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MISREMEMBERING THE BURGUNDIANS

I would like to begin with an anecdote. As a British historian who has long been immersed in the traditions of the Vienna school, every year I try to explain to my students the significance of the concept of *Traditionskern*, or in English ‘kernel of Tradition’. On one occasion, to my surprise, I received an essay from a student discussing at some length the office of the Colonel of Tradition. It appears that this very long-lived official was responsible for the memory of all the Germanic tribes east of the Rhine. Fortunately the student had read no Old English poetry: if he had, no doubt he would have identified this official as Widsith, the fictional poet who claimed to have visited the court of almost every migration-period king. Although Herwig Wolfram has played a major role in showing just how problematic the *Traditionskern* is for the historian in search of fact, I think that for many of us he has indeed been a Colonel of Tradition, in furthering a great school of early-medieval scholarship in Europe.

Scholarship and the national or regional exploitation of history are rarely compatible. At the beginning of his book on the Burgundian kingdom, a book of which Herwig Wolfram rightly approves, Justin Favrod remarks “Les Burgondes ne sont pour leur part à l’origine d’aucun État moderne. Certes quelques historiens de la Suisse romande du XIX^e et de la première moitié du XX^e siècle ont voulu reconnaître dans la Bourgondie une préfiguration de la Suisse française. Ils y étaient encouragés par quelques passages dans les sources qui, sortis de leur contexte, suggéraient que les Burgondes étaient des barbares plus doux que les autres. On pouvait ainsi les opposer aux Alamans que certaines sources dépeignent comme des bêtes féroces et en déduire que les Burgondes avaient protégé la civilisation romaine en Suisse romande, tandis que les Suisses allemands avaient plongé dans la barbarie.”¹ It goes without saying that comparable uses of early medieval history have a long and unhappy history, but that the historians of la Suisse romande were less culpable than most.

Favrod’s account of the Burgundians was preceded in French by two less scholarly works. Odet Perrin prefaced his book with an account of how living in Turkey shortly after Kemal Atatürk’s seizure of power prompted an interest in the history of the Turks. This in turn led him to an interest in other nomadic invaders, including the Huns, and then to their opponents, notably the Burgundians. “Rentré dans ma patrie, je me suis informé de ce qu’étaient ces Burgondes sur lesquelles je n’avais alors que les aperçus rudimentaires d’un écolier de la Suisse romande.”² The general approach of the book is signalled by a quotation from Gide: “Je crois à la vertu des petits peuples.” The philosophical standpoint has much to commend it, and such enthusiasm may be a good basis for a hobby, but it does not make for good history.

Three years earlier, in 1965, René Guichard had offered a similar approach to this people to whose name “ne s’attache ni l’idée d’une barbarie incompréhensible ... ni le

¹ Justin Favrod, *Histoire politique du royaume burgonde*, 443–534 (Lausanne 1997) 1.

² Odet Perrin, *Les Burgondes* (Neuchâtel 1968) 10.

souvenir de dévastations aveugles”.³ Once again we meet a man in search of his ancestors: “L’histoire de notre contrée natale, de notre Région, de notre Province est la seule où notre âme s’attache ...”⁴ Guichard, however, had a divided loyalty: his introduction gives as the place of composition Gentoft near Copenhagen as well as Menton. Not surprisingly the subtitle of his book is “de Bornholm (Burgundarholm) vers la Bourgogne et les Bourguignons”. Guichard’s personal experience no doubt led him to make the most of a supposed Burgundian origin in Bornholm, but there is little to support the idea. Even if one could demonstrate that the blood lines of certain Burgundians could be derived from the Baltic island, it is hard to see that the derivation is of any significance. Even the notion of origins on Bornholm is not mentioned in our sources before the ninth century, and there is nothing to suggest that the Gibichung rulers entertained any such idea.

It is not my concern to examine why modern writers have studied the Burgundians. In my own case, the reason is simply that my supervisor thought that Avitus of Vienne would make a good topic for a doctoral thesis. I want instead to look at some of the contexts in which the Burgundians were written about in late Antiquity and the early Middle Ages, and to consider the implications of those contexts for our reading of the evidence. I will look at three crucial areas of Burgundian history: their emergence as a significant group on the Rhine frontier: the destruction of their Rhineland settlement: and their religious position. Having sketched these I wish to return to the image presented by evidence which comes from the Burgundian kingdom itself, comparing it with Gregory of Tours’ comments in his *Decem libri historiarum*. Thereafter I will briefly consider a significant aspect of the *Nachleben* of the Burgundians – the interest shown by Carolingian hagiographers in their early history. In conclusion, I wish to address the question posed by the difficulty of holding all these images together.

