some reference to their father's work. However, these inscriptions were largely raised in the fourth and fifth century, at the same time as Ausonius and Sidonius were focussing their literary commemorations on older men, thus reflecting an earlier attitude in which a greater emphasis was placed on children's connection to their father's social status.

These memorials suggest that the dedication of inscriptions for a parent's death was an important outlet for a public expression of emotion, more so than being a moment to trumpet social status, but

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<sup>734</sup> C. Laes, 'Grieving for Lost Children, Pagan and Christian', in B. Rawson (ed.), *A Companion to Families in the Greek and Roman World* (Oxford, 2011), especially p. 325.

<sup>735</sup> Gose, 35. Held at the Rheinisches Landesmuseum Trier. Photograph by the author.

<sup>736</sup> Gose, 563, 219, 220, 462, 430, 442, 57, 477, 16, 75, 722, 142a, 437, 104, 413, 466 and 73.



that over the early medieval period emotion was increasingly expected to be directed from parents to children and to be connected to virtue. This fits with changing attitudes to death in which those considered to be of high religious value, children and celibate men and women, became the focal point for commemoration, rather than fathers. There was also a general decline from the second half of the sixth century in the variety and number of grave goods that were deposited. At the same time there was a shift, originating with more elite groups, towards the use of smaller cemeteries centred on churches.<sup>737</sup> This suggests a general trend in commemoration towards a greater emphasis on emotion and spirituality expressed in the desire to be buried close to religious sites and possibly people. This shift in emphasis can also be seen in attitudes to older men.<sup>738</sup> I have already discussed the fact that older people tended to receive fewer grave goods however, ten, or 11.7%, of the inscriptions dedicated to men at Trier were commissioned for men over the age of sixty.<sup>739</sup> Handley has noted that Trier does not differ significantly from the rest of Northern Gaul in the frequency of the commemoration of older people.<sup>740</sup> Handley noted that when inscriptions from the rest of Gaul are considered the proportion rises to nearly 20%.<sup>741</sup> While this may be explained by the influence of a more traditional 'Roman' attitude, held by the commissioners of inscriptions, which would perhaps allow for fathers retaining more power into older age. It might also show that older men held less property, as represented in the low frequency of grave goods, but retained emotional value, as represented by inscriptions. However, Mark Handley has suggested that generally 'the aged', meaning those over 50, were largely uncommemorated.<sup>742</sup> Older men were more likely to receive inscriptions than other forms of commemoration such as grave goods but here too they were declining as focal points of commemoration in favour of children, clerics and younger men.

Over the course of the fifth to eighth centuries it therefore became less likely that fathers would be memorialised in the long term after their death in favour of more spiritually-valuable individuals such as children and clerics. We should therefore further consider how descendants selected which members of their family they memorialised and how this was connected to the physical presence and location of the grave.

One possibility for the changes to memorials in the seventh and eighth centuries, and in particular the choice of the site of a burial, might be the desire for the deceased to continue to be part of the

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<sup>737</sup> Halsall, *Settlement and Social Organisation*, pp. 162-163.

<sup>738</sup> 76 inscriptions at Trier dedicated to men have an associated age. Handley, *Death, Society and Culture*, p. 71.

<sup>739</sup> Gose, 9, 29, 38, 46, 56, 72, 75, 722, 445 and 462. See also Handley, *Death, Society and Culture*, p. 81.

<sup>740</sup> Handley, *Death Society and Culture*, p. 79.

<sup>741</sup> *Ibid.*, p. 79.

<sup>742</sup> *Ibid.*, p. 88.

lives of their descendents. As Church institutions came to oversee memorials over the period, Bailey Young has argued that burials became less distinct from each other. In the seventh century, at least partly due to the demand for burial *ad sanctos*, graves were increasingly crowded together and in some cases became indistinct from each other at sites such as Hérouvillette.<sup>743</sup> Within individual churches or monasteries those of high status could then lay claim to sufficient space to create distinct family memorials centred on family members who had held high religious status.<sup>744</sup> This does not eliminate the importance of family memorials but meant that families incorporated religious status into their commemorative practice, as we have already seen in the literary evidence, by prioritising members of the family with religious status or utilising methods such as donations to connect the family to the Church. This process did not occur uniformly across Gaul. Salin has observed that in the early part of the period in the fourth to sixth centuries burials in the ‘Gallo-Roman’ areas had family groups, but more ‘Germanic’ areas in the North and East of Gaul preserved distinctions between the graves of individuals.<sup>745</sup> Evidence from Weingarten, discussed below, also suggests that generations of families were often clearly separated. Christianity thus altered the long-term memorialisation of grave sites themselves but it also seems that in the less Romanised regions there was less concern for cross-generational memorialisation at grave sites throughout the period.

