

## SUCCESSION CRISES IN SIXTH-CENTURY IBERIA

### DEAD BISHOPS, GREEDY CLERICS, AND THE COUNCIL OF VALENCIA IN 546

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**ABSTRACT** During the mid-540s, the east of the Iberian Peninsula saw efforts to establish ecclesiastical government, perhaps in cooperation with the Visigothic monarchy, through a series of Church councils, including a council of the provincial church of Carthaginiensis that met at Valencia in 546. This article offers a translation and extended discussion of the conciliar acts from Valencia, which deal with the order of liturgical services, how to define and administer different kinds of property, especially in the context of a vacancy in the episcopal office resulting from a bishop's death, and ecclesiastical discipline, particularly as it related to clerical mobility. The article situates the individual canons within the broader history of canonical regulation and ecclesiastical practice in sixth-century Iberia. It argues that the council's rulings should be understood as part of a sustained effort by the bishops present to manage the disruption that was caused within local communities, especially among the urban clergy, when bishoprics were left vacant for an extended period of time. The solutions proposed included oversight by the metropolitan and neighbouring bishops, as well as the keeping of records and calls for increased vigilance that regulations were being followed.

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## Introduction

Among the written sources for the Visigothic period in Iberia,<sup>1</sup> the records of Church councils are the most plentiful. Throughout the sixth and seventh centuries, provincial and general councils took place across the Peninsula with some regularity, while the records of earlier councils from Iberia and beyond were compiled, consulted, and copied under the direction of bishops such as Isidore of Seville (600–636) and Julian of Toledo (680–690).<sup>2</sup> These canon collections played an important role in the transmission of the records of both earlier Church councils and those held under Visigothic rule to later centuries. Despite the impressive feats of ecclesiastical organization and record-keeping that such collections represent, it is clear that they do not constitute a complete archive of the councils held in Iberia in the sixth and seventh centuries—the records of some councils were suppressed,<sup>3</sup> while others were lost or only survived partially. Nor did the councils, which were supposed to have taken place on an annual basis at general, provincial, and diocesan levels, occur as often as the bishops hoped. As with many of the sources produced by the churchmen of Visigothic Iberia, therefore, the council records reflect both the ambition with which reform was pursued and the practical limits that were placed on its implementation.

Past scholarship has generally focused on what the council records reveal about the history of the Church in Iberia in Late Antiquity, including its structure, governance, relationship to the monarchy, and the efforts that were made to offer pastoral care to the population. In the process, we have learnt a great deal about how the assembled bishops thought that the Church *should* function. However, other contemporary sources, from hagiography to archaeology, reveal that this normative episcopal vision of the Church as a corporate entity was not always realized in practice.<sup>4</sup> And the canons can illustrate the messy realities that faced bishops who were tasked with governing a host of individual churches operating in local contexts that

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**1** In this article we call the region in question Iberia, which is a geographical description (synonymous with Iberian Peninsula), or Hispania, the name used in the late antique sources, instead of “Spain,” to avoid confusion with the modern state and the Byzantine province of Spania.

**2** For editions of the councils, see *La colección canónica Hispana*, ed. Martínez Díez and Rodríguez; *Concilios visigóticos e hispano-romanos*, ed. Vives, with Marín Martínez and Martínez Díez.

**3** Stocking, “Martianus, Aventius, and Isidore.”

**4** Collins, *Visigothic Spain*, 223–39.

were, in practice, far removed from the conciliar ideal. They also demonstrate that some bishops were not particularly concerned with following the rules laid down by their peers in council.<sup>5</sup> Disappointing though such infractions may have been for the more idealistic bishops, it is at such moments when the normative veil slips that scholars have been able to uncover details about the immediate social and economic contexts in which ecclesiastics and the churches that they managed had to operate.<sup>6</sup> Rachel Stocking, for instance, has shown how the councils' repeated emphasis on consensual decision-making reflected the collective social values of the bishops.<sup>7</sup> In the process, Stocking and others have shown the extent to which the churches of Visigothic Iberia were socially embedded, and have revealed the richness of the conciliar acts as sources for much more than narrow institutional ecclesiastical history.

As has been amply demonstrated in studies of episcopal elections in Late Antiquity and the Middle Ages, moments of succession were points at which social and institutional dynamics that were usually taken for granted by contemporaries could be renegotiated.<sup>8</sup> Vacancies, particularly when unexpected, had the potential to disrupt hierarchies and call into question established configurations of authority and resources, in the process sparking power struggles for the highest ecclesiastical office within the city while opening up opportunities to reconfigure subordinate roles and, importantly, to redistribute assets. Such a potentially unstable situation was challenging not only for the local church but also for external actors, such as secular authorities and neighbouring bishops within the province. As a result, the churches of Late Antiquity and afterwards developed a range of measures to organize and secure the succession. Despite the establishment of a clear set of guidelines and their regular reaffirmation, the tendency of episcopal elections to generate crises with potentially serious consequences necessitated frequent intervention by ecclesiastical—and often secular—authorities. General rules thus developed through a responsive process, as specific problems on the ground were resolved, and these in turn were gradually codified. Conciliar legislation was compiled and transmitted through col-

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**5** For example, Thompson, *Goths in Spain*, 301–3.

