

of such magnitude. It would be almost true to say that from the ruins to the ruins of the ruins and from the ruins to the ruins to the ruins of the ruins in Britain, the Roman world trembled at the emperor's nod.

This criticism of Diocletian's policies by the Christian author Lactantius was influenced by Diocletian's persecution of the church.

From The Death of the Persecutors

While Diocletian, that author of ill, and deviser of misery, was ruining all things, he could not withhold his insults, not even against God. This man, by avarice partly, and partly by timid counsels, overturned the Roman empire: for he made choice of three persons to share the government with him; and thus, the empire having been quartered, armies were multiplied, and each of the four princes strove to maintain a much more considerable military force than any sole emperor had done in times past. There began to be fewer men who paid taxes than there were who received wages from the state; so that the means of the husbandmen being exhausted by enormous impositions, the farms were abandoned, cultivated grounds became woodland, and universal dismay prevailed. Besides, the provinces were divided into minute portions, and many presidents and a multitude of inferior officers lay heavy on each territory, and almost on each city. There were also many stewards of different degrees, and deputies of presidents. Very few civil causes came before them: but there were condemnations daily, and forfeitures frequently inflicted; taxes on numberless commodities, and those not only often repeated, but perpetual, and, in exacting them, intolerable wrongs.

Whatever was laid on for the maintenance of the soldiery might have been endured; but Diocletian, through his insatiable avarice, would never allow the sums of money in his treasury to be diminished: he was constantly heaping together extraordinary aids and free gifts, that his original hoards might remain untouched and inviolable. He also, when by various extortions he had made all things exceedingly dear, attempted by an ordinance to limit their prices.¹ Then much blood was shed for the veriest trifles; men were afraid to expose aught to sale, and the scarcity became more excessive and grievous than ever,

¹Lactantius refers to a price control edict issued in 301.

From Lactantius, *On the Manner in Which the Persecutors Died*, W. Fletcher, trans. in *The Ante-Nicene Fathers VII* (New York: The Christian Literature Co., 1888), p. 303.

Primary Sources for HST311
Unit #3 Reaction
civ ben (Theodosian) on Tacitus on What

Decline and Fall 177

until, in the end, the ordinance, after having proved destructive to multitudes, was from mere necessity abrogated.

Under Diocletian's successors many occupations considered useful to the state were made compulsory and hereditary. (Coloni were dependent peasants forbidden to leave the land they cultivated. Decurions were members of municipal councils, responsible for local government and tax collection; in earlier centuries the position had been much sought after as one of high honor.)

From The Theodosian Code

I, 5, 11. All persons who govern provinces shall exact payment of the delinquent taxes for their term of office when they have laid aside their administration. Those landholders whom no sense of shame can move to fulfill their public obligations shall be notified three times within a year, and if they do not complete all such public obligations, they shall pay double the amount of the debt through the office of Your Magnificence.

V, 17, 1. Any person in whose possession a colonus that belongs to another is found not only shall restore the aforesaid colonus to his birth status but also shall assume the capitation tax for this man for the time that he was with him.

1. Coloni also who meditate flight must be bound with chains and reduced to a servile condition, so that by virtue of their condemnation to slavery, they shall be compelled to fulfill the duties that befit freemen.

VI, 2, 14. We order that exemption from the payment of the global tax shall be granted to all those persons from Macedonia . . . who have been added to the Most August Order of the City of Constantinople [the Senate], according to the precedent of the Senators who were chosen from Thrace.

XI, 2, 4. Whenever, in accordance with custom, payment is demanded in the case of regular taxes or of taxes due, not the prices of natural products demanded shall be paid, but the natural products themselves . . .

XII, 1, 13. Since we have learned that the municipal councils are being left desolate by those persons who are obligated to them through

From Clyde Pharr, trans., *The Theodosian Code and Novels and the Sirmundian Constitutions* (Princeton, N.J.: Princeton University Press, 1952), pp. 17, 115, 119, 296, 344, 351, 406, 408. Copyright 1952 by Clyde Pharr, copyright © renewed 1980 by Roy Pharr. Reprinted by permission of Princeton University Press.

birth status and who are requesting imperial service for themselves through supplications to the Emperor and are running away to the legions and various governmental offices. We order all municipal councils to be admonished that if they should apprehend any persons with less than twenty terms of service in governmental offices . . . they shall drag such persons back to the municipal councils. . . .

