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What is usually called “the Burgundian kingdom” differed in various respects from the other “successor states” of the fifth and sixth centuries. It was not a territorial entity associated with a people (as was the case for the kingdoms of the Visigoths in Aquitaine and that of the Vandals in North Africa), but was rather a region of the later Roman Empire that was controlled by members of the Gibichung family who were put in post by the imperial administration in Italy, primarily by Ricimer, to whom they were connected by marriage. They were advised by Romans, including Sidonius Apollinaris, although in collecting his letters he appears to have deliberately downplayed his role, which is most clearly stated in his epitaph. The association of the Gibichungs with the West Roman court ended with the elevation of Julius Nepos, but they continued to act as imperial agents down to the 520s.

Middle Ages; 5th-6th centuries; Sapaudia; Burgundians; Visigoths; Chilperic; Euric; Gibichungs; Gundio; Gundobad; Ricimer; Sidonius Apollinaris.

1. *The nature of the Burgundian Region*

Modern historians tend to talk of a Burgundian kingdom, even of «le deuxième royaume burgonde»¹. The notion of a Burgundian kingdom, however, is not one that was promoted by the Gibichung rulers of the valleys of the Rhône and Saône in the second half of the fifth century and the first quarter of the sixth. In c.476 Sidonius, who was then in Clermont, wrote to an unknown bishop Julianus, stating that they lived in different *regna*²: the *regna* in question are surely the Visigothic and Burgundian areas of rule, but the author does not speak of a specifically Burgundian *regnum*³. We might translate *regnum* here as “area of jurisdiction” rather than “kingdom”, to avoid the impres-

¹ Favrod, *Histoire politique du royaume burgonde*; Escher, *Genèse et évolution du deuxième royaume burgonde (443-534)*.

² Sidonius Apollinaris, ep. IX, 5, 1: «per regna divisi a commercio frequentiore sermonis diversarum sortium revocamur».

³ See also Sidonius Apollinaris, ep. IX, 3, 2: «foedera statuta regnorum denuo per condiciones discordiosas ancipitia redduntur».

sion that this was a barbarian state ruled by a king. The area under Gibichung control when Sidonius was writing was not subject to the rule of a king, but to that of the *magister militum* or *patricius*, who happened to be a member of the Gibichung royal family. A generation later, in a law of the Burgundian *Liber Constitutionum* we do find *regni nostri provincias*⁴, and *provincias ad nos pertinentes* appears elsewhere⁵, as does *loca ad nos pertinentia*, in a law that was certainly issued by Gundobad⁶. The term used most often in Gibichung legislation, however, is *regio*, or *regio nostra*⁷. Cassiodorus writing in 533, when the area of Gibichung control was much reduced, does refer to a *regnum* dependent on the Ostrogoths⁸, and elsewhere he uses the term *Burgundia*⁹, but he does not use the phrase *regnum Burgundionum*, which only occurs in the works of authors of later generations¹⁰. Like Cassiodorus, Ennodius does not speak of a Burgundian kingdom, using instead the terms *terra*¹¹ and *patria*¹². The next source to talk of a *regnum* under Gibichung control is Marius of Avenches, who was writing in c.580 about the war of 500 between Gundobad and his brother Godegisel¹³: this is certainly a reference to the area controlled by the Burgundians, but it is not specifically a Burgundian kingdom.

There is also a problem with the phrase *rex Burgundionum*. The word *rex* is occasionally used of the Gibichung leadership in documentation from within the territory under their control, but it is far more present in the works of outsiders¹⁴. The phrase *rex Burgundionum* appears in the addresses of two of Cassiodorus' letters¹⁵, but these are descriptive headings, rather than the original honorifics that would have prefaced the correspondence. In the body of one letter he speaks of *dominus Burgundionum*¹⁶. Turning to statements from within the territory controlled by the Gibichungs, Sidonius once talks of Chilperic as *rex*¹⁷, but when talking about him in an official capacity he uses

⁴ *Liber Constitutionum*, XLVII; Favrod, *Histoire politique du royaume burgonde*, p. 131.

⁵ *Liber Constitutionum*, VI, 1; Favrod, *Histoire politique du royaume burgonde*, p. 131.

⁶ *Constitutiones extravagantes*, XIX, 3; Favrod, *Histoire politique du royaume burgonde*, p. 131.

⁷ *Constitutiones extravagantes*, XXI, 1-2, 6; *Forma et Expositio Legum*, VI, 2; VII, 6; XLI. Avitus, ep. VII; Favrod, *Histoire politique du royaume burgonde*, p. 131; Eisenberg, *A new name for a new state*.

⁸ Cassiodorus, *Variae*, XI, 1, 13: «Burgundio quin etiam ut sua reciperet, devotus effectus est, reddens se totus, dum accepisset exiguum ... tutius tunc defendit regnum, quando arma deposuit».

⁹ Cassiodorus, *Variae*, I, 46; Eisenberg, *A new name for a new state*, p. 157.

¹⁰ Favrod, *Histoire politique du royaume burgonde*, pp. 131-137.

¹¹ Ennodius, *Vita Epiphaniï*, 152. For *regnum* in *Vita Epiphaniï*, 163, see Shanzer, *Two clocks and a wedding*, pp. 227, 255.

¹² Cassiodorus, *Variae*, I, 46.

¹³ Marius Aventicensis, *Chronica*, s.a. 500.

¹⁴ Wood, *The political structure of the Burgundian kingdom*, pp. 386-387.

¹⁵ Cassiodorus, *Variae*, I, 46: III, 2.

¹⁶ *Ibidem*, I, 45.

¹⁷ Sidonius Apollinaris, ep. VI, 12, 3.

the title *magister militum*¹⁸, or the epithet *tetracha noster*¹⁹. Chilperic’s nephew Gundobad is described as *rex clementissimus* in an inscription, relating to building in Geneva²⁰. The title *rex* appears in the Burgundian laws, six times in the *Liber Constitutionum*²¹, and twice in the *Forma et Expositio Legum*²². Twice it does appear in the form *rex Burgundionum*, in the so-called *constitutiones extravagantes*, but on each occasion it is in the heading of an edict, whose phraseology is certainly not that of the original protocol, and may well be a later scribal addition²³. Although there is no reference to the king in the canons of the Council of Epaone, Sigismund is referred to as *rex praecellentissimus* and *rex gloriosissimus* in the canons of the Council of Lyon (518-523)²⁴, which is all the more striking because the bishops were acting in defiance of the king.

Not only are the words *regnum* and *rex* problematic when we talk of Gibichung history: so is the term *Burgundiones*²⁵. Members of the Gibichung family certainly did see themselves as the descendants of the Burgundian Gibich (although Gregory of Tours saw Gundioc as a descendant of the Goth Athanaric)²⁶, but they did not consistently apply the ethnic label *Burgundiones* to their non-Roman followers. Alongside the word *Burgundio/Burgundiones* we find *ingenuus*, *populus noster* and even *barbari*²⁷. This vocabulary is worth taking seriously. Of course, all barbarian groups were mixed in terms of their ancestral make-up – the Vandals in North Africa included Alans, Sueves, and even renegade Romans²⁸: the Lombards in Italy included numerous other peoples who had joined them before entering the peninsula, including Gepids, Bulgars, Sarmatians, Pannonians, Sueves and Norici²⁹, and doubtless they were joined by surviving Ostrogoths. The same mixed ethnicity is true of the followers of the Gibichungs, who included Alans and Goths, as well as Burgundians. What is unusual about this last group is that their

¹⁸ Sidonius Apollinaris, ep. V, 6, 2

¹⁹ *Ibidem*, 7, 1.

²⁰ *Corpus inscriptionum medii aevi Helvetiae*, II, n. 7, p. 36.

²¹ *Liber Constitutionum*, *Prima Constitutio*: I, tit. (*munera regis*): II, 1 (*servus regis*): XXX-VIII, 2 (*conviva regis*); *Constitutiones extravagantes*, XIX (*De reis corripendis*, inc. *Gundobadus rex Burgundionum omnibus comitibus*); XX (*De collectis edictum*, inc. *Sigismundus rex Burgundionum*).

²² *Forma et Expositio Legum*, III, *ex praecepto domini regis*; XXX, *ad praeceptionem domni regis*.

²³ *Constitutiones extravagantes*, XIX (*De reis corripendis*); XX (*De collectis edictum*).

²⁴ Lyon I, 1 (518/23), 1; Lyon I, 2 (518/23) in *Les canons des conciles mérovingiens*.

²⁵ Amory, *The meaning and purpose of ethnic terminology in the Burgundian laws*; Wood, *Ethnicity and the Ethnogenesis of the Burgundians*; Wood, *The political structure of the Burgundian kingdom*, p. 391; Wood, *Roman barbarians in the Burgundian province*, p. 276.

²⁶ Gregorius Turonensis, *Decem libri historiarum*, II, 28.

²⁷ Amory, *The meaning and purpose of ethnic terminology in the Burgundian laws*; Wood, *The term “barbarus” in fifth-, sixth-, and seventh-century Gaul*; Wood, *The legislation of magistri militum: the laws of Gundobad and Sigismund*.

²⁸ Merrills and Miles, *The Vandals*, pp. 47-50, 83-108.

²⁹ Paulus Diaconus, *Historia Langobardorum*, II, 26.

self-identity as belonging to the ethnic group of their leading family seems to have been remarkably weak.

This provides a background to my main concerns in what follows. I use the phrase «the Burgundian kingdom» as a term of convenience, but it is not a late fifth- or early-sixth-century usage. It is, therefore, important to understand exactly what the polity of the Gibichungs was, and how it was formed. In order to achieve that understanding I will examine what evidence there is for the major moments in the formation of that polity, up until the year 517. This will mean asking questions about the silences of our sources in addition to examining exactly what they say.