How and when the Burgundians reached the Rhine is not at all clear. Orosius tells us that they reached the Rhineland in the time of Valentinian, but that they had already been settled in the fortresses, *burgi*, which gave them their name in the time of Drusus and Tiberius.⁵ This version of events was repeated frequently in later centuries, in more or less the same terms. It is to be found in Isidore,⁶ Fredegar,⁷ the *Passio Sigismundi*,⁸ the *Vita Faronis* of Hildegard of Meaux,⁹ the *Vita II Gangulfi*,¹⁰ and the *Chronicon Universale* edited by Waitz.¹¹ Orosius’ claim that the Burgundians reached the Rhine in the reign of Valentinian is plausible. In his *Panegyricus Genethiacus* on the Emperor Maximian at Trier in 291 Mamertinus stated: “The unbridled people of the Moors turns on itself, the Goths completely destroy the Burgundians, and again the Alamans and the Tervingi take up arms for the defeated. Another part of the Goths, with the help of the Taifali, fall on the Vandals and Gepids ... The Burgundians occupied the lands of the Alamans, but the lands brought disaster. The Alamans lost lands, but sought them again.”¹² This confusing history would seem to place the Burgundians to the east of the

³ René Guichard, *Essai sur l’histoire du peuple Burgonde de Bornholm vers la Bourgogne et les Bourguignons* (Paris 1965) 7: the quotation comes from the preface by Jean Richard.

⁴ Guichard, *Essai sur l’histoire du peuple Burgonde* 9.

⁵ Orosius, *Historiae adversus paganos* VII, 32, 11–12 (ed. Carl Zangemeister, CSEL 5, Wien 1882) 514.

⁶ Isidore, *Etymologiae* IX, 2, 99 (ed. Wallace M. Lindsay, Oxford 1910).

⁷ Fredegar, *Chronica* II, 46 (ed. Bruno Krusch, MGH SS rer. Merov. 2, Hannover 1885) 68.

⁸ *Passio Sigismundi* 1 (ed. Bruno Krusch, MGH SS rer. Merov. 2, Hannover 1885) 333.

⁹ Hildegard, *Vita Faronis* 14 (ed. Bruno Krusch, MGH SS rer. Merov. 5, Hannover 1910) 171–203.

¹⁰ *Vita II Gangulfi*, *prefatio* (ed. Wilhelm Levison, MGH, SS rer. Merov. 7, Hannover 1920) 171 f.

¹¹ *Chronicon Universale* (ed. Georg Waitz, MGH SS 13, Hannover 1881) 4.

¹² *Panegyrici Latini* XI (III), XVII, 1 (ed. R. A. B. Mynors, Oxford 1964) 268. See the discussion in Arne Søbyst Christensen, *Cassiodorus, Jordanes and the History of the Goths* (Copenhagen 2002) 207 f. Also Favrod, *Histoire politique du royaume burgonde* 40 f.

Alamans, and thus a little way to the east of the Rhine, in the time of Maximian. It is also noteworthy that, as in the 430s, so too on this occasion the Burgundians could be destroyed completely, *penitus*, and then bounce back. The Burgundians, like other Germanic peoples, could collapse and revive. Any attempt to understand the nature of such a tribe should take into account its resilience, or at least the resilience of its name.¹³

The Burgundians seem still to have occupied land to the east of the Alamans in 369, when, according to Ammianus Marcellinus, the emperor Valentinian exploited quarrels between the two peoples, inciting the former to attack the Alamannic King Macrianus.¹⁴ It may well be in the context of this diplomacy that the Rhineland settlement took place. Jerome indeed, who provided Orosius with part of his evidence, dates the arrival of the Burgundians on the Rhine to 373.¹⁵ We should probably also place Ammianus' ethnographic comments in this same diplomatic context. He notes that the Burgundians had long thought that they were kin to the Romans.¹⁶ Despite the fact that Ammianus attributed the tradition to the Burgundians, parallel tales of kinship with the Romans suggest that the idea originated in imperial diplomacy.¹⁷ The idea could well have been raised by Valentinian as part of the diplomatic manoeuvring intended to draw the Burgundians into an alliance against the Alamans. If so, their earliest origin legend developed in the context of Roman diplomacy, even if it were very quickly regarded as a Burgundian tradition.

Certainly not new is the information underlying Ammianus' comment on the division of power between a general, the *hendinos*, who could be deposed and a priest, *sinistus*, who could not.¹⁸ The possibility of deposing the *hendinos* is compared to the behaviour of the Egyptians, who are accustomed to blame their rulers: the present tense *ut solent* suggests that Ammianus is borrowing from an earlier source, relating to a time when Egyptians did hold their rulers responsible for the outcome of war or for bad harvests. Wherever the information came from, it would not seem to have originated in eye-witness accounts of the fourth-century Burgundians. In short, what Ammianus tells us about the ethnography of the people, as opposed to the part they were to play in imperial frontier strategy, relates to an attempt to understand a new ally. He does not necessarily provide us with genuine information on the ethnography of the people in his own day.

The establishment of the Burgundians in the Rhineland ended in what was to become the most famous episode of their history: the destruction of their kingdom. After 373 they expanded their holdings, not least as a result of the support of their king Gundichar for the usurper Jovinus.¹⁹ This expanded Rhineland settlement was destroyed by the Huns, possibly

¹³ On the general question of vanishing tribes, see Peter J. Heather, *Disappearing and reappearing tribes*, in: *Strategies of Distinction: the Construction of Ethnic Communities, 300–800*, ed. Walter Pohl/Helmut Reimitz (The Transformation of the Roman World 2, Leiden/Boston/Köln 1998) 95–111.