XII, 1, 18. It is our will, indeed, that the sons of military men, according to the former regulation, either shall pursue the aforesaid service of their fathers, or, if they refuse to perform military service and had reached the age of thirty-five years, they shall be assigned to the municipal councils.

XII, 1, 62. If a decurion should steal into a guild of artisans for the purpose of evading other duties, he shall be restored to his pristine status, and in the future no person who derives his birth status from decurions shall dare to aspire to the duties of such a guild.

XIV, 2, 4. If any guild members of the City of Rome have illegally passed into foreign parts, they shall be forced to return by the administrative action of the governors of the provinces, in order that they may perform the compulsory public services which ancient custom has imposed upon them.

XIV, 3, 8. The office of Your Sincerity shall be on guard that if any man should once and for all be assigned to the guild of breadmakers, he shall not be granted the opportunity and power in any way to withdraw, even if the assent of all the breadmakers should strive to obtain his release and their assembly should appear to have agreed. Not even this privilege shall be granted to any breadmaker, namely, that he may pass from one breadmaking establishment to another.

XIV, 3, 14. If a daughter of a breadmaker should marry any man and afterward, when her fortune had been squandered, he should suppose that she may be released from the guild, We command that he shall be bound to the compulsory duties and guild of breadmaking by the same law and reason as if he were held by the bond of birth service to such compulsory status.

Christian Reactions

According to Salvianus (c. 400-480) the oppressive burden of taxation had undermined loyalty to the Roman state at the time of the barbarian invasions

Salvianus. *The Burden of Taxation*

But what else can these wretched people wish for, they who suffer the incessant and even continuous destruction of public tax levies. To them there is always imminent a heavy and relentless proscription. They desert their homes, lest they be tortured in their very homes. They seek exile, lest they suffer torture. The enemy is more lenient to them than the tax collectors. This is proved by this very fact, that they flee to the enemy in order to avoid the full force of the heavy tax levy. This very tax levying, although hard and inhuman, would nevertheless be less heavy and harsh if all would bear it equally and in common. Taxation is made more shameful and burdensome because all do not bear the burden of all. They extort tribute from the poor man for the taxes of the rich, and the weaker carry the load for the stronger. There is no other reason that they cannot bear all the taxation except that the burden imposed on the wretched is greater than their resources.

They suffer from envy and want, which are misfortunes most diverse and unlike. Envy is bound up with payment of the tax; need, with the ability to pay. If you look at what they pay, you will think them abundant in riches, but if you look at what they actually possess, you will find them poverty stricken. Who can judge an affair of this wretchedness? They bear the payment of the rich and endure the poverty of beggars.

Do we think we are unworthy of the punishment of divine severity when we thus constantly punish the poor? Do we think, when we are constantly wicked, that God should not exercise His justice against all of us? Where or in whom are evils so great, except among the Romans? Whose injustice so great except our own? The Franks are ignorant of this crime of injustice. The Huns are immune to these crimes. There are no wrongs among the Vandals and none among the Goths. So far are the barbarians from tolerating these injustices among the Goths, that not even the Romans who live among them suffer them.

Therefore, in the districts taken over by the barbarians, there is one desire among all the Romans, that they should never again find it necessary to pass under Roman jurisdiction. In those regions, it is the one and general prayer of the Roman people that they be allowed to carry on the life they lead with the barbarians. And we wonder why the Goths are not conquered by our portion of the population, when the Romans prefer to live among them rather than with us. Our brothers, therefore, are not only altogether unwilling to flee to us from them, but they even cast us aside in order to flee to them.

From J. F. O'Sullivan, trans., *The Writings of Salvian the Presbyter*, Fathers of the Church Series (Washington, D.C.: The Catholic University of America Press, 1947), Vol. 3, pp. 138, 141. Reprinted by permission of the publisher.

During the fifth century all the provinces of the Western empire were occupied by barbarians. Jerome, living far away in Bethlehem, heard the news with dismay.

