

Ruling Visigothic Hispania: The Role of the Bishops*

Pablo Poveda Arias
Universidad de Valladolid
pablo.poveda@uva.es

Introduction

One of the elements that defined the period of Visigothic domination in Hispania was the role granted to the Church and to bishops in the preservation of the new political order conceived after the Visigothic defeat at Vouillé in 507. It would be impossible to understand the kingdom's survival over time until 711 without the contribution of the Church.¹ After all, both kings and bishops addressed the same social mass, which they aimed at ruling, and therefore they could not ignore each other.² Bishops might have actually held a more dominant position over society, given that the Church was in charge of regulating every aspect of their communities' daily lives.³ As stated by L. Fernández, the episcopate would constitute "un elemento de poder con una base social mucho más amplia que cualquiera de los sectores sociales laicos del reino visigodo".⁴ This social ascendancy had its territorial correspondence thanks to diocesan structures.⁵ Such influence made episcopal cooperation necessary for Visigoths to benefit from it and to successfully impose their power, particularly during the formative periods of the kingdom.⁶ Both the Church and the Visigothic power undeniably benefited from their mutual relationship.⁷ However, the existence of a power structure parallel to the royal one, with its own legislative framework and government functions in the secular sphere, limited the authority of the Visigothic kings, to which they had to respond. Consequently,

* This research has been developed in the framework of the Center for Advanced Study "RomanIslam – Center for Comparative Empire and Transcultural Studies", funded by the German Research Foundation (Deutsche Forschungsgemeinschaft, DFG), at Universität Hamburg.

¹ Walter Pohl, "Staat und Herrschaft im Frühmittelalter: Überlegungen zum Forschungsstand," in *Staat im frühen Mittelalter*, eds. Stuart Airlie, Walter Pohl and Helmut Reimitz (Wien, 2006), p. 14.

² Brigitte Basdevant-Gaudemet, "L'évêque, d'après la législation de quelques conciles mérovingiens," in *Clovis, histoire & mémoire*, 1, ed. Michel Rouche, (Paris, 1997), p. 482.

³ Nancy Gauthier, "Le réseau de pouvoirs de l'évêque dans la Gaule du Haut Moyen Âge," in *Towns and their Territories between Late Antiquity and the Early Middle Ages*, eds. Gian P. Brogiolo, Nancy Gauthier and Neil Christie (Leiden, 2000), p. 173.

⁴ Lina Fernández Ortiz de Guinea, "Funciones sociales del cuerpo episcopal en el reino visigodo hispano: administración de justicia y protección de la comunidad cristiana," *Hispania Antiqua* 20 (1996), p. 452.

⁵ Pablo Poveda Arias, "La diócesis episcopal en la Hispania visigoda: construcción, concepción y disputas por su territorio," *Hispania Sacra* 71/143 (2019), 9-24.

⁶ Santiago Castellanos and Iñaki Martín Viso, "The Local Articulation of Central Power in the Porth of the Iberian Peninsula (500-1000)," *Early Medieval Europe* 13/1 (2005), pp. 12-15; Santiago Castellanos, "Creating New Constantines at the End of the Sixth Century," *Historical Research* 85/230 (2012), p. 562; Purificación Ubric Rabaneda, "Forjando una alianza para la dominación. Obispos y barbaros en el Occidente tardoantiguo," in *La Iglesia como sistema de dominación en la Antigüedad Tardía*, eds. José Fernández Ubiña, Alberto J. Quiroga Puertas and Purificación Ubric Rabaneda (Granada, 2015), pp. 151-168.

⁷ Castellanos, Martín Viso, "The Local," pp. 14-15.

we consider that these mutual benefits occurred especially in a first stage,⁸ while the Visigothic monarchy needed bishops to impose its power, but over time this attitude changed to a different one, aimed at controlling and limiting the widespread episcopal influence where it overlapped secular power. One of the main strategies used by the kings in order to control the episcopate was their influence on the naming of bishops,⁹ but that was not enough. Thus, in contrast to the usual literature,¹⁰ we offer the hypothesis that the Visigothic monarchy gradually deprived bishops of a good part of the broad prerogatives that they had acquired in the civil sphere before the Gothic regime was consolidated in Hispania – although, relatively speaking, such a trend could start being perceived in the final stage of the Visigothic kingdom of Toulouse, when Alaric II attempted to limit the episcopate’s judicial action in civil and criminal cases.¹¹

With the aim of proving our hypothesis, in the next pages we will delve into the bishop’s role in the secular government of the Visigothic kingdom. To this end, on the one side, we will identify the competencies that these religious leaders acquired in the civil sphere until the arrival of the Visigothic power in Spain; on the other side, considering this starting point, we will observe how said competencies evolved under the new regime, as new ones were obtained. We will also contrast the exercise of these functions in practice with the role theoretically assigned (and therefore idealised) to bishops, particularly Isidore of Seville.

Hispanic Bishops and the Secular Government at the Arrival of the Visigoths

In the fourth century, bishops began playing some different roles in the secular sphere that went beyond yet stayed linked to their pastoral mission, thus placing themselves in an intermediate position between civil and religious spheres.¹² These secular government functions might have been initially intermittent¹³ but become more permanent over time,

⁸ Perceiving a reciprocity relationship for the whole period, Sam Koon and Jamie Wood, “Unity from Disunity: Law, Rhetoric and Power in the Visigothic Kingdom,” *European Review of History* 16/6 (2009), 793-808.

⁹ M^a. Rosario Valverde Castro, *Ideología, simbolismo y ejercicio del poder real en la monarquía visigoda: un proceso de cambio* (Salamanca, 2000), p. 251.

¹⁰ An alternative reading in Martínez Díez, “Función de inspección y vigilancia del episcopado sobre las autoridades seculares en el período visigodo-católico,” *Revista Española de Derecho Canónico* 15/45 (1960), 579-589; Luis A. García Moreno, “Estudios sobre la organización administrativa del reino visigodo de Toledo,” *Anuario de Historia del Derecho Español* 44 (1974), p. 45; Teodoro González, “La Iglesia desde la conversión de Recaredo hasta la invasión árabe,” in *Historia de la Iglesia en España, I. La Iglesia en la España romana y visigoda (siglos I-VIII)*, ed. Ricardo García Villoslada (Madrid, 1979), pp. 504-529; Carlos Petit, “Iglesia y justicia en el Reino de Toledo,” *Antigüedad y Cristianismo* 3 (1986), 261-274; M^a. Rosario Valverde Castro, “La iglesia hispano-visigoda. ¿Fortalecedora o limitadora de la soberanía real?,” *Hispania Antiqua* 16 (1992), pp. 387-388; Fernández Ortiz de Guinea, “Funciones,” pp. 458, 463; Céline Martin, *La géographie du pouvoir dans l’Espagne visigothique* (Villeneuve d’Ascq, 2003) pp. 198-202; Sebastián Souviron Bono, “Fiscalidad y control eclesiástico en la Hispania visigoda: supervisión de almas e impuestos,” *Baetica* 31 (2009), p. 289; Ramón Barenas Alonso, “El dominio episcopal sobre el territorio: competencias y recursos,” *Brocar* 40 (2016), pp. 13-14.

¹¹ *Lex Romana Visigothorum* 16.5.1; *Nou. Val.* 12, *interpr.*, ed. Gustav Haenel (Leipzig, 1849). John F. Matthews, “Interpreting the *Interpretationes* of the *Breviarium*,” in *Law, Society, and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford, 2001), p. 22.

¹² Claudia Rapp, *Holy Bishops in Late Antiquity. The Nature of Christian Leadership in an Age of Transition* (Berkeley, 2005) pp. 5-6. About the bishop’s civil functions, Carlo G. Mor, “Sui poteri civili dei vescovi dal IV al secolo VIII,” in *I poteri temporali dei vescovi in Italia e in Germania*, ed. Carlo G. Mor (Bologna, 1979), pp. 7-33.

¹³ John H. W. G. Liebeschuetz, *Decline and Fall of the Roman City* (Oxford, 2000), p. 137.

even overshadowing the provincial governor's authority.¹⁴ From a judicial point of view and since the times of Constantine, the emperor granted them the ability to mediate civil cases as an alternative to imperial justice. Initially, either party could appeal to the *audientia episcopalis* when they so saw fit, but eventually consent from all litigants was required. Episcopal sentences in these cases were definitive and therefore unappealable.¹⁵ Most of the times the emperor would have only confirmed and delimited some prerogatives developed in practice by virtue of his pastoral mission, in their long-standing role of mediators.¹⁶ Bishops in Hispania might even have been able to intervene *ex officio*, without the need for consent from parties, in cases that affected priests or poor people.¹⁷ Of course, this would also apply to religious cases, such as heresy, where bishops had full control over judicial processes. Precisely one of these cases allowed us to know that bishops in Hispania even had certain police competencies, since they could arrest suspects before judging them.¹⁸ It was even forbidden to summon bishops before secular courts.¹⁹ Later on, civil legislation would also recognise the right to asylum in Christian basilicas, although it was already happening in practice.²⁰ Those were the episcopal prerogatives in terms of justice, allowing episcopal intervention in civil cases despite the Empire's attempt at a certain point to limit the bishops' judicial role to religious cases.²¹ This is the situation we find at the moment when the Visigoths initiate their establishment in Hispania. The minutes of the Council of Tarragona in 516 reveal the episcopal arbitration in civil cases between lay people when the parties so agreed.²² Nevertheless, this might be subjected to regional variations, since there are areas where bishops could exercise judicial functions even in criminal cases. For instance, Masona, bishop of Merida,

¹⁴ Daniëlle Sloopjes, "Governor Trumped by Bishop: Shifting Boundaries in Roman Religious and Public Life," in *The Impact of Imperial Rome on Religions, Ritual and Religious Life in the Roman Empire*, eds. Lukas de Blois, Peter Funke and Johannes Hahn (Leiden, 2006), pp. 219-231.

¹⁵ *Codex Theodosianus* 1.27.1-2, ed. Theodor Mommsen and Paul M. Meyer (Berlin, 1905). Henry Chadwick, "The Role of the Christian Bishop in Ancient Society," in *Heresy and Orthodoxy in the Early Church* (Aldershot, 1991), pp. 6-7. The unappealability of such sentences placed them in a judicially superior position to that of the provincial governor, whose sentences could be appealed to the emperor. About bishops' judicial role in the Late Roman Empire, Rapp, *Holy*, pp. 243-252. See also Jill D. Harries, "Resolving Disputes: The Frontiers of Law in Late Antiquity", in *Law, Society and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford, 2001), pp. 68-82; Kevin Uhalde, *Expectations of Justice in the Age of Augustine* (Philadelphia, 2007).

¹⁶ Chadwick, "The Role," p. 6; David Hunt, "The Church as a Public Institution," in *The Cambridge Ancient History*, eds. Averil Cameron and Peter Garnsey (Cambridge, 1997), p. 271; Rapp, *Holy*, p. 239.

