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How the Franks Became Frankish: The Power of Law Codes and the Creation of a

People

An Honors Thesis submitted in partial fulfillment of the requirements for Honors in
History

By

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Under the mentorship of Dr. James Todesca

ABSTRACT

During the fifth century, many Germanic peoples in Roman service assumed control over vast swathes of the Western Empire. Among these peoples were the Franks, who lend their name to the modern European nation of France. Thus, a question arises regarding how this came to be: how did illiterate tribes from Germania create a culture of their own that supplanted the Romans? Through an analysis of Frankish legal texts like the *Lex Salica* and the *Capitularies of Charlemagne*, this paper argues that the Franks forged their own identity by first formalizing their Germanic customs in the early sixth century and then by imposing more sweeping laws in the eighth and ninth centuries that portrayed them as champions of Christianity. Ultimately, through the use of these institutions, the Franks instilled in themselves and their neighbors the idea of what it meant to be Frankish and established arguably the greatest successor state in the western Roman provinces.

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November 2020

Department of History

University Honors Program

Georgia Southern University

The rise of the Germanic kingdoms is a topic that has captivated historians since Edward Gibbons monumental *Decline and Fall of the Roman Empire*. Peter Heathers, a professor at King's College in London who specializes in the history of Late Antiquity and the Early Middle Ages, postulates that the migrations of Germanic peoples led to their development of a sense of identity.[1] Austrian professor Dr. Herwig Wolfram, in his study of the Goths, has characterized these developments as ethnogenesis, though he did not create the term. [2] Ethnogenesis refers to a group's sense of identity, a people's awareness of themselves.[3] The Franks, who migrated into the Roman province of Gaul in the fifth century, had first begun to mold an identity through their service in the Roman military. Their continued creation of a distinct identity in the context of the changing Roman world of the late fifth century ultimately allowed them to successfully create the kingdom of France.

Gaul was conquered in the early first century BC by Gaius Julius Caesar, starting the process of Romanization through the settlement of Roman peoples and the establishment of their institutions.[4] It would remain a Roman province for over four hundred years until the late fifth century AD when the Salian Franks, under King Clovis I (r. 482-511), conquered the last Roman outpost in the west and consolidated their control on the region. While Clovis and the Merovingian dynasty of kings laid the foundations of

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[1] Peter Heather, *Empires and Barbarians: The Fall of Rome and the Birth of Europe* (New York: Oxford University Press, 2009), xv-xvii. For Edward Gibbon, see Peter Gay, *Style in History* (New York: McGraw-Hill, 1974), 21-56.

[2] Herwig Wolfram, *History of the Goths*, trans. Thomas J. Dunlap (Berkeley, CA: University of California Press, 1988) 13-14.

[3] Geary, Patrick, "Barbarians and Ethnicity," in G.W. Bowersock et al., eds *Late Antiquity: A Guide to the postclassical world* (Cambridge, MA. :Belknap Press, 1999), 107-29

[4] Patrick J. Geary, *Before France and Germany: The Creation and Transformation of the Merovingian World* (New York, NY: Oxford University Press, 1988), 5-6.

Frankish identity, the transition from a Roman province to Germanic kingdom was not a rapid event. In the sixth and seventh centuries, there was still strong Roman influence in the region, although it was concentrated primarily in cities with a large Romance speaking population and religious significance, such as Metz and Cologne.[5] This paper argues that it was the Carolingian dynasty who, in overthrowing the Merovingians in the mid-eighth century, established a clear Frankish identity that encompassed not only the Franks but other Germanic peoples such as the Saxons and Burgundians as well as the old Gallo-Roman population. In particular, it was Charlemagne's (768-814) sense of kingship and his legislative program that pushed beyond customary tribal law and created laws and institutions for all his subjects.[6]