Jerome. *The Barbarian Invasions*

Innumerable and most ferocious people have overrun the whole of Gaul. The entire area bounded by the Alps, the Pyrenees, the ocean and the Rhine is occupied by the Quadi, Vandals, Sarmatians, Alanni, Gepides, Saxons, Burgundians, Alamanni—oh weep for the empire—and the hostile Pannonians. . . . Mainz, once a noble city, is captured and razed, and thousands have been massacred in the church. Worms has succumbed to a long siege. Rheims, the impregnable, Amiens, Arras . . . Tours, Nîmes and Strasburg are in the hands of the Germans. The provinces of Aquitaine, of the land of the nine peoples, of Lyons and Narbonne are completely occupied and devastated either by the sword from without or famine within. I cannot mention Toulouse without tears, for until now it has been spared, due to the merits of its saintly bishop Exuperus. The Spaniards tremble, expecting daily the invasion and recalling the horrors of the incursion of the Cimbri. What others are going through the Spaniards suffer in continual anticipation.

Who would believe that Rome, victor over all the world, would fall, that she would be to her people both the womb and the tomb. Once all the East, Egypt and Africa acknowledged her sway and were counted among her men servants and her maid servants. Who would believe that holy Bethlehem would receive as beggars nobles, both men and women, once abounding in riches? Where we cannot help we mourn and mingle with their tears. . . . There is not an hour, not even a moment, when we are not occupied with crowds of refugees, when the peace of the monastery is not invaded by a horde of guests so that we shall either have to shut the gates or neglect the Scriptures for which the gates were opened. Consequently I have to snatch furtively the hours of the night, which now with winter approaching are growing longer, and try to dictate by candle light and thus through the labor of exegesis relieve a mind distraught. I am not boasting of our hospitality, as some may suspect, but simply explaining to you the delay.

The most profound Christian reflections on the fall of Rome came from Augustine (354–430). He began writing The City of God to refute the charge that abandonment of the old pagan gods had brought about Rome's disasters; but the work turned onto a far-ranging meditation on human history and destiny.

From R. H. Bainton, *The Medieval Church* (Princeton, N.J.: D. Van Nostrand, 1962), pp. 89–90.

Augustine. *The Two Cities*

God, desiring not only that the human race might be able by their similarity of nature to associate with one another, but also that they might be bound together in harmony and peace by the ties of relationship, was pleased to derive all men from one individual, and created man with such a nature that the members of the race should not have died, had not the two first (of whom the one was created out of nothing, and the other out of him) merited this by their disobedience; for by them so great a sin was committed, that by it the human nature was altered for the worse, and was transmitted also to their posterity, liable to sin and subject to death. And the kingdom of death so reigned over men, that the deserved penalty of sin would have hurled all headlong even into the second death, of which there is no end, had not the undeserved grace of God saved some therefrom. And thus it has come to pass, that though there are very many and great nations all over the earth, whose rites and customs, speech, arms, and dress, are distinguished by marked differences, yet there are no more than two kinds of human society, which we may justly call two cities, according to the language of our Scriptures. The one consists of those who wish to live after the flesh, the other of those who wish to live after the spirit; and when they severally achieve what they wish, they live in peace, each after their kind.

Of these two first parents of the human race, then, Cain was the first-born, and he belonged to the city of man; after him was born Abel, who belonged to the city of God. . . . Accordingly, it is recorded of Cain that he built a city, but Abel, being a sojourner, built none. For the city of the saints is above, although here below it begets citizens, in whom it sojourns till the time of its reign arrives, when it shall gather together all in the day of the resurrection; and then shall the promised kingdom be given to them, in which they shall reign with their Prince, the King of the ages, time without end.

But the earthly city, which shall not be everlasting (for it will no longer be a city when it has been committed to the extreme penalty), has its good in this world, and rejoices in it with such joy as such things can afford. But as this is not a good which can discharge its devotees of all distresses, this city is often divided against itself by litigations, wars, quarrels, and such victories as are either life-destroying or short-lived.

Thus the founder of the earthly city was a fratricide [Cain]. Overcome with envy, he slew his own brother, a citizen of the eternal city,

From Augustine, *The City of God*, M. Dods, trans. in *A Select Library of the Nicene and Post-Nicene Fathers* (Buffalo, N.Y.: The Christian Literature Co., 1887), Vol. 2, pp. 262, 284–285, 286–287, 412–413, 504.

and a sojourner on earth. So that we cannot be surprised that this first specimen, or, as the Greeks say, archetype of crime, should, long afterwards, find a corresponding crime at the foundation of that city which was destined to reign over so many nations, and be the head of this earthly city of which we speak. For of that city also, as one of their poets has mentioned, "the first walls were stained with a brother's blood," or, as Roman history records, Remus was slain by his brother Romulus. And thus there is no difference between the foundation of this city and of the earthly city, unless it be that Romulus and Remus were both citizens of the earthly city.