¹⁷ *Concilium Toletanum I*, c. 11, eds. Gonzalo Martínez Díez and Félix Rodríguez (Madrid, 1984).

¹⁸ Hydatius, *Chronicon* 122 [130]; 130 [138], ed. and transl. Richard W. Burgess (Oxford, 1993). These same functions were maintained under Visigothic domination at least for some time, as reflected in the *antiqua* law that establishes episcopal authority, together with other secular agents, in the search and summons of *delatores*. *Leges Visigothorum* 7.1.1.

¹⁹ *Constitutiones Sirmondianae* 3, ed. Theodor Mommsen and Paul M. Meyer (Berlin, 1905).

²⁰ *Codex Theodosianus* 9.45.1-5; 16.6.4; *Constitutiones Sirmondianae* 13. Rapp, *Holy*, pp. 253-260. See also Anne Ducloux, *Ad ecclesiam confugere. Naissance du droit d'asile dans les églises (IV^e-milieu du V^e. S.)* (Paris, 1994); Jan Hallebeek, "Church Asylum in Late Antiquity. Concession by the Emperor or Competence of the Church?," in *Secundum Ius. Opstellen aangeboden aan prof. mr. P.L. Nève*, ed. E. C. Coppens (Nijmegen, 2005), pp. 163-182.

²¹ *Codex Theodosianus*, 16.11.1; *Nou. Val.* 35.

²² *Concilium Tarraconensis*, cc. 4, 10. The first canon gives continuity to Valentinian III's 453 *nouella*, but breaks with the Visigothic *interpretatio* of said rule, which does not contemplate this assumption. *Nou. Val.* 35; *Lex Romana Visigothorum Nou. Val.* 12, *interpr.* Cf. Petit, "Iglesia," p. 263.

in a show of the independence of said city even in times of Reccared, passed an alternative sentence to that of the king in a criminal case against conspirator Vagrila.²³

Also in the Hispanic sphere, but in a more local context, as curias were gradually disassociated from municipal issues and the Empire had been losing its ascendancy over the territory since the fifth century, bishops began to assume more functions in the civil field.²⁴ This is the context where bishops might have started to perform the notary duties that would subsequently appear on Visigothic legislation.²⁵ The episcopate also became in charge of building activity, at least in some places. The episcopal euergetism was originally aimed at the construction of religious buildings, but as time went by, they also participated and promoted the construction of other public buildings.²⁶ The case of Merida serves as an example again, where bishops drove the reconstruction of the bridge and the city walls, as well as building a *xenodochium*.²⁷ In their role as substitutes for the curia, bishops would have even had civil magistrates such as *defensores* and *numerarii* as subordinates without a legal sanction.²⁸

In summary, the bishop became, yet unofficially, the main figure of religious and civil authority.²⁹ Bishops' leadership was sustained by both the social support they obtained thanks to their dense patronage networks and the exercise of their *potestas*, that is, government functions.³⁰ Charisma was another element added to these social and institutional factors.³¹ This is the situation that the Visigoths encountered when they first attempted to establish their power in Hispania. As opposed to the emperors, who had been the promoters of the bishops' power, the Visigothic kings faced a reality in which bishops were the prominent figures in their respective communities.

The New Roles of Bishops in the Visigothic Kingdom

The dissolution of the barriers between the secular and religious worlds that originated in the Late Roman Empire continued after the onset of Visigothic domination.³² It was a two-way process in which not only bishops kept having an influence in the secular

²³ *Vitas Sanctorum Patrum Emeretensium* 5.11.18-21, ed. Antonio Maya Sánchez (Turnhout, 1992).

²⁴ Ubric Rabaneda, "Forjando," p. 152.

²⁵ *Leges Visigothorum* 2.5.13; 2.5.16; 4.3.4. These functions might have originated even prior to that, still in imperial times, but on very limited matters. Rapp, *Holy*, pp. 242-243. About the notary duties of the curia, Claudio Sánchez-Albornoz, "El gobierno de las ciudades de España del siglo V al X," in *Estudios sobre las instituciones medievales españolas* (México D.F., 1965), p. 369; Leonard A. Curchin, "Curials and Local Government in Visigothic Hispania," *Antiquité Tardive* 26 (2018), p. 229.

²⁶ Rapp, *Holy*, pp. 221-223.

²⁷ Daniel Osland, "Text and Context: Patronage in Late Antique Mérida," *Studies in Late Antiquity* 3/4 (2019), 581-625; *Vitas Sanctorum Patrum Emeretensium* 5.3.4-6.

²⁸ Although this subordination will be subsequently demonstrated (see below), we do not dismiss the possibility that it was originated prior to the establishment of the Visigothic power in Hispania. Luis A. García Moreno, "La monarquía visigoda y la Iglesia de Levante: las raíces de un país," *Hispania Sacra* 49 (1997), p. 266. In the East, for instance, *defensores* had been chosen by bishops since past times. Liebeschuetz, *Decline*, pp. 110-111.

²⁹ Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison, 1992); Pere Maymó, "El obispo como autoridad ciudadana y las irrupciones germánicas en el Occidente latino durante el siglo V," *Studia Ephemeridis Augustinianum* 58/2 (1997), 551-558; Rapp, *Holy*; Bruno Dumézil, *Les racines chrétiennes de l'Europe. Conversion et liberté dans les royaumes barbares (Ve-VIIIe siècle)* (Paris, 2006), pp. 75-83. On the Iberian case, Purificación Ubric Rabaneda, *La Iglesia en la Hispania del siglo V* (Granada, 2004); Barenas, "El dominio," 7-42.

³⁰ Ubric Rabaneda, "Forjando," p. 157.

³¹ Gauthier, "Le réseau," p. 173.

³² Valverde Castro, *Ideología*, pp. 243-244.

sphere,³³ but also the king was qualified to intervene in religious and ecclesiastical issues since the times of Reccared.³⁴ Kings strived to obtain more power and control over ecclesiastical issues, particularly in terms of strength, and bishops could do nothing to prevent it.³⁵ Isidore of Seville himself granted the monarchy such prerogatives by virtue of his coercive power when it comes to preserving discipline and his protective role in the Church.³⁶ Nevertheless, he defended such intervention only when the Church cannot perform its mission by itself.³⁷ In fact, Isidore is in a certain way resigned to the situation, treating secular power as a necessary evil that should arouse fear and punish to repress evil acts.³⁸ In any case, such limitations were considered only by Isidore, since the episcopate overall normalised royal intervention in ecclesiastical issues,³⁹ based on the self-claimed king's role since the Third Council of Toledo⁴⁰ to preserve faith in the kingdom and lead people to salvation. Thus, in the framework of a pastoral view of the political order,⁴¹ both kings and bishops were the earthly representatives of Christ and those in charge of leading the Christian people, together with their subordinates, although each of them had their own means and virtues.⁴²

By virtue of this shared mission and led by Isidore, bishops developed the theoretical and ideological programme that supported royal power since the Fourth Council of Toledo, confirming the theocratic regime claimed by Reccared at the Third Council of Toledo.⁴³ They were also responsible (they might have already been in times of Isidore⁴⁴) for anointing the king, thus sanctioning his direct link with divinity, and ultimately, the sacred nature of the royal figure.⁴⁵ However, as recently suggested by A. Fear, anointing

³³ Isidore of Seville, *Sententiae* 3.33.3, ed. Pierre Cazier (Turnhout, 1998).

³⁴ *Concilium Toletanum III, Tomus; Concilium Toletanum XII, Decretum Gundemari regis*, eds. Gonzalo Martínez Díez and Félix Rodríguez (Madrid, 1992-2002).

³⁵ Alexander P. Bronisch, "Convergencias y diferencias entre reyes visigodos y alta clerecía: el ejemplo de la legislación sobre los judíos," *Medievalismo* 26 (2016), p. 52.

³⁶ Isidore of Seville, *Sententiae* 3.51.4-6. Pierre Cazier, *Isidore de Seville et la naissance de l'Espagne catholique* (Beauchesne-Paris, 1994), pp. 251-252; Valverde Castro, *Ideología*, p. 243.

³⁷ Pierre Cazier, "Les Sentences d'Isidore de Seville et le IV^e Concile de Tolède. Réflexions sur les rapports entre l'Église et le pouvoir politique en Espagne autour des années 630," *Antigüedad y Cristianismo* 3 (1986), p. 380.

³⁸ Isidore of Seville, *Sententiae* 3.47.1; *Etymologiae* 5.20, eds. and trans. José Oroz Reta y Manuel-A. Marcos Casquero (Madrid, 2009). Andrew Fear, "Isidore of Seville on Law and Kingship," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), p. 338.

³⁹ *Concilium Toletanum IV, Praef.; Concilium Emeretensis, Praef.; c. 23*, ed. and trans. José Vives (Barcelona-Madrid, 1963). González, "La Iglesia," pp. 469-472.

⁴⁰ *Concilium Toletanum III, Tomus*.

⁴¹ Céline Martin, "Isidore of Seville's Theories and Practices of Pastoral Care and Church Organization," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), p. 279.

⁴² For a comparison between kings and bishops from Isidore's perspective, Cazier, "Les Sentences," pp. 373-386. See also Céline Martin, "Un prince évêque : le ministère royal visigothique," in *Le prince chrétien. De Constantin aux royautés barbares (IV^e-VIII^e siècles)*, eds. Sylvain Destephen, Bruno Dumézil and Hervé Inglebert (Paris, 2018), pp. 247-265.

⁴³ Valverde Castro, *Ideología*, pp. 195-215. This programme was a distinctive feature of the Visigothic kingdom, in contrast to the rest of contemporary political realities. Stefan Esders, "Regem iura faciunt, non persona. Der westgotische Treueid im Kräftefeld personaler und transpersonaler Konzepte der Legitimität politischer Herrschaft," in *Die Macht des Herrschers. Personale und transpersonal Aspekte*, eds. Mechthild Albert, Elke Brügggen and Konrad Klaus (Göttingen, 2019), pp. 140-141.

⁴⁴ Isidore of Seville, *De ecclesiasticis officiis* 5.26, ed. Christopher M. Lawson (Turnhout, 1989); *Concilium Toletanum IV*, c. 75.

