

**Agobard of Lyons**  
**Book against the law of Gundobad**  
**and the wicked duels that are carried out through it.**

(ca. 817–822)

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I.

I beseech your unshakeable gentleness and most serene prudence, O most kind Lord Emperor [Louis], that you not scorn to read tirelessly these little pages, which I offer for the purpose of the contemplation of that supreme and immutable truth which is Christ our Lord, who lovingly and vigilantly protects and assists your empire, and whose sayings and laws are taken up in these pages. May it not offend your celebrated great serenity that the most humble of all men offers these things for reading to your supreme excellence. For it is nothing other than that which you yourself know supremely and best.

II.

God, the Son of God, having been made a man for men, showing the way of salvation, and entrusting to His chosen disciples the teaching of life, being about to rise to heaven, said to them: *Go ye into the whole world, and preach the gospel to every creature. He that believeth and is baptized, shall be saved.* (Mark 16:15–16) And again, *Going therefore, teach ye all nations; baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you.* (Matt. 28:19–20) *But they going forth preached everywhere: the Lord working withal* (Mark 16:20), and it was proclaimed by them to every creature, that is, to all the peoples of the world, the one faith inspired by God, the one

hope diffused by the Holy Spirit into the hearts of believers, the one charity born in all, the one will, the one desire inflamed, the one prayer taught, so that everyone, different in origin, condition, sex, nobility, freedom, servitude, at the same time says to God and Father of all, *Our Father, who art in Heaven, hallowed be Thy name* (Matt. 6:9), just as if they are invoking one Father, seeking one sanctification, demanding one kingdom, desiring one fulfillment of God's will as it is done in heaven, praying to be given daily bread, and for all having their sins forgiven. (cf. Matt. 6:9–12) Even the masters of the world, the light of the world, the holy Apostles, could not teach each one: *Forgive me my debts* (cf. Matt 5:14), or *lead me not into temptation, but deliver me from evil* (cf. Matt. 6:12–13), but cried out one for all, and all for one, O heavenly brotherhood, O eternal harmony, O indivisible unity, derived from one author, attributed to the one of all things, for which [unity] *the heavens rejoice, the earth is glad, the sea is moved, and the fulness thereof, the fields and all things that are in them are joyful. All nations clap their hands, shout unto God with the voice of joy.* (Ps. G 95:11–12; 46:2)

III.

And how properly that they invoke the only God the Father, since everyone has become brothers—master and slave, rich and poor, learned and ignorant, strong and weak, supreme emperor and humble worker. Now no one rejects the other, no one feels inferior to the other, no one feels superior to the other, because we are one bread, one body of Christ, indeed one Christ (cf. 1 Cor. 10:17), as the apostle said: *Stripping ourselves of the old man with his deeds, and putting on the new, him who is renewed unto knowledge, according to the image of him that created him; Where there is neither Gentile nor Jew, circumcision nor uncircumcision, Barbarian nor Scythian, Aquitanian nor Lombard, Burgundian nor Alemannian, bond nor free. But Christ is all, and in all.* (Col. 3:9–11) *For all things are yours, whether it be Paul, or Apollo, or Cephas, or the world, or life, or death, or things present, or things to come. For all are yours, it was said to them, and you are Christ's; and Christ is God's.* (1 Cor. 3:22–23) And again, *For as the body is one, and hath many members, all the members of the body, whereas they are many, yet are one body: so also is Christ. For in one Spirit were we all baptized into one body, whether Jews or Gentiles, whether bond or free, and in one Spirit we have all been made to drink.* (1 Cor. 12:12–13) And lest someone without faith think that he, with the very few, drank from the one Spirit, [the Apostle] says *And no man can say the Lord Jesus, but by the Holy Ghost.* (1 Cor. 12:3)

There are indeed divisions of thanks and works, but the same Lord and the same God, Who performs everything in all works, is also the same Spirit that is divided among every single thing just as He pleases. (cf. 1 Cor. 12:4–11) Therefore, none of these is a stranger and a foreigner, but [all] are *fellow citizens with the saints, and the domestics of God, built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner stone, in whom all the building, being framed together, groweth up into an holy temple in the Lord.* (Eph. 2:19–21) And those who were distant, became close in the blood of Christ (cf. Eph. 2:12–13); *for he is our peace, who hath made both one, and we are able to say truly: He who makes all one, and breaking down the middle wall of partition, the enmities in his flesh, making void the law of commandments contained in decrees, that he might make the two in himself into one new man, making peace, and might reconcile both to God in one body by the cross, killing the enmities in himself; and coming, he preached peace to those that were afar off, and peace to them that were nigh, for by him they have access both in one Spirit to the Father.* (Eph. 2:14–18)

