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Francia. Forschungen zur westeuropäischen Geschichte
Herausgegeben vom Deutschen Historischen Institut Paris
(Institut historique allemand)
Band 12 (1984)

DOI: 10.11588/fr.1984.0.51459

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AN ANALYSIS OF THE PLACE-NAME *TURROVANINSIS*
IN ›EDICTUS CHILPERICI‹ (CAP. 1) AND ITS RELATIONSHIP
TO INHERITANCE RIGHTS SOUTH OF THE GARONNE RIVER
(CA. A. D. 575)

Those laws that Chilperic I (561–584) promulgated in the late sixth century are known collectively as the *Edictus domni Chilperici regis pro tenore pacis*, and they comprise eleven laws that together are categorized as one of the capitularies of the *Pactus legis Salicae*¹. Consequently, the laws of Chilperic's edict, in addition to those laws by other Merovingian kings, supplement the original sixty-five title text of the *Lex Salica*.

It is also known that Chilperic's edict contains laws both ambiguous and obscure; and the law discussed here – the first of these eleven laws – is no exception. The ambiguity of Chilperic's edict may be attributed not only to the incomplete description of the institutions and procedures it names, but also to the poor state of its manuscript tradition, and for our purposes, the second of these shortcomings is far more serious than the first. It is further complicated by the fact that Chilperic's edict has survived in only one MS (Leiden, Bibliothek der Rijksuniversiteit, Vossianus latinus 119, quarto)², implying, of course, that if there are scribal errors within it, unraveling them may be extremely difficult or even impossible.

Although the first law of the ›Edictus Chilperici‹ is the cause of more than one controversy, we are concerned here only with the city named within this law (and with its relationship to the crossing of the Garonne river) – the city called *Turrovaninsis*. This law says:

*Pertractantes in Dei nomine cum viris magnificentissimis obtimatibus vel antrusionibus et omni populo nostro convenit, quia fluvium Caronna hereditas non transiebat, ubi et ubi in regione nostra hereditas detur, sicut et reliqua loca ut et Turrovaninsis hereditatem dare debent et accipere*³.

There is no disagreement among historians regarding the establishment of an inheritance as described by this law. Rather, there is considerable dispute concerning the location of *Turrovaninsis*, so much so that four cities have been proposed by scholars since 1837: Tournay⁴,

1 Chilperic's edict is known as capitulary IV in the *Pactus legis Salicae*, MGH, Legum sectio I, vol. IV, pt. 1, ed. Karl August ECKHARDT, Hanover 1962, p. 261–263; it is given the same number in Eckhardt's edition and translation into German of the *Pactus legis Salicae* in: *Germanenrechte Neue Folge, Westgermanisches Recht*, vol. II, pt. 2, Göttingen 1956, p. 424–432, but it is numbered as capitulary VIII in: Heinrich GEFFCKEN, ed., *Lex Salica zum akademischen Gebrauche*, Leipzig 1898, p. 83–87. Because this edict is a capitulary, it is also included in the *Capitularia regum Francorum*, MGH, Legum sectio II, vol. I, ed. Alfred BORETIUS, Hanover 1883 (r. p. 1960) p. 8–10.

2 This MS has been edited by Alfred HOLDER, *Lex Salica emendata nach dem Codex Vossianus Q. 119*, Leipzig 1879. It is given the number K17 in ECKHARDT's MGH edition of the *Pactus legis Salicae*. There is also a copy of this MS in the Bibliothèque Nationale (Paris), catalogued as codex Latinus 10755 (formerly Suppl. Lat. 1046).

3 *Pactus legis Salicae*, MGH, Legum sectio I, vol. IV, pt. 1, p. 261.

4 GEFFCKEN (note 1 above) p. 268–269.

Thérouanne⁵, Tours⁶, and Tarbes⁷. That four cities have been proposed indicates how differently the historical evidence has been interpreted, discrepancies that in themselves make for controversy. But *Turrovaninsis* would not be interpreted as four distinct cities unless it resembled them in some way, since there is indeed some similarity between the Latin names of Tournay (*Turnacum* or *Tornacum*), Thérouanne (*Tarvenna*, *Tarvanna* or *Tervanna*), Tours (*Turones*), and Tarbes (*Turba* or *Tarba*) and the spelling of *Turrovaninsis*⁸.