Twenty-five years ago, study of the Burgundians was comparatively neglected: indeed, the most scholarly interpretations available were works of the 1860s and 70s³⁰. Then in 1997 Justin Favrod published his exhaustive account of their political history³¹. Reinhold Kaiser in 2004 and Biagio Saitta in 2006 published shorter, but valuable, studies³², while in 2005 Katalin Escher published a huge examination of the archaeological evidence³³. All of them worked on the assumption that we can talk of a Burgundian kingdom, and all of them saw 443 as a crucial date in its establishment. All three of the historians, however, began their analysis with the arrival of the Burgundians on the Rhine, perhaps in the region of Worms. This is a story that has attracted much attention, because of its relevance to the narrative of the *Nibelungenlied*³⁴. The history of the support given by the phylarch Gibich to the usurper Jovinus³⁵, the conversion of the Burgundians to catholicism³⁶, and their conflict with the Huns, which seems to have culminated in a massive defeat³⁷, are interesting, and contested³⁸, episodes in their own right, but all historians see a caesura between the period in which the Burgundians were present in the Rhineland, and that in which they were settled in the valleys of the Rhône and Saône, despite the fact that the leadership of the group remained in the hands of a single family, the Gibichungs. The entries in the *Chronicle* of Prosper of Aquitaine³⁹, of Hydatius⁴⁰, and the *Chronicle of 452*⁴¹, which record the

³⁰ Binding, *Die burgundisch-romanische Königreich*; Jahn, *Die Geschichte der Burgundionen bis zum Ende der 1. Dynastie*.

³¹ Favrod, *Histoire politique du royaume burgonde*.

³² Kaiser, *Die Burgunder*; Saitta, *I Burgundi (443-534)*.

³³ Escher, *Génèse et évolution du deuxième royaume burgonde (443-534): les témoins archéologiques*.

³⁴ Mazzarino, *Aezio, la Notitia dignitatum e i Burgundi di Worms*.

³⁵ Olympiodorus, *Fragment*, 17; Prosper of Aquitaine, *Epitomata Chronicon*, 1250-1251; Gregory of Tours, *Decem libri historiarum*, II, 9.

³⁶ Socrates, *Historia Ecclesiastica*, VII, 30; Orosius, *Historia adversus Paganos*, VII, 32, 13; 41, 8-9.

³⁷ Prosper of Aquitaine, *Epitomata Chronicon*, 1322; Hydatius, 108, 110; *The Gallic Chronicle of 452*, 118.

³⁸ Mazzarino, *Aezio, la Notitia dignitatum e i Burgundi di Worms*.

³⁹ Prosper Tiro, *Epitomata Chronicon*, 1322.

⁴⁰ Hydatius, *Chronicle*, 108, 110.

⁴¹ *The Gallic Chronicle of 452*, 118.

destruction of the Rhineland Burgundians at the hands of either the Huns or Aetius are taken at face value⁴².

2. *The establishment of the Gibichungs*

I begin, therefore, with the problem of the settlement in Sapaudia, which supposedly took place in 443. This is only mentioned in one chronicle, the *Chronicle of 452*⁴³, the chronology of which is unreliable. Like other chronicles it uses multiple dating-systems, but in the case of the *Chronicle of 452* the different systems are not in agreement: as a result every annal entry is given at least two different dates⁴⁴. And wherever we can compare the dating of the *Chronicle* with another source, its dates (even in their variant forms) are incorrect. 443 is, therefore, a ghost date – whether or not the settlement of Burgundians in Sapaudia was significant, it probably did not happen in that year.

There is also the problem of Sapaudia. A great deal of ink has been spilt over its whereabouts, which must include Geneva and Neuchâtel⁴⁵, and there has been some discussion (albeit not a great deal) of the purpose of the settlement⁴⁶: underlying all these discussions is an assumption that it was important. But since it appears in only one chronicle, which also lists other settlements that are never considered as significant (like those of the Alans in Valence and *Gallia Ulterior*)⁴⁷, one needs to question this. The *Chronicle* of Marius of Avenches, who lived in the territory of Sapaudia a generation later than the collapse of Gibichung power, only begins in 455 – thus too late to include the settlement. The *Chronicle* of Prosper, however, to which that of Marius was appended, makes no mention of the Sapaudian settlement. It was not generally remembered. Moreover, although historians have noted change in the landscape of the Burgundian region during this period⁴⁸, archaeologists have not found evidence of substantial Burgundian settlement in what is now identified as Sapaudia⁴⁹.

I, therefore, take as my real point of departure the Burgundian involvement in the battle of the Catalaunian Plains, when Burgundians were fighting both on the Roman and on the Hunnish side⁵⁰. We do not have to assume, however, that the Burgundians who supported Aetius were the Sapaudia

⁴² Mazzarino, *Aezio, la Notitia dignitatum e i Burgundi di Worms*, pp. 132-160.

⁴³ *The Gallic Chronicle of 452*, 128.

⁴⁴ Wood, *The End of Roman Britain: continental evidence and parallels*, p. 17; *The Gallic Chronicle of 452*, pp. 57-60.

⁴⁵ Favrod, *Histoire politique du royaume burgonde*, pp. 100-117; Escher, *Genèse et évolution du deuxième royaume burgonde (443-534)*, vol. 2, pp. 708-714.

⁴⁶ Wood, *L'installation des burgondes dans l'empire romain*, pp. 77-80.

⁴⁷ *The Gallic Chronicle of 452*, 124, 126.

⁴⁸ Innes, *Land, Freedom, and the Making of the Medieval West*, pp. 71-72, with the bibliography in n. 83.

⁴⁹ Escher, *Genèse et évolution du deuxième royaume burgonde (443-534)*, vol. 2, pp. 654-672.

⁵⁰ Jordanes, *Getica*, XXXVI, 191; Sidonius Apollinaris, *carm.* VII, 321-325.

Burgundians. That there were other groups of Burgundians is clear from the presence of the family of *Burgundofarones* in the Meaux region in the early seventh century⁵¹. What we can deduce is that the battle of the Catalaunian Plains became a major feature in the group-memory of the Burgundians, appearing as a legal marker in the *Liber Constitutionum*⁵² – legal actions relating to disputes earlier than the battle, which had not been concluded, were to be abandoned. There seems to have been a similar clause in Visigothic Law⁵³. This shared view of the Catalaunian Plains may reflect the closeness of the two peoples, at least down to the accession of Euric in 466.

Around the time of the battle, or probably slightly earlier, Gundioc, the elder son of Guntiarus, married Ricimer's sister. We can conclude this because Ricimer was the uncle of Gundobad⁵⁴, and Gundobad was in a position to take over the former's position as *magister militum praesentalis* on his death in 472⁵⁵. At the time of the marriage Ricimer is unlikely to have held any significant post: Sidonius refers to him as *iuuenis* in the context of his discussion of Majorian's early career⁵⁶, including the battle of Vicus Helena, which is usually dated to 446-451 and more precisely to 446-447⁵⁷. Andrew Gillett has pointed out that in classical Latin the descriptor *iuuenis* refers to a man aged between 30 and 45⁵⁸, and he has also noted that Ricimer's first known military command, as *comes*, was in 456⁵⁹, which in his view would mean that Sidonius's employment of the word would fit with the standard definition of *iuuenis*. Whether one can be so certain about the age of military commanders in the fifth century is an open question. But at the time of the marriage of his sister to Gundioc it is very likely that Ricimer was not a figure of major importance in the Roman World: he was a career soldier. At the time of the Catalaunian Plains his importance may have stemmed from his descent from Wallia⁶⁰, making him a member of the ruling family of the Visigoths (a point that may lie behind Gregory of Tours' view of the descent of Ricimer's brother-in-law Gundioc from Athanaric)⁶¹. The marriage alliance between Ricimer and Gundioc was an arrangement between two young men looking to establish themselves in the Roman world. Although we know only of the

⁵¹ Fredegarius, *Chronicae*, IV, 41, 44, 55; Le Jan, *Famille et pouvoir dans le monde franc (VII^e-IX^e siècle)*. *Essai d'anthropologie sociale*, pp. 388-395.

⁵² *Liber Constitutionum*, XVII, 1.

⁵³ *Legum Codicis Euriciani fragmenta*, CCLXXVII.

⁵⁴ Ioannes Malalas, *Chronographia*, XIV, 33.

⁵⁵ *Consularia italica (Fasti Vindobonenses priores)*, 606-607; Wood, *Gundobad's return to his homeland*.

⁵⁶ Sidonius Apollinaris, *carm.* V, 266-268.

⁵⁷ Loyen, *Recherches historiques sur les Panégyriques de Sidoine Apollinaire*, pp. 64-73; Piazza, *La battaglia del vicus Helena*, pp. 54-55, 57-58.

⁵⁸ Gillett, *The Birth of Ricimer*, p. 383.

⁵⁹ *Ibidem*, pp. 381-382; Hydatius, *Chronicon*, 169, 176; Priscus, fr. 31, 1; Anders, *Flavius Ricimer*, pp. 95-97.

⁶⁰ Sidonius Apollinaris, *carm.* II, 360-365; Gillett, *The Birth of Ricimer*.

⁶¹ Gregorius Turonensis, *Decem libri historiarum*, II, 28.

outcome of the marriage, it was an event that would have a major impact on the subsequent history of the Gibichungs. Some aspects of the narrative of the period between 451 and 474 are certainly illuminated by the fact of a family alliance between the Gibichungs and Ricimer⁶².

Events of the 450s, however, remain obscure. The additions in the Copenhagen manuscript of Prosper include the strange, and grammatically incorrect, statement under the annal for the year 455: «At Gippidos Burgundiones intra Galliam defusi repelluntur»⁶³. Ralph Mathisen wanted to edit the text so that it related to the repulse of Gepids, and not Burgundians⁶⁴, a solution rejected by Favrod⁶⁵, who, however, acknowledged the problem of identifying the Gepids in question. They are scarcely ever named as being active in Gaul, except at the Catalaunian Plains, when a group of them fought alongside the Huns⁶⁶. This might lend some support for Mathisen’s reading. The episode remains a mystery.

In the account of Jordanes⁶⁷, during the reign of Avitus (455-456), when the Visigothic king Theodoric II led a campaign against the Suevi on the emperor’s behalf, he had with him as devoted auxiliaries, «auxiliarios ... devotos», the Burgundians Gundioc and Chilperic. Clearly, they were continuing to act as imperial soldiers, albeit under the direction of Theodoric, who appears to have approved some settlement in Gaul. According to the *Consularia Italica* (in the so-called *Prosper Havniensis*), following the Suevic campaign, in 457, «Gundiocus rex Burgundionum cum gente et omni praesidio annuente sibi Theudero ac Gothis intra Galliam ad habitandum ingressus societate et amicitia Gothorum functus» (Gundioc, king of the Burgundians, with his people and his whole force, with the approval of Theodoric and the Goths, entered Gaul in order to settle, having acted with the agreement and the friendship of the Goths)⁶⁸. There is much to ponder in this statement, which concerns Gundioc and his *gens*, but specifically his *praesidium*, which would seem to suggest that we are dealing primarily with arrangements made for a military detachment, presumably that which had been involved in the Suevic campaign. It is worth noting the phrase *ad habitandum*, which would seem to imply the provision of living space⁶⁹. Where these Burgundians were settled is unclear.

