Emma Southon

Marriage, Sex and Death

The Family and the Fall of the Roman West

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Social Worlds of Late Antiquity and the Early Middle Ages

The Late Antiquity experienced profound cultural and social change: the political disintegration of the Roman Empire in the West, contrasted by its continuation and transformation in the East; the arrival of 'barbarian' newcomers and the establishment of new polities; a renewed militarization and Christianization of society; as well as crucial changes in Judaism and Christianity, together with the emergence of Islam and the end of classical paganism. This series focuses on the resulting diversity within Late Antique society, emphasizing cultural connections and exchanges; questions of unity and inclusion, alienation and conflict; and the processes of syncretism and change. By drawing upon a number of disciplines and approaches, this series sheds light on the cultural and social history of Late Antiquity and the greater Mediterranean world.

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For my parents
And Livia

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Part 3 Parenthood

Acknowledgments

Abbreviations

Lib.Con.	*Liber Constitutionum,* or *The Code of Gundobad*
Pact. Leg. Sal.	*Pactus Legis Salicae,* or *The Laws of the Salian Franks*
Cap.	Capitularies of *Pactus Legis Salicae,* or *The Laws of the Salian Franks*
Lib. Iud.	*Visigothic Code,* or *Forum Iudiciorum,* or *The Visigothic Code*
CTh	*Codex Theodosianus*, or *The Theodosian Code*
LR	*Lex Ribuaria*, or *The Laws of Ripuarian Franks*
Edit. Roth.	*Edictum Rothari*, in *Liber Legis Regum Langobardorum, or The Lombard Laws*
Liut.	*Edictum Liutprand* in *Liber Legis Regum Langobardorum, or The Lombard Laws*
Grim.	*Edictum Grimwald* in *Liber Legis Regum Langobardorum, or The Lombard Laws*
Angers	*The Formularies of Angers and Marculf*
Marculf	*The Formularies of Angers and Marculf*

All other abbreviations correspond to those found in the Oxford Classical Dictionary and *L'Annee Philologique*.

Introduction

The family in the modern West is an institution undergoing great changes. Some of these changes were conveniently summarised in a *New York Times* article from September 2012 titled 'Till Death, or 20 years, Do Us Part: Marriage Through the Contract Lens'. Here Matt Richtel highlighted the difficulties facing American marriage and presents the Twenty-First century as a crisis period for the conception of modern marriage, going so far as to propose the idea of a time limited marriage: a marriage contract with an expiration date. Using the work of a number of prominent scholars in modern American demographic and family research, Richtel examined the two contrasting elements of, and the two major players in, modern American marriage: the economic realities mediated by lawyers and the romantic ideals mediated by churches.[1] There are many perspectives on marriage and family in this article, and in the modern world. In 2014 equal marriage was legalised for gay couples in the UK and the same was passed in the US and Ireland in 2015. Such legal shifts broke open conversations about the purpose of marriage and family, of sex and of childbearing. For some, marriage is the acknowledgment of love (#LoveWins). For some it is the legal recognition of a relationship; for others, it is a spiritual union, or the only correct way to bear and raise children. For a few it remains a religious institution for un-sinful sex. The ideas of family, marriage and children in the Western world are altering and the law is following, or leading, these changes.

The family shape – most notably the centrality of a legal marriage – and the clashing sides both presented in Matt Richtel's article and encapsulated in the equal marriage debate are strikingly similar to those presented in the literature of the period covered by this book. The form and function of the family has long been seen as one of the most useful and significant lenses through which to view any given culture, and the family can be viewed as an important site of cultural change and evolution. This is as true of the period AD 400-700 in Western Europe as it is for America and Europe in the Twenty-First century; it was a period of considerable cultural and political change where the family was the locus for both changing discourses and apparent behaviours. As the traditional power structures of the Roman political world declined during this period, and the Christian Church and new political groups rose to fill that power vacuum, the family became a

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1   Richtel, 2012.

vitally important locus for cultural struggles concerning morality, law and tradition.