#### IV.

Therefore, if the Lord suffered on that account, that with His blood He made close those who were distant, and now brought down the wall of separation, and enmity was destroyed in Him, and all were reconciled in one body with God, and in this great singular body made into one Spirit, so that they could be called Christ rather than Christians, as the previously mentioned statement by the Apostle makes clear, saying: *And all the members of the body, whereas they are many, yet are one body, so also is Christ* (1 Cor. 12:12)—for he did not also say *Christians*, but *Christ*—then I desire to know, through your mercy, if such a great diversity of laws is not something that may stand in the way of that great divine work of unity, [a diversity] that is present as much not only in individual regions or cities, but even in many homes. Indeed, it is not uncommon that five men may go or sit together, and none of them has a law in common with the other outwardly as regards to temporal matters, while they are bound inwardly with respect to everlasting matters by the one law of Christ. And when by chance it happens that all are truly Christians, lovers of the truth of faith, and believe each other to be most beloved brothers, and nobody spurns the testimony of another, and although they build themselves up with good words, if suddenly a dispute in court occurs between one and the others, there will not be able to be had a witness from his dearest

friends, with whom he walked together, because the testimony of someone may not be accepted over that of [the law of] Gundobad, and other similar things.

V.

Here, I pray, most gracious and holy emperor, may your patience assist me, and may your magnanimity not deem improper that I, an unworthy man, speak of worthy things, and tiny, speak of grand things, since through these things that are perhaps irremediable I wish to come to those that are necessary and very suitable for your charity. If the things that I say are not agreeable, *the just shall correct me in mercy* (Ps. H 140:5), that is, your goodness, and let it not publicize the correction. However, to me, your servant, although last nevertheless faithful, it does not seem fitting that a Christian cannot offer testimony about another Christian, and therefore a brother about another brother. For as it was said above, all having God as the only Father are the brothers and sons of God. The Gospel says this clearly. It follows that a just man is not allowed to testify about the unjust, because they, who should belong to the only law according to God, belong to another law according to the world. Indeed, I believe that these things by no means may be done without harm to that unity and harmony which was demonstrated above with the Apostle's statements. For if someone should be removed from testifying, then he rather should be turned away who is of another faith or another religion, but also he, with whom the Apostle teaches [us] not to take food, saying: *If any man that is named a brother, be a fornicator, or covetous, or a server of idols, or a railer, or a drunkard, or an extortioner: with such a one, not so much as to eat* (1 Cor. 5:11), and again: *And if any man obey not our word by this epistle, note that man, and do not keep company* (2 Thess. 3:14), particularly at table. All those who will not be returning into the body Christ through the satisfaction of penance no doubt will remain within the body of the devil, and by this will belong to his kingdom and his city.

VI.

Here, truly, there should be a distinction and separation between kingdom and kingdom, that is, of Christ and of the devil, between the city of God and the city of the devil, which make two peoples. For the city of God contains the people of acquisition, the city of the devil the people of perdition. (cf. 1 Petr. 2:9) But if it is impossible for men to distinguish all those who belong to the city of God from those who belong to

the city of the devil, then at least they can recognize them most clearly by their fruits (cf. Matt. 7:20), and the letters of the Apostle teach that those who are divided from the body of Christ turn away from testifying. But [if] the one bond of the body of Christ holds them, and most are not only a member of one body, but are also members of one member, [then] why are they excluded from [rendering] testimony for one another? What use is it that, on account of the law which they call that of Gundobad, whose author was a heretic and fierce enemy of the Catholic faith—to which law very few men belong—even a good Christian cannot testify for his neighbor? Whereupon arises the completely absurd matter that, if any of those in a gathering of people or even in the public market has committed some offense, then he is not proven guilty by witnesses, but is allowed to swear [an oath], as if there were not those through whom the truth could be determined. Here it is perfectly clear that the law is injurious and condemnable.