But the families which do not live by faith seek their peace in the earthly advantages of this life; while the families which live by faith look for those eternal blessings which are promised, and use as pilgrims such advantages of time and of earth as do not fascinate and divert them from God. . . . The earthly city, which does not live by faith, seeks an earthly peace, and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things which are helpful to this life. The heavenly city, or rather the part of it which sojourns on earth and lives by faith, makes use of this peace only because it must, until this mortal condition which necessitates it shall pass away. Consequently, so long as it lives like a captive and a stranger in the earthly city, though it has already received the promise of redemption, and the gift of the Spirit as the earnest of it, it makes no scruple to obey the laws of the earthly city, whereby the things necessary for the maintenance of this mortal life are administered; and thus, as this life is common to both cities, so there is a harmony between them in regard to what belongs to it. But, as the earthly city has had some philosophers whose doctrine is condemned by the divine teaching . . . it has come to pass that the two cities could not have common laws of religion, and that the heavenly city has been compelled in this matter to dissent, and to become obnoxious to those who think differently, and to stand the brunt of their anger and hatred and persecutions, except in so far as the minds of their enemies have been alarmed by the multitude of the Christians and quelled by the manifest protection of God accorded to them. This heavenly city, then, while it sojourns on earth, calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognizing that, however various these are, they all tend to one and the same end of earthly peace. It therefore is so far from rescinding and abolishing these diversities, that it even preserves and adopts them, so long only as no hindrance to the worship of the one supreme and true God is thus introduced. Even the heavenly city, therefore, while in its state of pilgrimage, avails itself of the peace of earth, and, so far as it can without injuring faith and godliness, desires and maintains a common

agreement among men regarding the acquisition of the necessities of life, and makes this earthly peace bear upon the peace of heaven; for this alone can be truly called and esteemed the peace of the reasonable creatures, consisting as it does in the perfectly ordered and harmonious enjoyment of God and of one another in God. When we shall have reached that peace, this mortal life shall give place to one that is eternal, and our body shall be no more this animal body which by its corruption weighs down the soul, but a spiritual body feeling no want.

Augustine's emphasis on the afterlife did not make him insensitive to the natural beauties of the earthly environment. He regarded them as gifts of God to man.

How can I tell of the rest of creation, with all its beauty and utility, which the divine goodness has given to man to please his eye and serve his purposes, condemned though he is, and hurled into these labors and miseries? Shall I speak of the manifold and various loveliness of sky, and earth, and sea; of the plentiful supply and wonderful qualities of the light; of sun, moon, and stars; of the shade of trees; of the colors and perfume of flowers; of the multitude of birds, all differing in plumage and in song; of the variety of animals, of which the smallest in size are often the most wonderful,—the works of ants and bees astonishing us more than the huge bodies of whales? Shall I speak of the sea, which itself is so grand a spectacle, when it arrays itself as it were in vestures of various colors, now running through every shade of green, and again becoming purple or blue? . . . How grateful is the alternation of day and night! how pleasant the breezes that cool the air! how abundant the supply of clothing furnished us by trees and animals! Who can enumerate all the blessings we enjoy?

In another work Augustine, departing from earlier cyclical theories of time, saw all history as a progression of ages culminating in the Christian era.

Augustine. *The Six Ages of the World*

Five ages of the world, accordingly, having been now completed (there has entered the sixth). Of these ages the first is from the beginning of the human race, that is, from Adam, who was the first man that was made, down to Noah, who constructed the ark at the time of the flood. Then the second extends from that period on to Abraham, who was called the father indeed of all nations which should follow the example of his faith, but who at the same time in the way of natural descent from his own flesh was the father of the destined people of the Jews;

From Augustine, *On Catechizing the Uninstructed*, S. D. F. Salmond, trans. in *A Select Library of the Nicene and Post-Nicene Fathers* (Buffalo, N.Y.: The Christian Literature Publishing Co., 1887), p. 307.

which people, previous to the entrance of the Gentiles into the Christian faith, was the one people among all the nations of all lands that worshipped the one true God: from which people also Christ the Saviour was decreed to come according to the flesh. . . . the third age extends from Abraham on to David the king; the fourth from David on to that captivity whereby the people of God passed over into Babylon; and the fifth from that transmigration down to the advent of our Lord Jesus Christ. With His coming the sixth age has entered on its process; so that now the spiritual grace, which in previous times was known to a few patriarchs and prophets, may be made manifest to all nations. . . . in order that in this sixth age the mind of man may be renewed after the image of God, even as on the sixth day man was made after the image of God.