However, family tombs continued to appear until the seventh century in some circumstances. Sarcophagus 52 from the sixth- to seventh- century cemetery of Neuvicq-Montguyon in Aquitaine, seems to contain a family group consisting of a man, a woman and two infants. Given the placement and ages of the deceased, this group may have died within a short space of time and thus have been buried at the same time, hence the single tomb.<sup>746</sup> In contrast, recent analysis of DNA on 161 skeletons at the fifth- to eighth-century Alemannic cemetery of Weingarten by Julia Gerstenberger revealed that 13 of those examined were father-son pairs and, in one case, three individuals (a father and two sons).<sup>747</sup> These individuals were not buried near each other. To a large degree we can simply view this as matter of practicality; fathers and sons would presumably have

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<sup>743</sup> Young, ‘Merovingian Funeral Rites’, p. 154.

<sup>744</sup> At Jouarre, for example, as discussed in Y. Fox, *Power and Religion in Merovingian Gaul: Columbanian Monasticism and the Frankish Elites* (Cambridge, 2014), pp. 72-74.

<sup>745</sup> E. Salin, *La civilisation mérovingienne*, Vol. 2, p. 185. An example of a family grave is Lavoye, grave 319, for which see R. Joffroy, *La cimetièrre de Lavoye: Nécropole Mérovingienne* (Paris, 1974).

<sup>746</sup> L. Maurin, ‘Le cimetièrre mérovingien de Neuvicq-Montguyon (Charente-Maritime)’, *Gallia* 29 (1971), p. 158. Neuvicq is unusual in the use of sarcophagi and those sarcophagi having names on them. In the case of s. 52 this name is ‘Cinian’.

<sup>747</sup> Gerstenberger, ‘Analyse alter DNA’, pp. 105-106. For the catalogue of Weingarten see Helmut Roth and Claudia Theune, *Das Frühmittelalterliche Gräberfeld bei Weingarten I: Katalog der Grabinventare* (Stuttgart, 1995).

died some time apart and the ground surrounding the first grave would have been used for the graves of others before the death of the second family member. However, the extent of the distances between the graves of fathers and sons suggests that no special effort was made to place these graves in proximity to each other. A recent study by Irene Barbiera of the evidence from Italian graveyards of the fourth to eleventh centuries suggests that the nuclear family continued to be important in grave placement across this period but that this worked alongside an increasing emphasis on the clergy and the 'spiritually pure'.<sup>748</sup> Barbiera makes the important point, which may also have been significant in Gaul, that where graves were placed on religious sites the clergy held a significant role in determining placement as well as memorialisation.<sup>749</sup> This did not, as Barbiera notes, mean that family ties were ignored, but that they were adapted to fit within the framework of prioritising spiritual status.<sup>750</sup>

The location of graves seems thus, at least in the fourth to sixth centuries, to have been more significant in the South of Gaul among those more associated with Roman identities. Certainly, older Roman customs still practiced by high status men such as Sidonius Apollinaris in the fifth century included the use of roadside family tombs that were known to family members.<sup>751</sup> The tomb referred to by Sidonius is that of his grandfather, this is therefore not a new monument, but one that remained relevant and which was still being amended at the time. The remains of post-markers at the cemetery of Roissard (Isère) suggest that graves in large cemeteries were also marked in some way that may have allowed mourners to locate them later to perform memorials such as placing lights and hosts at the grave.<sup>752</sup> These were events performed by members of the family or household for each individual on the anniversary of their death.<sup>753</sup> It is probable that after a father's immediate descendants and household passed on, he was unlikely to receive further memorials at the gravesite. From the seventh century, however, as burials were located around churches or Christian cult sites the concept of the family as well as the physical reminders of individuals would be gathered into Christian memorials to the dead.<sup>754</sup> In the longer term therefore, once immediate descendants had passed on, the physical grave could cease to be part of family consciousness. The

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<sup>748</sup> I. Barbiera, 'Buried together, buried alone: Christian commemoration and kinship in the early Middle Ages', *Early Medieval Europe* 23 (2015), p. 408.

<sup>749</sup> *Ibid.*, pp. 399-402.

<sup>750</sup> *Ibid.*, p. 408.

<sup>751</sup> SA. *Ep.*, III.12.

<sup>752</sup> Effros, *Merovingian Mortuary Archaeology*, pp. 181-182. For Roissard, see M. Colardelle, *Sépulture et Traditions Funéraires du V<sup>e</sup> au XIII<sup>e</sup> siècle ap. J.-C. dans les Campagnes des Alpes Françaises du Nord* (Grenoble, 1983), pp. 27-56, especially pp. 40-48.

<sup>753</sup> Av., *Ep.*, 13, 14.

<sup>754</sup> Young, 'Merovingian Funeral Rites', pp. 154-155.

memorialisation of an individual was dependant on the choices and requirements of family members who, over the course of the early medieval period, seem to have been less inclined to invoke the memory of their worldly male ancestors, in favour of potential family saints and heavenly patrons.

We can therefore see that the nature of the commemoration of fathers shifted between the fifth and eighth centuries in Gaul. The way in which the death of a father was understood was tightly bound up in the social reality of inheritance and in a sense of duty. This did not mean that a child would grieve the death of a parent less if there was limited financial consequence but that the expression of that grief would be understood increasingly as an emotional and spiritual issue rather than a social and economic one. A father might have expected his spouse, children, household, and perhaps grandchildren to remember and protect his grave, but beyond these generations the bounds of duty and honour could not enforce remembrance. At the same time the emotional emphasis of family life was being placed on parental affection for children rather than vice versa. Children would have felt grief at the death of their parents, but that grief was shown through emphasising their parent's attitude to the child, rather than their affection for their parent.