¹⁴ Ammianus Marcellinus, *Res gestae* XXVIII, 5, 8–14; XXX, 7, 11 (ed. John C. Rolfe, Cambridge-Mass. 1935–1939) 736, 749. See also *ibid.* XVIII, 2, 15, ed. Rolfe 414. John Matthews, *The Roman Empire of Ammianus* (London 1989) 307.

¹⁵ Jerome, *Chronicon a. 373* (ed. Rudolf Helm, *Eusebius Werke* 7, *Die Chronik des Hieronymus*, Berlin 1956) 247.

¹⁶ Ammianus Marcellinus, *Res gestae* XXVIII, 5, 11, ed. Rolfe 736. There is no need for the surprise expressed in Matthews, *The Roman Empire of Ammianus* 310.

¹⁷ Favrod, *Histoire politique du royaume burgonde* 42, notes that Ammianus ascribes the idea to the Burgundians: see the response in Ian N. Wood, *Gentes, kings and kingdoms – the emergence of states: the kingdom of the Gibichungs*, in: *Regna and Gentes. The Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*, ed. Hans-Werner Goetz/Jörg Jarnut/Walter Pohl (The Transformation of the Roman World 13, Leiden 2003) 243–269, here 244 f.

¹⁸ Ammianus Marcellinus, *Res gestae* XXVIII, 5, 14, ed. Rolfe 736. For what follows, Ian N. Wood, *Kings, kingdoms and consent*, in: *Early Medieval Kingship*, ed. Peter Sawyer/Ian N. Wood (Leeds 1977) 27.

¹⁹ Prosper, *Chronicle* 1250 f. (ed. Theodor Mommsen, *MGH AA* 9, *Chronica Minora* 1, Berlin 1892) 341–499, here 467.

at the instigation of Aetius, at some point between 435 and 437.²⁰ Paul the Deacon would place the events slightly later, in the course of Attila's invasion of Gaul.²¹ Doubtless he made the change assuming that the destruction must have been caused by some well-evidenced Hunnic attack – and thus attributed it to the most famous invasion of all. Chronologically it is unlikely that Attila had anything to do with the destruction of Burgundians in the Rhineland.

The Rhineland settlement is scarcely mentioned in sources of the fifth century. Indeed it is only referred to in the short chronicle accounts of its destruction. None of these refer to the settlement as a *regnum*. The Burgundians themselves are described as a *gens*, and Hydatius states that they were in open rebellion at the time of their destruction. Gundichar, to be sure, is referred to as *rex* in the Latin sources, although he is called *phylarchos* by Olympiodorus, which might or might not imply some sort of title conferred by Jovinus.²² Whether or not we accept this, we should certainly pay attention to Gundichar's position within Roman politics – something that his successors would be keen to revive, with four of them taking the title of *magister militum*.²³ In all probability we should not think of a Burgundian kingdom on imperial territory at this date, but rather of a settlement of federates. In short, one answer to the famous question “Gab es ein Burgunderreich bei Worms?” is that there were almost certainly Burgundians in the Worms region,²⁴ but there was no Reich.

This, of course, is not how the settlement on the Rhine would be remembered. In time it would be thought of as the kingdom of Worms, and would become associated with King Gunther, the figure of legend who evolved out of the historical Gundichar. It would, however, be a very long time before it was recorded as a Burgundian kingdom of Worms. The earliest text to place King Gundichar at Worms, the ninth- or tenth-century Waltharius, describes him not as a Burgundian, but as a Frank.²⁵ The poet who set down Waldere, the Old English version of the Waltharius story, seems to have done rather better:²⁶ the Widsith poet did better still, identifying Gifica (Gibich) as a Burgundian, while additionally recording Gislhere (Gislaharius) and Guthhere (Gundaharius) – although he appears not to have known that the three were related.²⁷ Whatever explanation one offers for the mistake of Gaeraldus, the author of the Waltharius, it is clear that the legendary Rhineland kingdom was not indelibly associated with Burgundians in the ninth and tenth centuries.

The resettlement of the defeated Burgundians in Sapaudia is recorded only in one source, the Chronicle of 452, whose chronology is so frequently corrupt that it is better

²⁰ Prosper, *Chronicle*, ed. Mommsen 1322; Hydatius, *Chronicon* 108, 110 (ed. Alain Tranoy, SC 218/219, Paris 1974) 134; *Chronicle of 452*, 118 (ed. Theodor Mommsen, MGH AA 9, *Chronica Minora* 1, Berlin 1892) 629–666, here 660; the texts are gathered by Favrod, *Histoire politique du royaume burgonde* 54, nn. 198–200.

²¹ Paul, *Historia Romana* XIV, 5 (ed. Amedeo Crivellucci, *Fonti per la Storia d'Italia* 51, Rome 1913) 145; *Gesta episcoporum Mettensium* (ed. Georg Heinrich Pertz, MGH SS 2, Hannover 1829) 260–270, here 262; see Favrod, *Histoire politique du royaume burgonde* 47, n. 171.

²² Olympiodorus, *Fragmenta* 18 (ed. Roger C. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, Liverpool 1982) 182; see the discussion of interpretations by Favrod, *Histoire politique du royaume burgonde* 46, n. 166.

²³ Wood, *The Kingdom of the Gibichungs* 251–255.