The settlement referred to in the annal for 457 in the *Prosper Havniensis*⁷⁰ may be the same as a division of part of Gaul between Burgundians and senators ascribed to the previous year by Marius of Avenches («Burgundi-

⁶² Wood, *Sidonius and the Burgundians*.

⁶³ *Consularia italica (Prosper Havniensis)*, 574.

⁶⁴ Mathisen, *Resistance and reconciliation*, p. 605, n. 33.

⁶⁵ Favrod, *Histoire politique du royaume burgonde*, p. 226.

⁶⁶ Jordanes, *Getica*, XXXVIII, 199.

⁶⁷ Jordanes, *Getica*, XLIV, 231.

⁶⁸ *Consularia italica (Prosper Havniensis)*, 583.

⁶⁹ Wood, *The barbarian invasions and first settlements*, p. 523.

⁷⁰ *Consularia italica (Prosper Havniensis)*, 583.

ones partem Galliae occupaverunt terrasque cum senatoribus diviserunt»)71. So too, it may be the same event as that recorded by Fredegar, albeit under the reign of Valentinian I, where the Burgundians were invited by legates of the Romans and of the Gauls living in *Lugdunensis*, *Gallea Comata*, *Gallea domata* and *Gallea Cisalpinae* to settle with their wives and children, which allowed the Romans to avoid the payment of taxes («per legatis invitati a Romanis et Gallis, qui Lugdunensium provinciam et Gallea Comata, Gallea domata et Gallea Cisalpinae manebant, ut tributa rei publice potuissent rennuerere, ibi cum uxoris et liberes visi sunt consedis»)72.

The division, mentioned by both Marius and Fredegar, presumably provides the background to the next major event, which may help us to understand the division made with the senators: the expulsion of the Burgundians from Lyon by Majorian, which is discretely, but extensively, discussed by Sidonius in his panegyric on the emperor73. Whether or not the occupation of Lyon should be equated with the chronicle evidence for the division made with the senators or the Gallic legates, we can certainly accept Fabrizio Oppedisano's statement that the occupation of the city itself was no conquest74, and that it was done with the approval of members of the senatorial aristocracy – including Sidonius. It is only an inference, but a perfectly logical one, that the senators who negotiated with the Burgundians had been supporters of the recently deposed emperor Avitus: the *Lugdunensis* was his home territory. And Gundioc had just been fighting on his behalf, in Spain, under the leadership of Theodoric. The arrangement between the senators and the Burgundians was in all probability a reaction to Majorian's deposition of Avitus.

The central text on their expulsion is Sidonius' panegyric on Majorian75, and here we should look very carefully at what he does and does not say. The key point is that a barbarian people has accepted the conditions laid down by the emperor's *quaestor sacri palatii*76. It is interesting that whatever the conditions were, they were laid down by a legal official, and not by a member of the military. Sidonius refers at striking length to the emperor's companions (*comites*) at Lyon: his *magister militum*, who is unfortunately unnamed, but would seem to have been Ægidius77; the Prefect of the Gauls, also unnamed,

71 Marius Aventicensis, *Chronica*, s.a. 456: «The Burgundians occupied part of Gaul and divided the lands with the senators».

72 Fredegar, *Chronicae*, II, 46: «invited, through a legation, by the Romans and Gauls, living in the province of *Lugdunensis*, *Gallia Comata*, *Gallia Domata* and *Gallia Cisalpina*, who could refuse to pay tribute to the State, they were seen to settle there with their wives and children». Oppedisano, *L'impero d'Occidente negli anni di Maioriano*, pp. 217-230.

73 Sidonius Apollinaris, *car. V*.

74 Oppedisano, *L'impero d'Occidente negli anni di Maioriano*, p. 99: «La presenza burgunda non appare né come l'esito di una campagna di conquista, né, al contrario, come risultato di un accordo diplomatico ufficiale».

75 Oppedisano, *L'impero d'Occidente negli anni di Maioriano*, pp. 217-230.

76 Sidonius Apollinaris, *car. V*, 564-567.

77 Sidonius Apollinaris, *car. V*, 553-554; Mathisen, *Resistance and reconciliation*, pp. 607-608.

but presumably Magnus⁷⁸, to whom Theodoric looks up⁷⁹; the *quaestor sacri palatii*, probably to be identified as Domnulus⁸⁰, and Petrus, the *magister epistolarum*, who has negotiated the deal⁸¹. Sidonius does not actually identify the barbarian people who come to terms, simply calling them a «gens effera»⁸², although he has just talked about a «pellitus ... hospes», who must be Theodoric, giving law to the Goths⁸³: it is only the references in the *Prosper Havniensis* and Marius of Avenches⁸⁴, and the more detailed comments of Fredegar⁸⁵, that allow us to identify them as Burgundians. This was nowhere remembered as the reversal of a major Burgundian act of aggression.

We should also notice a striking absence: Ricimer. He does appear earlier in the panegyric, where Majorian «coniunctus amore praeterea est iuveni, grandis quem spiritus armat regis avi»⁸⁶. But there is no reference to him in Sidonius' account of Majorian at Lyon. Presumably he was not present. And one may wonder whether even this early in Majorian's reign he was happy with imperial policy. He was the brother-in-law of Gundioc, who was probably the leader of the Burgundians who capitulated at Lyon. He was also a Goth, related to Theodoric, by their common descent from Wallia⁸⁷: and Majorian was about to turn his attention to the Goths in Arles⁸⁸.

Following the exclusion of the Burgundians from Lyon in 457 there is a blank in our evidence. We have no idea what *condiciones* they accepted: Mathisen argues that it would have been a reaffirmation of their federate status⁸⁹ – but exactly what that means, given the problems in understanding the settlement in Sapaudia, or the developments of the 450s, is unclear. Perhaps they received some territory. But since we may only be dealing with a military detachment or a garrison, this may have been a very slight concession. Historians have postulated renewed expansion on the part of the Burgundians following the death of Majorian⁹⁰, but this assumes a core territory to which they had retreated.

⁷⁸ Sidonius Apollinaris, *carm.* V, 558-559; Mathisen, *Resistance and reconciliation*, pp. 612-613.

⁷⁹ Sidonius Apollinaris, *carm.* V, 562-563.

⁸⁰ Sidonius Apollinaris, *carm.* V, 564-567; Mathisen, *Resistance and reconciliation*, p. 613.

⁸¹ Sidonius Apollinaris, *carm.* V, 568-573.

⁸² Sidonius Apollinaris, *carm.* V, 567.

⁸³ Sidonius Apollinaris, *carm.* V, 562-563.

⁸⁴ *Consularia italica (Prosper Havniensis)*, 583; Marius Aventicensis, *Chronica*, s.a. 456.

⁸⁵ Fredegarus, *Chronicae*, II, 46.

⁸⁶ Sidonius Apollinaris, *carm.* V, 266-268: «is additionally linked in affection to a youth, who the great spirit of his royal grandfather arms».

⁸⁷ Sidonius Apollinaris, *carm.* II, 360-365; Gillett, *The Birth of Ricimer*.

⁸⁸ Oppedisano, *L'impero d'Occidente negli anni di Maioriano*, pp. 217-232.

⁸⁹ Mathisen, *Resistance and reconciliation*, p. 610.

⁹⁰ Favrod, *Histoire politique du royaume burgonde*, pp. 232-237.

3. *Gundioc and Chilperic*

The first piece of evidence following the episode at Lyon, and Majorian's death in 461, relates to an ecclesiastical conflict concerning the appointment of Marcellus as bishop of Die by bishop Mamertus of Vienne in 463. The problem was that Die was in the jurisdiction of the metropolitan of Arles, not that of Vienne. The issue was raised by the *magister militum*, Gundioc, who informed the pope: «fili nostri viri inlustris magistri militum Gunduici sermone est indicatum»⁹¹. A council was called, and Mamertus was criticised, but Marcellus was left in post. Historians have wondered what this says about the extent of Burgundian power, but this is to make a major assumption: that Gundioc was acting as a Burgundian king, while he was explicitly acting as *magister militum*. We should surely take his Roman office seriously. We do not know when he was appointed *magister militum per Gallias*, but it was presumably after Majorian's death in 461. He must have been appointed to the office shortly thereafter, and he was surely put forward for the post by his brother-in-law Ricimer. Equally important, his actions as *magister militum* tell us nothing about the status of the Burgundians. We can only say that he was an official of the Roman State. Presumably he relied on Burgundians to exercise his jurisdiction, but to go further than this is to make a supposition unwarranted by the evidence.

Favrod talks about Burgundian conquests, which were helped by the alliance of the Gibichungs with Ricimer⁹². But there is no evidence for a conquest. If we do not assume that we are dealing with the physical creation of a kingdom, but read the evidence at face value, what we are looking at is the history of Gibichung agents of Ricimer, active in the valleys of the Rhône and Saône. This is an issue of continuing imperial jurisdiction, exercised by an official whose authority was limited by the presence of the Visigoths to the West, the Alamans and Franks to the North, and to the North-West by Ægidius, who also claimed to represent Roman authority, but in this instance that of the murdered Majorian. Indeed Ægidius had held the post of *magister militum per Gallias*⁹³, to which both Gundioc and Chilperic were subsequently appointed⁹⁴. And here it is important to remember the significance of the quick succession of emperors.

Ægidius seems to have taken a particularly extreme stance against dealing with barbarians. When Majorian was killed, Agrippinus, probably on the instructions of Ricimer, handed over the city of Narbonne to the Visigoths –

⁹¹ *Epistolae Arelatenses Genuinae*, 19, p. 28: «it has been pointed out by our son, the *vir inlustris magister militum* Gundioc»; Favrod, *Histoire politique du royaume burgonde*, pp. 240-242.