#### VII.

If it were pleasing to our lord [Louis], the wisest emperor, that he transfer those men to the law of the Franks, not only would they [thereby] gain greater prestige, but this region would also be raised up, however little, from the squalors of miseries. For, due to these things, it frequently happens that not only strong men, but also the sick and the old, are provoked to a contest and battle, even over the most paltry matters. In these duels by iron occur unjust killings and cruel and perverse outcomes of judgments, not without the loss of faith, charity, and piety, while they believe that God supports the one who can defeat his brother and cast [him] into the depth of miseries. This is such a pernicious error and disruption of order that, on account of these perversions, the Scripture of truth is despised and Christian concord ruined, and with respect to God, Who is by nature good, it is discerned—for shame!—that He might favor the violent and oppose the weak.

#### VIII.

The doctrine of Christ teaches: *He who will contend with thee in judgment, and take away thy coat, let go thy cloak also unto him* (Matt. 5:40), and again, *Already indeed there is plainly a fault, that you have lawsuits. Why do you not rather take wrong? Why do you not rather suffer yourselves to be defrauded?* (1 Cor. 6:7) There are those, on the contrary, who say, “Fight without fear, since you will without doubt overcome the one who

attacks or contends with you,” and they promise divine assistance to those who are so at odds with evangelical piety. Hence, one now proceeds impudently to a duel, where the two men, readied, come close, so that they each might submit themselves to repeated attacks over things that they in fact ought to love much less than one another. For the one was commanded to love as himself the other whom he sought to kill or defeat (cf. Matt 19:19), and to consider as dung those worthless things over which he contended, so that he might gain Christ. (cf. Phillip. 3:8) Where then is charity—without which the perfect interpreter of all languages, of angels and men, becomes like a bronze horn or tinkling cymbal, without which the perfect prophet and the most learned doctor and the one shimmering in the miracles of the faith is nothing, without which the generosity of alms and the misery of martyrdom does not bring any benefit? (cf. 1 Cor. 13:1–3) The soldiers of Christ who have truly received this [charity] replaced the [love for this] world with the faith in Christ, but [did so] by dying, not killing.

IX.

When the struggle over the true religion was a public matter, since there were some who believed that one should worship any creature as God, and others who taught that one should only worship the Creator, the victors were those who were killed, not those who killed; truth was spoken to those dying, not those killing; the witnesses of truth rose up by dying, but the advocates of iniquity perished by killing. For if, in this life, the innocent were always victors and the wicked were always defeated, then Pharaoh would not have killed Josiah, but Josiah Pharaoh (cf. 4 Reg. 23:29; 2 Par. 35:20–24); Herod would not have killed John, but John Herod. (cf. Matt. 14:10) Nor would the holy city of Jerusalem, in the days of grace illustrious for its immense crowds of monks, clerics, and other faithful, have been subjected to the Saracens, like other cities and regions, nor Rome to the Goths, pagans, and heretics all at once, nor Italy to the Lombards, and many other [examples] of this kind.

We say these things not to deny that the providence of God sometimes frees the innocent and condemns the wicked, but because in no way was it decided by God that these things happen in all cases, except in the Last Judgment. And since these duels [between men] are seriously inimical to Christian simplicity and piety, and exceedingly hostile to evangelical doctrine, it should not enter the Christian’s mind that he should seek to resolve conflicts of this world by opposing them, and get satisfaction through

his duels, since, on the contrary, during the sacred solemnity of Masses we often pray to the Lord to grant us, for His love, the contempt of the world's goods, and fearlessness before His adversities. To be sure, it is proper that the mind of the Christian worry about his salvation, with *fear and trembling* (Phillip. 2:12), according to the Apostle, and to keep in mind the things to come, and not pay attention to the present circumstances, because by the most secret dispensation of God the events of the present time are diverse, as Holy Scripture testifies: *There are just men to whom evils happen, as though they had done the works of the wicked: and there are wicked men, who are as secure, as though they had the deeds of the just* (Eccle. 8:14); and again: *For because sentence is not speedily pronounced against the evil, the children of men commit evils without any fear* (Eccle. 8:11); and again: *There are just men and wise men, and their works are in the hand of God: and yet man knoweth not whether he be worthy of love, or hatred; But all things are kept uncertain for the time to come, because all things equally happen to the just and to the wicked, to the good and to the evil, to the clean and to the unclean, to him that offereth victims, and to him that despiseth sacrifices. As the good is, so also is the sinner: as the perjured, so he also that sweareth truth. This is a very great evil among all things that are done under the sun, that the same things happen to all men: whereby also the hearts of the children of men are filled with evil, and with contempt while they live, and afterwards they shall be brought down to hell* (Eccle. 9:1–3); and again: *I turned me to another thing, and I saw that under the sun, the race is not to the swift, nor the battle to the strong, nor bread to the wise, nor riches to the learned, nor favour to the skillful: but time and chance in all. Man knoweth not his own end: but as fishes are taken with the hook, and as birds are caught with the snare, so men are taken in the evil time, when it shall suddenly come upon them.* (Eccle. 9:11–12) For the reward of merits is not [to be had] in the present, but in the future. It is unnecessary for the faithful mind to suppose that Almighty God wishes to unveil hidden things to men in the present life through hot water or iron. How much less [then] through cruel duels? On account of which the Apostle teaches that one should not judge hidden things *until the Lord come, who both will bring to light the hidden things of darkness, and will make manifest the counsels of the hearts.* (1 Cor. 4:5) Yet, it is allowed to judge between brothers, so that disputes may be settled. (1 Cor. 6:5–6)