²⁴ See, for example, Wolfgang Haubrichs, *Eppo, Runa, Votriilo und andere frühe Einwohner (5./6. Jahrhundert?) im Bereich von Aquae Mattiacae (Wiesbaden)*, in: *Raum, Zeit, Medium – Sprache und ihre Determinanten: Festschrift für Hans Ramge zum 60. Geburtstag*, ed. Gerd Richter/J. Riecke/B.-M. Schuster (Darmstadt 2000) 128.

²⁵ Waltharius ll. 14–16 (ed. A. K. Bate, *Waltharius of Gaeraldus*, Reading 1978) 56.

²⁶ Waldere ll. I, 25, with II, 14 (ed. Joyce M. Hill, *Old English Minor Heroic Poems*, Durham 1983) 36.

²⁷ Widsith, ll. 19, 66, 123 (ed. Joyce M. Hill, *Old English Minor Heroic Poems*, Durham 1983) 152. John M. Wallace-Hadrill, *Early Germanic Kingship in England and on the Continent* (Oxford 1971) 38, seems to imply that the poet knew the relationship of the three men, but the fact that the names are not adjacent in the poem calls this assumption into question.

not to give it a date.²⁸ The rulers of this new settlement were undoubtedly the descendants of Gundichar, since he is remembered in a list of royal ancestors which is included in a law of Gundobad preserved in the *Liber Constitutionum* of Sigismund.²⁹ This family was described by Gregory of Tours as being descended from Athanaric, the Gothic ruler responsible for the persecution of Christians.³⁰ Biologically a family connection is highly unlikely, although the marital association of the *magister militum* Ricimer with the Gibichungs may have meant that the family could claim Visigothic blood.³¹ One might want to draw a comparison with the Amal genealogy constructed by Cassiodorus, where Theoderic undoubtedly gained from association with Ermaneric.³² By contrast, Gregory of Tours' association of Athanaric with the ruling dynasty of the Burgundians is unquestionably intended to be damaging: the Gibichungs were being represented as descending from a persecutor. We are probably intended to believe that a capacity to persecute ran in their veins. Equally important is that Gregory presents the Gibichung family as Arian.³³

The image presented by Gregory, set down as it was half a century after the collapse of the Burgundian kingdom, has led scholars to see the Gibichungs and their subjects primarily as heretics.³⁴ On the other hand Orosius described the Burgundians of his day as Catholic,³⁵ a view which is supported by the Byzantine historian Socrates.³⁶ Orosius had good reason to put a positive gloss on the Christianity of the barbarians: he wished to show the Christian world in a better light than the pagan one that had preceded it. So too, Socrates was concerned to emphasise peace in his day.³⁷ Despite Orosius' assertion, it is clear that there were Arians amongst the Burgundians of the fifth century: they were probably numerically preponderant at the court of Gundobad. Modern historians have tended to take this preponderance as a reason for accepting Gregory of Tours' basic categorisation of the Burgundians as Arian.³⁸ Yet, at the same time there were also Burgundian Catholics, both men and women. Among unquestionably Catholic females there are the royal figures Saedeluba and Chrotechildis,³⁹ and among men there is abbot Hymnemosus.⁴⁰ There is no indication that they suffered significantly for their religious beliefs: nor is there any evidence to suggest that Gundobad opposed the conversion to Catholicism of his son Sigismund.⁴¹ Two important points may be deduced from Gre-

²⁸ Ian N. Wood, *The fall of the Western Empire and the end of Roman Britain*, in: *Britannia* 18 (1987) 253–256.

²⁹ *Liber Constitutionum* 3 (ed. Ludwig R. de Salis, MGH LL 2, 1, Hannover 1892) 43.

³⁰ Gregory of Tours, *Libri Historiarum* II, 28 (ed. Bruno Krusch/Wilhelm Levison, MGH SS rer. Merov. 1, 1, Hannover 1951) 73f.

³¹ Stefan Krautschick, *Die Familie der Könige in Spätantike und Frühmittelalter*, in: *Das Reich und die Barbaren*, ed. Evangelos Chrysos/Andreas Schwarcz (VIÖG 29, Wien 1989) 109–142, heroically reconstructs the royal dynasties of the fifth century, although one may doubt his acceptance of Gregory of Tours' account.

³² Peter J. Heather, *Cassiodorus and the rise of the Amals: genealogy and the Goths under Hun domination*, in: *Journal of Roman Studies* 79 (1989) 103–128.

³³ Gregory of Tours, *Libri Historiarum* II, 32, ed. Krusch/Levison 78–80.

³⁴ See most recently Favrod, *Histoire politique du royaume burgonde* 50–53.

³⁵ Orosius, *Historiae adversus paganos* VII, 32, 13, ed. Zangemeister 514. See David Rohrbacher, *The Historians of Late Antiquity* (London 2002) 147.

³⁶ Socrates, *Historia ecclesiastica* 7, 30 (ed. J. P. Migne, PG 67, Paris 1859) 806.

³⁷ Rohrbacher, *The Historians of Late Antiquity* 116.

³⁸ The most recent scholarly statement is by Favrod, *Histoire politique du royaume burgonde* 50–54. See the response in Wood, *The Kingdom of the Gibichungs* 263f.

³⁹ Gregory of Tours, *Libri Historiarum* II, 28–31, ed. Krusch/Levison 73–78; Fredegar, *Chronicarum* III, 17–21, ed. Krusch 99–101.