The period under investigation here – AD 400-700 – is one of enormous change in the West. For a multitude of reasons, Roman Imperial power retreated swiftly from Gaul, Hispania, and Italy – the places where it had previously held strong for five centuries. Sometimes this withdrawal was in the face of violence, whilst at others it was more peaceful. Cities shrank and populations changed. In the place of the old Imperial Roman structures of proconsuls, *Duumviri,* taxes and armies rose new power structures: new royal courts led by non-Roman families and Church hierarchies in bishoprics and monasteries. These power shifts happened fast but brought with them significant cultural changes that resonated through later centuries. At the centre of life sits the family, and the family was inevitably affected by these changes to the world in which people lived. These changes are the focus of this study. While accepting the current consensus regarding the general structure of the post-Imperial family as a nuclear unit,[2] this book emphasises this notion of change in the presentation and discussion of the family throughout this period, and aims to identify and potentially offer new perspectives on these changes. This book questions a number of assumptions that are found in the two primary strands of scholarship concerning the post-Imperial family and also attempts to tie these strands together. These two strands can broadly be seen as being typified by those who have attempted to identify a Roman/Germanic dichotomy, and those who have examined a Christian/non-Christian dichotomy.[3]

The focus of this book is families. It considers the choices that are made and the identities that are formed within families; its focus is how these shifted and changed throughout the period and across the geographic landscape. What reasons did parents give for having children and how did they perceive themselves as mothers and fathers as their children grew up? How does this relate to abortion, infanticide, fosterage and oblation? Did women use Christian consecration as a virgin to escape the horrors of marriage or was the role of wife and mother desirable? What is the role of a father? How are husbands and wives supposed to relate to one another? Each of these questions are explored here through multiple theoretical lenses. The focus, however, will remain always on the adults at the centre of the family: the couple who were betrothed, who married, who became parents and raised children. It follows their journeys and decisions through the family life

2   Harper, 2013: 161.
3   Southon, Callow, and Harlow, 2012.

course, exploring their options, their legal and social obligations and the cultural pressures placed upon them.

The family of the Late Antique West has been the focus of a number of studies examining the effects that both an encroaching Christian cultural hegemony and the 'barbarian hordes' had on the structure and expression of the family. Equally there has been a great deal of scholarship concerning the Early Medieval family, locating the beginning of the Early Medieval period around AD 800 and positioning the 'dark ages' of the post-Roman, pre-Carolingian centuries as a defining moment in the creation of the European family. Although these studies often consider the same time periods and even the same geographical locations, they tend to present drastically different versions of the family. The former concentrates entirely on Roman elites and the perceived decline of Roman cultural values and the rise of Christianity in the West, thus looking forward from the high Roman Imperial period and emphasising concepts of 'fall' and 'decline,'[4] while the latter looks backwards from the high Medieval period, and tends to be interested in the new 'Germanic barbarian' cultures, viewed primarily through their law codes, and on the developing feudal system.[5] Alongside these approaches there runs a heavy focus on the Merovingian royal family, primarily due to the seductive details of Gregory of Tours's *Ten Books of History*.[6] However, none of these studies have considered the period AD 400-700 as a discreet or individually important period in the development of the cultural concepts that – as Richtel noted – still underpin the Western concepts and ideals of the family. The withdrawal of the Imperial Roman power structures which had defined Western Europe for so many centuries, the corresponding rise of the Church as a power structure in itself and the dramatic differences that are found in the way the family is presented in AD 400 and AD 700 in the same places makes the post-Imperial period a vitally important period of history in understanding how the Medieval – and modern – idea of the family came to be.