Epilogue

You have a longer
excerpt

From Edward Gibbon, *The Decline and Fall of the Roman Empire*

As the happiness of a future life is the great object of religion, we may hear, without surprise or scandal, that the introduction, or at least the abuse, of Christianity had some influence on the decline and fall of the Roman empire. The clergy successfully preached the doctrines of patience and pusillanimity; the active virtues of society were discouraged; and the last remains of the military spirit were buried in the cloister; a large portion of public and private wealth was consecrated to the specious demands of charity and devotion; and the soldiers' pay was lavished on the useless multitudes of both sexes, who could only plead the merits of abstinence and chastity. Faith, zeal, curiosity, and the more earthly passions of malice and ambition kindled the flame of theological discord; the church, and even the state, were distracted by religious factions, whose conflicts were sometimes bloody, and always implacable; the attention of the emperors was diverted from camps to synods; the Roman world was oppressed by a new species of tyranny; and the persecuted sects became the secret enemies of their country. Yet party-spirit, however pernicious or absurd, is a principle of union as well as of dissension. The bishops, from eighteen hundred pulpits, inculcated the duty of passive obedience to a lawful and orthodox sovereign; their frequent assemblies, and perpetual correspondence, maintained the communion of distant churches; and the benevolent temper of the gos-

From Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, J. B. Bury, ed. (London, 1901), Vol. 4, 162-163.

pel was strengthened, though confined, by the spiritual alliance of the Catholics. The sacred indolence of the monks was devoutly embraced by a servile and effeminate age; but, if superstition had not afforded a decent retreat, the same vices would have tempted the unworthy Romans to desert, from baser motives, the standard of the republic. Religious precepts are easily obeyed, which indulge and sanctify the natural inclinations of their votaries; but the pure and genuine influence of Christianity may be traced in its beneficial, though imperfect, effects on the Barbarian proselytes of the North. If the decline of the Roman empire was hastened by the conversion of Constantine, his victorious religion broke the violence of the fall, and mollified the ferocious temper of the conquerors.

THE EARLY GERMANS—SOCIETY AND CULTURE

A Roman Account

The first detailed account of the German peoples was written by Tacitus in A.D. 98.

From Tacitus. *On Germany*

Physical Characteristics For my own part, I agree with those who think that the tribes of Germany are free from all taint of intermarriages with foreign nations, and that they appear as a distinct, unmixed race, like none but themselves. Hence, too, the same physical peculiarities throughout so vast a population. All have fierce blue eyes, red hair, huge frames, fit only for a sudden exertion. They are less able to bear laborious work. Heat and thirst they cannot in the least endure; to cold and hunger their climate and their soil inure them. . . .

Government. Influence of Women They choose their kings by birth, their generals for merit. These kings have not unlimited or arbitrary power, and the generals do more by example than by authority. If they are energetic, if they are conspicuous, if they fight in the front, they lead because they are admired. But to reprimand, to imprison, even to flog, is permitted to the priests alone, and that not as a punishment, or at the general's bidding, but, as it were, by the mandate of the god whom they believe to inspire the warrior. They also carry with them into battle certain figures and images taken from their sacred groves. And what most stimulates their courage is, that their squadrons or battalions, instead of being formed by chance or by a fortuitous gathering, are composed of families and clans. Close by them, too, are those dearest to them, so that they hear the shrieks of women, the cries of infants. They are to every man the most sacred witnesses of his bravery—they are his most generous applauders. The soldier brings his wounds to mother and wife, who shrink not from counting or even de-

From Tacitus, *The Agricola and Germany*, A. J. Church and W. J. Brodribb, trans. (London: Macmillan, 1877), pp. 87-107.

188

manding them and who administer both food and encouragement to the combatants.