The Merovingians under Clovis

By the 480's, the last vestige of Roman authority in the west was a rump state in northern Gaul, concentrated around the city of Soissons. It was ruled by Syagrius (r. 464-487), who was known as the "king of the Romans," according Gregory of Tours.[7] Syagrius and his title reflected the priorities of the day. It also highlighted the closing divide between the Germanic tribes and the Gallo-Romans in Gaul, as the latter became more barbarized and the former more Romanized.[8] In Syagrius's service were many of Germanic background, including Franks; Clovis's father, Childeric I r. (458-482), had

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[5] Geary, *Before France and Germany*, 98.
[6] Ganshof, François L, *Frankish Institutions Under Charlemagne* (New York: W.W. Norton & Company Inc., 1968), 12.

[7] Gregory of Tours, *History of the Franks,* trans. Ernest Brehaut, ed. W.T.H. Jackson (New York: Octagon Books Inc., 1965), 36.
[8] Geary, *Before France and Germany*, 81.

been an ally of both Syagrius and his father, Aegidius, which was not an uncommon arrangement for Germans and Romans at the time.[9]

Before the Franks obtained control of Gaul, they were allies of Rome. They were expected, like many Germanic tribes who entered Roman service, to supply soldiers to the imperial army.[10] It was in this sector of Roman administration that the Franks began to forge an identity from the loose confederations of traditional tribal groups like the Chamavians and Bructerians.[11] For example, a funerary inscription from the third century reads, "*Francus ego cives, miles romanus in armis*," which can be translated as, "I am a Frank by nationality, but a Roman soldier under arms."[12] Medieval historian Patrick Geary noted that the use here of the word *cives* was "a term incomprehensible without some sense of Roman statecraft and law."[13] This is an indication that the Franks were starting to see themselves as their own people but in the context of a Roman world and institutions. It explains how Gaul by the late fifth century was relatively easy to conquer, as the Franks lived in proximity to and had knowledge of Gallo-Roman administration.

In 486, Clovis conquered Soissons, overthrew Syagrius, and assumed control over the last area of Roman authority in northern Gaul. There has been some speculation as to why he did so. Geary believes that the decision was made because many Franks were in the service of Syagrius, and Clovis did not want to lose potential soldiers to another's command.[14] This move by Clovis would characterize much of his time as king, as he

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[9] Heather, Empires and Barbarians, 308.
[10] Geary, *Before France and Germany*, 79.
[11] Geary, Before France and Germany, 79-80.
[12] Ibid., 79.
[13] Ibid., 79.
[14] Geary, *Before France and Germany*, 83.

sought to kill rival Frankish kings and chieftains and consolidate his power.[15] But the conquest of Soissons highlights an important fact about fifth century Gaul: the Franks had concentrated military power, and could use it as they deemed fit. Why, we might ask, did the Gallo-Romans accept this?

The simplest answer is that the Franks had seized control of the region and over time the Gallo-Romans who lived there gradually conceded and began associating themselves with their conquerors. Eventually there was a new status quo as Frankish rule became normalized. While this is certainly true, it does not explain the entire process of transition. For example, when the Franks ruled the region, the Gallo-Romans could have rebelled or launched a counter-conquest, reasserting the old Roman authority. They did not lack the numbers to do so. According to an estimate by Geary, the Franks possibly numbered 150,000 to 200,000 people compared to six to seven million Gallo-Romans by 500.[16] With such a numerical advantage, the Gallo-Romans should have been able to overthrow their conquerors. However, they showed little inclination to revolt and by the time of Clovis there was a decent rapport between the Frankish king and his new subjects. According to Gregory of Tours, when Clovis conquered Soissons, the local bishop, whose church had been looted during the conquest, petitioned Clovis for the return of a particular vase. Clovis, perhaps in the interest of not offending his new Gallo-Roman subjects, acceded to the bishop's request and attempted to retrieve the vase, but it had been smashed by a contemptuous soldier.[17] Based on this account, Clovis

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[15] Heather, *Empires and Barbarians*, 309.
[16] Geary, *Before France and Germany*, 114-115.
[17] Gregory, *History of the Franks*, 37.

understood, that cooperation with the Church would help ensure political stability in his new regime.