In the fourth and fifth centuries, fathers were the focal point for commemoration by their families and members of their household, with spouses and children acting as their primary commemorators. This was often due to a father's possession of property. If a man died in possession of the majority of his property this was reflected in his receiving significant deposits of grave goods and indicated the impact that his death had on the lives of his family and particularly his sons. However, as patterns of property ownership changed, the point at which a man would have tended to die in possession of the majority of his property came to be from between the age of majority, anywhere from puberty to around 20 years of age, and the point at which his children would have reached their own majority, from the father's mid-forties onwards.

As time elapsed after the death of a particular individual, other forms of commemoration such as poems might begin to emphasise different, more socially significant, members of the family. These could be individuals with whom their relationship was more distant. However fathers retained a notable significance even where they did not hold spiritual prominence. This was the case for male children in particular who had a personal duty to commemorate their father and seem to have located honour in the performance of this commemoration.

Over the course of the sixth to eighth centuries however, focus increasingly shifted towards the commemoration of other members of the family. Parents continued to be commemorated by their children but with more focus on the value of the child, rather than the parent. Commemoration emphasised those, such as children and clerics, who were understood to be of high spiritual value, prioritising them for emotional displays and memorials rather than male ancestors. To a certain extent this is a factor of the changes in evidence. Literary evidence is dominated by clerics, and commemoration in particular by hagiography, and inscriptions become less frequent. However this demonstrates that some individuals still had these tools at their disposal for creating commemoration for their family members and they chose to direct them towards children and religious figures, rather than fathers. After a father's immediate descendants had died his further descendants may not even have known the location of his grave for commemoration and they seem to have attached less importance to memorials, focussing their attention instead on members of the family who could be raised up as saints or act as heavenly patrons. The fictive family of the *patres*, and where it intersected with the biological family, was emphasised over the commemoration of ancestors. Nevertheless our understanding of this may be distorted by the prevalence of Christian and elite sources for providing an understanding of later commemoration.

### **Slave Fathers**

The position of the *paterfamilias* was, as I have expressed frequently, about more than simply paternal power over children. It involved control over an entire household and thus in order to understand the concept of the father we must also consider the changing dynamics of the relationship between the head of a household and his slaves and within slave family units themselves between the fifth and eighth centuries. This allows us to observe alternative evidence for changes to fatherhood happening across the social spectrum.

The transitions of the Early Middle Ages, with individual, biological fathers gaining more authority over their own families at an earlier age, even with their own father still alive, also had an impact on slave families. The starting point of this transition was, however, different for those at the bottom of the social ladder. Slave fathers never enjoyed, even theoretically, the same rights over their children as free fathers. Under Roman law this had meant that they could never become the *paterfamilias*. In the early fifth century, Augustine argued in a sermon that the primary role of the slave was always to obey their master. A slave father was legally and by custom always the secondary authority in the

lives of his children.<sup>755</sup> Presumably this arrangement was not solely limited to slaves in reality. A person of higher status would probably expect their orders to take precedence over those of the father of a subordinate, but it was most explicitly defined in the case of slave relationships.

The fifth-century estates described by Sidonius Apollinaris clearly demonstrate that servants and slaves were still expected to live lives constantly entwined with their masters in this period. For example, at his estate at Avitacum, when the family of the estate took a siesta their servants took theirs in the smaller and less comfortable room next door.<sup>756</sup> The *paterfamilias* would also represent his slaves to the outside world. When the son of Sidonius' nurse eloped with the slave of another man Sidonius wrote to this slave-owner to smooth the waters.<sup>757</sup> The general tenor of slave fathers as having less authority over their families seems to also have been reflected in their internal family relationships. Kyle Harper has suggested that for slaves in the fourth century the strongest family relationship was that between a mother and her children. Family relationships, such as marriage, existed amongst slaves but received no legal protection.<sup>758</sup> When slave groups were organized for emancipation, inheritance, or memorials on funerary monuments it tended to be groups of single men, or of mothers and their children.<sup>759</sup> Slaves are an example of the way that the figure of the Roman *paterfamilias* drew power away from other fathers besides just his sons.

The evidence from early medieval Gaul points to a distinct change in the manner in which slave families were represented from what Harper has observed in the fourth century. For example, the testament of Remigius of Rheims, from 533, shows a number of both *coloni* and *servi* being freed or transferred. Many of the people with this status were dealt with as individuals but there are some cases within the testament where transfers are made of parent-child groups. Where parent-child groups occur there seems to be a gender divide. Mothers appear with daughters and fathers with sons. Where parents appear together it seems always to be in the context of a child being freed. Thus Nifastis and her mother Muta were given to bishop Lupus, Enia and his younger son Monulfus were freed. This testament thus shows a mixed experience of family life.<sup>760</sup> Low-status fathers might expect to hold ties to children, but not necessarily so. Children might be freed separately from their parents, or wives separately from their husbands. A similar mixed pattern is evident in the

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<sup>755</sup> Augustine, *Vingt-Six Sermons*, 2.13, discussed in Harper, *Slavery*, p. 264.