**6** Stocking, “Martianus, Aventius, and Isidore”; Ubric, *La iglesia en la Hispania del siglo V*.

**7** Stocking, *Bishops, Councils, and Consensus*.

**8** Norton, *Episcopal Elections*; Peltzer, *Canon Law, Careers, and Conquest*; Leemans and Van Nuffelen, *Episcopal Elections in Late Antiquity*.

lections, which involved the extraction of extensive bodies of rulings from their original contexts of production, placing them in the abstract realm of “ecclesiastical law.” This allowed them to be presented as a unity that could be reapplied in vastly different historical contexts. However, in Iberia, we can recontextualize the records of specific Church councils through consideration of the immediate moments when they were produced, in the process uncovering some of the social dynamics that are often obscured by the highly normative rhetoric of many of our sixth- and seventh-century sources. By examining a single gathering in mid-sixth-century Iberia, this article reveals how ecclesiastical lawmaking was enacted in response to moments of local crisis, and further that such crisis points were pivotal to the rearticulation of the rules and the canonical paradigm itself.

Although the kings of the Visigoths adhered to the non-Nicene, so-called Homoian (called “Arian” in the surviving sources, all written from a Nicene perspective) creed that rejected the consubstantiality of the Father and the Son for most of the sixth century, they seem generally to have adopted a pragmatic attitude in their relations with the Nicene (“Catholic,” i.e. adopting the notion of consubstantiality) clergy that ministered to the Peninsula’s majority Hispano-Roman population.<sup>9</sup> Bishops formed an important segment of the local elites with whom kings had to work if they were to make their rule felt on the ground. King Theudis (r. 531–548), under whom the Council of Valencia was held in 546, is a good example of this pragmatic tolerance. Theudis had been a commander of Ostrogothic forces in Hispania under Theoderic the Great (r. 471–526) during the period from 511 onwards in which Theoderic had oversight, if not direct control, over the Visigothic territories in southern Gaul and Iberia. He had acted independently of the king in the latter stages of Theoderic’s reign, putting himself in a position to take over as ruler of the Visigoths following the latter’s death.<sup>10</sup> According to Procopius, Theudis married a noblewoman and was able to support significant military forces with her wealth.<sup>11</sup> Although he himself was Homoian, this union with a member of the Hispano-Roman elite points towards a willingness to work with those under his rule, an approach mirrored in his policy regarding the Nicene Church, with Isidore of Seville recording that

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**9** Schäferdiek, *Kirche in den Reichen der Westgoten und Suewen*; Buchberger, *Shifting Ethnic Identities in Spain and Gaul*; Koch, “Arianism and Ethnic Identity.”

**10** Arnold, “Ostrogothic Provinces.”

**11** Procopius, *De bellis*, ed. Haury and Wirth, bk. 5, chap. 12, §50–51, at 2:70; on the landowners’ ability to raise private retinues, see Fernández, *Aristocrats and Statehood*, 189.

Theudis allowed a Church council to be held at Toledo.<sup>12</sup> Although its acts have not been preserved, provincial councils were also held at Barcelona (ca. 540), Valencia (546), and Lérida (546) and their records do survive. As we will see in what follows, there was considerable overlap in the specific matters covered at Valencia and Lérida,<sup>13</sup> even though the bishops involved came from separate ecclesiastical provinces (Carthaginiensis and Tarracensis, respectively).

While the degree of inter-confessional conflict between Homoian and Nicene Christians in Visigothic Iberia has been much debated, it has been suggested that the councils of the 540s indicate that under Theudis, the Nicene Church was allowed to function with relative freedom.<sup>14</sup> By comparison, there was no Nicene conciliar activity in Vandal Africa for almost a century, and the bishops there only began to meet again when Hilderic (r. 523–530) ascended the throne, revoking many of the anti-Nicene measures of his predecessors.<sup>15</sup> We shall suggest below that the records of the Council of Valencia in 546 may reflect some underlying level of tension between different confessional groups, but it was not fuelled by the active suppression of the Nicenes by Homoian rulers. It was in this context of pragmatic cooperation between the Visigothic monarchy and elements of the Hispano-Roman elite, including some bishops, that the Valencian council of 546 should be understood.

Valencia's ancient pedigree and location meant that it was a good place to hold a council. It was among the cities of sixth-century Iberia that have been described as "self-reliant and economically self-sufficient," largely independent of direct Visigothic royal authority, and this importance underpinned the status of its bishop.<sup>16</sup> At the time of the council, the bishop of Valencia was Justinian, who signed the acts in second place. Isidore of Seville's *De viris illustribus*, written at the start of the seventh century, notes that Justinian was one of four brothers, all of whom were bishops, and that he flour-

**12** Isidore, *Historia Gothorum*, ed. Mommsen, chap. 41, at 283; Castillo Maldonado, "Conflict and Compromise," 236.

**13** Hefele, *History of the Councils of the Church*, 4:137, notes that there was "some affinity" between the councils of Valencia and Lérida, which took place in the same year.

**14** Castillo Maldonado, "Conflict and Compromise," 237.

**15** Merrills and Miles, *Vandals*, 200–201; Eisenberg, "Council of Carthage of 525," 258–60.

**16** Collins, "Mérida and Toledo."

ished during the reign of Theudis.<sup>17</sup> Isidore also provides a biography of Justinian's brother, Justus, who was bishop of Urgell,<sup>18</sup> in which he records the names of the other brothers, Nebridius<sup>19</sup> and Elpidius.<sup>20</sup> Although Isidore does not identify their bishoprics, the sees controlled by the family straddled the provinces of Carthaginiensis and Tarraconensis, demonstrating that this was an episcopal dynasty with considerable geographical reach.<sup>21</sup>