Councils About minor matters the chiefs deliberate, about the more important the whole tribe. Yet even when the final decision rests with the people, the affair is always thoroughly discussed by the chiefs. They assemble, except in the case of a sudden emergency, on certain fixed days, either at new or at full moon. . . . Then the king or the chief, according to age, birth, distinction in war, or eloquence, is heard, more because he has influence to persuade than because he has power to command. If his sentiments displease them, they reject them with murmurs; if they are satisfied, they brandish their spears. The most complimentary form of assent is to express approbation with their weapons. . . .

Punishments. Administration of Justice In their councils an accusation may be preferred or a capital crime prosecuted. Penalties are distinguished according to the offence. Traitors and deserters are hanged on trees; the coward, the unwarlike, the man stained with abominable vices, is plunged into the mire of the morass with a hurdle put over him. This distinction in punishment means that crime, they think, ought, in being punished, to be exposed, while infamy ought to be buried out of sight. Lighter offences, too, have penalties proportioned to them; he who is convicted, is fined in a certain number of horses or of cattle. Half of the fine is paid to the king or to the state, half to the person whose wrongs are avenged and to his relatives. In these same councils they also elect the chief magistrates, who administer law in the cantons and the towns. Each of these has a hundred associates chosen from the people, who support him with their advice and influence. . . .

Warlike Ardour of the People When they go into battle, it is a disgrace for the chief to be surpassed in valour, a disgrace for his followers not to equal the valour of the chief. And it is an infamy and a reproach for life to have survived the chief, and returned from the field. To defend, to protect him, to ascribe one's own brave deeds to his renown, is the height of loyalty. The chief fights for victory; his vassals fight for their chief. If their native state sinks into the sloth of prolonged peace and repose, many of its noble youths voluntarily seek those tribes which are waging some war, both because inaction is odious to their race, and because they win renown more readily in the midst of peril, and cannot maintain a numerous following except by violence and war. Indeed, men look to the liberality of their chief for their war-horse and their bloodstained and victorious lance. Feasts and entertainments, which, though inelegant, are plentifully furnished, are their only pay. The means of this bounty come from war and rapine. Nor are they as easily persuaded to plough the earth and to wait for

the year's produce as to challenge an enemy and earn the honour of wounds. Nay, they actually think it tame and stupid to acquire by the sweat of toil what they might win by their blood.

Habits in Time of Peace Whenever they are not fighting, they pass much of their time in the chase, and still more in idleness, giving themselves up to sleep and to feasting, the bravest and the most warlike doing nothing, and surrendering the management of the household, of the home, and of the land, to the woman, the old men, and all the weakest members of the family. They themselves lie buried in sloth, a strange combination in their nature that the same men should be so fond of idleness, so averse to peace. . . .

Marriage Laws Their marriage code, however, is strict, and indeed no part of their manners is more praiseworthy. Almost alone among barbarians they are content with one wife, except a very few among them, and these not from sensuality, but because their noble birth prohibits for them many offers of alliance. The wife does not bring a dowry to the husband, but the husband to the wife. The parents and relatives are present, and pass judgment on the marriage-gifts, gifts not meant to suit a woman's taste, nor such as a bride would deck herself with, but oxen, a caparisoned steed, a shield, a lance, and a sword. With these presents the wife is espoused, and she herself in her turn brings her husband a gift of arms. This they count their strongest bond of union, these their sacred mysteries, these their gods of marriage. Lest the woman should think herself to stand apart from aspirations after noble deeds and from the perils of war, she is reminded by the ceremony which inaugurates marriage that she is her husband's partner in toil and danger, destined to suffer and to dare with him alike both in peace and in war. The yoked oxen, the harnessed steed, the gift of arms, proclaim this fact. She must live and die with the feeling that she is receiving what she must hand down to her children; neither tarnished nor depreciated, what future daughters-in-law may receive, and may be so passed on to her grandchildren.

Thus with their virtue protected they live uncorrupted by the allurement of public shows or the stimulant of feastings. Clandestine correspondence is equally unknown to men and women. Very rare for so numerous a population is adultery, the punishment for which is prompt, and in the husband's power. Having cut off the hair of the adulteress and stripped her naked, he expels her from the house in the presence of her kinsfolk, and then flogs her through the whole village. The loss of chastity meets with no indulgence; neither beauty, youth, nor wealth will procure the culprit a husband. No one in Germany laughs at vice, nor do they call it the fashion to corrupt and to be corrupted. . . .