<sup>756</sup> SA. Ep., II.2. See also *Querolus* as discussed p. 164.

<sup>757</sup> SA, Ep., V.19. See discussion by Cam Grey in 'Two Young Lovers: An Abduction Marriage and its Consequences in Fifth-Century Gaul', *Classical Quarterly* 58 (2008), pp. 286-302.

<sup>758</sup> Harper, *Slavery*, p. 270 discussing Ulpian, *Regula*, V.5, in J. Muirhead (ed.), *The Institutes of Gaius and the Rules of Ulpian* (Edinburgh, 1880), p. 370.

<sup>759</sup> Harper, *Slavery*, p. 265.

<sup>760</sup> Rem., *Test.*, I. 299-304.

testament of Ermintrude of Paris, which has been dated to the early seventh century.<sup>761</sup> In this document husbands and wives are often treated together but children never appear with more than one parent. There is no particular gender bias in this testament as to whether it is mothers or fathers who appear with their children. Therefore, by the early seventh century, low-status fathers may have started to be able to maintain family connections. Whilst these were not across complete family groups, there was some respect for marriage and, perhaps, for the need of ‘slave’ children to be cared for by at least one parent.

The control by the slave owner over the families of his slaves, including the power to divide their family units, continued into the late sixth or early seventh century although not unchallenged. Gregory of Tours would, for example, load heavy criticism against Rauching who divided [and tortured] a young slave couple who had married without his permission and bemoaned an order by King Chilperic which divided the families of slaves.<sup>762</sup> The importance placed by the Church on marriage could protect slave relationships. This does not mean that slaves, of any sort, were entirely independent to choose their relationships. Concerning the marriage between slaves of different owners marrying a mid-sixth to mid-seventh century formulary provides that two thirds of any children born belong to the owner of the woman together with one third of the property, and two-thirds of the property and one third of the children to the owner of the man.<sup>763</sup>

Yet, from the early seventh century on we begin to see testaments treating the unfree, in the form of *coloni*, *servi*, *mancipia* or *famuli*, as nuclear family units headed by their fathers. Thus the testament of Bertramn of Le Mans from 616 sets free ‘Libigiselus and his wife and children, Chinemundus, Chrodosindus with his wife and infants, Theododundus and his son Lopus, and his daughter Emmana with his wife and children, Ebrolenus with his wife and children, Gariulfus, Iulianus, Picoaldus and his wife and children, the son and daughter of Maurellus’.<sup>764</sup> This development might be connected to the protection offered by both the law and the Church to the marriage of slaves from the sixth century on, even when they were contracted against the will of a master.<sup>765</sup>

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<sup>761</sup> Ermintrude, ‘Testament’, l. 65 and 75.

<sup>762</sup> *HF* V.3, VI.45.

<sup>763</sup> *Angers*, 45, this seems similar to *Nov*, 156 (after 539). These are likely slaves managing their own land and the emphasis is on duty rather than explicit ownership.

<sup>764</sup> Bert., *Test.*, 67. Similarly the documentary evidence, which tends to refer only to *mancipia* usually treats slaves as nuclear family groups. *Wizen.*, 16, 18, *St. Gall.*, 6, 13, *Freising*, 6, Ermintrude, ‘Testament’, l. 10-12, 75 and 77-80.

<sup>765</sup> *Cod. Ius.* 3.38.11 (334), *Nov.* 157 (542), *HF* V.3.

In addition to the increased representation of slave families as distinct units, there may be some archaeological evidence for the idea of a transition, at least in rural areas, towards slave life experienced in separate households.<sup>766</sup> The evidence of smaller buildings around the main *Grubenhäuser* may well be evidence of slaves having their own dwellings.<sup>767</sup> Clearer evidence that slaves may have had independent houses in this way, at least in Alemannia, is also suggested in the *Lex Alamannorum* from c. 730AD, which provides protection for the dwellings, barns and granaries that belong to servants.<sup>768</sup> While household servants might still have been expected to live in close proximity to their masters, residing in the most elite and royal housing, in more normal rural settlements lower down the social spectrum, slaves seem to have been living within their own family units from around the sixth century on.