Another clear reason why the reassertion of Roman authority was unlikely was geography. By 500, the only areas of the empire that remained in Roman possession were those in the eastern Mediterranean, i.e. the Balkans, Anatolia, Palestine and Egypt. Additionally, between the eastern Romans and the Franks, there were other powerful Germanic kingdoms, such as the Ostrogoths in Italy, the Vandals in North Africa, and the Visigoths in Hispania. These had as much interest in maintaining their new found gains as the Franks, yet their geographical proximity to the Mediterranean made them easier to reclaim by the time of Emperor Justinian I (r. 527-565). As Geary notes, "Gaul and Germany were simply too peripheral to Byzantine concerns."[18] Thus, instead of attempting to subjugate the rising Frankish kingdom, the eastern Romans, or Byzantines as they are more widely known, recognized Clovis with the title of consul, effectively making him a Roman official.[19] But the title did not make Clovis subject to the Byzantines, as the latter lacked the means of enforcing their authority because of the immense distance between them. The Byzantines under Justinian focused more of their efforts on influencing and regaining Ostrogothic Italy, Vandal North Africa, and Visigothic Spain.[20] However, Clovis' consulship did engender good relations between the Franks and Byzantines. For Clovis, it gave him license to do as he wished in the west, and he used it to legitimize his authority over his Gallo-Roman subjects, as he was now

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[18] Geary, *Before France and Germany*, 89.
[19] Gregory, *History of the Franks*, 47.
[20] Heather, *Empires and Barbarians*, 361.

both king of the Franks and a Roman Consul.[21] But in addition to this, he also became an orthodox Catholic. According to Gregory of Tours, Clovis converted to Catholicism during a battle with the Alemanni though some historians suspect he had done so before that year.[22] By adopting this form of Christianity over Arianism, a characteristic of the rulers of other Germanic kingdoms, he ingratiated himself to his Gallo-Roman subjects who were also Catholics. Thus, through his conversion to Catholicism, as well as being an ally to eastern Roman power, Clovis and his Franks had the recognition from the Byzantines to develop their culture in relative, yet secure isolation. For Clovis, his successors, and the Franks, an important expression of the newfound Frankish identity is found in the law code made to govern them: the *Lex Salica*.

The *Lex Salica*

The *Lex Salica*, or "Salic Law," was written sometime between 507 and 511, in the final years of Clovis's reign.[23] Known more widely as the *Pactus Legis Salicae*, its very existence is a testament to Romanization.[24] Geary suggests that, "Clovis was not acting as a barbarian king, but as the legitimate ruler of a section of the Romanized world."[25] As the law code was redacted after Clovis received the title of consul in 507, the *Lex Salica* was an attempt at legitimacy that gave the Franks the right to rule Gaul.

This document instituted many Frankish and other Germanic legal practices, such as the concern for blood feuds and how to prevent them through the use of fines or other

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[21] Geary, *Before France and Germany*, 87.
[22] Gregory, *History of the Franks*, 40-41. William M. Daly, "Clovis: How Barbaric, How Pagan?" *Speculum* 69 (1994): 619-664.
[23] Geary, *Before France and Germany*, 90.
[24] Ibid., 90.
[25] Ibid., 90.

penalties.[26] For example, if a freeman was killed, the guilty party was fined to 8,000 *denarii*.[27] A distinctive feature of the *Lex Salica* is that it does not only apply to Franks, but also other Germanic peoples under Clovis, and in some cases, could apply to Gallo-Romans.[28] In the law code, where fines are concerned, there is a disparity between what Franks must pay and what Gallo-Romans must pay, particularly for murder and theft. According to Title XIV, if a Frank stole from a Gallo-Roman, he paid 35 shillings, but if the Gallo-Roman were the thief, he paid 63 shillings.[29]