Hereditary Feuds. Fines for Homicide. Hospitality It is a duty among them to adopt the feuds as well as the friendships of a father or a kinsman. These feuds are not implacable; even homicide is expiated by the payment of a certain number of cattle and of sheep, and the satisfaction is accepted by the entire family, greatly to the advantage of the state, since feuds are dangerous in proportion to a people's freedom.

No nation indulges more profusely in entertainments and hospitality. To exclude any human being from their roof is thought impious; every German, according to his means, receives his guest with a well-furnished table.

Laws and Customs

Surviving codes of customary law provide much evidence about the structure of early Germanic society.

From *Laws of the Salian Franks*

Title I. Concerning Summonses.

1. If any one be summoned before the "Thing" by the king's law, and do not come, he shall be sentenced to 600 denars, which make 15 shillings (solidi).

Title III. Concerning Thefts of Cattle.

4. If any one steal that bull which rules the herd and never has been yoked, he shall be sentenced to 1800 denars, which make 45 shillings.
5. But if that bull is used for the cows of three villages in common, he who stole him shall be sentenced to three times 45 shillings.
6. If any one steal a bull belonging to the king he shall be sentenced to 3600 denars, which make 90 shillings.

Title XIII. Concerning Rape Committed by Freemen.

1. If three men carry off a free born girl, they shall be compelled to pay 30 shillings.
2. If there are more than three, each one shall pay 5 shillings.

¹The folk assembly.

From E. F. Henderson, trans. in *Select Historical Documents of the Middle Ages* (London: George Bell and Sons, 1892), pp. 176-189.

3. Those who shall have been present with boats shall be sentenced to three shillings.
4. But those who commit rape shall be compelled to pay 2500 denars, which make 63 shillings.

Title XVII. Concerning Wounds.

1. If any one have wished to kill another person, and the blow have missed, he on whom it was proved shall be sentenced to 2500 denars, which make 63 shillings.
2. If any person have wished to strike another with a poisoned arrow, and the arrow have glanced aside, and it shall be proved on him: he shall be sentenced to 2500 denars, which make 63 shillings.
3. If any person strike another on the head so that the brain appears, and the three bones which lie above the brain shall project, he shall be sentenced to 1200 denars, which make 30 shillings.
4. But if it shall have been between the ribs or in the stomach, so that the wound appears and reaches to the entrails, he shall be sentenced to 1200 denars—which make 30 shillings—besides five shillings for the physician's pay.

Title XXIV. Concerning the Killing of Little Children and Women.

1. If any one have slain a boy under 10 years—up to the end of the tenth—and it shall have been proved on him, he shall be sentenced to 24000 denars, which make 600 shillings.
3. If any one have hit a free woman who is pregnant, and she dies, he shall be sentenced to 28000 denars, which makes 700 shillings.
6. If any one have killed a free woman after she has begun bearing children, he shall be sentenced to 24000 denars, which make 600 shillings.
7. After she can have no more children, he who kills her shall be sentenced to 8000 denars, which make 200 shillings.

Title XXX. Concerning Insults.

3. If any one, man or woman, shall have called a woman harlot, and shall not have been able to prove it, he shall be sentenced to 1800 denars, which make 45 shillings.
4. If any person shall have called another "fox," he shall be sentenced to 3 shillings.
5. If any man shall have called another "hare," he shall be sentenced to 3 shillings.

Title XLI. Concerning the Murder of Freemen.

1. If any one shall have killed a free Frank, or a barbarian living under the Salic law, and it have been proved on him, he shall be sentenced to 8000 denars.
2. But if he shall have thrown him into a well or into the water, or shall have covered him with branches or anything else, to conceal him, he shall be sentenced to 24000 denars, which make 600 shillings.
3. But if any one has slain a man who is in the service of the king, he shall be sentenced to 24000 denars, which make 600 shillings.
4. But if he have put him in the water or in a well, and covered him with anything to conceal him, he shall be sentenced to 72000 denars, which make 1800 shillings.
5. If any one have slain a Roman who eats in the king's palace, and it have been proved on him, he shall be sentenced to 12000 denars, which make 300 shillings.
6. But if the Roman shall not have been a landed proprietor and table companion of the king, he who killed him shall be sentenced to 4000 denars, which make 100 shillings.