⁴⁵ Pablo C. Díaz, "Rey y poder en la monarquía visigoda," *Iberia* 1 (1998), pp. 189-190; Valverde Castro, *Ideología*, pp. 204-206.

kings implied depriving the Church of its control over them, given that they would thereafter respond only to God,⁴⁶ which placed them in a preeminent position over the Church.⁴⁷ Facing this reality, Isidore assumed the role of defining some behaviour standards for kings and their subordinates,⁴⁸ determining that secular governors, including the king, must show moral obedience to the Church.⁴⁹ This moralising duty was assumed by bishops in some councils, specifically those held in contexts that were vulnerable for the reigning king, such as the Fourth and Eighth Councils of Toledo, where royal behaviour was attempted to be dictated. It was also at this time that bishops demanded a more relevant political role, for example, in the election of new sovereigns. It is no coincidence that at the same time they claimed the ability to excommunicate bad rulers, although their punishment or control competencies over kings' actions did not go beyond that.⁵⁰ In the end, such proclamations would just idealise a reality in which bishops were subordinates to the king, due to not only the theocratic nature of their minister, but also the oath of allegiance that each of them had to take, at least since the Fourth Council of Toledo, which legally forced them to serve and be loyal to the king as *fideles* and *subditi*.⁵¹

Regarding the government of the kingdom, the bishops' salvation mission acquired a political meaning, since they made the salvation of the Christian people depend on the preservation of the political order in force, which was also one of the duties of the Church.⁵² This duty serves as a framework for the council measure in which bishops required their priests to pray for the king and the kingdom when the former went into battle.⁵³ Thus, the Church was engaged in the defence and security of the kingdom.⁵⁴ Bishops might have even gone into battle, providing spiritual assistance to the troops.⁵⁵ During Wamba's reign there was an attempt to involve bishops in the kingdom's defence in a less spiritual way, demanding that they provide their own material and human

⁴⁶ Fear, "Isidore," p. 350.

⁴⁷ Valverde Castro, *Ideología*, pp. 205.

⁴⁸ Isidore of Seville, *Sententiae*, 3.48-52; *Etymologiae* 9.3.4, where he includes his famous remark: "rex eris, si recte facias: si non facias, non eris". See Cazier, *Isidore*.

⁴⁹ Isidore of Seville, *Sententiae*, 3.51.3. Cazier, *Isidore*, p. 250; Fear, "Isidore," pp. 344-345.

⁵⁰ *Concilium Toletanum IV*, c. 75; *Concilium Toletanum VI*, c. 3; *Concilium Toletanum VIII*, c. 10. About the context in which these councils took place, Pablo C. Díaz, "Concilios y obispos en la península ibérica (siglos VI-VIII)," in *Chiese locali e chiese regionali nell'altomedioevo* (Spoleto, 2014), pp. 1095-1158. About the implications of excommunication, Rosa Sanz, "La excomunión como sanción política en el Reino Visigodo de Toledo," *Antigüedad y Cristianismo* 3 (1986), pp. 275-288.

⁵¹ *Conc. VII Tol.* (a. 646), c. 1; *Conc. X Tol.* (a. 656), c. 2; Julian of Toledo, *Historia Wambae* 21, ed. Wilhelm Levison (Turnhout, 1976); *Concilium Toletanum XVI*, c. 6. Other testimonies reveal the normalisation of the oath of allegiance and service to the king. Fructuosus of Braga, *Epistola regi directa*, ed. Ángel C. Vega (1941); Julian of Toledo, *Historia Wambae* 11. See Antonio García, "El juramento de fidelidad de los concilios visigóticos," in *Francisco Suárez. De iuramento fidelitatis. Estudio preliminar. Conciencia y política* (Madrid, 1979), pp. 447-490, esp. 473, 476; Valverde Castro, *Ideología*, 220-224; Martin, *La géographie*, p. 356.

⁵² See Esders, "Regem," pp. 109-110.

⁵³ *Concilium Emeretensis*, c. 3. See Esders, "Regem," pp. 96-97.

⁵⁴ Koon and Wood, "Unity," pp. 798-799. Bishops would have played a similar role in the late Roman phase. Chadwick, "The Role," pp. 10-11.

⁵⁵ Amancio Isla, *Ejército, sociedad y política en la península ibérica entre los siglos VII y XI* (Madrid, 2010), p. 91.

resources.⁵⁶ However, we can intuit that the Church did not gladly accept their new responsibilities in this case.⁵⁷

Political unity and stability in the kingdom was also linked to unity in faith and the Christian ways of life. The Church played an important role in education, which Isidore highlights as one of the main missions for ecclesiastical agents, particularly bishops.⁵⁸ One of their main mechanisms was liturgy, which was also one of their main instruments to construct a community feeling.⁵⁹ Given its importance, the effort to unify liturgy all over the kingdom since the times of Isidore of Seville is understandable,⁶⁰ a task that would be invigorated in times of Julian of Toledo.⁶¹ One of the measures implemented was the creation of *libelli officialis* that determined how mass and liturgy should be held.⁶² The job of educating society could be performed thanks to the solid establishment of the ecclesiastical structures on the territory, which allowed for the effective transmission of messages. The fact that the secular power counted on less efficient communication channels than the Church⁶³ partially explains the interest of kings to refer political matters to councils,⁶⁴ given that it was a way to effectively project the decisions made in them on the kingdom area. The *Tomus* of the Twelfth Council of Toledo reminds the *rectores religiosi provinciarum* about this task of communicating council resolutions.⁶⁵ Here also lay the concern of the Sixteenth Council of Toledo in 693 for the obligatory publication and dissemination of council minutes around all dioceses. The same canon also required the episcopate to spread council decisions to the public for faithful compliance.⁶⁶ Not only council decisions, but also the political, ideological and legislative programmes produced at the court could be made public more or less homogeneously through the episcopal channel.⁶⁷ Maybe also with the aim of bringing these programmes to light, the bishops of the Carthaginensis province were forced to live temporarily in Toledo, and subsequently, the new prelates of the kingdom also had to go to the *sedes regia* to confirm their episcopal ordination.⁶⁸ Bishops would then communicate these messages to the priests subordinate to them, either in the priests' liturgical visits or in the

⁵⁶ *Leges Visigothorum* 9.2.8. They might have even been forced to personally lead their military contingents. See Isla, *Ejército*, pp. 89-90.

⁵⁷ *Concilium Toletatum XII*, c. 7. Koon and Wood, "Unity," pp. 795, 798-799.

⁵⁸ Isidore of Seville, *Sententiae* 2.43.7; 3.36.2; 3.45.1; *De ecclesiasticis officiis* 2.5.15-16. About this role, Cazier, *Isidore*; Pedro Castillo Maldonado, "Living a Christiana Life: Isidore of Seville on Monasticism, Teaching, and Learning," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), pp. 301-331. Justinian of Valencia also highlighted this role in his epitaph: *ILERV* 279, 1-5.

⁵⁹ Jeremy D. Adams, "The Political Grammar of Isidore of Seville," in *Arts libéraux et philosophie au Moyen Âge* (Montréal, 1966), pp. 763-775.

⁶⁰ *Concilium Toletanum IV*, cc. 2, 5-18; *Concilium Toletanum XI*, c. 3. Ramón González Ruiz, "La obra de unificación litúrgica del Concilio IV de Toledo," in *San Ildefonso y otros obispos de la Iglesia visigótica y mozárabe de Toledo* (Toledo, 2018), pp. 539-559; Martín, "Isidore," pp. 287-289.

⁶¹ José Janini Cuesta, "Roma y Toledo. Nueva problemática de la liturgia visigótica," in *Estudios sobre la liturgia mozárabe*, ed. Juan F. Rivera Recio (Toledo, 1965), pp. 33-53; González Ruiz, "La obra," pp. 554-556.

⁶² *Concilium Toletanum IV*, c. 26.

⁶³ Martín, *La géographie*, p. 273.

⁶⁴ See below.

⁶⁵ *Concilium Toletanum XII*, *Tomus*.

⁶⁶ *Concilium Toletanum XVI*, c. 7.

⁶⁷ Castellanos, "Creating," p. 562.

⁶⁸ *Concilium Toletanum VII*, c. 6; *Concilium Toletanum XII*, c. 6.

visits that prelates yearly paid to the churches of their respective dioceses.⁶⁹ Thus, the Visigothic kingdom benefited from a perfectly greased chain of ideological transmission. As stated by P. Bourdieu in his reflections on the State, the social dissemination of the kingdom's political programme and of one single way to understand the world as a job done by bishops and their priests, contributed "*à la reproduction de l'ordre symbolique qui contribue de manière déterminante à l'ordre social et à sa reproduction*".⁷⁰ Bishops became in this way one of the main communication nodes between the central power and the territories.⁷¹

Since the preservation of the political order was made dependent on religious unity, bishops acquired a relevant role in the creation and the implementation of the legislation regarding the repression of heretic, pagan and divination practices, as well as in the kingdom's anti-Jewish policy.⁷² There were even some discrepancies about said policy between kings and bishops, due to the problems it implied for the latter. Sisebut specifically ordered the forced baptism of Jews against bishops' opinion, and particularly Isidore's,⁷³ an opposition that also became evident in the Fourth Council of Toledo.⁷⁴ The episcopal position is understood as the responsibility lied on them to watch and correct the religious behaviour of converted Jews, who often tried to secretly keep practising their ancestral traditions.⁷⁵ The discrepancies between kings and bishops about the Jewish issue occurred again during the reigns of Chintila, Recceswinth, and possibly Egica.⁷⁶

In an eminently secular sphere, some bishops would have informally participated in civil legislative processes. Recceswinth, for example, sent the draft of *Liber Iudiciorum* to Braulio of Zaragoza for him to correct and organise into *tituli*. However, his would have been a minor role, limited to text revision.⁷⁷ These tasks would have been done upon

⁶⁹ *Concilium Toletanum IV*, cc. 26, 36; *Concilium Emeretensis*, c. 6.

⁷⁰ Completing this reflection: "Imposer des structures cognitives et évaluatives identiques, c'est fonder un consensus sur le sens du monde". Pierre Bourdieu, *Sur l'État* (Paris, 2012), p. 266.

⁷¹ Santiago Castellanos, "The Political Nature of Taxation in Visigothic Spain," *Early Medieval Europe* 12/3 (2003), p. 221; Castellanos and Martín Viso, "The Local," p. 12.

⁷² About the former, *Concilium Toletanum XII*, c. 11. Pablo C. Díaz and Juana Torres, "Pervivencias paganas en el cristianismo hispano (siglos IV-VII)," in *El cristianismo. Aspectos históricos de su origen y difusión en Hispania*, eds. Juan Santos and Ramón Teja (Vitoria-Gasteiz, 2000), pp. 235-261; Pablo C. Díaz, "*Quam ille de vita regis [...] consulisset*. Adivinación y violencia en la Hispania visigoda," in *Adivinación y violencia en el mundo romano*, eds. Santiago Montero and Sabino Perea (Salamanca, 2020), pp. 271-292. About the anti-Jewish policy in the Visigothic kingdom, Raúl González Salinero, *Las conversiones forzadas de los judíos en el reino visigodo* (Roma, 2000); Alexander P. Bronisch, *Die Judengesetzgebung im katholischen Westgotenreich von Toledo* (Hannover, 2005). Sobre la responsabilidad episcopal en esta última, Koon and Wood, "Unity," pp. 800-803. This issue is resumed below.