This book looks at the post-Imperial Western family as a distinct unit, informed by the Imperial past, by developing Christian tradition and by the new political power structures arising in the post-Imperial kingdoms. It places the family as a central and fundamental facet of the cultural, legal and social shifts that occurred during this period and examines

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4   For example, Cooper, 2007 or Nathan, 2000.
5   For example, Goody, 2000; Herlihy, 1985; Althoff, 2004; Stone, 1977.
6   Such as Wood, 2003; Shanzer, 2002; Wemple, 1983.

the changing cultural milieu of the West through the cultural history of this unit. Significantly, this book will not consider the Merovingian royal family in any great detail. There are two key reasons for this: first, that the familial behaviours of the Merovingians as documented by Gregory of Tours have already been studied in considerable depth.[7] The bibliography on the Merovingians as both monarchs and as a family is vast and ever-growing. Secondly, there is also an argument to be made, albeit on somewhat contentious grounds, that the Merovingian royal family offer an atypical set of examples which could derail the discussion of cultural norms. By this, I am not referring to the now debunked theory that the Merovingians practised polygyny/gamy, or that they engaged in any particularly weird or wonderful practices (despite Gregory's attempts to suggest otherwise).[8] The strongest argument for their failure to represent the general population of the post-Imperial West is simply that they were a royal family, and therefore, as E.T. Dailey puts it, acted 'without the same concerns that weighed down upon the aristocracy'.[9] Here, Dailey is referring to the kings' legal right to marry slaves or women of low birth, as they were not bound by the same social conventions that controlled the behaviour of non-royal, aristocratic communities. This is a single example of the ways in which royal behaviour is markedly different from non-royal behaviour where family strategies were concerned. Ian Wood has pointed out another, noting that legal provisions regarding the status of children born to free men and slave women did not apply to kings.[10] Equally, research on Merovingian queens and queenship has demonstrated that the role of queen was a specific one, which brought with it specific powers and functions that were not available to women and wives outside of the royal family.[11]

   This is, therefore, a contributing factor in the decision to mostly exclude the Merovingian royals from this analysis. It is not, however, the primary factor, which is to widen the scope of the discussion of the post-Imperial family away from the current focus on the Merovingians. The demotion

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7   See, Wood, 1994; 1994a; 2003; Shanzer, 2002; Wemple, 1983; 1993; Le Jan, 1995; Heers, 1974; Nelson, 1978; Stafford, 1983; Affedlt and Vorweck, 1990; Lescouzeres 1993; Fischler, 1994; Cooper, 1997; Dailey, 2015.

8   E.T. Dailey (2015: 100-108) has offered a recent and comprehensive deconstruction of the polygyny myth. See Wemple, 1983: 38-41 and Wallace-Haddrill, 1979: 204 for representations of the polygyny argument.

9   Dailey, 2015: 100.

10   Wood, 2003: 165.

11   Stafford, 1983 remains seminal, but also recently Dailey, 2015, Thomas, 2012.

of the Merovingian royals from the centre of analysis allows for a wider geographical area to be more comprehensively examined. Although Gaul remains geographically core to this book, due to the survival of sources, the relegation of the Merovingian royal family allows much wider questions to be asked of the family and its significance as a locus and marker of change in Western Europe. Thus, the shift of focus away from the Merovingian family allows me to give considerably more space to other families, albeit families of the post-Imperial elite, without being forced to tread well-worn paths anew without offering much of interest or novelty to the reader. This may seem misguided to many. Certainly, the study of the Merovingian royal family has an enormous amount to offer a study of the post-Imperial Western family, and indeed they already have. However, this can also be a detriment to a work that attempts to tread new paths.

In the same way, this study is also differentiated from the work of, for example, Regine le Jan and Julia M Smith who have focused on families as loci of power and property and explored kinship networks, rituals and ideologies around aristocratic families and gender roles in the early Middle Ages.[12] Instead, this work focuses on individuals, emotions and discourses and on uncovering cultural, rather than social or anthropological, norms and practices.