Title LIX. Concerning Private Property.

1. If any man die and leave no sons, if the father and mother survive, they shall inherit.
2. If the father and mother do not survive, and he leave brothers or sisters, they shall inherit.
3. But if there are none, the sisters of the father shall inherit.
4. But if there are no sisters of the father, the sisters of the mother shall claim that inheritance.
5. If there are none of these, the nearest relatives on the father's side shall succeed to that inheritance.
6. But of Salic land no portion of the inheritance shall come to a woman: but the whole inheritance of the land shall come to the male sex.

Title LXII. Concerning Wergeld.

1. If any one's father have been killed, the sons shall have half the compounding money (wergeld); and the other half the nearest relatives, as well on the mother's as on the father's side, shall divide among themselves.
2. But if there are no relatives, paternal or maternal, that portion shall go to the fisc.

The laws of other German peoples contain parallel provisions regulating family affairs and inheritances, with variations of detail from people to people.

From Laws of the Burgundians

Of the Stealing of Girls.

1. If anyone shall steal a girl, let him be compelled to pay the price set for such a girl ninefold, and let him pay a fine to the amount of twelve solidi.

Of Succession.

1. Among Burgundians we wish it to be observed that if anyone does not leave a son, let a daughter succeed to the inheritance of the father and mother in place of the son.

Of Burgundian Women Entering a Second or Third Marriage.

1. If any Burgundian woman, as is the custom, enters a second or third marriage after the death of her husband, and she has children by each husband, let her possess the marriage gift (*donatio nuptialis*) in usufruct while she lives; after her death, let what his father gave her be given to each son, with the further provision that the mother has the power neither of giving, selling, or transferring any of the things which she received in the marriage gift.

2. If by chance the woman has no children, after her death let her relatives receive half of whatever has come to her by way of marriage gift, and let the relatives of the dead husband who was the donor receive half.

3. But if perchance children shall have been born and they shall have died after the death of their father, we command that the inheritance of the husband or children belong wholly to the mother.

Of Women Violated.

1. Whatever native freeman does violence to a maidservant, and force can be proved, let him pay twelve solidi to him to whom the maidservant belongs.

2. If a slave does this, let him receive a hundred fifty blows.

Of Divorces.

1. If any woman leaves (puts aside) her husband to whom she is legally married, let her be smothered in mire.

From *The Burgundian Code*, Katherine Fischer, trans. (Philadelphia, Pa.: University of Pennsylvania Press, 1949), pp. 31, 32, 40, 45, 46, 85. Reprinted by permission of the publisher.

2. If anyone wishes to put away his wife without cause, let him give her another payment such as he gave for her marriage price, and let the amount of the fine be twelve solidi.

3. If by chance a man wishes to put away his wife, and is able to prove one of these three crimes against her, that is, adultery, witchcraft, or violation of graves, let him have full right to put her away: and let the judge pronounce the sentence of the law against her, just as should be done against criminals.

4. But if she admits none of these three crimes, let no man be permitted to put away his wife for any other crime. But if he chooses, he may go away from the home, leaving all household property behind, and his wife with their children may possess the property of her husband.

Of Women Who Go to Their Husbands Voluntarily.

If any woman, Burgundian or Roman, gives herself voluntarily in marriage to a husband, we order that the husband have the property of that woman; just as he has power over her, so also over her property and all her possessions.

A Germanic Hero-King

At the end of the Anglo-Saxon epic Beowulf, the hero ("lord of the Geats") fights to the death with a monstrous fire-breathing dragon who guards a great treasure-hoard. The story of Beowulf illustrates early Germanic ideals of conduct with vivid force.

From Beowulf

Stout-hearted he shouted; his voice went roaring, clear in battle, in under the gray stone. Hate was stirred up, the hoard's guard knew the voice of a man. No more time was there to ask for peace. First the monster's breath came out of the stone, the hot war-steam. The earth resounded. The man below the barrow, the lord of the Geats, swung his shield against the dreadful visitor. Then the heart of the coiled thing was aroused to seek combat. The good war-king had drawn his sword, the old heirloom, not blunt of edge. To each of them as they threatened destruction there was terror of the other. Firm-hearted he stood with his shield high, the lord of friends, while quickly the worm

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