In Germanic societies, the *wergeld* was the value that each person had, and the price paid to his/her family if said person were killed or somehow aggrieved by another party.[30] The fines stipulated in Title XIV of the *Lex Salica* are indicative of such. By allowing the Franks to pay less in restitution, as well as receiving more if they were aggrieved, the law reflected the duality of the early Frankish kingdom. The Franks were the masters of the Gallo-Romans by conquest, and with the formalization of the *Lex Salica*, they were their betters by law. However, by incorporating the Gallo-Romans into this system, the *Lex Salica* places them in the context of the Germanic legal tradition, meaning they would have to work within the system if they had offended a Frank.

By making the other Germanic peoples in his realm subject to the *Lex Salica*, Clovis forced his rivals, and other non-Franks, into a shared legal code. For example, in

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[26] Geary, *Before France and Germany*, 111.

[27] Ernest F. Henderson, ed. *Historical Documents of the Middle Ages*. (London: George Bell and Sons, 1910) 182.

[28] Geary, *Before France and Germany*, 90.

[29]Henderson, *Historical Documents,* 179.

[30] Katherine Fischer Drew, ed., *The Laws of the Salian Franks* (Philadelphia: University of Pennsylvania Press, 1991), 45.

the later years of his rule, Clovis had orchestrated the death of a kinsman, Sigibert, by

persuading his son to kill him and seize his father's kingdom.[31] Sigibert was the king of a

war band of Franks that resided across the Rhine, known as the Ripuarian Franks.

According to Gregory of Tours, when the parricidal son presented Clovis with the wealth

of his father's kingdom, Clovis had him killed.[32] Feigning ignorance and innocence,

Clovis then obtained his rival's soldiers and people.[33] To all those now under the rule of

Clovis, conformity, at least as far as the law was concerned, would be the norm. Through

this legal innovation, Clovis effectively mitigated the old tribal confederations of

Germania, except it would be instituted into a written law and not an oral agreement.

Also, unlike the old confederate identities, this one would be more difficult to break.

The most significant aspect of the law code is that it created a written precedent

that could not be undone without a formal process. The prologue of the text states that

four men were chosen and wrote the code, giving it a degree of legitimacy, as it claims to

have been done in consideration of the kingdom's various parts.[34] The law then became

an institution that could be appealed to for answers in arbitration. In addition, it expresses

the priorities and rules that mostly affect the culture that created them. It is an expression

of how the Franks felt that justice should be conducted and what penalties should be

exacted. It did not shape Frankish identity, but rather reinforced it by making their legal

customs and precepts the prevalent law over all peoples of the realm. However, the law

code only minimally included the Gallo-Romans, primarily governing their conflicts

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[31] Gregory, *History of the Franks*, 47.
[32] Gregory, *History of the Franks*, 48.
[33] Ibid., 48
[34] Drew, *The Laws of the Salian Franks*, 59.

between the Franks and other Germans. Nevertheless, by codifying the traditions and customs of the Franks, it ensured those traditions continued beyond the days of Clovis.

The law code, therefore, cannot be seen as an attempt by Clovis to merge the Gallo-Romans and the Franks. By assessing the worth of one's *wergeld* by identity, it established a criteria of delineation. Also, despite being enacted by a Christian king, Clovis's *Lex Salica* shows little Christian influence other than in the prologue where it mentions that the code was created, "with the aid of God."[35] However, it recognizes that the Franks were still distinct and easily discernable; one surely had needed to prove oneself a Frank if claiming a higher wergeld. Thus, the *Lex Salica* shows signs of Frankish ethnogenesis in the early Merovingian period by regarding themselves as the betters of their Gallo-Roman subjects. In later centuries, under the Carolingians, Frankish identity would also come to include these peoples, among many others.