Terminology and Time Frame

The period under consideration here, AD 400-700, is a difficult and contentious one that has been considered from a great many angles by a great many studies. Many aspects of the period therefore suffer from confused terminology, with the same words often used to describe entirely different concepts, and the same concepts described using very different words. With this potential for confusion in mind I would like to clarify the terms I will be using and how I am using them.

This book refers to the period under consideration as the post-Imperial period. In this way, I hope to distinguish the period from Late Antiquity, a term which tends to be extended to anywhere between AD 600 and AD 800, and the Early Middle Ages, which is often used to describe the period from between AD 600 to AD 800 onwards. Late Antiquity is now a widely accepted periodisation, but has always been a disputed paradigm for historical

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12   Le Jan, 1995; Smith, 2005.

analysis.[13] The period has been defined in this book as a deliberate attempt to reject traditional periodisations.[14] It covers the period during which the western Roman Empire was falling, encompassing the Sack of Rome in AD 410, the deposition of Romulus Augustulus in AD 476 and the many battles, incursions and withdrawals between Roman and non-Roman troops up to the incursion of the Lombards. I aim to cover the period during which the political upheavals were the greatest and the most significant changes were taking place. It is during this time that both the central and provincial Imperial power structures were losing their significance and the church was rapidly developing as a 'replacement' power structure in the West, leading to the church's growing cultural influence.

The use of the particular distinguishing term 'post-Imperial' for this period also avoids preconceptions which are associated with both of these broader period identifiers. This term also avoids the problems that could be raised by the sometimes used 'post-Roman'. The primary issue with this term is that the world of the West between AD 400 and 700 is very obviously not post-Roman, but retained a considerable degree of Roman influence, with many people of this world still identifying and styling themselves as Roman. To refer to the period therefore as post-Roman is both incorrect and misleading, as it leads to the inevitable over-estimation of the 'other-ness' of the non-Roman ethnic and political groups. Therefore, I have decided to follow Guy Halsall's example and use post-Imperial.[15] This term both accurately describes the withdrawal of direct Imperial power from much of the West, and also avoids the academic baggage of the other possible terms.

AD 700 has been chosen as an approximate end point. The cultural landscape of AD 450 looks different to that of AD 350, and cannot be seen as Roman, and the landscape of AD 700 looks notably different from that of AD 400, but cannot yet be considered Medieval; the Roman cultural legacy was still in the process of being transformed.[16] Nonetheless, the great political and religious changes which accompanied the withdrawal of the Imperial structures and the fragmentation of the West had mostly passed.[17] This book is interested in examining the political and cultural changes

13   See the first issue of the *Journal of Late Antiquity* in 2008, including articles by Clifford Ando, Edward James, and Arnaldo Marcone, for a thorough overview of the contentious issues and differing interpretations of the concept of 'Late Antiquity.'
14   Following the example of Smith, 2005: pp. 2-3.
15   Halsall, 2007.
16   Smith, 2005: p. 3.
17   For the best historical overviews of this period see Innes 2006; Wickham, 2009; Heather, 2006; 2009.

occurring in the centuries immediately following the withdrawal of explicit Imperial power, and not in the entire Early Middle Ages as a whole. Between AD 400 and 700 interesting things happened to the cultures and families of the post-Imperial West. The majority of the texts and authors considered in this book were active during the period AD 400-600, but certain sources up to AD 730 have been employed in order to examine the continuity and development of identified themes.

This period also uses a number of terms which have, in the past, been used as racial epithets, and which therefore require clarification. Here only one will appear: where the term 'Germanic' is used, it denotes a linguistic group, and not an ethnic or cultural group or a race of people. It does not imply any form of homogeneity amongst the non-Roman groups that populated western Europe before or during this period, or any common origin. Where it has been used, it will be in inverted commas ('Germanic') in order to differentiate my usage from the older usage which has inferred cultural and biological similarity among diverse groups.