⁹² Favrod, *Histoire politique du royaume burgonde*, p. 243.

⁹³ Gregorius Turonensis, *Decem libri Hhistoriarum*, II, 11; MacGeorge, *Late Roman Warlords*, pp. 82-110, especially p. 83; Delaplace, *La fin de l'empire romain d'Occident*, pp. 234-238.

⁹⁴ *Epistolae Arelatenses Genuinae*, 19, *Vita patrum Iurensium* II, 10 (92).

an act that Jill Harries has seen as «an important landmark in the dealings of Roman rulers with a Germanic people: because of an internal power-struggle for control of the imperial throne, a Roman city was surrendered, probably by formal treaty, not to provide land for settlement, but as the price for support»⁹⁵. As a result, Ægidius, who was still *magister militum* had Agrippinus tried for treason – a charge from which the accused just managed to escape. Although there were those who supported Ægidius⁹⁶, there were those who thought that Agrippinus was in the right: this was the view expressed by abbot Lupicinus, one of the founders of the Jura monasteries, in the *Vita patrum Iurensium*⁹⁷.

Just as Gundioc was first and foremost an agent of the empire, so too was his brother Chilperic, who seems to have succeeded him as *magister militum*. According to Jordanes the two brothers were present in Theodoric's campaign against the Sueves in c.457⁹⁸. Chilperic is probably to be identified with the unnamed *magister militum* who enjoyed the feasts laid on by bishop Patiens, while his wife appreciated his fasting, according to a letter of Sidonius which is usually dated to 471-472⁹⁹. This image of Chilperic can be set alongside an anecdote in the *Vita patrum Iurensium*, which probably occurred in the late 460s or early 470s¹⁰⁰. Here the saint, Lupicinus, has travelled to appeal to the *magister militum* over the illegal enslavement by a Roman of certain minor free men. He is verbally attacked in front of the Burgundian for having said that imperial authority would be handed over to skin-clad barbarians: «mutari muriceos pellito sub iudice fasces» (the purple fasces are changed under a judge in skins). Lupicinus says that this has indeed taken place, and he points to Chilperic. He then warns his critic that a new *hospes* might take over his estates. This response so impressed the *magister militum*, that he intervened in the case, and also provided gifts for the saint's monastery¹⁰¹. Herwig Wolfram has noted the importance of this passage for the history of the settlement of the Burgundians¹⁰². Above all, however, one should note that, despite the fact that Chilperic was a skin-clad barbarian, he was carrying out his governmental duties as *magister militum* perfectly: he is the image of a good administrator. It may also be that we should note an apparent verbal borrowing: the description comes very close to Sidonius' words on Theodoric the lawgiver in the Majorian panegyric¹⁰³.

⁹⁵ Harries, *Sidonius Apollinaris and the Fall of Rome*, p. 97. See also Mathisen, *Resistance and reconciliation*; Hydatius, *Chronicon*, 217.

⁹⁶ Hydatius, *Chronicon*, 217; Harries, *Sidonius Apollinaris and the Fall of Rome*, pp. 96-99; Mathisen, *Resistance and reconciliation*.

⁹⁷ *Vita patrum Iurensium*, II, 11 (96).

⁹⁸ Jordanes, *Getica*, XLIV, 231.

⁹⁹ Sidonius Apollinaris, ep. VI, 12, 13.

¹⁰⁰ It has been placed earlier, in 457-458, by Mathisen *Roman aristocrats in barbarian Gaul*, p. 123, but it must be dated later than the last known appearance of Gundioc, in 463.

¹⁰¹ *Vita patrum Iurensium*, II, 10 (92-95).

¹⁰² Wolfram, *Neglected evidence on the accommodation of barbarians in Gaul*.

¹⁰³ Sidonius Apollinaris, carm. V, 562-563.

Chilperic also appears in a letter of 474, when Sidonius is anxious about the safety of his relative Apollinaris, as a result of an episode involving the new emperor (Julius Nepos) and the city of Vaison, which had infuriated Chilperic, who is named as *magister militum*¹⁰⁴. The Gibichungs did not accept the appointment of Nepos, so those within their jurisdiction who did were regarded as politically suspect. In the subsequent description of his own successful intervention on behalf of Apollinaris Sidonius does not name Chilperic, but refers to him as *tetrarcha noster*¹⁰⁵.

4. *Sidonius on the Burgundians*

If we leave aside the references to Burgundians in Sidonius' panegyric to Avitus¹⁰⁶ and in his praise poem on the court of Euric¹⁰⁷, the name of the people appears in three of his letters¹⁰⁸ and one poem – the famous satire on living in a building with adjacent barbarians¹⁰⁹. The first of these letters concerns the accusation of treason levelled against Arvandus, who had suggested a division of the Gauls between the Goths and Burgundians in the aftermath of the defeat of the Briton Riotamus, in c.469¹¹⁰. The second describes the situation in Clermont when it was being disputed between the Goths and Burgundians in c.471-472¹¹¹. Two other letters from c.471-474 refer to barbarians (but not explicitly Burgundians) in the region of Clermont¹¹². More specific and also more favourable is the letter dated c.469 by Loyen and c.474 by Mathisen¹¹³, in which the recipient Syagrius is described as the Solon of the Burgundians. Alongside Sidonius' satirical verse one can place a letter to Secundinus, congratulating him on his poetry, and encouraging him to write a satire on the *tyrannopoliti*¹¹⁴, which presumably means the court circles surrounding the Gibichung *magister militum*. Loyen dated this letter to c. 467¹¹⁵, but it may belong with a letter to which he gave a later date¹¹⁶. Other than those that use the term Burgundian, there are the letters that mention or allude to Chilperic: the description of his relations with Patiens in c. 471-472¹¹⁷, and the two

¹⁰⁴ Sidonius Apollinaris, ep. IV, 6.

¹⁰⁵ Sidonius Apollinaris, ep. V, 7, 1.

¹⁰⁶ Sidonius Apollinaris, carm. VII, 234, 322, 442.

¹⁰⁷ Sidonius Apollinaris, ep. VIII, 9, 5, c. 34.

¹⁰⁸ Sidonius Apollinaris, epp. I, 7, 5; III, 4, 1; V, 5.

¹⁰⁹ Sidonius Apollinaris, carm. XII.

¹¹⁰ Sidonius Apollinaris, ep. I, 7, 5.

¹¹¹ Sidonius Apollinaris, ep. III, 4, 1.

¹¹² Sidonius Apollinaris, ep. III, 3, 9; 8, 2.

¹¹³ Sidonius Apollinaris, ep. V, 5, ed. Loyen, vol. 2, p. 180; Mathisen, *Dating the letters of Sidonius*, p. 245.

¹¹⁴ Sidonius Apollinaris, ep. V, 8, 3.

¹¹⁵ Sidonius Apollinaris, ed. Loyen, vol. 2, p. 186.

¹¹⁶ Sidonius Apollinaris, ep. IV, 20.

¹¹⁷ Sidonius Apollinaris, ep. VI, 12, 3.

letters concerned with Chilperic’s reaction to the accusation that Apollinaris had colluded with the followers of Julius Nepos over the city of Vaison¹¹⁸. A further reference to Chilperic may be included in the description of the arrival in Lyon of the young prince Sigismer, and his passage to the palace of his royal father-in-law (*praetorium proceri*)¹¹⁹, who can probably be identified as the *magister militum*. It is possible that the letter to Secundinus refers to this episode – Sidonius is explicit that Secundinus has written about royalty and about a marriage¹²⁰. In addition there are references to hostility between *regna*¹²¹, probably to be dated to 475-476, and another, perhaps from c.471, which also deals with the unrest of peoples¹²². This may seem a large haul, but very little of it is specific and the majority of the letters do not actually use the term Burgundian. Moreover, much of the information relates to a small number of episodes, above all the siege of Clermont, and the accusation that Apollinaris had committed treason.

Despite this, we have good reason for thinking that Sidonius must have had close relations with the courts of the *magistri militum*, and not just because of the specific references in his letters. First, there is the panegyric on Anthemius, delivered in Rome in 467¹²³. This is a peculiar work, because of the amount of attention it pays to Ricimer, and his marriage to Anthemius’ daughter. But this surely gives us a clue to one reason for Sidonius’ poem, and indeed his presence in Rome¹²⁴. It is impossible to believe that the author was present without the knowledge and agreement of the Gibichung *magister militum*, whether he was Gundioc or Chilperic. Moreover Gundobad, who was Gundioc’s son and Ricimer’s nephew, may already have been a member of the entourage of his uncle, the *magister militum praesentalis*. Sidonius’ presence at the wedding must have signalled that the governor of the valleys of the Rhône and Saône was happy with political developments.

And there is one other text which is even more important: Sidonius’ epitaph (I list the major manuscript variants alongside each other).

Sanctis contiguus sacroque patri,
Vivit sic meritis Apollinaris,
Illustris titulis, potens honore,
Rector militie forique iudex,
Mundi inter tumidas quietus undas,
Causarum moderans subinde motus
Leges barbaros/barbarico dedit furori;
Discordantibus inter arma regnis
Pacem consilio reduxit amplo.

¹¹⁸ Sidonius Apollinaris, ep. V, 6; 7.

¹¹⁹ Sidonius Apollinaris, ep. IV, 20.

¹²⁰ Sidonius Apollinaris, ep. V, 8.

¹²¹ Sidonius Apollinaris, ep. IX, 3, 2; 5, 1.

¹²² Sidonius Apollinaris, ep. IX, 9, 6.

¹²³ Sidonius Apollinaris, carm. II; Oppedisano, *In lode di Antemio*; Oppedisano, *L’insediamento di Antemio (467 d.C)*: Oppedisano, *Sidonio, Antemio e il senato di Roma*, pp. 108-115.

¹²⁴ Wood, *Sidonius and the Burgundians*.

Haec inter tamen et philosophando/Haec inter tamen et facundus ore
 Scripsit perpetuis habenda seclis/Libris excoluit vitam parentis.
 Et post talia dona gratiarum
 Summi pontificis sedens cathedram
 Mundanos suboli refudit actus.
 Quisque hic cum lacrimis deum rogabis,
 Dextrum funde preces super sepulchrum:
 Nulli incognitus et legendus orbi
 Illic Sidonius tibi invocetur,
 XII kl Septembris Zenone imperatore/duodecimo kalendas Septembris Zenone con-
 sule¹²⁵.