The Carolingians

Following Clovis's death in 511, his four sons were each given a part of the kingdom. After dividing the kingdom, Clovis's sons and their descendants fought with each other over their respective portions. This series of conflicts continued throughout the sixth and seventh century, with a few kings rising to the position of sole ruler, such as Clotar II (r. 613-629) and Dagobert I (r. 629-638), but the unity they created did not continue after their passing. The kingdom would remain divided into the eighth century, until the position of sole king was obtained by Childeric III (r. 743-751).[36] Although

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[35] Ibid., 59
[36] Rosamund McKitterick, *History and Memory in the Carolingian World* (Cambridge, Cambridge University Press, 2010), 133.

Childeric was king, he was devoid of actual power, which was concentrated in the office

of *maior domus*, or mayor of the palace, a position akin to a modern prime minister.

Famous among these mayors is Charles Martel, who thwarted Islamic incursions into

Francia at the Battle of Tours in 731.[37] Martel's family, which later became the royal

house of the Carolingians, had been gradually weaning power away from the king. This

was a trend during Merovingian rule in the late seventh century and early eighth century

where local lords and prominent families sought to increase their own power by

decreasing that of the king.[38] With true power in the control of the *maior domus*,

Childeric was eventually deposed.

In 751, the mayor of the palace, Pepin, Charles Martel's son, launched a coup

against Childeric and assumed the kingship for himself.[39] According to the state-

sanctioned history of the royal Carolingian court, the *Royal Frankish Annals*, Pepin's

coup stemmed from an inquiry he sent to Pope Zacharias in 749, asking, "whether it was

good or not that the king of the Franks should wield no royal power, as was the case at

the time."[40] The question presented to the pope was one of practicality; for the writers of

the *Royal Frankish Annals* the kingship should belong to someone who had actual power.

This sentiment is echoed in the early-ninth century account of *The Life of Charlemagne*

by Einhard, where he claims that the Merovingians, "had in fact been without any

strength for a long time and offered nothing of any worth except the empty title of

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[37] Geary, *Before France and Germany*, 204.
[38] Geary, *Before France and Germany*, 200-201.
[39] Heather, *Empires and Barbarians*, 367.
[40] Bernhard Walter Scholz, trans. *Carolingian Chronicles: Royal Frankish Annals and Nithard's Histories* (Ann Arbor, MI: Ann Arbor-University of Michigan Press, 2000), 39.

king."[41] In response to Pepin's inquiry, Pope Zacharias, "instructed Pepin that it was better to call him king who had the royal power than the one who did not", thus beginning the Carolingian dynasty under Pepin (r. 751-768).[42] Childeric was promptly deposed, and in an act that was meant to delegitimize him, his long hair was cut. According to Germanic tradition, having long hair was a sign of royalty and had been a symbol of Frankish unity.[43] The sanction of the pope was the basis for Carolingian legitimacy, establishing an alliance between the new Frankish dynasty and the papacy. This alliance greatly influenced the administration and writings of the Franks during the Carolingian period.

Pepin passed away in 768, and the kingdom was divided between his two sons: Charlemagne (r. 768-814) and Carloman (r. 768-771).[44] In 771, after the death of Carloman, Charlemagne became sole king of the Franks, but he would also attain two more crowns during his lifetime. In 774, following his victory in Italy over the Lombard king, Desiderius, Charlemagne became king of the Lombards, and in 800 he was famously crowned by Pope Leo III (r. 795-816) as emperor of the Romans, a title he held until his death in 814.[45] Charlemagne's career as a conqueror did not apply just to Italy; he also asserted Frankish authority over independently-minded provinces like Aquitaine, as well as foreign peoples like the Bavarians, Saxons, Frisians, and other Germans east of

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[41] David Ganz, trans. *Einhard and Notker the Stammerer: Two Lives of Charlemagne* (New York City: Penguin Books, 2008) 18-19.
[42] Scholz, *Carolingian* Chronicles, 39.
[43] Geary, *Before France and Germany*, 220.
[44] McKitterick, *History and Memory*, 117.
[45] C.W. Previté-Orton, *The Shorter Cambridge Medieval History: The Later Roman Empire To The Twelfth Century*. (Cambridge: Oxford University Press, 1952), 315.

the Rhine.[46] During his life, while he acquired his new titles and lands, he instituted a

series of reforms, which indicate a more encompassing Frankish identity than that of the

early Merovingians. These laws and reforms came in the form of the capitularies.