But the strongest similarity is between the spelling of *Turrovaninsis* – regardless of whether or not this spelling is due to a scribal error – and Thérouanne. And a principal reason for the likelihood of this possibility is the reference made to Thérouanne in Gregory of Tours' ›History of the Franks‹. Here Gregory makes reference to a city spelled *Tarabennensis*⁹. Although the older (that is, Roman) name for Thérouanne was *Tarvenna* (or derivations thereof), *Tarabennensis* appears to be a name given to Thérouanne in the Merovingian period, and misspelled in Chilperic's edict. A substitution of a »u« for the first »a« and an »o« for the second, and a »v« for a »b«, all of which were common in medieval Latin, transforms *Tarabennensis* into *Tur(r)ovaninsis*. Furthermore, in the seventh century, Fredegar also makes reference to Thérouanne, which he spelled *Tharawanninsis*¹⁰.

But there are other reasons why Thérouanne is probably the city referred to in ›Edictus Chilperici‹, cap. 1, and for these reasons we must turn to the Latin clause in which *Turrovaninsis* appears: *sicut et reliqua loca ut et Turrovaninsis hereditatem dare debent et accipere*. The use of the conjunction *ut* indicates that those individuals living in *Turrovaninsis* are already capable of both giving and receiving inheritances. Thus the words *ut et Turrovaninsis* indicate a comparison between the right of succession to property already applicable in Chilperic's northern kingdom (*ubi et ubi in regione nostra hereditas detur*) and the hitherto newly acquired right of succession in that territory south of the Garonne river. For this reason the city of Tarbes could not possibly be the correct referent for *Turrovaninsis*; it is located south of the Garonne river¹¹, and therefore in the year of Chilperic's edict it had not yet been included in the existing inheritance rights. Also, *Turrovaninsis* most likely is not Tours, because Chilperic did not

5 MGH, *Leges (folio)*, vol. II, ed. Georg Heinrich PERTZ, Hanover 1837 (r. p. 1965) p. 10; Felix DAHN, *Die Könige der Germanen*, Leipzig 1895, vol. VII, pt. 3, p. 478, n. 5; and Franz BEYERLE, *Die Lex Ribuaria. Volksrechtliche Studien I*, Zs. der Savigny-Stiftung für Rechtsgeschichte, Germ. Abt. 48 (1928) 337, n. 1. BEYERLE reaffirms his views in: *Das legislative Werk Chilperichs I*, *ibid.* 78 (1961) 5, n. b.

6 Alfred BORETIUS, ed., *Die Capitularien zur Lex Salica* in Jakob Fr. BEHREND, ed., *Lex Salica*, Berlin 1874, p. 105, n. 1; Knut JUNGBOHM CLEMENT, *Forschungen über das Recht der Salischen Franken vor und in der Königszeit...*, ed. Heinrich ZOEPFL, *Bibliothek für Wissenschaft und Literatur* 3 (Berlin 1876) p. 269; and Richard SCHRÖDER, *Untersuchungen zu den fränkischen Volksrechten*, in: *Monatschrift für die Geschichte Westdeutschlands* 6 (1880) 482.

7 Emil GOLDMANN, *Neue Beiträge zur Geschichte des fränkischen Rechts*, Heidelberg 1928 (*Deutschrechtliche Beiträge*, vol. 12/1) p. 28–32. See Franz BEYERLE's criticism in the form of a book review of Goldmann's book in *Zs. der Savigny-Stiftung für Rechtsgeschichte, Germ. Abt.* 49 (1929) 504–505.

8 For the Latin names of these cities, see Auguste LONGNON, *Les noms de lieu de la France*, Paris 1920–1929, and J. MOREAU, *Dictionnaire de géographie historique de la Gaule et de la France*, Paris 1972.

9 See Gregory of Tours, *Historia Francorum*, V, 18; MGH, *Scriptores rerum Merovingicarum*, vol. I, ed. Bruno KRUSCH and Wilhelm LEVISON, Hanover 1885 (r. p. 1961) p. 224.