⁷³ Isidore of Seville, *Historiae* 60, ed. Cristóbal Rodríguez Alonso (León, 1975); *Sententiae* 2.2.4; *Concilium Toletanum VIII*, c. 17. Cazier, *Isidore*, p. 253; Martin, *La géographie*, pp. 339-340; Bronisch, "Convergencias," 35-62.

⁷⁴ *Concilium Toletanum IV*, c. 57.

⁷⁵ *Concilium Toletanum IV*, c. 59; *Concilium Toletanum VIII*, c. 17. Bronisch, "Convergencias," pp. 43-47.

⁷⁶ *Ibid.*, pp. 53-61.

⁷⁷ Braulio of Zaragoza, *Epistulae* 38-41, ed. Luis Riesco Terrero (Seville, 1975). Martin, *La géographie*, p. 321. Cf. Koon and Wood, "Unity," pp. 794-795. They would have played this role due to their expert knowledge of the previous legislation. Rachel L. Stocking, *Bishops, Councils and Consensus in the Visigothic Kingdom, 589-633* (Ann Arbor, 2000), p. 19; Dumézil, *Les racines*, pp. 48-53.

request of the king,⁷⁸ on whose exclusive behalf rules would be enacted.⁷⁹ Bishops would have therefore played a consultative role as the king's advisers, but not as legislative authorities.⁸⁰ Based on this, we don't dismiss the possibility that the king's circle of trust, and particularly his *Aula Regia*, were also composed of bishops, who would individually and occasionally play a consultative role.⁸¹ That is how we understand Isidore of Seville's presence in Sisenand's court when he received a letter from Braulius of Zaragoza.⁸² The episcopate's advice to the king could sometimes contain criticism towards him, supported by the bishops' responsibility to safeguard the kingdom's stability.⁸³

As opposed to the modest episcopal role in the civil legislative procedure, bishops were absolute protagonists in the making of canon law in councils, which constituted the most important assembly in the kingdom and where not only internal Church issues were discussed, but also the main political challenges that the kings had to face. Bishops decided to call councils and generally determined their political agenda.⁸⁴ However, in spite of the broad royal control over councils, the fact that bishops were the ones making decisions and issuing regulations that were accepted in the whole kingdom clashed with the king's self-claimed role as the kingdom's maximum legislator. This contradiction may have been the reason why the monarchy made the *Lex in confirmatione concilii* official since the Twelfth Council of Toledo. It has generally been defended that its aim was to grant civil validity to these regulations, but they had been previously issued and implemented without the need for said sanction. Therefore, the civil confirmation of council regulations may have been a way to claim the king's authority as the ultimate legislative body in the kingdom, thus preventing the Church from having the final say also in canonical regulations.⁸⁵

Gradual Limitation of Episcopal Roles: Taxation and Justice

Besides the new roles assumed, there would also be those that bishops had been performing since before the definitive establishment of the Visigoths in Spain, specifically those related to fields where episcopal and secular powers overlapped each other, such

⁷⁸ Lina Fernández Ortiz de Guinea, "Participación episcopal en la articulación de la vida política hispano-visigoda," *Studia Historica. Historia Antigua* 12 (1994), pp. 166-167.

⁷⁹ Paul D. King, *Law and Society in the Visigothic Kingdom* (Cambridge, 1972), pp. 23-52; Valverde Castro, *Ideología*, p. 226; Koon and Wood, "Unity," pp. 796-797.

⁸⁰ This is the role we attribute to them also based on *Leges Visigothorum* 2.1.5.

⁸¹ Martínez Díez, "Función," p. 579; González, "La Iglesia," pp. 529-532; Fernández Ortiz de Guinea, "Participación," pp. 166-167, where he offers a state of affairs. A similar instance is found in Late Roman times, when bishops were part of the emperor's court. Hunt, "The Church," p. 240. On the contrary, the integration of clergy members is rejected by Amancio Isla, "El 'officium palatinum' visigodo: entorno regio y poder aristocrático," *Hispania* 62/212 (2002), pp. 825-826. About the role of the episcopate as advisers of the king, see also Meritxell Pérez Martínez, "La burocracia episcopal en la Hispania tardorromana y visigótica (siglos IV-VII)," *Studia Historica. Historia Medieval* 18-19 (2000-2001), p. 28.

⁸² Braulio of Zaragoza, *Epistulae* 6. Céline Martin, "Suggérer' au roi visigothique : entre supplique et jeu d'influence," in *Consulter, délibérer, décider. Donner son avis au Moyen Âge (VII^e-XVI^e siècles)*, eds. Martine Charageat and Corinne Leveleux-Teixeira (Toulouse, 2010), p. 85.

⁸³ Matthias Becher, "Vormoderne Macht und Herrschaft. Zugänge, Phänomene, Perspektiven," in *Transkulturelle Annäherungen an Phänomene von Macht und Herrschaft: Spannungsfelder und Geschlechterdimensionen*, ed. Matthias Becher (Göttingen, 2019), p. 26.

⁸⁴ About the political importance of Visigothic councils, Pedro Castillo Maldonado, "Concilios hispanos tardoantiguos: de asamblea religiosa a asamblea política," in *Toga y daga. Teoría y praxis de la política en Roma*, eds. Gonzalo Bravo and Raúl González Salinero (Madrid, 2010), pp. 417-434; Díaz, "Concilios," pp. 1095-1158.

⁸⁵ See Díaz, "Rey," p. 186; Stocking, *Bishops*, p. 76; Valverde Castro, *Ideología*, p. 228.

as justice and taxation. The monarchy initially accepted and assumed the bishops' secular roles within the kingdom's administration. Episcopal participation in such tasks would in fact have contributed to legitimate the secular authority of Visigothic agents, who would have benefitted from the bishops' political, social, and symbolic capital,⁸⁶ as well as the episcopate's greater knowledge about certain subjects. The main outcome of the integration of the bishops' secular functions in the kingdom's administration was control over their actions. However, the broad influence bishops had acquired in the previous phase, especially in the secular sphere, implied a limitation for the Visigothic power to impose its own administrative structures. It is true that the king kept an enormous ascendancy over bishops, given that he had an influence on their nomination and forced them to serve and be loyal to him, but the lifelong nature of the episcopal position as opposed to civil positions, whose cessation could be determined by the king, implied a certain risk for the monarchy. In addition, bishops would act according to their own rules, which made it harder for the king to control them. This partial lack of control over episcopal actions may explain the fact that the episcopate never reached the same level of consideration as secular agents, in spite of their prerogatives in the civil field.⁸⁷ Visigothic power always insisted in the leadership role of their own agents, and the clergy and specifically bishops did not appear to be treated as public servants in the kingdom. The king addressed his decrees to secular agents, while ecclesiastical ones were inquired as a secondary body – for example, in case that the former died.⁸⁸ As we will try to prove in the following lines, this is also why the monarchy initiated a process of gradual limitation of bishops' secular roles subsequent to their integration within its administration.

As we advanced above, bishops were in an authority position over civil agents such as *defensores* and *numerarii*. As for the former, who were in charge of minor judicial duties such as protecting the population,⁸⁹ said prerogative was granted to them by the empire's administration itself in a 409 constitution, although back then such an appointment had to be agreed with the rest of the local oligarchy.⁹⁰ However, this figure would eventually disappear, and its main protective role would be assumed and even reinforced by bishops through Christian morality.⁹¹

When it comes to *numerarii*, whose role was linked to tax collection, the exceptional document *De fisco Barcinonensi*, which informs about the taxing mechanisms in force in Tarraconensis by the end of the sixth century, provides an approach to the degree of relationship they had with bishops and, by extension, to the episcopal functions in taxing. This document specifically depicts the prelates of Tarragona, Egara, Girona and Empuries giving instructions to *numerarii* about the procedures they should follow, and marking

⁸⁶ King, *Law*, p. 158.

⁸⁷ A similar phenomenon occurred in the Late Roman Empire. Sloom, "Governor," p. 224. The Church, for its part, makes a clear distinction between both powers, as revealed by council sources. *Concilium Toletanum VIII*, c. 10.

⁸⁸ *Leges Visigothorum* 7.5.1.

⁸⁹ Sánchez-Albornoz, "El gobierno," pp. 367, 382; Curchin, "The Role," pp. 288-289.

⁹⁰ *Codex Iustinianus* 1.55.8, ed. Paulus Krueger (Berlin, 1877).

⁹¹ Isidore of Seville, *Sententiae* 3.45.3-5. See also ILLERV 277, 3-5. Said duties never really acquired a formal nature. Fernández Ortiz de Guinea, "Funciones," p. 461. Specialists have not reached an agreement on the date when the *defensor* disappeared. Sánchez-Albornoz, "El gobierno," p. 382; Martin, *La géographie*, p. 151.

the limits of the *adaeratio* they should apply.⁹² The text also specifies the episcopal role in their election, in cooperation with the *comes patrimonii*. *De fisco* does not confirm the reception of new taxing competencies for bishops; it just describes a practice in force, possibly rooted in time, and therefore prior to Reccared's reign. Bishops, in fact, use custom (*consuetudo*) as an endorsement for such prerogatives. After all, if bishops gradually assumed competencies from the curia, it would not be so far-fetched to think that taxing duties would be among them.⁹³ Such duties would have lasted until the times of Reccared and went from appointing his tax collectors to setting the required tributes, at least in some places.⁹⁴ We could even highlight the new role of the *comes patrimonii*, imposed by Reccared to counteract the enormous episcopal ascendancy in taxing matters. If we accept this assumption, the king's intention would have been placing local administrative practices under his jurisdiction,⁹⁵ but this time demanding the *comes patrimonii* to intervene in the appointment of new *numerarii*.⁹⁶

Besides the mentioned duties, in the Third Council of Toledo bishops were given the task to yearly supervise the action of *iudices locorum* and *actores fiscalium* (including *numerarii*)⁹⁷ to prevent abuse of authority,⁹⁸ which according to the council's canon could either be repressed by prelates themselves or communicated to the king.⁹⁹ Reccared issued a civil law, presumably posterior to the Third Council of Toledo,¹⁰⁰ which addressed the same question, but in contrast with said council resolution, it did not consider the bishops' optional corrective role. Instead, it granted the king the exclusive ability to repress abuse of authority. The law even imposes punishments for those bishops

⁹² *Concilium Barcionnensis, De fisco Barcinonensi*. M^a. Rosario Valverde Castro, "La ideología fiscal en el reino visigodo de Toledo", in *Between Taxation and Rent. Fiscal Problems from Late Antiquity to Early Middle Ages*, eds. Pablo C. Díaz and Iñaki Martín Viso (Bari, 2011), p. 185. About this text, although offering a different perspective, Damián Fernández, "What is the *De fisco Barcinonensi* about," *Antiquité Tardive* 14 (2006), 217-224. According to J. Mellado, the 18th canon of the Third Council of Toledo might also be alluding to this episcopal duty of tribute setting. *Concilium Toletanum III*, c. 18. Joaquín Mellado Rodríguez, "Notas al texto del canon 18 del Concilio III de Toledo", in *Latinitas biblica et christiana. Studia philologica in honorem Olegario García de la Fuente*, ed. Fernando Sojo Rodríguez (Madrid, 1994), pp. 426-434.