The Capitularies

During the reign of Charlemagne, the capitularies were a primary tool used to

shape Frankish institutions and by extension, shape the identity of the Franks. According

to medievalist François Ganshof, a capitulary was a decree used to "publish legislative or

administrative measures."[47] Discussed and drafted at the royal court, these laws were then

promulgated throughout the Franks' dominions. The capitularies were not done at regular

intervals. They were usually created following a crisis of some kind that necessitated the

need for a reinforcement of law and order, such as the *Capitulary of 778* that addressed

the resurgence of Saxon insurrection and attempted to halt their return to pagan

customs.[48] Although the earlier law code, the *Lex Salica*, was important in the forging of

an identity for the Franks, the capitularies depart from it in several significant ways, not

the least of which is the latter's attention to religion.

The most noticeable difference between the *Lex Salica* of the age of Clovis and

the capitularies of Charlemagne is the objective of each. Both were created to advocate

for the preservation of peace in the realm, but the capitularies have a greater emphasis on

the unity of Charlemagne's Christian subjects. As the *Capitulary of 802* states in its

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[46] Previté-Orton, *Cambridge Medieval History*, 303-309.

[47] Ganshof, *Frankish Institutions*, 4.

[48] Paul Halsall, "Capitulary for Saxony 775-790," (Accessed October 16, 2020, https://sourcebooks.fordham.edu/source/carol-saxony.asp.

prologue, "all should live together in accordance to the precept of God."[49] Themes of

Christianity permeate the capitularies, and their concern for the welfare of the Franks as a

Christian people. These new law codes were then creating a new structure of identity for

the Franks by conflating their spiritual welfare and those of their subjects with the

stability of the realm. For example, according to Title 32 of the *Capitulary of 802*

regarding murder, "we command that men leave off and shun murders, through which

many of the Christian people perish," and that, "it is a great and inevitable risk to arouse

the hatred of men besides incurring that of God the Father and of Christ the ruler of

Heaven."[50] Such is an example of the extent of the piety and inclusion of Christian

thought placed in the Franks' legal texts. It shows that the Franks conceptualized

themselves as a united people through their shared faith in Christianity.

This degree of piety displayed in the capitularies is an indication of the close

relationship between the Church and Frankish state. According to Ganshof, a major

characteristic of Carolingian rule was that, "there ought to be peace and concord - that is,

confident collaboration - between ecclesiastical authorities and secular officials of

power," and this principle governed the Carolingian method of consolidation of the

Franks and other peoples.[51] This idea was so ingrained in the Frankish mindset that it

influenced later Carolingian thinkers beyond the reign of Charlemagne. A foremost

example is Nithard, who said regarding Charlemagne's heir, Louis the Pious, that, "above

all he was to promote religious worship, by which all order is protected and preserved."[52]

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[49] Henderson, *Historical Documents*, 190.
[50] Henderson, *Historical Documents*, 198.
[51] Ganshof, *Frankish Institutions*, 5.
[52] Scholz, *Carolingian Chronicles*, 131.

The Carolingians saw the Church as the means by which the Franks could be united and reconciled with their subjects, so it naturally played a significant role in their legal codes.