The ethnic group terms found within this book are used to differentiate each relatively distinct political group which are primarily defined according to territory and allegiance to a ruler. Thus, the Franks are a political group, differentiated from the Visigoths by their territory and their allegiance to the Frankish kings. Where terms such as Frank, Lombard, or Goth are used I mean them to have the same meaning as those above. They refer to groups and individuals who defined themselves, for multi-layered reasons of birth, territory, political allegiance, military allegiance, cultural similarity, religious practice and belief as members of the group in question. It does not assume that this identification was immutable or static and I have where possible and necessary taken into account political and territorial changes that may have affected personal ethnic identification.[18] At the most simplistic and broadest level I have tended to identify groups by their location and political allegiance.

This book also uses the generalised terms 'classical Roman law' and 'late Roman law'. These are broad terms meant to distinguish law which was codified and used within the classical Roman Empire (up to AD 300) and that which was codified and promulgated during and after the reign of Constantine. The majority of the latter is called 'late Roman law' throughout this book and is drawn from the *Theodosian Code* (c. AD 429-438) and the *Justinian Code* (AD 529) and *Institutes* (AD 534). The former is called 'classical Roman law' and is drawn primarily from Ulpian's *Digest* (c. AD 211-222)

18   The 'Texts and Identities' project has been influential here, see below.

and Gaius' *Institutes* (c. AD 161), as well as the jurists Paulus, Modestinus and Papian.[19] Finally, the non-Roman, post-imperial (sometimes called 'barbarian') law codes of the post-Imperial western states provide a significant amount of evidence for this book.[20]

Central to this book, as they are to any examination of the period, are these post-Imperial legal codes. These legal codes can be exceptionally useful in describing normative practice and proscriptive decisions made concerning the family.[21] They are, however, difficult and obscure texts and the legal culture from which they emerged is challenging to understand. No ancient source is ever simple to use or understand, and there is always debate and opinion regarding motivation, genre and authorial intention. The post-Imperial codes are particularly contentious. The applicability, purpose, meaning and authorship of these texts are matters of continual scholarly debate and re-evaluation and – more than any other surviving set of sources – the side one takes in any of these debates will decide how these texts are read and used. A detailed synopsis of the origin, tradition and historiography of each of the post-Imperial codes is presented in Appendix One, but here a short overview of my position in these debates, and therefore how I will be using these texts, will suffice to orient the reader to my perspective.

The debate has previously been muddied somewhat by the tendency to focus not on the historical period when discussing the ethnic makeup of western Europe, but instead to debate the pre-historical origins of each individually named group (with particular focus on the Goths and the Franks). The on-going debate between those who argue for a theory of ethnogenesis (the *Traditionskern* theory derived from Reinhard Wenskus) and those who subscribe to anthropological theories remains lively and has supplanted arguments of an immutable biological basis for ethnicity, those who view all barbarian identity as being essentially Roman inventions and those with more nuanced views.[22]

Where the nature of the post-Imperial law codes has been discussed it has primarily been done so by legal historians, and the debate has centred on whether the laws are derived mainly from ancient 'Germanic' custom

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19   Buckland, 1963; Corbett, 1979; Riggsby, 2010; Harries & Wood, 1993.
20   Wormald, 2003.
21   Drew, 1963; Wemple & McNamara, 1976.
22   Although some historians maintain that race and biology were a significant and defining part of ethnicity. For example, Heather, 1998: pp. 95-112; 2010; See also Halsall, 1998.

or from Roman vulgar law. These debates have more recently developed into questioning whether the codes are personal or territorial.[23] Much older scholarship has assumed a personal nature for the law codes and has viewed individuals within the Early Medieval West as being governed by laws which are dependent on their ethnic origin, so the Roman is subject to Roman law while a Burgundian is subject to Burgundian law. The proliferation of apparently separate codes within single territories such as the *Liber Constitutionum* and the *Lex Romana Burgundionum* in Burgundy and the *Lex Romana Visigothorum* (Breviary of Alaric) and the *Liber Iudiciorum/ Forum Iudicum* in Visigothic Spain, supported by the apparently un-Roman nature of laws on *wergeld, morgangabe,* and *chrenecruda* have given great weight to the argument for personality of law. This argument presumes that the Roman codes are handbooks of Roman law, while the 'barbarian' codes are codified pre-historical custom. In more modern scholarship, this notion has been questioned, and most now view the laws as territorial, meaning that every individual within a defined area (one which is subject to the king who has issued the laws) is subject to the same law.[24] These scholars have refuted the notion of a pre-migratory tribal law and have emphasised the Roman elements of the post-Imperial codes, beginning with the language in which they were recorded.