X.

But the usefulness of the judgments lies in the discussion of the motives and the subtlety of the questions, just as one reads that Solomon had done in the dispute of the two prostitutes (cf. 3 Reg. 3:16–27); his request was so pleasing to God, because it did not ask for riches or long life, but for the wisdom by which to discern a judgment. (cf. 3 Reg. 3:9; 2 Par. 1:10) Likewise, while still a child, Daniel, his mind stimulated by God, judged two wicked judges with prudence and discernment, thanks to which the blessed Susanna was also freed from unjust condemnation. (cf. Dan. 13) For, if these two cases were to occur in our times, it is easy to see what judges would say, before whom mainly perjury or gifts would [cause them to] put an end to the matters. On the contrary, how much the integrity of judgments is necessary for kingdoms and peoples is attested by Scripture, which says: *A kingdom is translated from one people to another, because of injustices, and wrongs, and injuries, and divers deceits.* (Eccli. 10:8) All these things abound among the subjects of Gundobad more than with other peoples, for with Gundobad's law it is not permitted to end cases by discussion or truthful testimony; rather, it is pleasing that it is permissible to threaten with weapons, lest the weaker hold back or demand back what is his—as if the truth needs to manifest itself by means of arms, which no authority and no reason allows one to think.

XI.

To gain insight into this matter, one should consider carefully what is reported in the book of Judges. In fact, since some of the tribe of Benjamin, in the city of Gibeah, had committed a very shameful act with the wife of a certain Levite (cf. Iud. 19:22–26; 20:5), all the tribes of Israel gathered to punish this crime, and the entire tribe of Benjamin also gathered in the aforesaid city of Gibeah to defend themselves of their sin. (cf. Iud. 20:11–17) Consequently, the children of Israel first consulted the Lord at Shiloh, and asked him who should go first into battle; *the Lord answered them: Let Juda be your leader.* (Iud. 20:18) And immediately, as they began to attack the city, 22,000 of their men were killed. Then they wept before the Lord until the night, and asked Him whether they should continue to fight against the children of Benjamin or not? The Lord said to them: *Go up against them, and join battle.* (Iud. 20:23) When the battle was joined, 18,000 of them were [again] laid low. As a result, they returned to the house of God, and sitting there



wept before the Lord, fasted until evening, and offered sacrifices (cf. Iud. 20:23–26); and going forth into battle again, they slaughtered the entire tribe of Benjamin, except six hundred men. (cf. Iud. 20:35–47)

Who would not be surprised by this fact? Who is not extremely terrified of God's judgment, which is often hidden, but never unjust? To be sure, the children of Israel had a legal mandate to punish crimes and avenge killings; and they not only trusted in the legal mandate, but they also asked the Lord through prayer, and by his command they went into battle. And yet, many more of them were killed first, and [only] thereafter [did] they punish all the guilty, except the six hundred that remained. Since all these things are so, who is rash enough to believe that, if two men are fighting over a single donkey, mill, or anything even more base, one of the two, to whom it is reckoned that the thing should belong, is not able to be killed, although by chance his sins are either more numerous or larger than those of the other, for which things he ought to be punished? Truly this is not law, but death, on account of which it should be despised, since it was contrived by those who not only prayed, but also cursed the wisdom of God.

XII.