The formation of ecclesiastical dynasties like that represented by Justinian and his brothers was not unusual in the post-Roman world, as bishops became increasingly central to the social order.<sup>22</sup> In Iberia, beyond the family of Justinian, from the second half of the sixth to the early seventh century we can point to that of Isidore, whose brother Leander preceded him as bishop of Seville, while another brother, Fulgentius, was bishop of nearby Écija, and their sister Florentina adopted a life of ascetic withdrawal.<sup>23</sup> In Mérida, the Greek bishop Paul was succeeded by his nephew Fidel in the mid-sixth century.<sup>24</sup> Farther north, in the seventh century, Braulio of Zaragoza's brother John had preceded him as bishop: another brother, Fronimian, was an abbot, while one sister (Pomponia) may have been an abbess and the other (Basilia) married a nobleman.<sup>25</sup> Their father, Gregory, may have

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**17** Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 20, at 145: "Iustinianus ecclesiae Valentinae episcopus, ex quattuor fratribus et episcopis eadem matre progenitis unus ... Floruit in Hispaniis temporibus Theudi principis Gothorum."

**18** Bishop of Urgell, ca. 517/31–546; Martín and Iranzo Abellán, "Justo de Urgel, Sermo de s. Vincentio."

**19** Bishop of Egara (modern Terrassa), ca. 516–27; bishop of Barcelona, ca. 540–47?

**20** Bishop of Huesca: Martin, *Géographie du pouvoir dans l'Espagne visigothique*, 114; Quentin, "Prétendues souscriptions du deuxième concile de Tolède."

**21** Otherwise unknown; Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 21, at 145: "Iustus Orgellitanae ecclesiae episcopus et frater praedicti Iustiniani, edidit libellum expositionis in Canticis Canticorum, totum ualde breuiter atque aperte per allegoriarum sensum discutiens. Huius quoque fratres Nebridius et Elpidius quaedam scripsisse feruntur, quibus quia incogniti sumus magis reticenda fatemur."

**22** Menze, "Episcopal Nepotism in the Later Roman Empire," with ample references to further scholarship.

**23** Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 27, at 149–50: Florentina was an addressee of Leander of Seville's *De institutione virginum et de contemptu mundi*, ed. Campos Ruiz, 21–76; on Isidore's family, with further bibliography, see Fontaine, *Isidore de Séville*, 87–99.

**24** *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. IV, chap. 5, at 35–36.

**25** Braulio of Zaragoza, *Epistularium*, ed. Miguel Franco and Martín-Iglesias, *ep.* 7, at 48–50: to Basilia in consolation after the death of her husband; *ep.* 10, at 54–56:

been bishop of Osma at the start of the century.<sup>26</sup> The establishment of such dynasties was one means, alongside more traditional aristocratic activities, by which local and regional elites sought to exploit the potential of ecclesiastical office to perpetuate and extend their status.<sup>27</sup>

The family of Justinian of Valencia was without doubt a regional power. The resources that were at their disposal are illustrated by the intense building activity in which Justinian engaged.<sup>28</sup> This is most clearly attested by Justinian's funerary inscription, which has come down to us through the manuscript tradition.<sup>29</sup> The epigraphic poem states that the bishop "built new temples and renovated old ones," and that he surrounded an island, on which there may have been a monastery, with a wall and gave it access to fresh water.<sup>30</sup> Justinian's most important building activity was centred on the episcopal complex excavated beneath the Plaza de la Almoina in Valencia, a central location atop the old imperial forum, which was destroyed by

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to Pomponia, the abbess; *ep.* 3, 5, at 37–39, 43–45: to Fronimian the abbot, also the addressee of the *Vita Aemiliani*, ed. Vázquez de Parga, letter of dedication, at 3; for John, Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, chap. 11, at 613.

**26** Eugenius of Toledo, *Carmina*, ed. Farmhouse Alberto, *carm.* 21, at 236 (the epitaph of Braulio's brother John, mentioning their father Bishop Gregory); the identification of Gregory's bishopric with Osma is proposed by García Moreno, *Prosopografía del reino visigodo de Toledo*, no. 325, at 138; on Braulio's family (with references to earlier scholarship), see Braulio of Zaragoza, *Renotatio librorum domini Isidori*, ed. Martín, 29–35.

**27** Castellanos, *Poder social*; Wickham, *Framing the Early Middle Ages*, 220–32; Fernández, *Aristocrats and Statehood*.

**28** Castillo Maldonado, "Conflict and Compromise," 237; Linage Conde, "Tras las huellas de Justiniano de Valencia."

**29** Vives, *Inscripciones cristianas de la España romana y visigoda*, no. 279; for the most recent edition with Spanish translation, see Carande Herrero et al., "Poesía epigráfica latina," 11–13; further references and discussion at AEHTAM 3298, [http://hesperia.ucm.es/consulta\\_aehtam/Generalidades.php?id=3338](http://hesperia.ucm.es/consulta_aehtam/Generalidades.php?id=3338), accessed December 7, 2023.