The stress on Christian unity in the law codes did not just extend to Franks, but also to their subject peoples, such as the Saxons. The Saxons proved to be a difficult people for the Franks to rule, as they revolted on numerous occasions. According to the *Royal Frankish Annals*, these Saxon insurrections were usually characterized by a return to pagan customs as is expressed in the entry for the year 777. According to the entry, the Saxons "pledged to the king their whole freedom and property if they should change their minds again in that detestable manner of theirs and not keep the Christian faith and their fealty to the Lord King Charles."[53] According to Ganshof, these revolts were one of the reasons for the making of the capitularies, so that they might bring about a restoration of Frankish rule and Christian piety.[54]

The focus of the capitularies on the religion of their subjects raises an important question. Why did the Franks have such concern for the Christianity of their Saxon subjects? This question ties in with another important aspect of Carolingian rule: the oath of fealty. In both the *Royal Frankish Annals* and other capitularies, fealty to Charlemagne is conflated with the Christian faith. According to Ganshof, because the Franks were the ones introducing Christianity into Germania by force of arms, it was natural for them to assume conversion would occur as result. But the Franks took an active role in Christianizing the Saxons and other Germanic peoples, even making laws protecting Churches, and instituting Christian tenets into the legal structure. Their concern was so

[53] Scholz, *Carolingians Chronicles*, 56.
[54] Ganshof, *Frankish Institutions*, 4-6.

great that, in the *Capitularies for Saxony*, a series of capitularies made from 775-790,

they ordered capital punishment as the penalty for those who break the Lenten fasts, "out

of contempt for Christianity."[55] By insisting upon the primacy of one faith as well as

fealty to the "most serene and most Christian Lord Emperor Charles," the capitularies

served a major purpose. As the Saxons became more Christian, they also hopefully

become more pliable vassals. The two peoples could then start thinking along the same

lines in terms of religion, which was being inculcated into the Saxon mindset with the

laws imposed on them and was the foundation for Carolingian legitimacy as the kings of

the Franks and the new emperors in the west.

Although promulgated late in his reign, the *Capitulary of 802* conflated the state's

well-being and the people's spirituality. In doing so, it helped shape the mindset of the

Franks and their various subject peoples. In the capitulary, every male of the age of 12

was commanded to swear fealty to Charlemagne again, this time to him as emperor since

the new law was made two years after his adoption of the title.[56] The oath of fealty to him

as emperor contains a few new provisions, the first of which states, "every one of his own

accord should strive…wholly to keep himself in the holy service of God…inasmuch as

the emperor cannot exhibit the necessary care and discipline to each man singly."[57] As

with the Saxon capitularies, once again there is a heavy stress on religion in relation to

fealty. The inclusion of this provision, with its stress on loyalty to Charlemagne as

emperor of the Romans makes it incredibly significant where Frankish cohesion is

concerned. According to Ganshof, Charlemagne became more aware "of his

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[55] Halsall, "Capitulary for Saxony 775-790," Accessed October 16, 2020, https://sourcebooks.fordham.edu/source/carol-saxony.asp.
[56] Henderson, *Historical Documents*, 190.
[57] Henderson, *Historical Documents*, 191.

responsibilities before God - an awareness that took immediate and definite form in the knowledge that he was the recognized holder of a universal power destined to promote and protect the Christian religion and the Church."[58] As emperor of the Romans, Charlemagne was expected to oversee the apparatus of the Church. That duty is reflected in the capitulary when it says "that bishops and priests should live according to the canons and should teach others to do likewise."[59] By taking on the traditional role of the Roman emperors, as well as that of Frankish king, Charlemagne was able to further integrate Frankish customs and the traditions of the Gallo-Romans. The Franks and their kingdom had assumed the role of the new empire in the west, and their writings indicate that they were aware of this. The eighth-century Frankish writer Notker the Stammerer, described the coming of Charlemagne to Rome in 800 as "the head of the world came to the city that had once been the head of the world."[60] The framing of Charlemagne as the new head of the world has a theme of transition implicit in its writing. For Notker, it was natural and logical that a Frankish king, already a pious and fervent conqueror in the name of Christendom, would become emperor. Under Charlemagne, the Franks were no longer a Germanic successor kingdom: they had become the heirs of Rome.