⁴⁰ *Vita abbatum Acaunensium absque epitaphiis* I (ed. Bruno Krusch, MGH SS rer. Merov. 7, Hannover/Leipzig 1920) 330.

⁴¹ See Ian N. Wood, *Ethnicity and the ethnogenesis of the Burgundians*, in: *Typen der Ethnogenese unter besonderer Berücksichtigung der Bayern* I, ed. Herwig Wolfram/Walter Pohl (Österreichische Akade-

gory's oversimplification. First, it suited his purpose to be able to compare the catholic convert Clovis and his followers to the recalcitrant arian Gundobad and his Burgundians: Gundobad was a useful foil, whose heresy could be deployed to highlight the Frankish king's orthodoxy. Second, this interpretation has also appealed to modern historians who like their history to be as clear-cut as possible.

The history of the Burgundians is, in fact, anything but clear-cut, and not only with regard to the question of the religious position of the people. No chronicle of the kingdom was compiled before its destruction. Those historical works that do cover Burgundian history, the *Histories of Gregory of Tours* and the *Chronicles of Marius of Avenches and Fredegar*, only do so in the context of other concerns. The nearest we have to contemporary narrative sources are a selection of saints' Lives, which occasionally provide important nuggets of historical information, but in which the history of the Gibichungs is at best tangential.⁴²

Even so, the Burgundian kingdom is not badly served in the sources. In some ways the most important information is contained in the letters of Avitus of Vienne.⁴³ These letters present considerable difficulties of interpretation, above all because they appear not to have been edited either by the author himself or by an amanuensis for publication in the sixth century. As a result they are often obscure: at times it is necessary to hypothesise the context in which an individual letter was written in order to unravel its meaning. On the other hand, the very fact that the letters were not edited by their author means that we have documents which have not been polished for public consumption. We find matters of state next to trivia. We see a royal court as concerned with its regular feasts and festivities as with its lobbying of the emperor. More important for anyone concerned with the issue of Burgundian arianism, we find a king, Gundobad, who can apparently read Greek, privately consulting a catholic bishop, in order to better understand theological matters.⁴⁴ Moreover, that very king seems even to have acquiesced in being portrayed as an interlocutor in a dialogue with his metropolitan, which the bishop wins.⁴⁵ Something of this picture survives in the writings of Gregory of Tours, and not surprisingly, for he had before him the letters and theological writings of Avitus of Vienne.⁴⁶ Gregory seems to have represented the relationship between the earlier bishop and the Burgundian king with some degree of accuracy. The letters of Avitus, however, suggest a more cultivated and highly romanised kingdom than does Gregory. From the bishop of Vienne's letters we also know that the leaders of the Burgundian kingdom were determined to keep in close contact with both the papacy and the emperor in Constantinople.⁴⁷

A different impression again is given by the law-code, which is as valuable a source for the Burgundian kingdom as are the letters of Avitus. Although not the most sophisticated of sub-Roman legislation, most of the laws of the *Liber Constitutionum* are addressed to both Romans and barbarians, and many of them draw on Roman precedent.⁴⁸ As interesting for the historian is the extent to which the Code sheds light on Gi-

mie der Wissenschaften, phil.-hist. Klasse, Denkschriften 201, Wien 1990) 53–69, here 59–61; Favrod, *Histoire politique du royaume burgonde* 50–53, fails to address the detail. See also the discussion in Danuta Shanzer/Ian N. Wood, *Avitus of Vienne: Letters and Selected Writings* (Liverpool 2002).

⁴² Favrod, *Histoire politique du royaume burgonde* 14–23, provides a survey of the relevant hagiographical sources.

⁴³ See the translation and commentary by Shanzer/Wood, *Avitus of Vienne*.

⁴⁴ Avitus, *Contra Eutychem haeresim* 2 (ed. Rudolf Peiper, MGH AA 6, 2, Berlin 1883) 22–29. See also Ian N. Wood, *The Latin Culture of Gundobad and Sigismund* (forthcoming).

⁴⁵ Shanzer/Wood, *Avitus of Vienne* 187–193.

⁴⁶ Gregory, *Libri historiarum* II, 34, ed. Krusch/Levison 81–84.

⁴⁷ Shanzer/Wood, *Avitus of Vienne* 89–162, 220–227.

⁴⁸ Ian N. Wood, *The Code in Merovingian Gaul*, in: *The Theodosian Code*, ed. Jill Harries/Ian N. Wood (London 1993) 170f.; Wood, *The kingdom of the Gibichungs* 257 f.

bichung law-making. We have the Book of Constitutions itself, originally issued by Sigismund at his first Easter Court.⁴⁹ The context cannot have been an accident, especially given Sigismund's position as a catholic monarch. Here was a catholic king issuing a law book in the context of the greatest festival of the christian calendar in the first year of his sole reign, following the death of his arian father. The code he issued includes old law, as well as new, and to it later laws were appended. It is, therefore, possible to trace changes within Burgundian legislation, not least with regard to the pattern of settlement. Such changes show that no monolithic interpretation of that issue can stand.⁵⁰

In some ways as important for the history of the kingdom is a new law issued by Sigismund on the same day as the Code itself. Indeed this very law confirms the Easter context in which the book of constitutions was issued. The new clause concerned the crime of incest.⁵¹ Interestingly this crime was to have considerable significance in the collapse of Sigismund's authority. The canons of the Council of Lyons and the Life of Apollinaris of Valence suggest that Sigismund's own failure to enforce that law against his treasurer Stephanus alienated the senior clergy.⁵² This was to lead to a political crisis, which may well have contributed to the downfall of his kingdom. At the very least Sigismund, whose reign began with great expectations among the catholic clergy, alienated his leading churchmen.