**30** For the inscription of Justinian, Carande Herrero et al., "Poesía epigráfica latina," v. 3, at 11: "noba templa construens vetustaque rest[aurans]," vv. 7–9: "Hic miro maris insola[m] munimine sepsi[t] / in qua maris circumfluentibus undis / silice disrupto predulcem repperit limfam"; it has been proposed to locate the monastery on Punta de Illa de Cullera in Valencia, see Rosselló Mesquida, "Punta de l'Illa de Cullera (Valencia)"; another inscription from Valencia (Vives, *Inscripciones cristianas de la España romana y visigoda*, no. 356) refers to building activity and has sometimes been related to this project, although Corell, *Inscripcions romanes del País Valencià V*, 228–31, argues that it does not refer to Justinian (the inscription is fragmentary and he is not actually mentioned in it).

fire in the fifth century. Justinian renovated the episcopal basilica, which had been built at the beginning of the sixth century, and added a baptistery and a mausoleum next to the apse. This church was most likely the scene of the council proceedings in 546. From the fifth century onwards, the old forum was used as a cemetery; graves have also been excavated in the area of the mausoleum.<sup>31</sup> Justinian's epitaph mentions the veneration of St Vincent, and it is probable that part of the complex was dedicated to the martyr, control over whose cult would have strengthened the bishop's position within the city and boosted his profile externally.<sup>32</sup>

The sees of the other bishops who signed the acts of the council (Celsinus, Reparatus, Sebatius, Benagius, Ampelius, and Salustius)<sup>33</sup> have not been identified, although they almost certainly all came from the province of Carthaginiensis,<sup>34</sup> in which Valencia was located, and Celsinus may have been senior to Justinian as he subscribed first.<sup>35</sup> The council only set down six canons, the first of which dealt with the order of the elements of services. This was followed by three canons covering matters relating to the management of a bishopric following the death of the incumbent, with an overriding concern to distinguish between the personal wealth of the bishop (and his relatives) and the institutional property of his church. The final two canons addressed the issue of clerical mobility, seeking to prevent members of the clergy from wandering and forbidding the ordination of a "foreign cleric."

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**31** Berlanga, Ribera i Lacomba, and Rosselló Mesquida, "La catedral de Valentia"; Ribera i Lacomba, "La ciudad de Valencia durante el período visigodo"; Kulikowski, *Late Roman Spain and its Cities*, 230; on episcopal complexes more generally (with reference to Valencia), see Gurt i Esparraguera and Sánchez Ramos, "Episcopal Groups in Hispania."

**32** Berlanga, Ribera i Lacomba, and Rosselló Mesquida, "La catedral de Valentia," have suggested that the fifth-century burials were associated with the building on the imperial forum linked to the martyrdom of St Vincent, which was then 'absorbed' by the basilica; there is also an argument that the relics of St Vincent have been translated to the basilica (or to the mausoleum) from their original location *extra muros*, see Saxer, "La version brève BHL 8638 de la passion de S. Vincent," 123, 126–27; a more cautious view is taken by Chavarría Arnau, "Finding Invisible Arians," 680.

**33** Council of Valencia (546), ed. Martínez Díez and Rodríguez, 4:320–21 (subscriptions).

**34** The bishops of Dianium and Saetabis are perhaps more likely to have attended, due to their proximity to Valencia.

**35** See Hefele, *History of the Councils of the Church*, 4:136–37, for a summary of various prior identifications of Celsinus, none of which is satisfactory in a chronological sense.

Individually, these canons provide insights into the immediate concerns of the bishops assembled at Valencia, while collectively, they demonstrate that the bishops from Carthaginiensis drew on earlier canonical traditions and were in communication with their peers elsewhere in Hispania, who were dealing with similar matters at about the same time.

In what follows, we use the records of the Council of Valencia as a means of unpicking broader themes in the ecclesiastical and social history of Visigothic-era Iberia. While the canons are highly reflexive, looking back to earlier councils and seeking to defend the *status quo*, they also reflect the immediate concerns of ecclesiastical administrators trying to hold things together on the ground. The canons focus above all on laying down procedures to address problems that arose during vacancies in the episcopal office, mainly concerning differentiating between Church property and the personal wealth of the bishop, in which his relatives had an interest. The clergy emerge as a particularly important group in this context, as a hiatus between bishops had the potential to destabilise their position (and that of the bishopric)—the canons therefore sought to ensure that their stipends continued to be paid in such times. We demonstrate that many of the problems which the bishops sought to solve at Valencia are reflected elsewhere in the textual record for sixth- and seventh-century Iberia, and that the council reflects the extent to which the bishops were embedded in the social worlds of sixth-century Carthaginiensis, seeking to shape those worlds in their own interests.

## Liturgy and Society (Canon I)

The first ruling at Valencia dealt with the liturgy, and was based on “reading the ancient canons.” Such cross-referencing is common throughout the canons of sixth- and seventh-century Iberia, as in other conciliar collections. Indeed, the consultation of prior regulations in the course of council meetings was later mandated by the Fourth Council of Toledo in 633, in which canon 4 (“ordo de celebrando concilio”) ritualized reading from a *codex canonum* by a deacon. As Kati Ihnat, Rebecca Maloy, and others have shown recently, the liturgy of Visigothic Hispania was designed to have a significant impact on the ground, shaping beliefs and identities.<sup>36</sup> Church services both reflected contemporary social realities and sought to mould them for the

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**36** Kurt, “Lay Piety in Visigothic Iberia”; Ihnat, “Liturgy against Apostasy”; Maloy, *Songs of Sacrifice*.

future, including in defining boundaries between different religious groups. Canon 1 of the Council of Valencia discussed the ordering of the elements of services and therefore the audiences to which those elements should be directed, as some parts were not open to all members of the congregation. It was decided that the Gospel should be read out after the Epistle (most often a reading from the Letters of the Apostles) and before the Mass, so that as many people as possible were able to hear the “salutary” commandments and the priest’s sermon. Beyond the “faithful” (baptized Nicene Christians), this broader audience included catechumens, penitents, and “all who disagree with us” (“e diverso,” i.e. those of a different faith or confession). The bishops closed the canon by stating that some have been drawn to the faith by the bishop’s preaching.<sup>37</sup>