Here we find an explicit statement that Sidonius had been involved in the formulation of law for the barbarians before his election as bishop. This can only mean that he was involved in giving law to the Burgundians – just as he stated that Syagrius had done¹²⁶. Sidonius, then, was at the heart of Gibichung government. We can get some further idea of his views of what this meant if we return to the panegyric on Majorian, where he states: «Qui dictat modo iura Getis, sub iudice vestro/pellitit ravum praeconem suspicit [suscipit] hospes»¹²⁷ – a phrase that, as we have noted, seems to be echoed in the later description of Chilperic to be found in the *Vita patrum Iurensium*¹²⁸. Here, a barbarian lawgiver, acting within a Roman framework, is clearly to be admired.

Sidonius was a good deal closer to Burgundian government than he would have us believe – which of course explains his influence on Chilperic when Apollinaris and Thaumastius were accused of treason¹²⁹. It also explains how he knew of the high opinion in which Chilperic and his wife held Patiens¹³⁰. And it probably explains his precise knowledge of Sigismer and his retinue¹³¹ – we can hardly believe that he was standing in the street in the middle of a

¹²⁵ «Next to the saints and to the holy father, Apollinaris lives thus by his merits, noble by his titles, potent in honour, a leader of troops and a judge in the forum. calm amid the swelling waves of the world, constantly moderating the commotions of cases, he gave law to the barbarian fury/barbarian laws to the fury: he brought back peace with considerable counsel to kingdoms at war. At the same time he wrote these things in a philosophical manner to be preserved through all the centuries/he eloquently honoured in books the life of his parent. And after such gifts of thanks, sitting in the seat of the supreme pontiff, he handed worldly actions back to his offspring. You who will call on God with tears, pour out your prayers over his fortunate tomb: known to all and read throughout the world, there Sidonius is invoked by you. 12th of the Kalends of September, when Zeno was emperor/consul». *MGH, Auctores Antiquissimi*, VIII, p. VI; Prévot, *Deux fragments de l'építaphe de Sidoine Apollinaire*; Montzimir, *Nouvel essai de reconstitution matérielle de l'építaphe de Sidoine Apollinaire*; Furbetta, *L'epítaffio di Sidonio Apollinare*.

¹²⁶ Sidonius Apollinaris, ep. V, 5.

¹²⁷ Sidonius Apollinaris, carm. V, 562-563: «our skinclad federate, who now gives laws to the Goths, under your authority regards the grey herald». In his Loeb edition Anderson prints the alternative reading of *hostis*, which seems less acceptable.

¹²⁸ *Vita patrum Iurensium*, II, 10 (94).

¹²⁹ Sidonius Apollinaris, ep. V, 7, 1.

¹³⁰ Sidonius Apollinaris, ep. VI, 12, 13.

¹³¹ Sidonius Apollinaris, ep. IV, 20.

crowd of bystanders when he witnessed the procession. Moreover, it is likely that Sidonius’ association with Gibichung rule continued after his elevation as bishop of Clermont in c.470. A surprising number of letters that have been dated to the period between his consecration and the transfer of Clermont to the Visigoths are thought to have been written on visits to Lyon or Vienne¹³². Some of these visits clearly had ecclesiastical justification, for instance Sidonius’ attendance at the dedication of the cathedral of Lyon¹³³, his presence in the same city at the time of the election of a bishop of Chalon-sur-Saône¹³⁴, and in Vienne following the death of Claudianus Mamertus¹³⁵. But on other occasions he was unquestionably to be found in the Rhône valley for political reasons¹³⁶.

Why this silence over his association with the Gibichungs? Perhaps because Sidonius thought his audience wanted a depiction of a more obviously Roman world. Equally important, as Mathisen has argued, it would seem that Sidonius collected his letters in 477-478, at the time of his exile at the fortress of Liviana¹³⁷: in other words in the shadow of Euric. It is surely no coincidence that the collection contains no Burgundian equivalent to the description of the Visigoth Theodoric II¹³⁸, which comes significantly as the second letter of the entire collection, or to the panegyric of Euric’s court¹³⁹. The Gibichungs are almost written out of the story, despite the fact that Sidonius had worked with them for more than a decade – far longer than he was subject to Visigothic authority. Gundioc and Gundobad are entirely absent. Chilperic is only there to reflect on Patiens, and for his reaction to Nepos. The closeness of Sidonius’ family to the Gibichungs is only hinted at in the author’s ability to protect his uncles over an affair at Vaison¹⁴⁰, and in the allusion to the *familiaritas* of his brother-in-law Ecdicius with *reges*¹⁴¹. To have stated any more might have risked a further outburst of anger from Euric. For the full story of Sidonius’ Burgundian relations we have to turn to the epitaph.

With this in mind we need to return to the events of 471/4: I shall group all Sidonius’ letters on Visigothic aggression against Clermont together. The chronology is unclear – but for our present purposes that is immaterial. The point that I want to emphasise is that until Clermont was handed over to the Visigoths in 475, the *civitas* was in territory that was technically under the jurisdiction of Roman authority, which means that it was under one of the Gibichung *magistri militum*. Thus, when Ecdicius raised a private army to

¹³² Sidonius Apollinaris, epp. II, 4; 10; III, 6; 9; 14; IV, 1; 11; 25; V, 4; 6; 7; 16; VII, 14; 15; VIII, 6.

¹³³ Sidonius Apollinaris, ep. II, 10.

¹³⁴ Sidonius Apollinaris, ep. IV, 25.

¹³⁵ Sidonius Apollinaris, ep. IV, 11.

¹³⁶ Sidonius Apollinaris, ep. V, 6; 7; 16.

¹³⁷ Mathisen, *Dating the letters of Sidonius*.

¹³⁸ Sidonius Apollinaris, ep. I, 2.

¹³⁹ Sidonius Apollinaris, ep. VIII, 9.

¹⁴⁰ Sidonius Apollinaris, epp. V, 6-7.

¹⁴¹ Sidonius Apollinaris, ep. III, 3, 9.

break a Visigothic siege, although he had no official position¹⁴², he must technically have been acting on behalf of Chilperic¹⁴³ – this is the *familiaritas regum* in action. Sidonius himself presents the city as being caught between the Visigoths and the Burgundians¹⁴⁴, which is not to say that it was disputed between two kingdoms, since here the Burgundians represent Rome. During the early years of his episcopate Sidonius was bishop of a city subject to the jurisdiction of the Gibichung *magister militum*, and the fact that he sometimes wrote from Lyon and Vienne suggests that he maintained close contact with the governor's court.

5. *Imperial politics and the return of Gundobad to Gaul*

In response to Euric's initial onslaught on Clermont and the cities of Provence in 471, Anthemius had sent an army to Gaul under his son, Anthemiolus, who was, however, defeated and killed¹⁴⁵. This prompted a change of tack on Anthemius' part, and better relations between the Romans and Visigoths were established following a legation led by a cousin of Sidonius¹⁴⁶. It seems that one result was the transfer of Ecdicius to Italy. At approximately this moment Ricimer and Anthemius fell out¹⁴⁷. According to Malalas, Ricimer summoned his nephew Gundobad, the *magister militum*, from Gaul: the young Burgundian killed Anthemius in St Peter's and then returned to Gaul¹⁴⁸. Some parts of this account are improbable. We do know that Gundobad was involved in the killing of Anthemius¹⁴⁹, though the murder may have taken place in San Crisogono, not in St Peter's¹⁵⁰, but we may doubt whether the Gibichung was summoned from Gaul, and he was almost certainly not the *magister militum per Gallias*. Chilperic was still alive, and there is every reason for thinking that he was still in post, at least in Ricimer's eyes, although Anthemius may have tried to replace him with Bilimer¹⁵¹, who is reported to

¹⁴² Janniard, *Objectifs et moyens de la politique militaire d'Anthémius*, pp. 245-247.

¹⁴³ Sidonius Apollinaris, ep. III, 3, 5-6; Harries, *Sidonius Apollinaris and the Fall of Rome*, pp. 228-230.

¹⁴⁴ Sidonius Apollinaris, ep. IV, 4, 1.

¹⁴⁵ *Chronicle of 511*, 649 (s.a. 470-471); Janniard, *Objectifs et moyens de la politique militaire d'Anthémius*, pp. 237-238.

¹⁴⁶ Sidonius Apollinaris, ep. III, 1, 5; Delaplace, *La fin de l'empire romain d'Occident*, pp. 250-251.

¹⁴⁷ Janniard, *Objectifs et moyens de la politique militaire d'Anthémius*, pp. 238-240.

¹⁴⁸ Ioannes Malalas, *Chronographia*, 273-275. See MacGeorge, *Late Roman Warlords*, pp. 256-257.

¹⁴⁹ *Chronicle of 511*, 650, s.a. 471/2; Paulus Diaconus, *Historia Romana*, XV, 3-4; Roberto, *Il terzo sacco di Roma e il destino dell'Occidente (luglio 472)*; Roberto, *La corte di Antemio e i rapporti con l'Oriente*, pp. 161-176.

¹⁵⁰ Ioannes Antiochenus, fr. 209 (1) = Priscus, fr. 64.

¹⁵¹ Paulus Diaconus, *Historia Romana*, XV, 3-5; MacGeorge, *Late Roman Warlords*, pp. 253-255.

have made an unsuccessful attempt to support the emperor in Italy¹⁵². Moreover, Gundobad cannot have left Italy for Gaul after Anthemius’ death. The emperor was killed on 11 July 472¹⁵³: Ricimer died on 19 August¹⁵⁴. Olybrius, who had replaced Anthemius, then appointed Gundobad as *patricius*, in other words to Ricimer’s position, but the new emperor himself then died on 23 October or 2 November¹⁵⁵. Gundobad now appointed his own emperor Glycerius, early in 473¹⁵⁶. The speed of events would seem to demand that Gundobad was in Italy for the whole of this period. In the ensuing months he probably occupied himself in Liguria – that at least seems to be the implications of a statement in Ennodius’ *Vita Epiphani*¹⁵⁷. The court of Constantinople, however, never approved the appointment of Glycerius, and instead sent Julius Nepos to take up the imperial position¹⁵⁸. This prompted the withdrawal of Gundobad to Gaul.