⁹³ So believes Pérez Martínez, "La burocracia," p. 27.

⁹⁴ Castellanos, "The political," pp. 220-221. Cf. Fernández, "What is," pp. 217-224. About bishops' taxing duties, see also Souviron Bono, "Fiscalidad," pp. 275-289; Daniel Osland, "Tribute and Coinage in the Visigothic Kingdom: On the Role of the Bishop," *Anas* 24 (2011), 71-95.

⁹⁵ M^a. Rosario Valverde Castro, "Monarquía y tributación en la Hispania visigoda: el marco teórico," *Hispania Antiqua*, 31 (2007), p. 243.

⁹⁶ At this stage, the *comes patrimonii* might have been limited to confirm the appointment made by the bishop. Liebeschuetz, *Decline*, p. 135.

⁹⁷ Curchin, "Curials," p. 231. This role of episcopal supervision on secular agents has been researched by Martínez Díez, "Función," 579-589. This role is highlighted by Isidore of Seville (*Sententiae* 3.45.2-5). Cf. King, *Law*, p. 47.

⁹⁸ Bishops used their responsibility to protect the poor and other disadvantaged groups to sustain such competency. Isidore of Seville, *De ecclesiasticis officiis*, 2.5.18-19; *Sententiae* 3.45.4; *Concilium Toletanum IV*, c. 32. From early times, the bishop associated his minister to assisting and protecting the most disadvantaged groups, especially the poor. Felicitas Bajo, "El sistema asistencial eclesiástico occidental durante el siglo IV," *Studia Historica. Historia Antigua* 4-5 (1986), 189-194; Chadwick, "The Role," pp. 5-14.

⁹⁹ *Concilium Toletanum III*, c. 18. We will analyse the judicial aspect of this canon below.

¹⁰⁰ J. Mellado defended a dating prior to the council's canon. Joaquín Mellado Rodríguez, "Intervención episcopal en la política judicial y fiscal de Recaredo (problemas filológicos y jurídicos)," *Anuario de Historia del Derecho Español* 65 (1995), 837-848. However, its inclusion in the *Liber Iudiciorum*, and therefore its posterior validity suggest a later dating for the civil norm, which would have been aimed precisely at amending the council's canon.

who fail to inform the king.¹⁰¹ We thus observe a difference of criteria between bishops and Reccared, with bishops claiming a more relevant role and the king trying to limit episcopal influence on his favour.

The royal will was eventually imposed, as evidenced by the Fourth Council of Toledo, where bishops were deprived of repressive functions against the abuse of authority in the civil sphere. This job would then be given to secular agents appointed by the king, the so-called *executores regii*, who also had some prerogatives over the episcopate. From that point on, bishops could only request the offenders to correct their behaviour. Furthermore, while the Third Council of Toledo established the obligation for secular agents to attend councils, the Fourth Council made it obligatory only for those accused, so bishops would lose some ascendancy in the routine taxing activity.¹⁰² The task of supervising taxing agents might eventually have been lost in addition to these repressive duties, or so we interpret from the lack of any references thereto in the posterior legislation regulating taxation.¹⁰³

We neither can guarantee that bishops kept their prerogative of appointing *numerarii* over time. Reccared's law does confirm such faculty; in fact, it still does not mention the intermediation of the *comes patrimonii* in such namings, while *De fisco Barcionensis* does.¹⁰⁴ This has been seen as an argument for some to distinguish different types of *numerarii* with different roles.¹⁰⁵ However, the intervention of the *comes patrimonii* might have been new and posterior to the issuance of the law, and maybe region-specific.¹⁰⁶ In any case, bishops would eventually lose their capacity to choose *numerarii* on their own too, as evidenced in the Sixteenth Council of Toledo. Referring to facts originated during Wamba's reign, the metropolitan bishop of Merida is mentioned suggesting a name to the king as the new *numerarius*. That is, by this time, the episcopal authority could only present a nomination proposal (*incitatio*), and the king had the final say.¹⁰⁷ In view of the bishops' loss of taxing functions, it can be assumed that the functions they were assigned in *De fisco Barcinonensi* also waned over time.

This gradual loss of civil functions in bishops would also take place in the justice field.¹⁰⁸ The Visigothic power was content with collaborating with the Church on an equal footing, for instance, in cases of parricide, or inappropriate or incestuous marriages, as well as in religious issues such as idolatry or profane celebrations.¹⁰⁹ Said rules clash with the preceding dynamics, where civil judges are never mentioned in terms of regulating the offences committed by the Christian community.¹¹⁰ As time went by, it became

¹⁰¹ *Leges Visigothorum* 12.1.2.

¹⁰² *Concilium Toletanum IV*, cc. 3, 32.

¹⁰³ *Concilium Toletanum XIII, Decretum de relaxandis tributis*. Valverde Castro, "La ideología," p. 178.

¹⁰⁴ *Leges Visigothorum* 12.1.2.

¹⁰⁵ Sánchez-Albornoz, "El gobierno," p. 381; García Moreno, "Estudios," p. 46, n. 177; Castellanos, "The political," p. 219-220; Fernández, "What is," p. 220.

¹⁰⁶ See Iñaki Martín Viso, "Prácticas locales de la fiscalidad en el reino visigodo de Toledo," in *Lo que vino de Oriente. Horizontes, praxis y dimensión material de los sistemas de dominación fiscal en Al-Ándalus (ss. VII-IX)*, eds. Xavier Ballestín and Ernest Pastor (Oxford, 2013), pp. 75-77.

¹⁰⁷ *Concilium Toletanum XV, Lex in confirmatione concilii*. About the background of these news, Martín, "Suggérer," p. 89.

¹⁰⁸ About the cases in which bishops participated, Fernández Ortiz de Guinea, "Funciones," pp. 454-456; González, "La Iglesia," pp. 504-527.

¹⁰⁹ *Concilium Toletanum III*, cc. 16-17; 23; *Leges Visigothorum* 3.5.2.

¹¹⁰ *Concilium Toletanum II*, c. 4; *Concilium Ilerdense*, cc. 2, 4, 7.

inconvenient for the monarchy that bishops maintained a justice structure which worked according to their rules and criteria,¹¹¹ and in parallel to that represented by the king.¹¹² This contradicted the king's position as supreme judge,¹¹³ as well as the policy promoted by Chindaswinth and Recceswinth to set some homogeneous judicial procedures for the entire kingdom.¹¹⁴ Isidore himself considered justice as one of the bishops' responsibilities and even gave them the ability to pass sentences.¹¹⁵ His work reflects an enormous distrust towards civil judges, to whom he accuses of oppressing the poor and the people in general.¹¹⁶ Maybe that is the reason why he encouraged the Christian community to resort to ecclesiastical instead of secular justice.¹¹⁷ We can also observe certain resistance among certain episcopal groups to accept the king's justice. Let us remember the case of Masona, who consciously passed a sentence alternative to that of Reccared in the case of conspirator Vagrila, which can be understood as a vindication of his episcopal position as the supreme judge in his community.¹¹⁸ On the other side, episcopal justice was initially free, although some donations were allowed as a sign of gratitude.¹¹⁹ On the contrary, secular justice required the payment of some costs, thus becoming less appealing for the population. Moreover, bishops were assumed to be less corruptible than secular judges, so the population found it more appealing to resort to the former to settle their disputes.¹²⁰ To sum up, the mere existence of the *episcopalis audientia* interfered with the king's exercise of justice, and his delegate agents' on his behalf. In our view, it was for these reasons that kings went through a long process to limit also the numerous prerogatives in terms of justice that the episcopate had accumulated since the Late Roman period.

This process was also initiated in times of Reccared. The same rules that regulated abuse of authority from taxing agents served as well for justice agents. Thus, the idea was communicated that such prerogatives were emanated by the royal power, although they had been developed from before the onset of the Visigothic power. In other words, from that point on, civil authority would decide how and when the ecclesiastical power would intervene in judicial issues. Such rules attributed bishops the only job to supervise judicial activity, despite the fact that they had been judging diverse cases, even in times of Reccared. As was the case with taxing authorities, the episcopate also claimed in this case the capacity to repress abuse of authority, which Reccared's law did not consider in favour

¹¹¹ Rapp, *Holy*, p. 248. See also Mor, "Sui poteri," pp. 16-19.

¹¹² Petit, "Iglesia," p. 273.

¹¹³ King, *Law*, p. 78; Valverde Castro, pp. 226-232.

¹¹⁴ See Thomas Deswarte, "Le code du roi Réceswinthe (654). A-t-il abrogé les droits antérieurs?," in "Traditio juris". *Permanence et/ou discontinuité du droit roman durant le haut Moyen Âge*, ed. Alain Dubreucq (Lyon, 2005), pp. 57-76; Céline Martin, "La réforme visigothique de la justice : les années Recceswinth," in *Droit et justice : le pouvoir dans l'Europe médiévale*, eds. Nilda Gugliemi and Adeline Rucquoi (Buenos Aires, 2008), pp. 37-57.

¹¹⁵ Isidore of Seville, *De ecclesiasticis officiis* 2.5.17.

¹¹⁶ Isidore of Seville, *Sententiae* 3.52.7-9. A similar distrust is transmitted by Taio of Zaragoza in his work. Taio of Zaragoza, *Sententiae* 5.12, ed. Jacques-Paul Migne (Paris, 1850). See Elena Marey, "Intellectual Communication between Rome and Spain: Judge and Judgment in Gregory the Great's *Moralia in Job* and Taio of Zaragoza's *Sententiae*," *Visigothic Symposium* 4 (2020-2021). <https://visigothicsymposia.org/symposium-4-2018-2019-2/>

¹¹⁷ Isidore of Seville, *Sententiae* 3.56.1. Cazier, *Isidore*, pp. 269-270.

¹¹⁸ *Vitas Sanctorum Patrum Emeretensium* 5.11.18-21. See Stocking, *Bishops*, p. 95.

¹¹⁹ *Concilium Tarraconensis*, c. 10.

¹²⁰ Fernández Ortiz de Guinea, "Funciones," p. 454. Highlighting the handicaps of secular versus episcopal justice, Rapp, *Holy*, p. 248; Uhalde, *Expectations*, pp. 23-24.

of himself and his agents. Again, royal judgement would eventually be imposed, to the point of definitely depriving bishops of their abuse reparation role in the Fourth Council of Toledo. In addition, judicial competencies against abuse of authority were granted to the council, not to bishops individually. In this case, the episcopate would also eventually lose the ability to yearly supervise the judges' job, and could only act in case of previous complaint.¹²¹ Later on, they would even lose said competency. This is reflected on a law by Chindaswinth, which states that the judges that had been accused by someone had to answer before the *comes* or his representatives, among whom could be the bishop, but only as a delegate of the secular agent on duty.¹²² Therefore, the episcopal council would also lose supervision power over *iudices*.