Here is another thing that seems worthy of pious consideration, namely, regarding the Gallican canons, which are rejected by some as if superfluous or unnecessary, because the modern Romans do not endorse them, although the ancients worshipped them religiously, since they were promulgated by venerable and holy men, whose frequent miracles attested to their life and sanctity. There was never anyone who could hear about as many holy bishops as there were throughout Gaul, as could be found mandates and accounts in letters that were left in each place for posterity. And indeed, if according to the statement of the Lord, where two or three are gathered in His name there is also the Lord in their midst (cf. Matt. 18:20), then how much more is it the case where 20 or 30 or many more are gathered, not only in the name of the Lord, but especially those possessed of faith, celebrated in wisdom, illustrious in life, reverend for holiness, and fearful of signs and wonders? Therefore it is not said that it should be believed that the sanctions of the meetings of all bishops are to be received with the same authority as those of Nicaea, Chalcedon, and other general councils, with the agreement of the entire world's congregants and recipients; but since faith is given to those with due devotion through worship in accordance with necessary conditions, whose determinations are not found in those general councils, and since it is better

for each of them to follow an authority rather than their own understanding, then it cannot be passed over without some pain when the determinations of the many saints and Catholics are neglected, and the law of the one Gundobad, a heretic king, is carefully maintained, as if it had been given by God.

XIII.

At the time of the above-mentioned Gundobad, king of the Burgundians, there was in the city of Vienne a holy bishop named Avitus, Catholic in faith, supreme in eloquence, very sharp of wit, the sweetest expositor of the Holy Scriptures, as well as being most learned in secular literature and having the greatest facility in poetry, just as his works demonstrate. Often arguing with the same Gundobad about faith, both by conversations in his presence, as well as responding by letters in his absence, Avitus left many and illustrious works of his intellect and his virtues. After the same Gundobad died in his perfidy, his successor, King Sigismund, converted to the Catholic faith, during which conversion Avitus delivered a homily to the people that was filled with sweetness of meanings and most pleasant in the composition of the sentences. If it pleases, let your kindness hear what this venerable and holy man said in response to the often-mentioned Gundobad regarding the above-mentioned duels. When both men were holding a dialogue on this subject, and Blessed Avitus censured these duels, Gundobad replied to him: "What about the fact that between kingdoms and peoples, or even between individuals, cases are entrusted to divine judgment to be decided in battle, and that victory comes above all to the party who is urged on by justice?" To this, Blessed Avitus responded, saying: "If kingdoms or peoples were seeking divine judgment, they would first fear that which is written of what the Psalmist said: *Scatter thou the people that delight in wars* (Ps. 67:31), and they would love that which is said in the same manner: *Revenge is mine, I will repay, saith the Lord.* (Rom. 12:19) Or is it perhaps that celestial equity does not judge the motive of cases without weapons and swords, although often, as we see, the party that either holds its position rightly or makes a just request suffers in battles, and either the superior strength or the secret cunning of the wicked party prevails?" (Avitus of Vienne, *Dial. cum Gundob.* III A, ed. MGH AA, vol. 6, pt. 2, pp. 2–3)

XIV.

But I should not say it were thus, as if the decision of the event of war were not determined by the inconstant will of God. But it sometimes happens that, when one meets for battle under the invocation of divine judgment, [and] the lot has been extended to the surviving party with respect to the matter about which [the battle] is taking place, those sins in particular are punished which he [the loser] does not recall, and he loses the merit of the present case to him [the winner] on account of the debt of [the loser's forgotten] sins. What of the fact that, [on the one hand] a simple traveller encounters an armed bandit, and, without the announcement of any judgment, either by yielding [to him] is robbed or by resisting is punished, while [on the other hand] the same criminal, in another fight, in which he hopes that the case is judged well for him, dies having been judged [guilty] rather for this [case]? What can we say now about that ambiguity of individual duels, how frequently between peaceful peoples—although they rightly put the souls of warriors, sometimes from both sides, above any claim—a person's rage is enacted; that they set the most filthy lucre over those precious humans, and that one calls down the judgment of God in anger, since he will not await it with patience? But at this point, I ask whether it would have been an unjust case for both, one for which the warrior of both sides would die?

Would that it might please Almighty God that everyone be subject to one law under one most pious king, the same law according to which one lives and his neighbors also answer; it would indeed accomplish much on behalf of the concord of the city of God, and the equity of the people. But because it is such a great undertaking, and perhaps humanly impossible, at least let this one thing, about which this sermon has been concerned, be uprooted from [our] midst [namely, the law of Gundobad], as something not only useless, but even fatal.