It was the establishment of Nepos as emperor in Italy that radically altered the position of the Gibichungs. Hitherto as agents of Ricimer they had been representatives of the Italian government, even though the turn-over of emperors had meant a regular shift of allegiance. But with the arrival of Nepos, the Gibichungs could no longer claim to represent the western imperial court. Nepos, moreover, seems to have gone out of his way to win over exactly the senatorial families with whom the Burgundians had been working. Sidonius’ uncles Apollinaris and Thaumastius became mixed up with a plot in favour of the new emperor, involving the city of Vaison, which infuriated Chilperic¹⁵⁹. At the same time Nepos elevated Ecdicius to the office of *patricius*¹⁶⁰, an action which must have caused Sidonius some problem – for he was certainly proud on his cousin’s part, but he must have realised the difficulty in which that placed the family as a whole. And the title of *patricius* was one that Gundobad had held under Olybrius and Glycerius.

Moreover, Sidonius himself soon realised the downside of Nepos’ policy, when the emperor opened up negotiations with Euric, which involved the cession of several Provençal cities and of Clermont to the Visigoths. Sidonius’ horror is well known¹⁶¹, as is his exile following Euric’s take-over of the Auvergne. What historians have not emphasised enough is that this negotiation was striking at the authority of the Gibichung *magister militum*. That Nepos was concerned primarily with the breaking of Gibichung power is also

¹⁵² Paulus Diaconus, *Historia Romana*, XV, 3-5; Ioannes Antiochenus, fr. 209 (1) = Priscus, fr. 64; Delaplace, *La fin de l’empire romain d’Occident*, p. 250.

¹⁵³ *Consularia italica (Fasti Vindobonenses priores/Pascale Campanum)*, 606.

¹⁵⁴ *Consularia italica (Fasti Vindobonenses priores/Pascale Campanum)*, 607; Cassiodorus, *Chronica*, 1293.

¹⁵⁵ *Consularia italica (Fasti Vindobonenses priores/Pascale Campanum)*, 608-609.

¹⁵⁶ Ioannes Antiochenus, fr. 209 (2) = Priscus, fr. 65; Cassiodorus, *Chronica*, 1295.

¹⁵⁷ Ennodius, *Vita Epiphani*, 140, 151, 157-162.

¹⁵⁸ Ioannes Antiochenus, fr. 209 = Priscus, fr. 65; Anonymus Valesianus, 36.

¹⁵⁹ Sidonius Apollinaris, epp. V, 6 and 7.

¹⁶⁰ Sidonius Apollinaris, ep. V, 16; Jordanes, *Getica*, 240-241.

¹⁶¹ Sidonius Apollinaris, epp. VII, 6 and 7.

suggested by the surviving distribution of the emperor's coinage. Coins of Nepos are rarely to be found in southern and eastern Gaul, but three significant hoards at Vidracco in Piedmont, Braone in Lombardy and San Lorenzo/Sebato in Alto-Adige, were buried near major routes across the Alps. This may suggest the establishment of substantial military forces in three of the valleys which gave access to Gibichung territory¹⁶².

Who, then, was the *magister militum per Gallias* following Gundobad's return? We can be sure that Chilperic was still in post at the time of the Vaison affair. On the other hand this is the last that we hear of him explicitly. Some have wondered whether there was a war between Chilperic and Gundobad, in which the younger man emerged as the victor. There may be some support for this theory, if Chilperic is understood to be the father of Chrotechildis, who would marry the Frankish king Clovis. According to Gregory of Tours this Chilperic was a brother of Gundobad¹⁶³. But Gregory is the only fifth- or sixth-century source to suggest that there were two Chilperics (all the later sources depend on him), and he may have been mistaken. It is possible that there was only one Chilperic, the brother of Gundioc, and that he was the father of Chrotechildis. In which case, he probably was killed by Gundobad. There is, however, not enough evidence to be certain. Given the threat posed by Euric, it is unlikely that Gundobad and his uncle fought each other in 474 or the years immediately following.

A little-noted passage in Sidonius suggests that there was someone acting alongside Chilperic in 474. In the second of his letters on the Vaison affair, Sidonius remarks that a new Tanaquil is tempering the actions of Lucomon (the elder Tarquin), and a new Agrippina is moderating those of Germanicus¹⁶⁴. It would seem that Lucomon should be identified with Chilperic, and Tanaquil with his unnamed wife. But Agrippina might be a reference to the wife of another leading official, who is perhaps compared to Germanicus¹⁶⁵. This second official is unlikely to have been Gundobad, as it is probable that the letter marginally antedates his return to Gaul. An alternative candidate who might be identified with Germanicus is Gundobad's younger brother, Godegisel. His wife, Theodelinda, like the unnamed wife of Chilperic is known to have been a pious catholic¹⁶⁶. The same can be said of the wife of Gundobad¹⁶⁷.

On returning to Gaul it is possible that Gundobad did not settle in Lyon, but rather in Geneva. A fragmentary inscription records what appears to have been an expansion of the city's walls: «[Gund]obadus rex clement[i]ss[imus] emolumento propr[i]o ... spatio mult[ipl]icat»¹⁶⁸. And there is also a statement

¹⁶² Fischer and Wood, *Vidracco, Braone and San Lorenzo: recruitment or dilectio*.

¹⁶³ Gregorius Turonensis, *Decem libri historiarum*, II, 28.

¹⁶⁴ Sidonius Apollinaris, ep. V, 7. I owe the observation to George Woudhuysen.

¹⁶⁵ On Chilperic's wife, Sidonius Apollinaris, ep. VI, 12, 13.

¹⁶⁶ *Passio Ursi et Victoris*, ed. Lütolf, p. 174; Favrod, *Histoire politique du royaume burgonde*, pp. 294-297, 345-347.

¹⁶⁷ On Gundobad's wife, Caretena, Kampers, *Caretana – Königin und Asketin*.

¹⁶⁸ *Corpus inscriptionum medii aevi Helvetiae*, II, n. 7, p. 36.

in the *Notitia Galliarum*: «Civitas Genavensium quae nunc Geneva a Gundobado rege Burgundionum restaurata»¹⁶⁹. Traditionally, this restoration has been placed after the year 500¹⁷⁰. And there is indeed a reference to destruction in the region of Geneva in the early sixth century, in that Avitus preached a sermon at the rededication of a Genevan basilica «quam hostis incenderat», probably between 500 and 515¹⁷¹. But there is, in fact, no reason for placing the expansion of the city’s fortifications that late. Perhaps the extension was the result of the arrival of Gundobad, who surely had a sizeable military retinue. It may be that for a short period after 474 he stationed himself in Geneva, leaving Chilperic in post in Lyon. Strategically such a move would make sense, given the threat posed by Julius Nepos. If Gundobad did come to blows with Chilperic, it was probably in the late 470s or 480s – perhaps at a moment after the death of Euric in 484, when the threat of Visigothic expansion had passed.

There is one other action that we might associate with either Chilperic or Gundobad, and that is the exile of Faustus of Riez¹⁷². Faustus is always taken to be the victim of Euric, and it is true that Euric did manage to force bishop Marcellus of Die into exile¹⁷³. But no source ascribes Faustus’ exile to Euric. Moreover, there is no reason for thinking that Riez was in the Visigothic kingdom, and indeed in a letter written in c.476 (by which time he was a subject of Euric), Sidonius implies that he and Faustus were in different kingdoms¹⁷⁴: crossing boundaries is stated as a major problem. Moreover, although Faustus did unquestionably go into exile in Visigothic territory, unlike Sidonius under arrest at Liviana, he seems to have been free to move around¹⁷⁵. A possible scenario is that the Gibichungs turned on Faustus for his role in negotiating the transfer of Clermont and Provence to the Goths. He would not be the only bishop driven out of Burgundian territory at approximately this time. There is also the flight of Aprunculus of Langres to Clermont¹⁷⁶, an episode that we can date to 479, since the fugitive arrived in time to be elected bishop in succession to Sidonius, whose death date can now be determined from his epitaph¹⁷⁷.

Whatever one thinks of the exile of Faustus, it would seem that it was the arrival of Nepos that transformed the position of the Gibichungs from being the chief henchmen of the West Roman Emperor in Gaul to being opponents of the Italian government. The new emperor was the chief factor both in the departure of Gundobad from Italy, and in the realignment in imperial policy that saw a shift from a link with the Gibichungs to negotiation with Euric.

¹⁶⁹ *Notitia Galliarum*, p. 600.

¹⁷⁰ Favrod, *Histoire politique du royaume burgonde*, p. 362.

¹⁷¹ Avitus, Homily 19, ed. Peiper, pp. 130-131.

¹⁷² Faustus Reiensis, epp. 2-5.

¹⁷³ *Vita Marcelli*, 4,

¹⁷⁴ Sidonius Apollinaris, ep. IX, 3, 2.

¹⁷⁵ Faustus Reiensis, epp. 2-5.

¹⁷⁶ Gregorius Turonensis, *Decem libri historiarum*, II, 23.

¹⁷⁷ Furbetta, *L’epitaffio di Sidonio Apollinare*, pp. 248-251.

6. *Gundobad*

Our first clear evidence for Gundobad's rule in the valleys of the Rhône and Saône comes with his invasion of Liguria, in the course of the war between Odoacer and Theodoric in c.490, which is recorded by Ennodius¹⁷⁸. By 494-496, when Epiphanius of Pavia was sent to negotiate the liberation of Italians taken captive during the raid, Gundobad was resident in Lyon. He deputed the management of the restitution to the Roman noble Laconius¹⁷⁹. The latter was a correspondent of Ennodius¹⁸⁰, which may account for the considerable detail relating to the mission contained in the *Vita Epiphani*. Gundobad's brother, Godegisel, also arranged for the return of Italian captives from the region of Sapaudia¹⁸¹. This has led to the assumption that Burgundian kingship was divided at this point¹⁸². But Ennodius never describes Godegisel as king, although he does use the titles *princeps* and *rex* for Gundobad¹⁸³. He is simply *germanus regis*. In other words, Godegisel had an official residence in Geneva¹⁸⁴, but whatever office he exercised (and clearly he had some authority)¹⁸⁵, it was not equivalent to that of Gundobad. Indeed, Avitus states that he had been provided for by his older brother¹⁸⁶. Moreover, a law which seems to refer to the civil war of 500 between Gundobad and Godegisel uses the phrase *crimina maiestatis* – treason – implying that the latter and his followers were rebels against the ruler¹⁸⁷. That Gundobad had in some way appointed Godegisel makes it clear that we are not dealing here with some traditional division of Burgundian rule, as has been suggested¹⁸⁸. Rather, we should be looking at the hierarchies of Roman regional organisation. It may be worth noting that Sapaudia boasted two military posts in the *Notitia dignitatum*¹⁸⁹. Perhaps the Gibichung rulers in Geneva effectively took over the duties of earlier Roman officials in the region, combining them with a concern to defend the region from any incursions from Italy.