We cannot necessarily assume that the representation of slave family groupings in the available documents and material evidence represents any particular change in social practice or family relationships. There are no personal accounts by slaves, no letters or poetry that might add colour to the distant view we can take of their relationships. The representation of slave families in legal documents is the language of masters and it is probable that many of the changes in the sources reflect a change in their attitude to slave relationships and not those of the slaves themselves. Georges Duby has argued that the recognition of the family rights of the unfree is due to the influence of Christianity.<sup>769</sup> Likewise this may also partially represent a change in the nature of the various types of slavery. Slavery has been seen by historians such as Chris Wickham to transition gradually, and with great regional diversity, towards the ‘serfdom’ of the Middle Ages through the Merovingian unfree tenures. This ‘serfdom’ may have also enabled more stable and socially

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<sup>766</sup> This of course has implications for wider transitions in the early medieval world which are outside the scope of this study. For a general consideration of this transition in a wider sense see Wickham, *Framing the Early Middle Ages*, pp. 479-518. For a discussion of housing see D. Claude, ‘Haus und Hof in Merowingerreich nach den erzählenden und urkundlichen Quellen’, in H. Beck and H. Steuer (des), *Haus und Hof in ur- und frühgeschichtlicher Zeit* (Göttingen, 1997), P. Pèrin, ‘The Origin of the Village in Early Medieval Gaul’, in N. Christie (ed.), *Landscapes of Change* (Aldershot, 2004)H. Hamerow, *Early Medieval Settlements - The Archaeology of Rural Communities in Northwest Europe 400-900* (Oxford, 2002), P. Demolon., *Le village mérovingien de Brebières* (Arras, 1972), p. 223, and R. Samson, ‘The Residences of *Potentiores* in Gaul and Germania in the Fifth to Mid-Ninth Centuries’, PhD thesis (University of Glasgow, 1991).

<sup>767</sup> For some discussion of potential issues see discussion in F. Damminger, ‘Dwellings, Settlements and Settlement Patterns in Merovingian Southwest Germany and Adjacent Areas’, in I. Wood (ed.), *Franks and Alemanni in the Merovingian Period: An Ethnographic Perspective* (Woodbridge, 1998).’, p. 89.

<sup>768</sup> *Lex Alaman.* 76. Discussed in Hamerow, *Early Medieval Settlements*, p. 39.

<sup>769</sup> Duby, *Rural Economy*, pp. 32-3.



recognised family groups to exist.<sup>770</sup> The particular changes to slavery in this period are, however, beyond the scope of this thesis.

What these documents do show is a chronological trend in which the fathers of slave families became increasingly recognised as the representative, often the sole representative, of their wives and children. These nuclear family groups exhibit the same pattern observed in wider family relationships: individual fathers coming to the forefront as the *paterfamilias* receded. The perspective provided by the new role of slave fathers offers in some way the opposing view to that of the elite fathers discussed thus far. Where elite men had relinquished any potential claim to be a *paterfamilias*, slave fathers, who had never had the possibility of such power, gained a new position as essentially, the head of their own nuclear family groups. This, again, does not mean that these men could automatically have gained the power by the eighth century that Augustine had denied they could claim in the fourth century. No doubt a master would still expect to govern the lives of his slaves and servants, but these men had gained the symbolic position as the head of their own families.

## Conclusion

The traditional story of the *paterfamilias* between Late Antiquity and the Early Middle Ages is that of a grand central figure of social life receding into the distance to be replaced by new ecclesiastical power figures.<sup>771</sup> As has been seen in earlier chapters there is some truth to the idea that ecclesiastical men such as bishops and abbots established themselves as fathers to their communities through the adoption of the title of *pater*. The *patres* were created, by the Early Middle Ages, through their status as religious leaders and characterised not by their power but by the affection that was shared amongst the Christian family. This fictive fatherhood took on many of the traits of biological fatherhood but also allowed for a static profile – the authoritarian figure whose status was not determined by his relationship to those around him.

In contrast this chapter has shown how concepts of fatherhood were changed by the decline of the role of the *paterfamilias*. The emergence of the fictive father did not signal the demise of the biological father. On the contrary fathers remained at the centre of their families and thus the focal

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<sup>770</sup> This is largely outside the scope of this study. For a general bibliographic introduction see Wickham, *Framing the Early Middle Ages*, pp. 289-291. Of particular interest is *Marculf*, II.29.

<sup>771</sup> Burrus, *Begotten Not Made*, pp. 4-5.