Incest legislation is not one of the issues mentioned by Gregory of Tours in his account of the king's fall. Nor has it attracted much attention. The standard account of the fall of the kingdom begins instead with a royal murder. This alternative emphasis casts the end of Sigismund's reign in a very different light, of bloodshed, vengeance and repentance. According to Gregory, Sigismund's second wife had been outraged by the slighting references to her made by Sigistrix, the child of his first marriage to the Ostrogothic princess Areagni Ostrogotho. As a result she insinuated to her husband that the prince intended to kill him and also to take over the kingdom of his grandfather Theoderic the Ostrogoth.⁵³ Having murdered his son, however, the remorseful father withdrew to the monastery of Agaune, which he had founded in 515, before Gundobad's death. In the crisis that followed, the Franks seized Sigismund, who was himself murdered and thrown down a well.⁵⁴ In Gregory the manner of death deliberately echoes that of the mother of Chrotechildis,⁵⁵ enhancing the impression that it was one episode in an extended bloodfeud. It is possible, however, that the interpretation is Gregory's own gloss. Sigismund's opponent, the Merovingian Chlodomer, did not long outlive him, being killed on the field of Vézeronce, when he invaded the Burgundian kingdom. Godomar, another son of Gundobad, survived as king for another ten years, before the kingdom fell to the Franks.

Gregory's account of the conflict between Sigistrix and his step-mother indicates that he did not know that the Ostrogothic king Theoderic was indeed concerned about who would succeed him, and that his grandson Sigistrix was a very plausible candidate for the Italian throne. The bishop of Tours thus failed to understand the involvement of the Ostrogoths in the war that followed. Procopius, by contrast, did understand that the

⁴⁹ Ian N. Wood, Disputes in late fifth- and sixth-century Gaul: some problems, in: *The Settlement of Disputes in Early Medieval Europe*, ed. Wendy Davies/Paul Fouracre (Cambridge 1986) 10.

⁵⁰ Wood, *Ethnicity and the ethnogenesis of the Burgundians* 65–69.

⁵¹ *Liber Constitutionum* 52, ed. de Salis 86; Ian N. Wood, Incest, law and the Bible in sixth-century Gaul, in: *Early Medieval Europe* 7 (1998) 291–303.

⁵² *Vita Apollinaris* 2–3 (ed. Bruno Krusch, *MGH SS rer. Merov.* 3, Hannover 1896) 198; Council of Lyons, 518–523 (ed. Jean Gaudemet/Brigitte Basdevant, *Les canons des conciles mérovingiens, VI^e–VII^e siècles*, SC 353, Paris 1989).

⁵³ Gregory, *Libri Historiarum* III, 5, ed. Krusch/Levison 100f.

⁵⁴ Gregory, *Libri Historiarum* III, 6, ed. Krusch/Levison 101–103.

⁵⁵ Gregory, *Libri Historiarum* II, 28, ed. Krusch/Levison 73f.

Ostrogoths played a role in the collapse of the Burgundian kingdom, but he combined two separate campaigns in 524 and 534.⁵⁶ Like Gregory,⁵⁷ however, Procopius was aware of the fact that there were two campaigns, and that after the second the Burgundians were subject to the Franks.⁵⁸

The fate of Sigismund prompted different responses already in the sixth century. Gregory recounts the king's remorse and his flight to his foundation of Agaune. This tale of penitence is repeated in the bishop of Tours' *Liber in gloria martyrum*,⁵⁹ where having retired to his monastery the king instituted the new liturgy of the *Laus Perennis*, before being captured and killed by Chlodomer. In fact we know that the liturgy was instituted when the monastery was founded in 515, some eight years before Sigismund entered the community.⁶⁰ Gregory's account is clearly hagiographical, being concerned primarily with penitence and salvation. Effectively it offers a reading of the collapse of Sigismund's kingdom which privileges the themes of murder and penitence. It concludes with a comment that those with malaria who pray at Agaune for the king's repose are in return granted a cure. That cures were performed at the tomb of the king is made clear in the mass for St Sigismund which survives in the Bobbio Missal,⁶¹ although here the image of the penitent king which so dominates Gregory is absent, while the prayer for a cure for malaria remains.

A *Passio Sigismundi* was subsequently composed, probably in the eighth century.⁶² This naturally enough presents a series of hagiographical topoi. It also emphasises Sigismund's foundation of Agaune, his accession as a catholic monarch and his death, though it leaves aside the question of the king's murder of his son, and his remorse. Rather, we are left with an unexplained invasion by the Franks, who were joined by the Burgundians.⁶³ As a result Sigismund retired as a monk to Agaune, where he was followed by a group of Burgundians, led by Trapsta, who handed him over to the Franks, *ad instar Iudae traditoris Christi*.⁶⁴ The reason for the Burgundian desertion of their king is left unexplored, as is the treachery of Trapsta. It is enough that he betrayed the saint. The hagiographer's motives were in any case different from the moralising concerns of Gregory, being concerned with Agaune and its cult of the martyred king.