The influence of Roman culture (particularly legal culture) on the post-Imperial codes cannot be underestimated. The very nature of the codes in their composition as primarily royal edicts which are recorded in Latin, automatically frames them as Romanised texts, and there is strong argument for these codes being a significant part of the kings' continual attempts to demonstrate their power in Roman terms, to emulate the emperors of their present and the classical past. Certainly, many of the rulers of their period governed as if their rule were the product of Imperial favour, and many adopted and used Imperial titles, framing their kingship as a form of Roman power. Since Constantine, the practice of releasing regular edicts on specific matters was a common and defining facet of Imperial power.[25] Furthermore, the non-Roman kings kept classically trained jurists in their courts, many of whom identified themselves as being culturally Roman.[26] The similarities between the varied law codes of the non-Romans have

23   See appendix one for an overview of these arguments for each code.
24   See for example Amory, 1993; 1997; Barnwell, 2000; Wood, 1986; 1990; Heather, 2009; Oliver, 2011; Faulkner, 2016.
25   Amory, 1994a: p. 11; Isidore, *Etymologies* 5.1.7; Humfress, 2007: p. 390.
26   Levy, 1951: pp. 15-16; Mommsen, 1905: p. 139.

often been cited as being a result of the strong influence of Roman vulgar law, while the notion that these parallels result exclusively from a common 'Germanic' oral law has been largely dismantled in recent scholarship.[27]

The legal situation of the late Roman world with regards to Roman law alone was one of considerably complexity and constructed from many layers of edict, custom, and vulgar law: the post-Imperial codes cannot be viewed simplistically. To argue that Roman law existed for the Romans while custom was codified for the barbarians and that this was uniformly the case both across western Europe and across the centuries is simplistic and untenable. There are too many assumptions that must be made in order to accept this, including that the inhabitants of Gaul, Spain and Italy subscribed to a single identity that was either 'Roman' or 'non-Roman' (such as Goth, Frank or any other); that the post-Imperial are all compilations of previously unwritten custom; that during this period ethnicity was primarily considered a biological and immutable trait, and that the new kingdoms were populated by ethnically homogenous peoples with a common origin. Each of these has been seriously questioned in recent scholarship. There are clearly instances where Romans and non-Romans were treated differently in law. A particularly clear example is seen in the Lombard provision of AD 731 that women who marry Roman men are released from the *mundium* system that was apparently practised and become 'Roman' instead.[28] Laws such as these demonstrate that groups in western Europe identified themselves as Roman and non-Roman, and that these identities could be summoned when necessary. They do not however describe how 'Romans' and 'Lombards' were identified and historians have debated this point for a long time, raising the possibilities that the two were defined by religion (Arian/Catholic) or by profession (political/ non-political) or by social role and status.[29] Thomas Faulkner's argument that the post-Imperial codes may be more interested in issues of status than ethnicity has been highly useful here.[30] This does not provide strong support for the idea that law was personal, but rather that ethnicity was a part of personal identity. Indeed, the prevailing current view is that the distinction drawn between Roman and non-Roman in laws such as this one does not define individuals by any biological ethnicity, but by class

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27   Amory, 1997: p. 329; Levy, 1951: p. 15; Gaudemet, 1963; Wieacker, 1964; Wood, 1986; Amory, 1993: pp. 15-19.
28   *Liut*. 127.
29   Greatrex, 2000: p. 267; Amory, 1993.
30   Faulkner, 2016: 249-250.