In order to understand the position of Godegisel we can make comparison with the years after 500, when we have good evidence for Gundobad's son Sigismund having a court in Geneva, but at the same time being subordinate to his father. Exactly when this arrangement was put in place is unclear, but

¹⁷⁸ Ennodius, *Vita Epifani*, 136-184. See Shanzer, *Two clocks and a wedding*, pp. 228-230.

¹⁷⁹ Ennodius, *Vita Epifani*, 168-170.

¹⁸⁰ Ennodius, epp. II, 5; III, 16; V, 24. See Stroheker, *Der senatorische Adel im spätantiken Gallien*, p. 187.

¹⁸¹ Ennodius, *Vita Epifanii*, 174.

¹⁸² Favrod, *Histoire politique du royaume burgonde*, pp. 155-158.

¹⁸³ Ennodius, *Vita Epifanii*, 140, 169 (*princeps*), 154, 155, 164, 166, 171, 174 (*rex*).

¹⁸⁴ *Ibidem*, 174: «fuit Genavae, ubi Godigisclus germanus regis larem statuerat».

¹⁸⁵ See Gregorius Turonensis, *Decem libri historiarum*, II, 32; Marius Aventicensis, *Chronica*, s.a. 500.

¹⁸⁶ Avitus, ep. 5: «ipse ... vestra natura circumdedit bonis vestris».

¹⁸⁷ *Forma et expositio Legum*, VII, 6; Wood, *Burgundian Law-making, 451-524*, p. 19.

¹⁸⁸ Favrod, *Histoire politique du royaume burgonde*, p. 154.

¹⁸⁹ *Notitia dignitatum*, Occ. XLII, ed. Seeck, pp. 215-216.

it may have been as early as 500 or 501: indeed, Sigismund may have simply taken over the position of Godegisel, after failure of the latter’s uprising. In 515 he is described as in «tribunali aliquibus iunior»¹⁹⁰, although he already boasted the title *rex*¹⁹¹. Avitus appears to have used the phrase «in tribunali unus prae omnibus» to describe Gundobad¹⁹². Sigismund also attended his father’s Easter court on at least one occasion¹⁹³. We may guess that the political hierarchy was similar when Godegisel was based in Geneva. And we can infer that Gundobad’s brother, along with his wife, was to be found on occasion in Lyon, given that the royal couple was supposedly involved in the foundation of St. Pierre in that city¹⁹⁴. In fact we know more about the activities of Godegisel’s wife, Theodelinda, than we know about him, since she also founded the church of St Victor in Geneva¹⁹⁵.

There is one additional piece of information, provided by Gregory of Tours, relating to Gundobad that we can probably place in the 480s or 490s. After a party of Burgundians had plundered the shrine of St Julian at Brioude, Gundobad’s wife intervened to ensure that the booty was returned.¹⁹⁶ This raid may have been more than a simple act of plunder: according to Fredegar, Euric himself made gifts to the shrine¹⁹⁷, which was also endowed by his *dux* Victorius¹⁹⁸. Senior members of the Visigothic court, in other words, were deliberately promoting the cult of Julian at Brioude.

7. Burgundian settlements

At this point we need to turn to the question of the Burgundian settlement. There has been considerable debate about the nature of the settlement ever since Walter Goffart’s ground-breaking *Barbarians and Romans*, published in 1980¹⁹⁹. It is not my intention here to go over the nature of the settlement, or rather settlements, for there were a number of them, one of which may have conformed to Goffart’s central model of tax allocation, while others did not²⁰⁰. Rather, I want to consider the settlements as an aspect of the policies of the *magistri militum*. The key text here is clause 54 of the *Liber Constitutionum*. This states that «licet eodem tempore, quo populus noster mancipiorum ter-

¹⁹⁰ Avitus, hom. 25.

¹⁹¹ Avitus, epp. 8, 29.

¹⁹² Avitus, hom. 24. For an interpretation of this homily, Perrat and Audin, *Alcimi Ecdicii Aviti viennensis episcopi homilia*, pp. 433-451.

¹⁹³ Avitus, epp. 76, 77.

¹⁹⁴ Favrod, *Histoire politique du royaume burgonde*, pp. 345-347.

¹⁹⁵ *Passio Ursi et Victoris*, ed. Lütolf, p. 174; Favrod, *Histoire politique du royaume burgonde*, pp. 294-297.

¹⁹⁶ Gregorius Turonensis, *Liber de virtutibus sancti Juliani*, 7-9.

¹⁹⁷ Fredegarius, *Chronicarum*, III, 13.

¹⁹⁸ Gregorius Turonensis, *Decem libri historiarum*, II, 20.

¹⁹⁹ Goffart, *Barbarians and Romans*, pp. 127-161.

²⁰⁰ Wood, *L’installation des burgondes dans l’empire romain*.

tiam et duas terrarum partes accepit, eiusmodi a nobis fuerit emissa praeceptio, ut quicumque agrum cum mancipiis seu parentum nostrorum sive nostra largitate perceperat, nec mancipiorum tertiam nec duas terrarum partes ex eo loco, in quo ei hospitalitas fuerat delegata requireret»²⁰¹. Here we can note several stages of land distribution. The lawgiver had distributed land, as had his predecessors, and there had been a subsequent more general distribution of property, all prior to this legislation. Unfortunately, the law contains no date, nor is the lawgiver identified, but since it goes on to regulate the rights of Romans as well as Burgundians we may guess that this is one of the *leges mitiores* issued by Gundobad, to appease the Romans after the rebellion of Godegisel in 500²⁰². It would seem, then, that the general distribution of land was made by Gundobad, who had already allocated land to some groups, as had his predecessors, presumably Gundioc and Chilperic. We can probably see the outcome of some of these settlements in the toponymic evidence, for instance that of the region of Lure, to the north of Besançon²⁰³, and in the epigraphic evidence, which indicates the presence of Burgundian notables in a small number of centres²⁰⁴.

What is perhaps most interesting for our purposes is the implication that some followers of Gundioc and Chilperic received land long before the general distribution, which would seem to have been made by Gundobad, who had himself already provided for some of his followers. We have one possible illustration of this piece-meal settlement in the time of Chilperic in the passage in the *Vita patrum Iurensium* already cited, where Lupicinus suggests that his accuser is under threat from a new *hospes*²⁰⁵. Alongside clause 54 of the *Liber Constitutionum* we also need to set the *Constitutio Extravagans XXI*, 12, which talks of a current prescription for the Burgundians of half the land, with the Romans retaining the other half and all the slaves²⁰⁶. How this can be squared with law 54 is entirely unclear. It is not easy to provide a context for the laws of the *Constitutiones Extravagantes*, but clause XXI must postdate 507, because it refers to the reign of Alaric II in the past and talks of Goths who had been held captive by the Franks²⁰⁷.

Why some groups were settled before others is a question worth posing. It suggests that we are not dealing with the settlement of a people in the period after 456, but rather with that of privileged groups among the followers

²⁰¹ *Liber Constitutionum*, 54: «[it] was commanded at the time the order was issued whereby our people [*populus noster*] should receive one-third of the slaves, and two-thirds of the land, that whoever had received land together with slaves either by gift of our predecessors or of ourselves, should not require a third of the slaves nor two parts of the land from that place in which hospitality had been assigned him».

²⁰² Innes, *Land, freedom, and the making of the Medieval West*, pp. 51-53; Wood, *The legislation of magistri militum: the laws of Gundobad and Sigismund*.

²⁰³ Chambon, *Une "île" de toponymes burgondes*.

²⁰⁴ Escher, *Genèse et évolution du deuxième royaume burgonde (443-534)*, vol. 1, pp. 150-164.

²⁰⁵ *Vita patrum Iurensium*, II, 10 (94).

²⁰⁶ *Constitutiones extravagantes*, XXI, 12.

²⁰⁷ *Ibidem*, 4, 7.

of the Gibichings, and those privileged groups were surely first and foremost military. And here it is useful to recall the significance of the phrase *populus noster* in the Burgundian laws²⁰⁸. Not all the followers of Gundioc, Chilperic and, especially Gundobad, who had been active in Italy, and who presumably returned to Gaul with men who had been members of Ricimer’s retinue, would have been “ethnic Burgundians”.

Although I make no attempt to attempt to provide a chronology for the various stages of distribution, it is worth stressing that our narrative sources imply a sequence of settlements. There is the initial settlement in Sapaudia²⁰⁹, although as we have seen that is problematic. There is then the division of land between Burgundians and senators dated 456 by Marius of Avenches²¹⁰, which is presumably the same as the settlement ascribed to the year 457 in the *Prosper Havniensis*²¹¹. A different memory of this may be preserved in Fredegar’s (erroneous) statement that in c.373 an agreement was made between the Burgundians and the Gauls of *Lugdunensis*, in which the Burgundians and their families received land, while the Romans received tax exemptions²¹². The date is clearly incorrect. If these references include the taking control of Lyon in 456-457, which is probable, then one should note that Majorian’s retaking of the city must have rendered all of these grants (except for the initial settlement in Sapaudia) null and void, although some arrangement must have been made for the Burgundians after their expulsion. In other words, none of these early arrangements are likely to be reflected in the *Liber Constitutionum*. However, some subsequent settlements of barbarians must have been authorised by Gundioc and Chilperic. And presumably one further settlement would have been that of the followers of Riotamus, the general who transferred his troops either from Britain to the continent, or simply from Brittany to the valley of the Loire, to support the emperor Anthemius²¹³. After his defeat at the hands of the Visigothic troops of Euric, Jordanes relates that Riotamus, together with his surviving followers, «ad Burgundionum gentem vicinam, Romanisque in eo tempore foederatam, advenit»²¹⁴, while Sidonius’ letter to the British leader suggests that he settled in the vicinity of Lyon²¹⁵. The followers of Riotamus might well have fallen under the designation of

²⁰⁸ Wood, *The legislation of magistri militum: the laws of Gundobad and Sigismund*.