The *Passio*, however, offers more than a hagiographical narration of the life of Sigismund. It is prefaced by an account of the origins of the Burgundians. Here, following the model of the Lombards provided by Fredegar,⁶⁵ or less likely by the *Origo gentis Langobardorum*,⁶⁶ the Burgundians are given as their initial homeland the island of Scandinavia. The migration model, of course, goes back further, to Cassiodorus, or Jordanes, and his account of the Goths. A Burgundian migration from the Baltic has been deduced from the translation of Orosius made in the late ninth century at the court of king Alfred, where Burgundians are located in *Burgenda lande*, which has been interpreted as Bornholm.⁶⁷ It should, however, be noted that the text makes no connec-

⁵⁶ Procopius, *Wars* V, XII, 23–32 (ed. Henri B. Dewing, Cambridge-Mass. 1914–27) 124, 125.

⁵⁷ Gregory, *Libri Historiarum* III, 6 and 11, ed. Krusch/Levison 103–103; 107f.

⁵⁸ Procopius, *Wars* V, XIII, 3, ed. Dewing 134.

⁵⁹ Gregory, *Liber in gloria martyrum* 74 (ed. Bruno Krusch, MGH SS rer. Merov. 1, 2, Hannover 1885) 87.

⁶⁰ Jean-Marie Theurillat, *L'Abbaye de Saint-Maurice d'Agaune* (Sion 1954) 100–103.

⁶¹ Bobbio Missal 336–338 (ed. Elias Avery Lowe, Henry Bradshaw Society 58, London 1920) 215ff.

⁶² For the date: Favrod, *Histoire politique du royaume burgonde* 19–21.

⁶³ *Passio Sigismundi* 8, ed. Krusch 337.

⁶⁴ *Passio Sigismundi* 9, ed. Krusch 337f.

⁶⁵ Fredegar, *Chronicae* III, 65, ed. Krusch 110.

⁶⁶ *Origo gentis Langobardorum* (ed. Georg Waitz, MGH SS rer. Lang., Hannover 1878) 2–6.

⁶⁷ The Old English Orosius I, 1 (ed. Janet M. Bately, Early English Text Society 6, London 1980) 1 ff. *Burgenda lande* is mentioned in the section relating to Wulfstan's voyage: the *Burgendan* are also mentioned earlier as living to the north of the *Osti*, though it is not explicitly stated that they are to be found on an island.

tion between the Baltic people and those in *Francia*. According to the *Passio*, after their arrival on the Rhine, which is described in terms taken from Orosius, the Burgundians expand into and subject Gaul *more barbarico*⁶⁸ – not quite in the civilised manner envisaged by the historians of la Suisse romande. Whoever wrote the *Passio Sigismundi* was concerned not just to recast the monarch as a faultless saint, but also to recast Burgundian history to make it comparable to that of other barbarian groups. Nor were the Burgundians, as opposed to their martyred king, to be cast in a particularly good light. Although the hagiographer wished to provide a context for the life of his saint, he had no desire to redeem the long vanished Burgundian kingdom. We might guess that the author was a Frank, and felt no kinship with the followers of the Gibichungs, although he is not particularly complimentary about the Frankish take-over of Burgundy.⁶⁹ More important for the student of epic, he knew nothing of the kingdom of Worms, moving straight from the reign of Valentinian to a Burgundian invasion of Gaul, the elevation of Gundioc and the succession of his sons Gundobad and Godegisil.

The provision of a potted history of the Burgundians was a pattern repeated by other hagiographers, most notably Hildegard of Meaux in his account of Faro, or Burgundofaro, whose name prompts a discussion of *Burgundia*.⁷⁰ Although a connection between the personal name and the region seems obvious, it does raise some questions: the name Burgundofaro is west Frankish,⁷¹ and thus not Burgundian. Hildegard's excursus may, as a result, be misleading in prompting us to think of Burgundofaro as having some relationship to the Gibichung kingdom. More generally, Hildegard's excursus, like that of the *Passio Sigismundi*, can be placed in a Carolingian hagiographical tradition. Written in the 860s the *Vita Faronis* bears comparison with the Lives of various Anglo-Saxon and Saxon saints whose origins are carefully delineated – as often as not, with reference to Bede's *Ecclesiastical History*.⁷² Origin legends, not always strictly relevant and rarely exact, had come to have a place in the prefatory material of works of hagiography.

In some ways more interesting than the *Vita Faronis* are the ninth- and tenth-century texts associated with St Gangulf. The second *Vita Gangulfi*, probably written in the tenth century, has as its preface yet another account of the origins of the Burgundians, derived once again from Orosius. Already according to the first Life, which is only a little earlier in date, Gangulf himself was a Burgundian who lived in the time of Pippin. When he discovered that his wife was having an affair with the local priest he asked her to take a stone out of a fountain: on doing so, her arm withered. Even after this display of guilt, Gangulf refused to kill her. In the event he was himself killed by the woman's lover.⁷³ Quite apart from the preface on the origins of the Burgundians provided by the author of the second *Vita*, both versions are interesting because of their account of what is best described as a trial by ordeal.