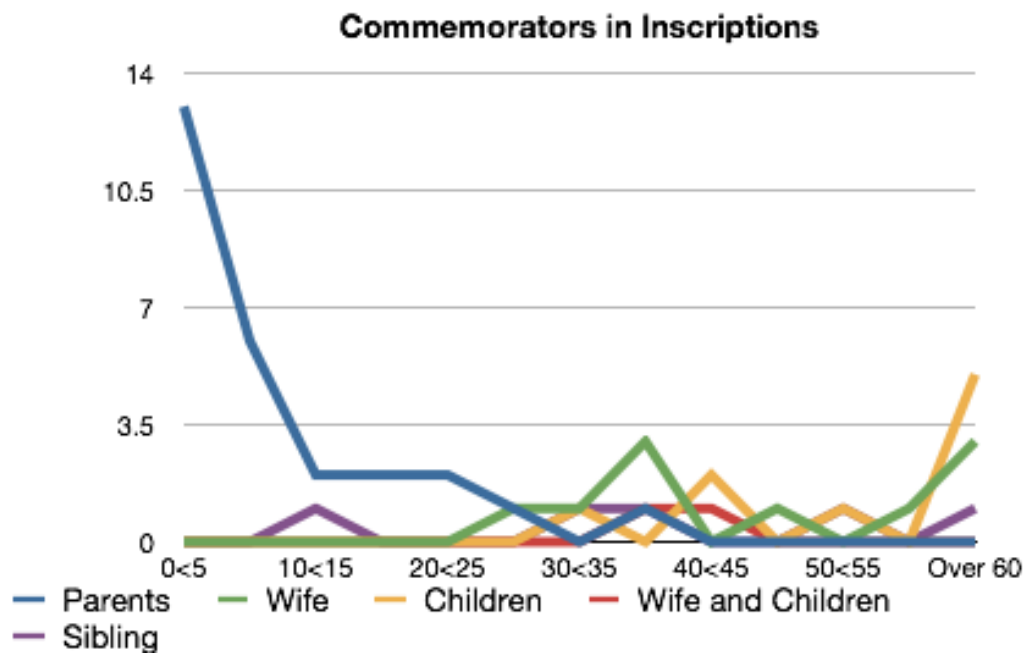
point of communities. Moreover, fatherhood became more central to the shaping of authority for instead of the *paterfamilias* whose fatherhood was incidental to his authority, the *genitor* was defined by his paternity. The influence of this new type of father reached at its peak at an earlier age while his children were young. In the sixth and seventh centuries a reasonably high-status father with young children could already expect to hold a significant proportion of the property he would receive from his parents as well as property received from his wife and her family through marriage. He would control his young children and have a large amount of authority over his wife. He would remain the master of the slaves that fell within his estate, though he would control them through their own family units defined by their own fathers. Within the nuclear family of father, mother and young children the social expectation was of a loving family unit.

In contrast an older father would expect to see his control over his children reduced. His daughters would leave to form their own families and their allegiance would pass to their new husband and family. His sons would become property holders in their own right, would start their own families, and there was a real possibility that their relationship with their father would be complicated by disagreements over the control and management of the property they expected to inherit. Fathers would still hold significant authority, as family land and legal power might still be within their control, but they would be required to negotiate this with their sons. They were no longer expected to be the wielders of absolute authority. Instead of grandfathers acting as the ultimate legal authority and holding power over both their children and grandchildren power was concentrated in younger fathers while older fathers and grandfathers gained power and care through negotiation of their remaining property or by making claims on the affection of their children and grandchildren.

This shift in attention to younger men is also demonstrated in the nature of commemoration. Fathers in their lifetime, the *genitores*, remained key and powerful forces; those who died in their prime are seen in their graves to have held property, and they clearly retained an emotional connection with their children. In the longer term, however, simply having been a father was insufficient to cause later descendants to write memorials and, as written memorials came to be dominated by clerics, secular fatherhood might even be considered detrimental to commemoration.

Unlike the seemingly static power of the *paterfamilias* and the emerging religious *patres*, the *genitor* of the Early Middle Ages would expect to see his power fluctuate over his lifetime and to depend far more on individual relationships governed by gender, age, and status.

**Figure 10: Commemorators in Inscriptions at Trier by Age of Deceased**



## Conclusions

“A father has to be a provider, a teacher, a role model, but most importantly, a distant authority figure who can never be pleased. Otherwise, how will children ever understand the concept of God?” — Stephen Colbert<sup>772</sup>

<sup>772</sup> S. Colbert, *I Am America (And So Can You)* (New York, 2007), p. 7.

This dissertation has shown that the *paterfamilias* model, such as it had ever had significant practical effect, ceased to relate to biological fathers by the sixth century. The term itself was left behind even as aspects of it continued. Stephen Colbert's description of fatherhood, although a joke, taps into the connections between multiple types of patriarchal authority. Bishops, abbots and later all members of the clergy tapped into an identity which connected to ideas of authority and affection, invoking those characteristics that were associated with paternity without biological fatherhood. As fictive fatherhood became increasingly connected to spiritual fathers, the role of 'real' fathers and the concept of the family changed.

Fatherhood thus came to be a significant defining moment in men's lives as the acquisition of rights of property ownership and thus often the formation of a separate household with marriage and fatherhood came not to be a consequence of the death of one's father but of attaining the age of majority. This helped to emphasise the centrality of the 'nuclear' family since adult children could form their own emotional and economic units with a wife and minor children. Rather than family authority including property ownership belonging principally to fatherless men, understandings of the family instead came to be centred on married couples with young children. In these nuclear groups fathers dominated as the family representative to the outside world and as the chief managers of property. In the course of a man's life his most powerful period came, by the eighth century, to be this time during his children's youth. Relationships with adult children were either rarely discussed, in the case of daughters, or fraught with tension, in the case of sons.