Bishops were able to keep their prerogatives as an appellative body against perverse sentences for a longer time. Nevertheless, that also implied a relegation of their judicial role if we compare it to the previous phase, when the episcopate could act in a fully independent way and with the ability to judge *ex officio* – something they would not be allowed to do later on. Furthermore, their role as an appellative body was only permitted in very specific situations and never unilaterally, but the revision of sentences had to take place within a court consisting of other secular authorities besides the bishop, even if these were under suspicion. In addition, within this appellative role and on the contrary to the Late Roman period in which episcopal sentences were unappealable, a final appeal could now be made to the king against bishops' resolutions.¹²³ According to a subsequent Erwig's amendment to a law by Recceswinth, appeals to the king in these cases would be replaced by the obligatory royal ratification of the episcopal sentence, which would never be required in the verdicts issued by secular judges. Additionally, while the bishop could initially force the *comes* to obey the alternative sentences issued by the court of appeal and even give him pecuniary punishments, Erwig's amendment would deprive bishops of such repressive capacities, again in favour of the king.¹²⁴

The bishops' ability to judge cases without the concurrence of civil justice was lost. This is stated by the Eleventh Council of Toledo, where the bishop is forbidden to take the law in his own hands and is indicated the procedure to follow: either to take the case to secular justice, or exceptionally, to convene an ecclesiastical court, presumably when there were no secular agents available. The issuance of said rules suggests some bishops' resistance, even at this point, to cede their judicial prerogatives.¹²⁵ The king and secular judges managed to have the final say even in some religious cases. For example, the latter, and not bishops, were the ones who had judicial capacity over Jews.¹²⁶ Secular justice also claimed, among others, to act in cases of blasphemy.¹²⁷ Furthermore, the king claimed the capacity to regulate even the religious penance for those who committed certain

¹²¹ *Concilium Toletanum III*, c. 18; *Leges Visigothorum* 12.1.2; *Concilium Toletanum IV*, cc. 3, 32. Cf. González, "La Iglesia," pp. 521-523. The law that granted repressive functions to bishops whenever judges would not make *delatores* appear before justice might be previous to this set of measures; therefore, in a period when bishops still had extensive judicial prerogatives. *Leges Visigothorum* 7.1.1.

¹²² *Leges Visigothorum* 2.1.31.

¹²³ *Leges Visigothorum* 2.1.24; 2.1.30-31. González, "La Iglesia," pp. 523-525.

¹²⁴ *Leges Visigothorum* 2.1.30.

¹²⁵ *Concilium Toletanum XI*, cc. 5, 7.

¹²⁶ *Leges Visigothorum* 12.3.7. In cases of idolatry or evil practices, the bishop endured as a juridical figure analogous to the secular, except for the king. *Concilium Emeretensis*, c. 15; *Concilium Toletanum XII*, c. 11; *Concilium Toletanum XVI*, c. 2.

¹²⁷ *Leges Visigothorum* 12.3.2.

offences.¹²⁸ For example, in political cases, the monarchy tried to use the excommunication pronounced by bishops as a complement to secular punishments.¹²⁹

Within the framework of political cases, the participation of bishops in high treason trials was accepted, but those were exceptional. Additionally, their intervention in such contexts was only permitted by delegation of the king. Anyway, prelates might not have been willing to participate in these cases, as reflected by the limitations that they actually promoted.¹³⁰ Bishops would subsequently appear in legislation, together with secular agents, as members of the courts that dealt with pardons in cases of treason, but in this case it might have been a selfish measure by Chindaswinth to hinder possible attempts to amnesty his enemies once he was gone.¹³¹ In fact, some years later bishops would grant the king again the ability to pardon traitors himself.¹³² In Erwig's times, and therefore taking advantage of a weak monarchy, they would be able to judge high treason cases in court, together with the most powerful aristocracy in the kingdom.¹³³ However, considering such a specific achievement as an evidence of advance in bishops' judicial responsibilities seems, in our opinion, a clear exaggeration.¹³⁴ Moreover, nothing suggests that such measures were actually put in to practice, since, as we know, Egica tried to elude and even abolish the law that his predecessor had passed on treason cases.¹³⁵

One of the few judicial competencies that bishops and their subordinates could keep was the right to asylum in churches. Just like in Late Roman times,¹³⁶ convicts could take refuge in a church so that their punishments would be commuted for milder ones, particularly in cases that led to death penalty. In some of these cases, the bishop and his subordinates had the capacity of *intercession* before secular powers, only as mediators, and consequently, unable to decide on the new punishment.¹³⁷

Visigothic kings also claimed their judicial supremacy in the bosom of the Church.¹³⁸ That is, the Visigothic power did not only cut back the episcopal prerogatives in secular justice, but also tried to deprive the Church of judicial independence to manage its own issues, and at the same time, to impose its jurisdiction over the issues involving members of the clergy. Initially, also in the Toulouse phase, the Church excluded secular justice from issues regarding its members, except for criminal cases. In times of Reccared, the jurisdictional limits between the ecclesiastical and the secular spheres were still clearly

¹²⁸ *Leges Visigothorum* 3.5.3. Sanz, "La excomuni3n," p. 277.

¹²⁹ Sanz, "La excomuni3n," p. 278. For example, *Concilium Toletanum IV*, c. 75; *Concilium Toletanum VII*, c. 1; *Concilium Toletanum XVI*, c. 10.

¹³⁰ *Concilium Toletanum IV*, c. 31.

¹³¹ *Concilium Toletanum VII*, c. 1; *Leges Visigothorum* 6.1.7. Martin, "'Sugg3rer'," p. 81.

¹³² *Concilium Toletanum XVI*, c. 10.

¹³³ *Concilium Toletanum XIII*, c. 2; *Leges Visigothorum* 12.1.3.

¹³⁴ Cf. Fern3ndez Ortiz de Guinea, "Funciones," p. 456.

¹³⁵ See Pablo Poveda Arias, "Relectura de la supuesta crisis del fin del reino visigodo de Toledo: una aproximaci3n al reinado de Egica a trav3s de sus fuentes legales," *Anuario de Historia del Derecho Espa3ol* 85 (2015), 13-46.

¹³⁶ Liebeschuetz, *Decline*, 142.

¹³⁷ *Leges Visigothorum* 3.2.2; 3.3.2; 6.5.16; 6.5.18; 9.2.3; 9.3.3-4; *Concilium Toletanum VI*, c. 12; *Concilium Toletanum XII*, c. 10; *Vitas Sanctorum Patrum Emeretensium* 5.11.17. About the Visigothic right to asylum, Esperanza Osaba, "Responsabilit3 p3nale et droit d'asile dans l'Hispania visigothique," *M3diterran3es* 34-35 (2003) 77-105; "Ad hostes confugere, ad ecclesiam confugere en la legislaci3n conciliar visigoda," *Seminarios Com plutenses de Derecho Romano* 22 (2009), 293-340. About the episcopal *intercessio*, see also Fern3ndez Ortiz de Guinea, "Funciones," p. 462.

¹³⁸ *Concilium Toletanum IX*, c. 1; *Concilium Toletanum XIII*, c. 12. Valverde Castro, *Ideolog3a*, pp. 251-252.

defined. At those days they still did not dare submit the clergy to the king's justice, and it was able to solve their issues on their own terms.¹³⁹ The only change that we can notice at this period is the cooperation between bishops and civil judges to preserve chastity in the clergy.¹⁴⁰ However, civil and council legislations eventually started to take to secular justice issues that affected exclusively the Church and its members, being the king the highest appellate body.¹⁴¹ Civil judges were also enabled to judge the servants of the Church.¹⁴² In times of Chindaswinth and Recceswinth, bishops began to be obliged to enforce the king's justice whenever any of their ecclesiastical subordinates refused to appear before civil trials or committed any offence.¹⁴³

Far from an imposition, clergy members, bishops included, had from quite early times allowed and even wished for the gradual interference of the monarchy in their internal issues. These dynamics would first be implemented in practice and subsequently reinforced as laws,¹⁴⁴ as stated, on the one side, by the case of bishop Montanus of Toledo, who appealed Amalaric and his representative Erganus to coercively intimidate the clergy in Palencia who would not obey his episcopal order.¹⁴⁵ On the other side, the monk Tarra appealed Reccared to impugn his sentence.¹⁴⁶

Isidore fought for depriving laypeople of the ability to judge their prelates, except for faith-related matters;¹⁴⁷ however, this would never get further than an idea. Thus, episcopal action would over time start being submitted to secular justice. For example, priests were given authority to appeal to the king in cases of unfair treatment and abuse from their prelates.¹⁴⁸ The submission of bishops to civil justice was formalised in times of Chindaswinth, so they were obliged to appear before the judge when required, either personally or through a representative, risking a fine of fifty *solidi* if failed to do so.¹⁴⁹ Kings also claimed the capacity to sentence bishops to religious punishments, such as excommunication, when they did not fulfil the duties imposed on them by civil regulations.¹⁵⁰ The legislation in times of Wamba appointed secular judges, and not metropolitan bishops, to prosecute those bishops who appropriated private churches or their properties.¹⁵¹ Another Egica's rule regarding fugitive slaves also grants the ability to condemn bishops to secular agents, not episcopal ones, who, in turn, are not competent to monitor *iudices* and *comites* in the same tasks.¹⁵² We can thus observe that civil powers

¹³⁹ *Codex Theodosianus* 16.2.12; 16.2.41; 16.2.47; *Lex Romana Visigothorum* 16.1.2-3; *Nou. Val.* 12; *Concilium Toletanum III*, cc. 13, 14, 21; *Leges Visigothorum* 12.1.2. King, *Law*, p. 151.

¹⁴⁰ *Concilium Hispalensis I*, c. 3.

¹⁴¹ *Leges Visigothorum* 3.4.18; *Concilium Toletanum IX*, c. 1; *Concilium Toletanum XIII*, c. 12.

¹⁴² *Concilium Emeritensis*, c. 15; *Concilium Toletanum XI*, c. 5; *Leges Visigothorum* 9.1.21.

¹⁴³ *Leges Visigothorum* 2.1.19; 3.4.18.

¹⁴⁴ Petit, "Iglesia," p. 267.

¹⁴⁵ *Concilium Toletanum II*. See Céline Martin, "Las cartas de Montano y la autonomía episcopal de la Hispania septentrional en el siglo VI," *Hispania Antiqua* 22 (1998), 403-426.

¹⁴⁶ *Epistulae Wisigothicae* 9, ed. Juan Gil (Seville, 1972). See Isabel Velázquez, "El *Suggerendum* de Tarra a Recaredo," *Antiquité Tardive* 4 (1996), 291-298.

¹⁴⁷ Isidore of Seville, *Sententiae* 3.39.5-6; 3.42.3. Cazier, "Les Sentences," p. 374; Martin, "Isidore," p. 280.