This was a form of justice which was associated particularly with the Burgundians. The importance of Gundobad's legislation on ordeal by battle has long been recognised. Recently, however, Danuta Shanzer has demonstrated that this was not the only form of

⁶⁸ *Passio Sigismundi* 1, ed. Krusch 333.

⁶⁹ *Passio Sigismundi* 8, ed. Krusch 337.

⁷⁰ Hildegard, *Vita Faronis* 118, ed. Krusch 198. On Hildegard and his hagiographical work, Janet L. Nelson, *The Merovingian Church in Carolingian retrospective*, in: *The World of Gregory of Tours*, ed. Kathleen Mitchell/Ian N. Wood (Leiden 2002) 255–258.

⁷¹ I am indebted to Professor Wolfgang Haubrichs for this observation.

⁷² See, for example, the historical opening of Rudolf of Fulda and Meginhart of Fulda, *Translatio sancti Alexandri* (ed. Bruno Krusch, *Die Übertragung des hl. Alexander von Rom nach Wildeshausen durch den Enkel Widukinds im Jahr 851. Das älteste niedersächsische Geschichtsdenkmal*, in: *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen 1933, philologisch-historische Klasse* [Berlin 1933]) 404–436.

⁷³ *Vita Gangulfi* 6–9 (ed. Wilhelm Levison, *MGH SS rer. Merov. 7*, Hannover/Leipzig 1920) 161–164.

ordeal practised in the Burgundian kingdom: trial by hot water was certainly practised: indeed three types of ordeal are referred to by Avitus of Vienne.⁷⁴ It is, nevertheless, true that ordeal by battle was associated particularly with the Burgundians because of Gundobad's legislation. In 502 he ordered that because Burgundians treated oath-taking too lightly, they should where necessary be subject to trial by battle.⁷⁵ Such an insight into the Gibichung kingdom jars with the impression of Roman culture emphasised by Avitus. We are certainly not in the civilised world of the Suisse romande. On the other hand both the bishop and the *Liber Constitutionum* show that ordeal was used to settle disputes in the Burgundian kingdom. The law on ordeal was to become central to Agobard's attack on the laws of the Burgundian Code.⁷⁶ It was also almost certainly this law, and its notoriety, which led to the entirety of the *Liber Constitutionum* of the Burgundians being known as the *Lex Gundobada*. One result of this was the attribution of the law code not to Sigismund, who quite clearly was the king responsible for its compilation, but to his father. And this in turn led to a series of confusing alterations that were made to the preface to the code, the so-called *Prima Constitutio*, including the substitution of Gundobad's name for that of Sigismund. The Burgundians may have been unusual in their attachment to trial by battle, and Gundobad was certainly the king who reinstated the practice. He was not, however, responsible for the law-code that has come down to us, and he was not, therefore, as central to the self-definition of the Burgundians as the use of the term *Gundobadi* may imply.⁷⁷

The Burgundian Code, and its attribution to Gundobad, is the last of the mistaken memories that I wish to present. The law on trial by battle is a salutary reminder that the Burgundians were not simply a civilised group of Roman federates, although that aspect of their identity was significant – indeed it is arguably the dominant feature of the identity of the Burgundian elite. No doubt it was the fact that the Burgundians could be portrayed in Roman terms that attracted the nineteenth-century historians of la Suisse romande. Yet there are also the Burgundians who treated oaths too lightly, and who had to be subjected to ordeal by battle. One may wonder to what extent these Burgundians felt alienated by the romanised court: if Trapsta existed, did he betray Sigismund because he was too Roman and too pious? And is it significant that the final law of the Burgundian code, issued by the last king Godomar, as the kingdom was in its final crisis, was established before an assembly of Burgundians – and not a mixed assembly of Burgundians and Romans?⁷⁸ These are insoluble questions. Yet the historian who forgets that one aspect of the Burgundians was a history of non-Roman warriors, and that their Gibichung rulers could be war-leaders as much as Roman officials, is in as much danger of misrepresenting them as is the historian who would trace their origins to Bornholm. What a brief look at the early depictions of Burgundian history shows is its sheer complexity, which in turn gave rise to a varied series of interpretations, already in the Merovingian period. Misremembering sometimes involved invention and inaccuracy. It could also be blind attachment to one tradition at the expense of all others.

⁷⁴ Shanzer/Wood, Avitus of Vienne 190.

⁷⁵ *Liber Constitutionum* 45, ed. de Salis 75.

⁷⁶ Wood, Ethnicity and the ethnogenesis of the Burgundians 53f.

⁷⁷ Agobard, *Contra Iudicium Dei* 6 (ed. Lieven van Acker, *Agobardi Lugdunensis Opera Omnia*, *Corpus Christianorum, Continuatio Mediaevalis* 52, Turnhout 1981) 34; Wood, Ethnicity and the ethnogenesis of the Burgundians 53.

⁷⁸ *Liber Constitutionum, Constitutiones extravagantes* 21; see the suggestion in Wood, *The kingdom of the Gibichungs* 265f.