One of the most notable aspects of this change to fatherhood, as it has been explored in this thesis, is that it manifested in all of the varied sources that are available for the period. Although I have tested 'norms' against 'practices' as a means of testing the change over the period, both 'norms' and 'practices' in effect show the same development and this demonstrates the strength of that change. Through focusing attention on Gaul it has been possible to explore a range of sources including law, hagiography, linguistics, and charters. Moving beyond a purely legal consideration of changes to fatherhood to explore the ways in which these changes impacted on every aspect of life it is possible to understand the role that fatherhood played across society by placing each source in the context of the others. That is not to say that shifts either occurred or are represented in every source in the same way. Different evidence produces different results due to variations in region, status and ethnicity of those involved and the agenda of authors. The increasing dominance of clerical authors in written sources, for example, means that our access to the idea of fatherhood, both fictive and real, comes largely from those who were focused on fictive fatherhood. Although they would have experienced having a father, of course, their emphasis on the role of clerical fathers can overwhelm

our understanding and obscure both the experience and expectations of the laity. Where we have greater access to lay practice, for example in documents relating to property and ownership, even these were largely archived and survive through the management of clerical institutions. In some cases this provides more information but the sources that come to us, come through that filter. Fatherhood, in all its forms, impacted upon everyone in a multitude of relationships across Gaul and each individual relationship would have had its idiosyncrasies. The inclusive approach which this study has taken to analyzing sources for fatherhood has hopefully helped to construct an idea of fatherhood which respects differences between the experience and expectations of individuals and groups while placing them within a context of broader change.

These changes might to some extent be conceived as the influence of ‘Germanic’ practice, as it is usually understood to be some relic of the pre-Roman past of the Franks, Burgundians and other associated groupings. It is tempting to ascribe all new behavioural patterns in this period to customs which sources do not allow us to access. However, in general we should be cautious to speculate about the behaviour of the prehistoric Franks, and others, in the absence of evidence. The importance of the ‘nuclear’ family unit and the granting of property rights to adult sons need not be Frankish or Burgundian custom since both reflect trends that were already evident in late antique Roman customs. It is possible that these Roman practices were to some extent influenced by contacts already forming with the migrating peoples and *vice versa* but we must also not ignore the specific context of fifth- to eighth-century Gaul.

As social, political, and religious systems altered significant changes could take place in the territory covered by Gaul without being the sole province of ‘Roman’ or ‘Germanic’ customs. Shifting ages at first marriage, which may have been due to the influence of the migrating peoples or a reaction to political and social upheaval in the post-Roman period which created the need to establish family ties and secure heirs at an earlier age, could increase the probability of fathers surviving into their children’s adulthoods, making *patria potestas* a more difficult system to maintain. Changing value-systems heavily influenced by Christianity emphasised lifelong monogamy and highlighted the innocence of children as a focal point of family emotion. Thus long-term trends in Western family life and the particular conditions of Gaul, in the formation of ecclesiastical power and the interaction between different legal traditions, could coalesce to move fatherhood from an incidental aspect of the overall power of some fatherless individuals into a key element of the rights and responsibilities of a multitude of men.

The core reasons for this development seem to fit a picture of a society more focussed on violence as a means of expansion and survival which placed pressure to allocate resources more clearly to men of fighting and made it harder for older men to retain their power. This could, in itself, have led to an earlier age of marriage. Within their lifecycle this was the point at which men were most associated with items such as weapons and when they appear most clearly as the possessors of wealth and legal authority. Other forms of authority and power could be available to older men, religious authority and claims of affection to name two, and these could also be accessed by men who never became fathers. The type of change observed, both subtle and wide-reaching, makes it hard to distinguish causation from correlation but a lower age at first marriage, and thus greater likelihood of men surviving into their children's adulthoods may be significant. The reason for this change is unclear, Herlihy has noted that it corresponds to worsening terms of marriage financially for men while women found the reverse and it could also indicate a lower proportion of women than men in a population.<sup>773</sup> A decline in divorce could also have affected the availability of marital prospects. Regardless, this demographic shift would have changed family relations in many of the ways that this thesis has observed.

An underlying theme of this thesis has also been the idea of the nuclear family and the breakdown of the extended *familia* model centred on the *paterfamilias* towards the conjugal model lead by the *genitor*. This was in many ways actually a change of conception, of representation and of internal dynamics, rather than of structure. As was stated in the introduction, the nuclear family had likely already been the focus of interaction throughout antiquity. However, the conception of the *familia* had emphasised the household and the connection between adult children and their father within a network of relationships headed by the oldest, fatherless male. By the eighth century, family was more widely understood as encompassing the *parentes* as a group related by blood and by marriage, with the central focus being a married couple with young children. The increasing emphasis on family as the conjugal pairing, and on affection for young children, demonstrates an important shift in the social understanding and representation of family in the Early Middle Ages.