and profession.[31] Personality of law does not apply well in the case of the 'Germanic' kingdoms and so this book prefers to regard the post-Imperial as principally (but not necessarily consistently) territorial codes, which primarily consist of royal edicts based on vulgar law, common practice and custom filtered through the lens of Roman law.[32]

Who was responsible for the writing and promulgating these laws and why are vitally important questions. The *Breviary* of the Visigoths and the *Lex Romana* of the Burgundians are now accepted to be abridged versions of the *Theodosian Code* which includes vulgar law. Whether these collections were meant for private use, like the third-century *Codex Gregorianus* and *Codex Hermogenianus* collections, or for public use by those who were either compelled or who chose to use it is still debated, although the *Breviary* is commonly accepted to have been in use in some form in the Frankish and Visigothic kingdoms. The legal codes promulgated by the non-Roman rulers fall into two categories: those which appear to have been written and disseminated as a whole, and those which appear to be the collected edicts of different kings released over a period of time, many of which modify, reassert or nullify earlier edicts. Codes that fall into these different categories obviously have different motivations behind their compilation, and the texts within the categories will differ from one another. It is common to see the post-Imperial codes now as combinations of Roman law, ancient law and newly created law, written and promulgated in order to fill a void left by the withdrawal of the Roman legal system. However, only the *Lex Visigothorum* demonstrates any evidence of having been used in any genuine judicial proceedings. The rest of the codes give little indication that they genuinely existed as practical law codes, rather than as ideological tools of 'Romanised' or – in later periods – 'Christianised' leadership. It is therefore the contention of this book that these law codes primarily had an ideological and propagandistic function, with any practical application in filling the gaps left by the Roman judiciary being secondary, thus agreeing with the conclusions of Matthew Innes and Guy Halsall. To view them this way certainly undermines their use as sources for social history – if they do not represent issues that are lived realities then they are limited as social sources.[33] However, they retain their use as cultural documents, enshrining the interests of the law-makers as part of identity creation, a use

31   Pohl, 1998: p. 12; Claude: 1998, Leibeschuetz: 1998; Sivan 1998; Faulkner, 2016.
32   Pohl-Resl, 1998: p. 206. Faulkner, 2016 has questioned the relationship between kings and laws in the post-Imperial codes but his conclusions remain tentative.
33   Rio, 2011.

that is reinforced by the continued fascination with them in the Carolingian period.[34]

Nonetheless, they are important as theoretical and intellectual tools in revealing what each of the post-Imperial rulers wished to codify and memorialise about their perceived culture, particularly with regards to family law. In broad strokes, I view the post-Imperial codes as being developed primarily through edict in order to emphasise political power within a defined territory and within a very particular framework; to provide coherent legal framework for the subjects of the king; and occasionally out of perceived necessity – in reaction to issues arising within a ruler's jurisdiction. It is through this lens that the post-Imperial codes will be examined throughout this book: as another genre of writing in the post-Imperial world.[35]

In that vein, we come to a significant issue at the core of any study of families: the question of how far conclusions drawn from esoteric and legal texts can be applied to the realities of family life. This is a question that is particularly difficult for the post-Imperial period, where so much is obscure, doubtful or concealed from the modern reader. It is not, therefore, my intention to make statements about, or to particularly search for, the lived experiences of historical participants or characters. This work is not a social history; it is a cultural history. Here I define culture as a web of meanings and discourses (used in the post-structural sense) that bind a society together. In this work, I therefore explore meanings, attitudes, values, expectations, ideals and norms rather than actual behaviours. This is a history of ideas about the family and the family's life course. While occasionally 'actual' events are discussed – for example in the letter collections of Ruricius and Sidonius Apollinaris, and in some specific legal provisions, such as those regarding infanticide – the interest is not in 'what actually happened' but in the discourses which underpin the presentation and experience of these events in the texts that have survived.