¹⁴⁸ *Concilium Toletanum XIII*, c. 12.

¹⁴⁹ *Leges Visigothorum* 2.1.19. This measure is an update of Valentinian III's *nouella*, adopted in times of Alaric II. *Lex Romana Visigothorum Nou. Val.* 12.

¹⁵⁰ *Leges Visigothorum* 4.5.6; 9.1.21; 12.3.24.

¹⁵¹ *Leges Visigothorum* 4.5.6.

¹⁵² *Leges Visigothorum* 9.1.21.

also obtained the capacity to monitor episcopal actions,¹⁵³ which implied a further limitation of bishops' power. Only in high treason cases were bishops judged by their peers, but the king kept the right of pardon for himself.¹⁵⁴ In sum, there was the attempt to submit the Church and its representatives to the same or even more legal responsibilities than secular agents.¹⁵⁵ In fact, whereas bishops remained only as appellative bodies in civil cases, secular justice appropriated the ability to intervene and judge internal issues of the Church. The royal power paradoxically claimed such prerogatives, justifying itself on the aforementioned political theology and the preceding canonical regulations, as their self-proclaimed guarantor.¹⁵⁶

Conclusions

Bishops undoubtedly enjoyed an enormously relevant position in the government of the Hispanic Visigothic kingdom, not only in the religious and ecclesiastical sphere, but also in the secular one, thanks to the civil prerogatives that they had been accumulating in the previous phase – for instance, those related to justice and taxing. Thus, taking advantage of their enormous institutional, social and symbolic capital, the Visigothic power found in the episcopate and the structures it controlled an extremely useful resource to prevail and rule the kingdom, and particularly to preserve the political order in force and as a communication node between central power and local horizons. This is where we place the new rules obtained by bishops in the Visigothic phase, for example, in legislative processes or controlling converted Jews. However, as opposed to the independence of action they enjoyed in the preceding phase, the king would thereafter establish episcopal competencies and their limits. Moreover, the fact that bishops could perform civil tasks also diminished secular Visigothic authorities, with whom they cooperated yet competed as leaders of the citizenry. This is why the Visigothic monarchy deployed different strategies to control and subordinate bishops to its authority, placing itself at the head of the Church. One of those strategies was the limitation, throughout a lengthy process, of bishops' secular roles, specifically those in the taxing and justice settings, which did not necessarily contradict the reception of new duties in other fields. To this end, kings had to maintain a difficult balance in order to take advantage of the capital that bishops offered to them in the government of the kingdom, at the same time as they prevented their roles from being detrimental to those of secular authorities. Little could bishops do to counteract said trend, besides claiming at a discursive and ideal level some prerogatives that were far from embodied in reality.

Primary works

Braulio of Zaragoza, *Epistulae*, ed. Luis Riesco Terrero (Sevilla, 1975).

Codex Iustinianus, ed. Paulus Krueger (Berlin, 1877).

Codex Theodosianus, ed. Theodor Mommsen and Paul M. Meyer (Berlin, 1905).

Concilios visigóticos e hispano-romanos, ed. and trans. José Vives (Barcelona-Madrid, 1963).

¹⁵³ Koon and Wood, "Unity," pp. 800-803.

¹⁵⁴ *Concilium Toletanum XVI*, c. 9.

¹⁵⁵ Koon and Wood, "Unity," p. 800.

¹⁵⁶ *Leges Visigothorum* 3.4.18.

- Epistulae Wisigothicae*, ed. Juan Gil (Sevilla, 1972).
- Fructuosus of Braga, *Epistola regi directa*, ed. Ángel C. Vega (1941).
- Hydatius, *Chronicon*, ed. and transl. Richard W., Burgess (Oxford, 1993).
- ICERV** = *Inscripciones cristianas de la España romana y visigoda*, ed. José Vives (Barcelona, 1942).
- Isidore of Seville, *De ecclesiasticis officiis*, ed. Christopher M. Lawson, CCSL 113 (Turnhout, 1989).
- Isidore of Seville, *Etymologiae*, eds. and trans. José Oroz Reta y Manuel-A. Marcos Casquero (Madrid, 2009).
- Isidore of Seville, *Historiae*, ed. Cristóbal Rodríguez Alonso (León, 1975).
- Isidore of Seville, *Sententiae*, ed. Pierre Cazier, CCSL 111 (Turnhout, 1998).
- Julian of Toledo, *Historia Wambae*, ed. Wilhelm Levison, CCSL 115 (Turnhout, 1976).
- La colección canónica hispana, IV-VI*, eds. Gonzalo Martínez Díez and Félix Rodríguez (Madrid, 1984-2002).
- Leges Visigothorum*, ed. Karl Zeumer, MGH Leges Nationum Germanicarum 1 (Hannover, 1902).
- Lex Romana Visigothorum*, ed. Gustav Haenel (Leipzig, 1849).
- Taio of Zaragoza, *Sententiae*, ed. Jacques-Paul Migne (Paris, 1850).
- Vitas Sanctorum Patrum Emeretensium*, ed. Antonio Maya Sánchez, CCSL 116 (Turnhout, 1992).

Secondary Works

- Adams, Jeremy D., "The Political Grammar of Isidore of Seville," in *Arts libéraux et philosophie au Moyen Âge* (Montréal, 1966), pp. 763-775.
- Bajo, Felicitas, "El sistema asistencial eclesiástico occidental durante el siglo IV," *Studia Historica. Historia Antigua* 4-5 (1986), 189-194.
- Barenas Alonso, Ramón, "El dominio episcopal sobre el territorio: competencias y recursos," *Brocar* 40 (2016), 7-42.
- Basdevant-Gaudemet, Brigitte, "L'évêque, d'après la législation de quelques conciles mérovingiens," in *Clovis, histoire & mémoire*, 1, ed. Michel Rouche (Paris, 1997), pp. 471-493.
- Becher, Matthias, "Vormoderne Macht und Herrschaft. Zugänge, Phänomene, Perspektiven," in *Transkulturelle Annäherungen an Phänomene von Macht und Herrschaft: Spannungsfelder und Geschlechterdimensionen*, ed. Matthias Becher (Göttingen, 2019), pp. 11-32.
- Bourdieu, Pierre, *Sur l'État* (Paris, 2012).
- Bronisch, Alexander P., "Convergencias y diferencias entre reyes visigodos y alta clerecía: el ejemplo de la legislación sobre los judíos," *Medievalismo* 26 (2016), 35-62.

- Bronisch, Alexander P., *Die Judengesetzgebung im katholischen Westgotenreich von Toledo* (Hannover, 2005).
- Brown, Peter, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison, 1992).
- Castellanos, Santiago, "Creating New Constantines at the End of the Sixth Century," *Historical Research* 85/230 (2012), 556-575.
- Castellanos, Santiago, "The Political Nature of Taxation in Visigothic Spain," *Early Medieval Europe* 12/3 (2003), 201-228.
- Castellanos, Santiago and Martín Viso, Iñaki, "The Local Articulation of Central Power in the Porth of the Iberian Peninsula (500-1000)," *Early Medieval Europe* 13/1 (2005), 1-42.
- Castillo Maldonado, Pedro, "Concilios hispanos tardoantiguos: de asamblea religiosa a asamblea política," in *Toga y daga. Teoría y praxis de la política en Roma*, eds. Gonzalo Bravo and Raúl González Salinero (Madrid, 2010), pp. 417-434.
- Castillo Maldonado, Pedro, "Living a Christina Life: Isidore of Seville on Monasticism, Teaching, and Learning," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), pp. 301-331.
- Cazier, Pierre, *Isidore de Seville et la naissance de l'Espagne catholique* (Beauchesne-Paris, 1994).
- Cazier, Pierre, "Les Sentences d'Isidore de Seville et le IV^e Concile de Tolède. Réflexions sur les rapports entre l'Église et le pouvoir politique en Espagne autour des années 630," *Antigüedad y Cristianismo* 3 (1986), 373-386.
- Chadwick, Henry, "The Role of the Christian Bishop in Ancient Society," in *Heresy and Orthodoxy in the Early Church* (Aldershot, 1991) pp. 1-14.
- Curchin, Leonard A., "Curials and Local Government in Visigothic Hispania," *Antiquité Tardive* 26 (2018), pp. 225-240.
- Deswarte, Thomas, "Le code du roi Réceswinthe (654). A-t-il abrogé les droits antérieurs?," in "Traditio juris'. Permanence et/ou discontinuité du droit roman durant le haut Moyen Âge," ed. Alain Dubreucq (Lyon, 2005), pp. 57-76.
- Díaz, Pablo C., "*Quam ille de vita regis [...] consulisset*. Adivinación y violencia en la Hispania visigoda," in *Adivinación y violencia en el mundo romano*, eds. Santiago Montero and Sabino Perea (Salamanca, 2020), pp. 271-292.
- Díaz, Pablo C., "Concilios y obispos en la península ibérica (siglos VI-VIII)," in *Chiese locali e chiese regionali nell'altomedioevo* (Spoleto, 2014), pp. 1095-1158.
- Díaz, Pablo C., "Rey y poder en la monarquía visigoda," *Iberia* 1 (1998), 175-196.
- Díaz, Pablo C. and Torres, Juana, "Pervivencias paganas en el cristianismo hispano (siglos IV-VII)," in *El cristianismo. Aspectos históricos de su origen y difusión en Hispania*, eds. Juan Santos and Ramón Teja (Vitoria-Gasteiz, 2000), pp. 235-261.
- Ducloux, Anne, *Ad ecclesiam confugere. Naissance du droit d'asile dans les églises (IV^e-milieu du V^e. S.)* (Paris, 1994).