Our understanding of fatherhood and the family in the transition between late antiquity and the early middle ages remains divided by historiographical approaches that focus on either the 'Roman'

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<sup>773</sup> Herlihy, *Medieval Households*, pp. 17-19. Interestingly once earlier marriages became common that could have affected the sex-ratio of births, two recent studies suggested that younger fathers are more likely to have sons. This could have shifted the terms of marriage further in women's favour and perpetuated to younger age of marriage for men. A. Ruder, 'Paternal-Age and Birth-Order Effect on the Human Secondary Sex Ratio', *American Journal of Human Genetics* 37, pp. 362-372, R. Jacobsen, H. Møller, and A. Mouritsen, 'Natural Variation in the Human Sex Ratio', *Human Reproduction* 14, pp. 3120-3125.

or 'Germanic' worlds and which often neglect the Merovingian world altogether. This thesis has demonstrated that the fifth to the eighth centuries featured significant changes to the roles and expectations of fathers, both fictive and biological, and to the families and political structures of which they were a part. The ideas explored in this thesis thus point to the significant need for further examination of concepts of the role of fatherhood and the family in the late antique to early medieval transition, beyond the context of Gaul. As has been demonstrated the world of the family changed greatly between the fifth and eighth centuries in Gaul. Aspects of this must also arguably have been experienced in the East (for example, as reflected in Justinian's Novels), in the Lombard regions, in Visigothic Spain and beyond.

The changes thus identified in this study have therefore important implications beyond the role of fictive and biological fatherhood. Many of these have fallen outside the scope of this survey but suggest that greater focus on the family in the Merovingian world and beyond will offer important insights into the changing world of the fifth to eighth centuries. Changes in the dynamics of marriage and the role of women in families, the language of the wider family, and constructions of Christian identity and demographic shifts across society are all topics deserving of further study and concerning which the present work has offered only preliminary suggestions.

Another topic which has arisen from considerations of property and power within this study is that of the role of elite men and fathers as lords. Understandings of lordship have long been central to studies of the wider political structures of the Middle Ages. Historians such as Otto Brunner, in his 1939 work *Land und Herrschaft*, traced later medieval lordship back to a traditional 'Germanic' household lordship held by the free, married members of the *Sippe*.<sup>774</sup> Brunner's ideas had come under criticism in the post-war years but scholars have continued to work from a flawed understanding of the early medieval father and family.<sup>775</sup> There is no clear evidence, as this thesis has found, of links to some form of traditional household lordship rather than fathers gaining more power within their households during this period. While this may have been connected to historic practice this cannot be assumed and it is not related to lordship at this point. Recent studies of medieval power relationships have often worked from understandings of patriarchal structures in the fourth century and prior in order to understand the changing systems of lordship and elite

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<sup>774</sup> O. Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. H. Kaminsky and J. Van Horn Melton (4<sup>th</sup> ed., Philadelphia, 1992).

<sup>775</sup> See discussions in S. D. White, *Rethinking Kinship and Feudalism in Early Medieval Europe* (Aldershot, 2005).



masculinity in the eighth century and beyond.<sup>776</sup> The discussion of the changing role of the father in this thesis, which challenges some assumptions of the 'Germanic' father, has offered a sense of the transition after the *paterfamilias* model dissolved which may indicate the need for further study of models of patriarchal authority in the later Middle Ages. In particular, the increased prominence of the identity of fatherhood among low-status groups such as slaves offers a means of understanding paternal authority as subject to negotiations of status between men. Without the *paterfamilias* an estate was no longer tied together as a *familia*, but instead multiple *genitores* were acknowledged as the bearers of authority within their own households. That change has implications for the regulation of relationships outside the family. The significance of fatherhood as a model of authority and as a strategy for the regulation of relationships means that it can offer valuable insights into wider social transitions between the late antique and medieval worlds.

The further implication of this work thus lies not just in the world of the eighth century and earlier but also in longer-term understandings of fatherhood, patriarchy and the family. This study has examined the little-discussed role of the father in the fifth to eighth centuries. The changes that it has identified in this period suggest that the high points of study into patriarchy, the Roman and eleventh-century roles of the father, may also need to be re-evaluated. The *paterfamilias* must be understood in the context of his being fatherless. Interpretations of eleventh-century kinship models focussing increasingly on patrilineal connections should therefore be linked neither to a 'revival' of the *paterfamilias* nor to an assumed 'Germanic' household lordship, but understood within a longer-term shift in emphasis towards the conjugal family and the authority of the *genitor* already under way in the early Middle Ages. Fatherhood continued to be a means by which authority and affection within families, biological or not, was structured and justified, but despite its continued importance neither the concept nor the role of fatherhood were static. An appreciation of how the changes to fatherhood have played out across different contexts is essential to understanding the ways in which societies structure themselves.

Beyond a conceptual system of authority, however, fatherhood is an expression of a relationship. This thesis has thus drawn out fatherhood between Late Antiquity and the early Middle Ages as the changing story of the social relationships of men who were identified, by themselves or by others,

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<sup>776</sup> See, for example, T. Bisson, *The Crisis of the Twelfth Century: Power, Lordship and the Origins of European Government* (Princeton, 2009), p. 35, J. Borneman, 'Gottvater, Landesvater, Familienvater: Identification and Authority in Germany', in J. Borneman (ed.), *Death of the Father: An Anthropology of the End of Political Authority* (New York, 2004), pp. 73-74, and Schmid, 'Zur Problematik von Familie', p. 47.

as fathers. The particular expectations of fathers may have changed, but the negotiation of those relationships and their impact on the lives of the people involved was always at its heart.



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