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34   Faulkner, 2016.
35   It is worth mentioning that there will be no reference to Tacitus' *Germania* or Julius Caesar's *The Gallic Wars*. These texts have been widely used in scholarship concerning the 'Germanic' family, usually to make points about wide kinship networks. These classical Roman ethnographic texts were written during the height of Roman power, for Roman audiences. They therefore both enshrine dubious Roman views of foreigners and barbarians, and do not shed light on genuine 'Germanic' practice (see Murray, 1983: pp. 39-67 for a thorough dissection of the use of Tacitus and Caesar as sources for a much later period). The decision was therefore made to exclude them as sources, and to focus only on sources produced during the period under consideration.

In this way, my approach is influenced by the 'Texts and Identities' project led by Mayke de Jong, Ian Wood, Rosamund McKitterick and Regine le Jan, which produced a volume in 2006 as well as shaping their work and the work of their students and collaborators.[36] Their approach emphasises the multiplicity of voices, perspectives and interpretations that emerge from the post-Imperial period, rather than a grand narrative or singular 'what really happened'. Further, the 'Texts and Identities' approach methodologically emphasises texts as being living, active components of a culture. To quote them directly, and with full agreement:

> [Texts] give meaning to social practice and are often intended to inspire, guide, change or prevent action, directly or indirectly. The written texts that have been transmitted to us are therefore traces of social practice and of its changes, not only in a merely descriptive way, but also as part of a cultural effort to shape the present by means of restructuring the past.[37]

This is a single book, written by a single author and so inevitably single themes and strands have been identified, but it is important to emphasise that these are single voices among many.

The 'Texts and Identities' project additionally focused on the notion of ethnic identities, specifically identities as being socially constructed, complex and multifaceted. In particular, 'strategies of distinction' – the ways in which individuals and groups differentiated themselves through textual discourse from others – was central to this project, and has been broadly influential here in that texts – be they laws, poems, letters or sermons – are viewed as being part of a continuous and dynamic effort to construct and maintain selves.[38]

Structure

The focus of this book is families, and so it follows the life course of the nuclear family. Structurally, the book consists of three parts that follow a hypothetical family through their life course. Part 1 concerns the creation

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36   Corrandini *et al.*, 2006. Within this especially De Jong *et al.* outline the beginnings and aims of the 'Texts and Identities' project (2006: 11-12).

37   De Jong *et al.*, 2006: 12.

38   De Jong *et al.*, 2006. See also Pohl & Reimitz,1998 and the special edition of *Early Medieval Europe* that focused on Roman identity after Rome and featured Pohl, McKitterick, and Corrandini, among others. (22.4, 2014).

of new families. It begins with betrothal, viewed (albeit simplistically) as the beginning of a new household and therefore family unit. Here we explore the legal and cultural purposes and meanings of a new marriage, and within that consider the meanings and purposes of having children. Alongside this discussion comes the related issues of not having children, and the multifarious ways in which individuals could plan, limit and control the size of their household.

Part 2 focuses on marriage as an institution and as a cultural idea (or ideal). Here we explore the expected and idealised behaviours of a couple within a marriage, with particular focus on the issue of correct sexual behaviour. There is a tendency for sources – particularly legal sources – to focus on worst case scenarios including divorce, adultery and widowhood. Such issues shed light on the cultural expectations and ideals of marriage and marital behaviour. Part 2 focuses strongly on the couple within a legal marriage and their social roles as husband and wife.

In Part 3, we move to look at how the arrival and growth of children affect a family. In particular, this section explores the roles of men and women as mothers and fathers rather than looking at the experience of children themselves. Instead, this section considers the expected functions and behaviours of mothers and fathers, and the discourses that shaped these ideals and expectations both legally and socially. At the core of this part – and indeed this book – are adults, from the point of their betrothal to the point at which they are themselves the parents arranging the betrothal of their adult children.