On one level, this canon reflects a desire on the part of the bishops to ensure the evangelization of Iberia through pastoral outreach. Such efforts were to culminate in the programme of Isidore of Seville and his peers in the early decades of the seventh century to ensure the education of the clergy and, through them, the faithful.<sup>38</sup> Yet the ruling at Valencia predated Isidore’s episcopate by over half a century, and the efficacy of his reform efforts have in any case been questioned.<sup>39</sup> Beyond the concern to ensure the proper religious education of the populace, the bishops at Valencia had a series of narrower aims, at least some of which were likely rooted in the confessional tensions of the sixth century. Although there is no way of definitively establishing that the adherents of other beliefs who were attracted by the episcopal preaching mentioned in canon 1 were Homoians,<sup>40</sup> its Nicene authors were certainly concerned about maintaining boundaries between religious groups and especially opposed to the conversion of their followers to other confessions. The Homoian practice of rebaptizing converts was a particular worry of the bishops in the middle decades of the sixth century,<sup>41</sup> with

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**37** Cf. *Statuta Ecclesiae Antiqua*, ed. Munier, can. 16, at 169: “Ut episcopus nullum prohibeat ingredi ecclesiam et audire uerbum Dei, siue gentilium, siue haereticum, siue iudaicum, usque ad missam catechumenorum.”

**38** Collins, “Literacy and the Laity in Early Mediaeval Spain,” 114–17; Fontaine, *Isidore de Séville*; Martin, “Isidore of Seville’s Theories and Practices of Pastoral Care and Church Organization”; Castillo Maldonado, “Living a Christian Life.”

**39** Barrett, “God’s Librarian.”

**40** Koch, “Arianism and Ethnic Identity,” 267.

**41** Wood, “Elites and Baptism.”

the Council of Lérida in 546 devoting two canons to the matter.<sup>42</sup> According to Isidore's *De viris illustribus*, Justinian of Valencia dedicated the third book of his *Responsiones* to the illegality of repeating baptism. The fourth book might also have been related to this concern, focusing on the "differentiation between the baptisms of John and Christ," a topic that appeared in discussions between Nicene and Homoian factions regarding baptismal doctrine and practice.<sup>43</sup> The remaining books delved into matters that were rooted in Nicene–Homoian theological debates, such as the invisibility of the Father and the visibility of the Son, all of which could have contributed to anti-Homoian arguments.<sup>44</sup> While there may not have been open conflict between Homoians and Nicenes in the period, and the Visigothic kings seem to have been tolerant of the bishops' activities, this did not mean that ecclesiastical leaders were ignorant of the challenges posed by religious pluralism, as Justinian of Valencia's works demonstrate.<sup>45</sup>

The canon could also be interpreted as a measure aimed at achieving greater liturgical uniformity, a recurring aspiration within the late antique church that was linked to the need for clerical discipline and pursuit of ecclesiastical consensus. The practice of dismissing catechumens before the Gospel (and thus before the sermon) might have represented a local usage or a later deviation from the commonly practiced *dimissio* after the Gospel. However, it could also have been an ancient variant that predominated in certain churches in contrast to normative attestations in canonical and Patristic literature.<sup>46</sup> A similar version of catechumen dismissal before the Gospel is

**42** Council of Lérida (546), ed. Martínez Díez and Rodríguez, can. 9, 13–14, at 244–46; canon 13 condemns Catholics who baptized their children in the Arian church; Castillo Maldonado, "Conflict and Compromise," 236–37.

**43** For example, see *Opus imperfectum in Matthaëum*, ed. Montfaucon, col. 653 (hom. 3), most probably a Homoian commentary in which discussion of the baptism of John and of Christ is linked with an argument in favour of the repetition of baptism.

**44** Homoian theologians used the visibility of the Son as an argument against consubstantiality: see Barnes, "Visible Christ and the Invisible Trinity."

**45** In Gregory of Tours, *Historiae*, ed. Krusch, bk. 6, chap. 18, at 287, Leovigild rejects the divinity of the Holy Spirit as unscriptural; the belief that Christ is the adoptive Son of God is not Homoian but Photinian/Bonosian, but it was sometimes discussed in Nicene–Homoian polemics, e.g. Vigilius of Thapsus, *Contra Arrianos, Sabellianos, Photinianos*, ed. Hombert.

**46** Dismissal after the sermon is more widely attested, as the sermon was the main method for communicating with the catechumens: it prepared them for baptism and was an opportunity to explain doctrine; the later phase (dismissal prior to the sermon) suggests the decline of the adult catechumenate, as there was no longer any need for instruction, and hence penitents and the unbaptized were dismissed.

well documented in Gaul, and although the bishops attempted to change this practice at the Council of Orange in 441, it seemingly endured to be referenced as a tradition of the Gallic churches as late as the ninth century.<sup>47</sup> But as we shall see in what follows, other canons (5–6) from Valencia reflect a concern to better prepare the clergy for ministry. The fact that Theudis permitted the council to be held suggests both that the bishops were not under pressure from the Homoian Visigothic monarchy and that the main audience for such initiatives was within the Nicene community.<sup>48</sup> Regulation of the liturgy in canon 1 should thus be understood as part of a broader desire to ensure the evangelization of the population, including potential non-Nicene audiences.