10 See Fredegar, *Chronica*, III, 78; MGH, *Scriptores rerum Merovingicarum*, vol. II, ed. Bruno KRUSCH, Hanover 1888 (r. p. 1956) p. 114.

11 GOLDMANN (note 7 above) p. 31, presupposes that *Turrovaninsis* is Tarbes because the latter in medieval Latin is spelled *Tarva*, but *Tarva* lacks the typical suffix (-*ninsis* or -*ninses*) that often accompanied the name of a city. Reference to *Tarva* is derived from Gregory of Tours, *Miracula*, Liber VIII: *Gloria confessorum*, 48; MGH, *Scriptores rerum Merovingicarum*, vol. I/2, ed. Bruno KRUSCH, Hanover 1885 (r. p. 1969) p. 327.

possess this city (and the region in which it lies) until after the death of his brother Sigibert in 575¹². Nor could *Turrovaninsis* reasonably be identified as Tournay (Tournai) in light of the compelling evidence already adduced; namely, that the Latin spelling of Tournay (*Turnacum* or *Tornacum*) is much farther removed from *Turrovaninsis* than is *Tarabennensis* (Thérouanne). For all these reasons, *Turrovaninsis* in all likelihood is Thérouanne.

Furthermore, the phrase *sicut et reliqua loca ut et Turrovaninsis*, which has been assumed by some historians¹³ to imply that *Turrovaninsis* is a territory, is unfounded. It should be apparent that *sicut et reliqua loca* is a comparison not to another territory, but to a *civitas*, that is, a city with its environs. And this *civitas* can be assumed to be Thérouanne.

We have already said that the phrase *ut et Turrovaninsis* compares the laws governing the right of succession to property in the North with the newly acquired rights in the South. Therefore, the intention of Chilperic's edict (cap. 1) was to enforce the Salic laws governing inheritance south of the Garonne, which apparently were not evident before the time this edict was promulgated. Those inheritance rights in Chilperic's northern kingdom allowed relatives to obtain possession of a deceased's property, but these rights did not pass to his southern kingdom before this law was promulgated. In the absence of this law in the South, inheritance passed to the public treasury (*fiscus*). This is not to say, however, that the territory south of the Garonne belonged exclusively to the king. We must differentiate this concept from another indicating that the Merovingian king regarded his kingdom as a private possession, to be bequeathed to succeeding generations of sons as personal property. And the fact that the latter concept is not applicable in ›Edictus Chilperici‹ (cap. 1) is evident from what the law says, since ›our people‹ (*populo nostro*) have been consulted along with magnates and *antrustiones* and have agreed that inheritances south of the Garonne should be amenable to the same procedure as that applicable in the north. If this newly acquired territory was solely a regal possession, there would be no necessity either to promulgate this law at all or to promulgate it with the approval of Chilperic's subjects¹⁴.

In all likelihood, the promulgation of Chilperic's edict was necessitated when he seized much of the territory of his brother Sigibert upon the latter's assassination in 575. Therefore, ›Edictus Chilperici‹, cap. 1 exemplified the unification of Chilperic's original northern kingdom with his newly acquired southern kingdom following the death of Sigibert¹⁵.

12 Another reason why *Turrovaninsis* cannot refer to Tours is that the *Commemoratio missis data* (A. D. 825), cap. 1 names both *Tarvanenses* (Thérouanne) and *Turones* (Tours) within the same context. See BORETIUS (note 1 above) p. 308.

13 Notably, by both GEFFCKEN (note 1 above) p. 268 and GOLDMANN (note 7 above) p. 32.

14 Hence, we can disregard the opinion of Joseph BALON, *Traité de Droit Salique: Étude d'exégèse et de sociologie juridiques, Ius medii aevi*, 3, Namur 1965, pt. 3, p. 568, who believes that the inheritance described in this law is simply ›eine königliche Erbgewalt‹.

15 For the cartographical history of Merovingian Gaul between 561 und 584, see Auguste LONGNON, *Atlas historique de la France depuis César jusqu'à nos jours*, Paris 1885, plate III, maps 5–8, which correspond to maps 4–7 respectively in his: *Géographie de la Gaule au VI^e siècle*, Paris 1878.