- Dumézil, Bruno, *Les racines chrétiennes de l'Europe. Conversion et liberté dans les royaumes barbares (V^e-VIII^e siècle)* (Paris, 2006).
- Esders, Stefan, "Regem iura faciunt, non persona. Der westgotische Treueid im Kräftefeld personaler und transpersonaler Konzepte der Legitimität politischer Herrschaft," in *Die Macht des Herrschers. Personale und transpersonal Aspekte*, eds. Mechthild Albert, Elke Brüggem and Konrad Klaus (Göttingen, 2019), pp. 69-154.
- Fear, Andrew, "Isidore of Seville on Law and Kingship," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), pp. 332-358.
- Fernández, Damián, "What is the *De fisco Barcinonensi* about," *Antiquité Tardive* 14 (2006), 217-224.
- Fernández Ortiz de Guinea, Lina, "Funciones sociales del cuerpo episcopal en el reino visigodo hispano: administración de justicia y protección de la comunidad cristiana," *Hispania Antiqua* 20 (1996), pp. 451-464.
- Fernández Ortiz de Guinea, Lina, "Participación episcopal en la articulación de la vida política hispano-visigoda," *Studia Historica. Historia Antigua* 12 (1994), 159-167.
- García, Antonio, "El juramento de fidelidad de los concilios visigóticos," in *Francisco Suárez. De iuramento fidelitatis. Estudio preliminar. Conciencia y política* (Madrid, 1979), pp. 447-490.
- García Moreno, Luis A., "La monarquía visigoda y la Iglesia de Levante: las raíces de un país," *Hispania Sacra* 49 (1997), pp. 253-277.
- García Moreno, Luis A., "Estudios sobre la organización administrativa del reino visigodo de Toledo," *Anuario de Historia del Derecho Español* 44 (1974), 5-156.
- Gauthier, Nancy, "Le réseau de pouvoirs de l'évêque dans la Gaule du Haut Moyen Âge," in *Towns and their Territories between Late Antiquity and the Early Middle Ages*, eds. Gian P. Brogiolo, Nancy Gauthier and Neil Christie (Leiden, 2000), pp. 173-207.
- González, Teodoro, "La Iglesia desde la conversión de Recaredo hasta la invasión árabe," in *Historia de la Iglesia en España, I. La Iglesia en la España romana y visigoda (siglos I-VIII)*, ed. Ricardo García Villoslada (Madrid, 1979), pp. 401-747.
- González Salinero, Raúl, *Las conversiones forzosas de los judíos en el reino visigodo* (Roma, 2000).
- González Ruiz, Ramón, "La obra de unificación litúrgica del Concilio IV de Toledo," in *San Ildefonso y otros obispos de la Iglesia visigótica y mozárabe de Toledo* (Toledo, 2018), pp. 539-559.
- Hallebeek, Jan, "Church Asylum in Late Antiquity. Concession by the Emperor or Competence of the Church?," in *Secundum Ius. Opstellen aangeboden aan prof. mr. P.L. Nève*, ed. E. C. Coppens (Nijmegen, 2005), pp. 163-182.
- Harries, Jill D., "Resolving Disputes: The Frontiers of Law in Late Antiquity," in *Law, Society and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford, 2001), pp. 68-82.
- Hunt, David, "The Church as a Public Institution," in *The Cambridge Ancient History*, eds. Averil Cameron and Peter Garnsey (Cambridge, 1997), pp. 238-276.

- Isla, Amancio, "El 'officium palatinum' visigodo: entorno regio y poder aristocrático," *Hispania* 62/212 (2002), 823-847.
- Isla, Amancio, *Ejército, sociedad y política en la península ibérica entre los siglos VII y XI* (Madrid, 2010).
- Janini Cuesta, José, "Roma y Toledo. Nueva problemática de la liturgia visigótica," in *Estudios sobre la liturgia mozárabe*, ed. Juan F. Rivera Recio (Toledo, 1965), pp. 33-53.
- King, Paul D., *Law and Society in the Visigothic Kingdom* (Cambridge, 1972).
- Koon, Sam and Wood, Jamie, "Unity from Disunity: Law, Rhetoric and Power in the Visigothic Kingdom," *European Review of History* 16/6 (2009), 793-808.
- Liebeschuetz, John H. W. G., *Decline and Fall of the Roman City* (Oxford, 2000).
- Marey, Elena, "Intellectual Communication between Rome and Spain: Judge and Judgment in Gregory the Great's *Moralia in Job* and Taio of Zaragoza's *Sententiae*," *Visigothic Symposium* 4 (2020-2021). <https://visigothicsymposia.org/symposium-4-2018-2019-2/>
- Martin, Céline, "Isidore of Seville's Theories and Practices of Pastoral Care and Church Organization," in *A Companion to Isidore of Seville*, eds. Andrew Fear and Jamie Wood (Leiden, 2020), pp. 279-300.
- Martin, Céline, "Un prince évêque : le ministère royal visigothique," in *Le prince chrétien. De Constantin aux royautés barbares (IV^e-VIII^e siècles)*, eds. Sylvain Destephen, Bruno Dumézil and Hervé Inglebert (Paris, 2018), pp. 247-265.
- Martin, Céline, "'Suggérer' au roi visigothique : entre supplique et jeu d'influence," in *Consulter, délibérer, décider. Donner son avis au Moyen Âge (VII^e-XVI^e siècles)*, eds. Martine Charageat and Corinne Leveleux-Teixeira (Toulouse, 2010), pp. 77-94.
- Martin, Céline, "La réforme visigothique de la justice : les années Recceswinth," in *Droit et justice : le pouvoir dans l'Europe médiévale*, eds. Nilda Gugliemi and Adeline Rucquoi (Buenos Aires, 2008), pp. 37-57.
- Martin, Céline, *La géographie du pouvoir dans l'Espagne visigothique* (Villeneuve d'Ascq, 2003).
- Martin, Céline, "Las cartas de Montano y la autonomía episcopal de la Hispania septentrional en el siglo VI," *Hispania Antiqua* 22 (1998), 403-426.
- Martín Viso, Iñaki, "Prácticas locales de la fiscalidad en el reino visigodo de Toledo," in *Lo que vino de Oriente. Horizontes, praxis y dimensión material de los sistemas de dominación fiscal en Al-Ándalus (ss. VII-IX)*, eds. Xavier Ballestín and Ernest Pastor (Oxford, 2013), pp. 72-85.
- Martínez Díez, Gonzalo, "Función de inspección y vigilancia del episcopado sobre las autoridades seculares en el período visigodo-católico," *Revista Española de Derecho Canónico* 15/45 (1960) 579-589.
- Matthews, John F., "Interpreting the *Interpretationes* of the *Breuiarium*," in *Law, Society, and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford, 2001), pp. 11-32.

- Maymó, Pere, "El obispo como autoridad ciudadana y las irrupciones germánicas en el Occidente latino durante el siglo V," *Studia Ephemeridis Augustinianum* 58/2 (1997), 551-558.
- Mellado Rodríguez, Joaquín, "Intervención episcopal en la política judicial y fiscal de Recaredo (problemas filológicos y jurídicos)," *Anuario de Historia del Derecho Español* 65 (1995), 837-848.
- Mellado Rodríguez, Joaquín, "Notas al texto del canon 18 del Concilio III de Toledo," in *Latinitas biblica et christiana. Studia philologica in honorem Olegario García de la Fuente*, ed. Fernando Sojo Rodríguez (Madrid, 1994), pp. 426-434.
- Mor, Carlo G., "Sui poteri civili dei vescovi dal IV al secolo VIII," in *I poteri temporali dei vescovi in Italia e in Germania*, ed. Carlo G. Mor (Bologna, 1979), pp. 7-33.
- Osaba, Esperanza, "Ad hostes confugere, ad ecclesiam confugere en la legislación conciliar visigoda," *Seminarios Complutenses de Derecho Romano* 22 (2009), 293-340.
- Osaba, Esperanza, "Responsabilité pénale et droit d'asile dans l'Hispania visigothique," *Méditerranées* 34-35 (2003) 77-105.
- Osland, Daniel, "Text and Context: Patronage in Late Antique Mérida," *Studies in Late Antiquity* 3/4 (2019), 581-625.
- Osland, Daniel, "Tribute and Coinage in the Visigothic Kingdom: On the Role of the Bishop," *Anas* 24 (2011), 71-95.
- Pérez Martínez, Meritxell, "La burocracia episcopal en la Hispania tardorromana y visigótica (siglos IV-VII)," *Studia Historica. Historia Medieval* 18-19 (2000-2001), 17-40.
- Petit, Carlos, "Iglesia y justicia en el Reino de Toledo," *Antigüedad y Cristianismo* 3 (1986), 261-274.
- Pohl, Walter, "Staat und Herrschaft im Frühmittelalter: Überlegungen zum Forschungsstand," in *Staat im frühen Mittelalter*, eds. Stuart Airlie, Walter Pohl and Helmut Reimitz (Wien, 2006), pp. 9-38.
- Poveda Arias, Pablo, "La diócesis episcopal en la Hispania visigoda: construcción, concepción y disputas por su territorio," *Hispania Sacra* 71/143 (2019), 9-24.
- Poveda Arias, Pablo, "Relectura de la supuesta crisis del fin del reino visigodo de Toledo: una aproximación al reinado de Egica a través de sus fuentes legales," *Anuario de Historia del Derecho Español* 85 (2015), 13-46.
- Rapp, Claudia, *Holy Bishops in Late Antiquity. The Nature of Christian Leadership in an Age of Transition* (Berkeley, 2005).
- Sánchez-Albornoz, Claudio, "El gobierno de las ciudades de España del siglo V al X," in *Estudios sobre las instituciones medievales españolas* (México D.F., 1965), pp. 615-637.
- Sanz, Rosa, "La excomunión como sanción política en el Reino Visigodo de Toledo," *Antigüedad y Cristianismo* 3 (1986), pp. 275-288.
- Slootjes, Daniëlle, "Governor Trumped by Bishop: Shifting Boundaries in Roman Religious and Public Life," in *The Impact of Imperial Rome on Religions, Ritual and Religions*

- Life in the Roman Empire*, eds. Lukas de Blois, Peter Funke and Johannes Hahn (Leiden, 2006), pp. 219-231.
- Stocking, Rachel L., *Bishops, Councils and Consensus in the Visigothic Kingdom, 589-633* (Ann Arbor, 2000).
- Souviron Bono, Sebastián, "Fiscalidad y control eclesiástico en la Hispania visigoda: supervisión de almas e impuestos," *Baetica* 31 (2009), 275-289.
- Ubric Rabaneda, Purificación, "Forjando una alianza para la dominación. Obispos y 'barbaros en el Occidente tardoantiguo," in *La Iglesia como sistema de dominación en la Antigüedad Tardía*, eds. José Fernández Ubiña, Alberto J. Quiroga Puertas and Purificación Ubric Rabaneda (Granada, 2015), pp. 151-168.
- Ubric Rabaneda, Purificación, *La Iglesia en la Hispania del siglo V* (Granada, 2004).
- Uhalde, Kevin, *Expectations of Justice in the Age of Augustine* (Philadelphia, 2007).
- Valverde Castro, M^a. Rosario, "La ideología fiscal en el reino visigodo de Toledo", in *Between Taxation and Rent. Fiscal Problems from Late Antiquity to Early Middle Ages*, eds. Pablo C. Díaz and Iñaki Martín Viso (Bari, 2011), pp. 163-188.
- Valverde Castro, M^a. Rosario, "Monarquía y tributación en la Hispania visigoda: el marco teórico," *Hispania Antiqua*, 31 (2007), 235-252.
- Valverde Castro, M^a. Rosario, *Ideología, simbolismo y ejercicio del poder real en la monarquía visigoda: un proceso de cambio* (Salamanca, 2000).
- Valverde Castro, M^a. Rosario, "La iglesia hispano-visigoda. ¿Fortalecedora o limitadora de la soberanía real?," *Hispania Antiqua* 16 (1992), 381-392.
- Velázquez, Isabel, "El *Suggerendum* de Tarra a Recaredo," *Antiquité Tardive* 4 (1996), 291-298.