### Defining Church Property (Canons 2–4)

Across the Visigothic period in Iberia, bishops operating mainly in council sought to define the nature and boundaries of the property of the churches that they managed. This was no simple matter because, as is revealed by narrative accounts, ecclesiastical wealth was in practice highly vulnerable.<sup>49</sup> Despite collective agreement that the property of churches should be inalienable, protected from secular interference, and spent on the upkeep of church buildings, the maintenance of the clergy, and charity for the poor, individual bishops sometimes treated ecclesiastical wealth as if it was their own. The administrative and financial centrality of bishops to their dioceses, as well as their social power and prominence, meant that such abuses usually did not come to light until the see became vacant upon the bishop's death.<sup>50</sup> The loss of its overseer was in any case a moment of vulnerability for the bishopric, as interested parties—from the clergy and neighbouring bishops to the (elite) population of the city—jostled to influence the election of a successor.<sup>51</sup> Members of the family of the bishop were highly likely

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**47** Council of Orange (441), ed. Munier, can. 14, at 83: “Euangelia deinceps placuit catechumenis legi apud omnem prouinciarum nostrarum ecclesia”; Amalarius of Metz, *Liber officialis*, ed. Hanssens, bk. 3, chap. 36, at 2:369: “Consuetudo nostra tenet, ut catechumenos repellamus ante Evangelium.” On the ancient character of this custom, see Bradshaw, “Gospel and the Catechumenate in the Third Century,” 149–50.

**48** Castillo Maldonado, “Conflict and Compromise,” 236.

**49** Eisenberg and Wood, “Business of Bishops.”

**50** Castillo Maldonado, “*In hora mortis*”; Eisenberg and Wood, “Business of Bishops”.

**51** On episcopal elections (and therefore vacancies) in the Iberian Peninsula in Late

to become involved in order to protect their own interests, especially if the bishop's personal property, in which they had a stake, had become entangled with that of his churches. These issues, which are mentioned repeatedly in canonical, narrative, and other sources from sixth- and seventh-century Iberia, find ample expression in the rulings of Valencia.

The second canon of the council rules that clerics shall refrain from carrying away a range of possessions from the church or the bishop. The items named are all movable, although the addition of *omni omnino re* does not exclude land and buildings. The bishops then state that if the authority of the canons has failed to restrain the clergy, the "stern admonition" of the metropolitan (the leading bishop in an ecclesiastical province encompassing several bishoprics) and other bishops under his authority should force them to return what they have taken. They moved on to lay down a procedure about what should happen on the death of a bishop. First, a neighbouring bishop should come to celebrate the funeral and "take strict care" of his deceased peer's church. Second, within an "octave" of the bishop's death, an "inventory and a very reliable description" of the dead "bishop's property" (not that of the church itself) should be made and sent to the metropolitan. Third, after paying the clergy their normal stipends, the metropolitan should appoint an "able person" to administer the "ecclesiastical household" (the church's property). This person should give an "account" of what had been entrusted to him by the metropolitan, if the consecration of a successor happened to be delayed. The canon was meant to ensure that clerics were satisfied with their stipends and did not plunder what the late bishop had amassed, and that as a result the new bishop—whose importance is also underlined earlier in the canon—could profit from what his predecessor had done and serve others from it. This second canon from Valencia refers explicitly to the Council of Riez in 439, which established rules for filling vacant episcopal offices in response to an "uncanonical" election at Embrun. But while the Gallic bishops legislated to preserve the right of the metropolitan to have the final say in elections, the bishops at Valencia focused on the problem of the orderly preservation and transfer of property.<sup>52</sup> In this sense, they built, if not explicitly, on canon 12 of the Council of Tarragona of 516, in which presbyters and deacons were ordered to make an inventory

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Antiquity, see Norton, *Episcopal Elections*, 114–15, 130, 154–56; for reflection on the process of elections and their regulation between the fourth and sixth centuries, see Thier, *Hierarchie und Autonomie*, 63–200; on conflicts over bishoprics in the context of elite competition, see Wood, "Conflicts over Episcopal Office in Southern Hispania."

**52** Council of Riez (439), ed. Munier, can. 5–6, at 69–70.

of the domestic items and furnishings (“*utensilibus vel omni supellectile*”) of any size belonging to the dead bishop, if he had died intestate, in order to prevent theft.<sup>53</sup>

There are a number of elements that stand out in this canon. First, there is a strong emphasis on differentiating between property types, in this case the possessions of the individual church and those of the bishop. Both were apparently vulnerable to the depredations of the clergy, while the dead bishop’s property was to be inventoried and the administration of the ecclesiastical household (including the wealth of the church itself) was to be managed on a continuing basis.<sup>54</sup> The highly negative view of the clergy, which is repeated elsewhere in the council’s acts, is striking. On one level, this can be interpreted as something of a rhetorical commonplace.<sup>55</sup> Yet the stress that is placed on the need to ensure that the clerics receive their stipends during the hiatus is important because it suggests that the clergy may have been motivated by very practical concerns: to ensure their own living. Here it may be significant that the items named in the canon are movable, implying that it was not the long-term landed wealth of the church that was at threat but the portable property of the bishop and the church combined, which was vulnerable to desperate clerics looking to generate ready cash. Based on the mention of *omni omnino re* in canon 2, continued into canon 3, we can assume that although the bishops had in mind primarily movable property, they did not exclude land. Canon 16 of the Council of Lérida specifies that its

**53** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 5:278–79.

**54** *Canones Apostolorum*, ed. Joannou, can. 40, at 1.2:27–28, prescribes that it should be made clear which property belongs to the bishop and which to the Church, in order to preserve the rights of both sides; the canons attributed to the Council of Antioch (341), ed. Joannou, can. 24, at 1.2:123–24, stress that presbyters and deacons should have full knowledge of the church’s property; on knowledge of the Greek canons in sixth-century Hispania, see Martínez Díez, *Colección canónica Hispana*, 1:280–86.