By the time of the early ninth century, in the later years of Charlemagne, the Franks show clear signs of an ethnogenesis that had evolved beyond its original mold. The Merovingian Franks were mostly Germanic in their legal traditions and installed laws that separated them in legal status from their subjects. However, the Carolingian Franks used the capitularies to incorporate other peoples into their domain. By having the

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[58] Ganshof, *Frankish Institutions*, 6.
[59] Henderson, *Historical Documents*, 192.
[60] Ganz, *Two Lives*, 76.

capitularies apply to all peoples in the realm of the Franks, the legal barrier that limited

the *Lex Salica* to only Franks was no longer present. This enabled the law to be more

inclusive of people that would have been considered non-Frankish, like the Gallo-

Romans. Therefore, Charlemagne's capitularies were an attempt by him and his dynasty

to create a truer and more united kingdom. Through Charlemagne, the Franks were no

longer just a Germanic people whose roots lay in Roman service. They were now in the

service of Heaven, acting as a spearhead for the spread of Christianity against pagan

Germania and other non-Christian realms such as the Avars.[61] Because of the all-

encompassing nature of the capitularies, as well as the Christian tenets and themes that

permeated their contents, it was Charlemagne and the Carolingian dynasty, not Clovis

and the Merovingians, that gained more renown as exemplars of what it meant to be

Frankish.

A great indicator of the success of the Carolingian efforts to mold Frankish

identity is seen in an account of Pope Urban II's sermon to the French at Clermont in

1095. This speech was made to goad the French into participating in the First Crusade. In

it, the pope incites the Franks to "let the deeds of your ancestors encourage you and incite

your minds to manly achievements," citing Charlemagne and his son Louis I, who

"extended the sway of the Church over lands previously possessed by the pagan."[62] By

stressing Charlemagne and Louis I and their ability to extend Christianity into Germania,

the pope was saying that the Franks were ideal candidates for the task of reclaiming the

Holy Lands. Because of the achievements of the Franks under the Carolingians, and the

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[61] Previté-Orton, *Cambridge Medieval History*, 308-309.

[62] Halsall, "Urban II: Speech at Clermont 1095 (Robert the Monk Version)" *Internet Medieval Source Book*, Accessed October 25, 2020, https://sourcebooks.fordham.edu/source/urban2a.asp.

perceptions engendered by his successors, the reform papacy of the eleventh century held them up as Christian conquerors and law-givers. This perception was so great that today people know more of the Carolingians and their Christianizing spirit than of the early Merovingians who maintained closer ties to their Germanic roots.[63] Through the Christianization of their laws and the stress on the spiritual welfare of their subjects, the Carolingians lent to the emerging French people a perception of themselves as the true heralds of Western Christianity and the heirs of the Roman Empire.

Conclusion

As the Franks conquered and consolidated their dominions, the Carolingian stress on faith and fealty in their law codes helped cement the perception of how the Franks saw themselves and how they wanted to be seen. Law codes are an expression of a people's priorities and customs. They can provide insight into a culture at the time of writing, as well as impose an idea of what that culture was like, as seen with the *Lex Salica* of the early sixth century and the capitularies of the late eighth and early ninth centuries. Through a comparison of both periods and their respective texts, one can learn how the Franks changed and developed their sense of identity. Just as how an outsider can discern that Americans value freedom and accountability through observing their written constitution, so can outsiders perceive that the Franks valued faith and fealty. Through the use of legal texts, authorities can influence cultural development, as many people will adapt to it to remain lawful. The success of the Franks was not entirely due to their use of written laws, as their military prowess proved they were able to conquer large swathes of Western Europe by the early ninth century. However, it was through written texts like the

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[63] McKitterick, *History and Memory*, 23-24.

Lex Salica and the capitularies that they were able to maintain their sense of themselves, as well as impose an ideal of what they expected of themselves and their subject peoples. The success of the Franks, with their use of a fairly comprehensive written legal structure, is another example of how the written word is vital to the identity of a people. Through the written word, the Germanic Franks became the ancestors of the modern French.

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