²⁰⁹ *The Gallic Chronicle of 452*, 128.

²¹⁰ Marius Aventicensis, *Chronica*, s.a. 456.

²¹¹ *Consularia italica (Prosper Havniensis)*, 583.

²¹² Fredegarus, *Chronicae*, II, 46.

²¹³ Charles-Edwards, *Wales and the Britons, 350-1064*, pp. 59-60. Janniard, *Objectifs et moyens de la politique militaire d’Anthémios*, p. 248. I am inclined to believe that Riotamus came originally from Britain, although he may have been established in Armorica before fighting on behalf of Anthemius: Wood, *La Vita Germani: Constance de Lyon et son public*.

²¹⁴ Jordanes, *Getica*, XLV, 47-48: «came to the neighbouring Burgundian people, who were federated to the Romans at that time». Janniard, *Objectifs et moyens de la politique militaire d’Anthémios*, pp. 234-235, 247-249.

²¹⁵ Sidonius Apollinaris, ep. III, 9. See also Gregorius Turonensis, *Decem libri historiarum*, II, 18.

populus noster. It is worth remembering that the Breviary of Alaric, a reduced version of the Theodosian Code, with additional legal material, was issued for the *populus noster* of the Visigothic kingdom. Here it is clear that the phrase includes (indeed is primarily concerned with) Romans²¹⁶. Subsequently there must have been a settlement of whatever following accompanied Gundobad back from Italy in 474. And it is clear that there were various other incoming groups, who must also have been accommodated.

It is worth pausing a little longer on the question of who authorised these settlements. That in Sapaudia was no doubt determined by the imperial government, like that of the Visigoths – in the Burgundian case we may assume that Aetius was the mastermind²¹⁷. But the settlement recorded by the *Consularia italica* was supposedly agreed with the Visigothic king Theodoric²¹⁸. The settlement in *Lugdunensis Prima*, we are told, was arranged between the Burgundians and the senators²¹⁹. Neither of these was officially sanctioned by the imperial government. By contrast, the settlements organised by Gundioc, Chilperic and Gundobad would have been authorised by them as *magistri militum*²²⁰: they were thus imperial, even though, in the last instance, Gundobad was the representative of an emperor who had been replaced.

8. *The legislation of Gundobad and Sigismund*

With Gundobad's arrival in Gaul in 474 the link between the western emperor and the Gibichungs was broken. But Gundobad continued to act as an imperial official. We know that he continued to see himself as *magister militum* down to 516²²¹. His invasion of Liguria during the course of the war between Odoacer and Theodoric the Ostrogoth is admittedly rather more the action of a rival generalissimo than that of an imperial agent. And, unfortunately, we do not know whether he was aligned with either of the antagonists. In 500, in the aftermath of the uprising of his brother Godegisel, his first action seems to have been to condemn the rebels as being guilty of *maiestas*²²², a crime that was closely related to the issue of military *infidelitas* in Roman law²²³.

²¹⁶ *Lex Romana Wisigothorum*, prologus.

²¹⁷ Stickler, *Aëtius: Gestaltungsspielräume eines Heermeisters im ausgehenden Weströmisches Reich*, pp. 198-203; Mazzarino, *Aezio, la Notitia dignitatum e i Burgundi di Worms*.

²¹⁸ *Consularia italica (Prosper Havniensis)*, 583.

²¹⁹ Marius Aventicensis, *Chronica*, s.a. 456.

²²⁰ Esders, *Die Integration der Barbaren*, pp. 43, 45.

²²¹ Avitus, epp. 93, 94.

²²² *Forma et Expositio Legum*, VII, 6. Wood, *Burgundian law-making, 451-534*, pp. 19-20. Eisenberg, *A new name for a new state: the construction of the Burgundian regio*.

²²³ Esders, *Spätromisches Militärrecht in der Lex Baiuvariorum*, p. 64.

Godegisel, who was clearly dissatisfied with his status in Geneva, had allied secretly with Clovis to overthrow his older brother. But although Gundobad was defeated and had to retreat to Avignon, he came to an agreement with the Frankish king, and then turned on Godegisel, who tried to defend himself in Vienne, but was killed after the fall of the city. Thereafter, Gundobad dealt with the rebels, before issuing *leges mitiores*, according to Gregory of Tours, which were intended to answer the grievances of the Romans by controlling the actions of the ruler’s barbarian following²²⁴. It is likely that some of these *leges mitiores* are preserved in the *Liber Constitutionum* issued by Gundobad’s son Sigismund in 517²²⁵. Peter Heather has also advanced strong arguments for thinking that Gundobad compiled a lawbook shortly after 500, and that there are traces of it in the first forty-one clauses of the *Liber Constitutionum*²²⁶. In addition, it is likely that he had a collection of Roman law put together at the same time, and that this underlies the so-called *Lex Romana Burgundionum*, the *Forma et Expositio Legum*²²⁷. This was remarkably well-informed law, not just taking material from the *Codex Theodosianus*, but also from subsequent imperial novels²²⁸. Such legislation may look like a usurpation of imperial prerogative, but we should remember here the earlier legislation prepared by Syagrius and Sidonius for the Gibichungs. Gundobad was acting as his father and uncle had acted in their capacity as *magistri militum*²²⁹. But it is particularly striking that, following a challenge to his authority, his reaction was to resort to the promulgation and collection of (largely Roman) law.

The shadow of the Empire loomed over the last years of Gundobad’s reign and the first of Sigismund’s in other ways. At least a year before his death in 516, Gundobad set about arranging the transfer of the office of *magister militum*, which he apparently continued to claim, to his son²³⁰, even though the latter had already been accorded the title of *patricius*, presumably by the emperor²³¹, and *rex*, by the Burgundians²³². The concession of the title of *magister militum* seems to have followed in due course, but not before Gundobad’s death²³³. The Gibichungs were still technically imperial agents. Indeed the Empire seems to have been playing around with a model of dominance that

²²⁴ Innes, *Land, Freedom, and the Making of the Medieval West*, provides a broader context for the legislation.

²²⁵ Wood, *Burgundian law-making, 451-534*, pp. 9-11.

²²⁶ Heather, *Law and society in the Burgundian kingdom*, pp. 127-128.

²²⁷ Wood, *Burgundian law-making, 451-534*, pp. 11-12.

²²⁸ *Ibidem*, p. 11.

²²⁹ Wood, *The legislation of magistri militum: the laws of Gundobad and Sigismund*.

²³⁰ Avitus, epp. 93, 94.

²³¹ Avitus, epp. 9, 94.

²³² Marius Aventicensis, *Chronica*, s.a. 515.

²³³ Avitus, ep. 94. Shanzer and Wood, *Avitus of Vienne, Letters and Selected Prose*, pp. 149-153; Wood, *The Burgundians and Byzantium*, pp. 5-6.

might best be thought of as a commonwealth, in which the Successor States were to be understood as dependencies of Byzantium²³⁴.

One of the first known actions of Sigismund after his accession was the issuing of a law book, which he did early in the second year of his reign (517), at the Easter court, which was clearly the ceremonial highpoint of the year²³⁵. Like his father in 500, the new ruler saw the issuing of law as an act of personal legitimation. The *Liber Constitutionum* is sometimes called the *Burgundian Code*. This it most certainly is not: there is very little in it that deals exclusively with Burgundians, although a good number of clauses deal with relations between Romans and barbarians. And we should remember that the barbarians in the Code are not simply the Burgundians, but also *populus noster*, and even *barbari*, in general²³⁶. Taking this alongside the apparent insignificance for the Gibichungs of the concept of a *regnum*, we can see that the Burgundian province (the word *provincia* is used regularly)²³⁷, or region (*regio*)²³⁸, was never a barbarian kingdom as is often assumed in modern historiography. Rather it was an imperial left-over. The Gibichungs were the pro-imperialists par excellence between the battle of the Catalaunian Plains and 474. They can best be compared with Stilicho, Ricimer, and Aspar²³⁹. They never abandoned the empire: rather Julius Nepos betrayed them – and so, in a sense, did Sidonius, by carefully obscuring the extent to which he and his family worked with the Burgundian *magistri militum*. Even after 476 the Gibichungs attempted to maintain a Roman province, and indeed they did so with the help of relatives of Sidonius and heirs of his fellow senators: among the closest advisers of Gundobad and Sigismund were Sidonius' nephew Avitus of Vienne, and his friends²⁴⁰. In the early sixth century they were in close contact with Byzantium, and even acted in certain respects as Byzantine agents²⁴¹. As a result the Gibichung province was never a barbarian kingdom – it is only after it had been consumed by the Merovingian *Teilreiche* that *Burgundia* could be placed firmly in the world of the Successor States²⁴².

²³⁴ Wood, *A Byzantine Commonwealth, 476-533*.

²³⁵ Wood, *Burgundian law-making, 451-534*, pp. 6-7.

²³⁶ *Ibidem*, p. 3.

²³⁷ Favrod, *Histoire Politique du Royaume Burgonde*, p. 131.

²³⁸ Eisenberg, *A new name for a new state: the construction of the Burgundian regio*.

²³⁹ MacGeorge, *Late Roman Warlords*.

²⁴⁰ Shanzer and Wood, *Avitus of Vienne, Letters and Selected Prose*, pp. 162-242, 315-350; Gregorius Turonensis, *Decem libri historiarum*, II, 32; Fredegarius, *Chronicæ*, III, 18, 23.

²⁴¹ Wood, *The Burgundians and Byzantium*, p. 7.

²⁴² Wood, *A Byzantine Commonwealth, 476-533*. This paper was originally written as a lecture that was given at the Scuola normale in Pisa in 2019, at the invitation of Fabrizio Oppedisano. I am greatly indebted to Professor Oppedisano for his comments on the lecture and the draft text.

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