**55** Council of Chalcedon (451), ed. Joannou, can. 22, at 1.1:86, against clerics who “plunder” the property of the late bishop. In hagiography, presbyters and deacons are often portrayed negatively; see Fox, “Clergy between Town and Country,” 138, for Gallic examples; in seventh-century Spanish hagiography, clerics are also often portrayed as opponents of holy bishops, as in *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5, chap. 13, at 94–98 (the deacon Eleutherius acting against Bishop Masona); Braulio of Zaragoza, *Vita Aemiliani*, ed. Vázquez de Parga, chap. 12, at 17 (Aemilianus accused by his clerical colleagues of mismanagement of church funds); Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, preface, at 599–600 (the stories of the criminal clerics Justus, Gerontius, and Lucidius).

enactment concerns both *mobilis* and *immobilis res*.<sup>56</sup> Perhaps the listing of movable property at Valencia indicates that the bishops had a very specific instance in mind involving the seizure of movable property, but they did not want to make a clear distinction.

The canon thus was likely attempting to address the needs of “cathedral” clergy, who did not administer their own churches and so did not have access to revenues from the associated estates.<sup>57</sup> They were part of the bishop’s retinue in the episcopal city and depended on stipends for their livelihood; they would also have been on hand at the moment of the bishop’s death, while their peers in the countryside would have been at a greater distance. The financial support of the clergy was the duty of the bishop, but he had a great deal of discretion in deciding who received what and in what amount.<sup>58</sup> In addition, during vacancies, there was not only the risk that clerics would not receive what they were owed, but also that some form of redistribution might occur, threatening future income. Further, if there was a candidate for the vacant office from among the local clergy, a not unlikely scenario for which there is hagiographical evidence,<sup>59</sup> controlling the assets of the episcopal household would have been a huge advantage.<sup>60</sup> The emphasis placed on the need for timely action by neighbouring bishops, and the desire to avoid a delay in consecrating the new bishop (which indicates that such a delay was a possibility), all suggest that the vacancy was a moment of vulnerability for the bishopric. Legislating for metropolitan oversight and the involvement of neighbouring bishops, while intended to ensure a rapid

**56** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 4:305, refers only to movables (*utensilia* and *suppellectilia*).

**57** Later the Council of Mérida (666), ed. Vives, can. 12, at 333–34, allowed bishops to promote diocesan clergy to cathedral posts but let deacons and presbyters maintain the revenues from their former churches.

**58** There are canons that give bishops the right to take stipends away from misbehaving clerics: *Statuta Ecclesiae Antiqua*, ed. Munier, can. 35, at 187; Council of Orléans (511), ed. de Clercq, can. 12, at 119; being paid “according to the merit” is mentioned in Council of Agde (506), ed. Munier, can. 36, at 208.

**59** For example, *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 4, chap. 4–5, at 33–35: the priest Fidel succeeds Paul of Mérida; bk. 5, chap. 13, at 94–98: the archdeacon Eleutherius aspires to succeed Masona of Mérida; bk. 5, chap. 14, at 99–101: the deacon Innocent succeeds Masona; Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, chap. 13, at 614–15: Eugenius II succeeds Eugenius I of Toledo, having been a cleric at the royal court.

**60** Norton, *Episcopal Elections*, 188–89, on the control of church property and the risk of corruption in the electoral process.

and smooth transition, must have made the whole succession process even more convoluted.<sup>61</sup>

Contrary to much prior canonical legislation on the subject, in which a single canon usually dealt with the issue of ensuring that both the bishop's property and that of his church were protected, at Valencia two canons are devoted to the matter. Canon 3 moves from the grasping hands of the local clergy to those of the relatives of the dying bishop, although there are clear parallels to canon 2 in terms of the issues being addressed and the procedures that were laid down for dealing with them. If the bishop has died intestate, then the clerics are to be told not to take anything from the property of the deceased without the consent of neighbouring bishops and the metropolitan. The absence of a will would have made it difficult to distinguish what belonged personally to the bishop and what belonged to his church, so family members had to be prevented from inadvertently appropriating the church's property when they accessed the inherited wealth to which they were entitled.<sup>62</sup> Instead, they must wait for the new bishop to take up office or for a ruling from the metropolitan; any action contrary to the canon is punishable by excommunication. Anyone who asks humbly and reasonably for what is "legally" theirs should not be denied it. Again, the metropolitan or someone appointed by him—presumably the "able person" mentioned in canon 2, or perhaps the neighbouring bishop (maybe these could be the same person)—has oversight. The bishops close by stating that the canon has retrospective force, restraining anyone who "in the past" has usurped either church property or that of the bishop, suggesting that this was an ongoing issue, or that the bishops had in mind a specific recent case and they wanted their ruling to be applicable to the perpetrators.<sup>63</sup> As with

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**61** The metropolitan appointing the visiting bishop was by the end of the sixth century a widespread practice in the West; it was, however, virtually unknown in the churches of the East, where oversight over the church during vacancy stayed with the local clergy; see Greenslade, "*Sede Vacante* Procedure in the Early Church," 222–23; Norton, *Episcopal Elections*, 151.

**62** Compare Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 278–79, which mandates an inventory of goods if a bishop has died intestate.

**63** Council of Lérida (546), ed. Martínez Díez and Rodríguez, can. 16, at 306–9, also contains a retroactive measure against clerics who have taken something from the bishop's household; Stocking, *Bishops, Councils, and Consensus*, 40–41, suggests that this may indicate that the legislation was triggered by "immediate cases"; from the canons attributed to the Council of Antioch (341), ed. Joannou, can. 4, at 1.2:107–8, may serve as a comparison for retroactive canonical legislation aimed at a specific case, as it condemns bishops and priests who officiated after canonical deposition,

canon 2, then, there is a concern to secure property from the threat posed by unauthorized claimants. Although the existence of a valid will would presumably have rendered this canon irrelevant, the emphasis on legal rights is significant. It points, as in the preceding canon, to a desire to clearly demarcate the boundaries between different kinds of property. It may also indicate that the interests of families and the episcopate were not necessarily opposed (especially as it was not uncommon for many members of the same family to be bishops and clerics)—it was important for both groups to ensure that they received what was due to them. Metropolitan oversight was pivotal to the process, in which neighbouring bishops were integrated, with the aim of securing the succession—and presumably the financial situation—of the new bishop.

Canon 4 discusses the funeral and burial of bishops. It notes that burials are often postponed because no neighbouring bishop is available to preside.<sup>64</sup> To overcome this issue, a (presumably neighbouring) bishop, who would usually be invited to the funeral, is invited to visit a sick bishop while he is still alive. This would not only please the sick bishop, but would enable him to “give his brother instructions for the administration of his house” and to hand over “an approved will for execution,” alleviating the stress of intestate succession and thereby addressing some of the concerns for the protection of church and personal episcopal property outlined in canons 2 and 3. The visiting bishop would also have been able to influence the dispositions of his dying colleague and prevent any actions perceived as harmful to the interests of the bishopric and the Church as a whole. For example, although slaves are not mentioned in the canons of Valencia, other conciliar sources make it clear that a sick bishop might decide to manumit slaves of his church as his death neared, in the process decreasing the economic resources available to his successors.<sup>65</sup> The visiting bishop would have been in a position to prevent this from happening. Following the death of the incumbent, he is then to carry out the funeral service and oversee the burial as soon as possible, according to the “canonical provisions.” But an alternative circumstance is also outlined: in the case of a sudden episcopal death, as “usually hap-

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and was aimed directly at Athanasius of Alexandria; see Stephens, *Canon Law and Episcopal Authority*, 15–16.

**64** This can be related to the second canon’s reference to the need for the neighbouring bishop to attend in order to perform the funeral and to administer the vacant bishopric.

**65** Eisenberg and Wood, “Business of Bishops,” 13–14; Sommar, *Slaves of the Churches*, 141–49.

pens,” if the provincial bishops cannot attend due to the distances involved, then a vigil shall be conducted and Psalms sung for a day and a night before the body is taken to a suitable place, with honours but not buried. Then a bishop, invited “without delay” from “somewhere,” shall conduct the burial solemnly in observance of “ancient custom.”

Like the other acts from Valencia, canon 4 stresses the importance of canonical rules and custom. The bishops emphasize the need for another bishop to perform their colleague’s funeral, which can be seen as part of the wider discussion in the sixth and seventh centuries about the prerogatives of presbyters and the concern that in some cases they were overstepping their authority and usurping episcopal powers.<sup>66</sup> Again, this casts a shadow on the local clergy, implying that they may not have been trustworthy enough to ensure a smooth transition between episcopates without compromising the bishops’ rights. As in canons 2 and 3, canon 4 underlines the key role of neighbouring bishops (and thus their supra-regional authority) in managing the transition, in this case the administration of church property and the dying bishop’s personal will. The need to avoid delay is stated even more explicitly in canon 4 than in the others, in which it is an implicit feature. That this was an ongoing matter is suggested by the fact that the third canon of the Seventh Council of Toledo in 646 confirmed the decision taken at Valencia concerning episcopal burial, adding that a bishop who is asked by the clergy to attend the burial of their bishop and fails to do so will be punished by one year’s excommunication, with a similar punishment for presbyters and clerics who fail to inform a bishop about the death of their superior.<sup>67</sup> Vacancies were moments of vulnerability for the see, and canon 4 formed part of a suite of regulations, along with the second and third canons, that aimed to ensure a smooth and rapid transition between episcopates under the stewardship of a neighbouring bishop. These canons can also be understood as a means of defusing the potentially harmful actions of clerics (from the episcopal point of view) who were outside of episcopal supervision.

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**66** On the question of the consecration of chrism by presbyters: Montanus of Toledo, letter attached to the canons of the Second Council of Toledo (527), ed. Martínez Díez and Rodríguez, at 4:356–58, 360–61; and the Second Council of Seville (619), ed. Vives, can. 7, at 167–68.

**67** Seventh Council of Toledo (646), ed. Martínez Díez and Rodríguez, can. 3, at 349–50, transl. M. Szada: <https://www.presbytersproject.ihuw.pl/index.php?id=6&SourceID=536>, accessed December 7, 2023; the canon is also mentioned at the beginning of the rite for the bishop’s funeral in *Liber Ordinum*, ed. Férotin, 139, which shows that the problem was of continued relevance in early medieval Iberia.

## Ecclesiastical Discipline (Canons 5 and 6)

The final canon of the council ends by stating that “no one will be allowed to deviate from the ecclesiastical rules and discipline without penalty.” References to past councils both underline the development of an Iberian strand within the broader conciliar tradition and suggest that the rules were not always followed in practice. Just as the earlier canons from Valencia stressed the need for metropolitan oversight of bishops, so canons 5 and 6 emphasize the importance of bishops monitoring their clergy. Conciliar attempts to reinforce the ecclesiastical hierarchy formed part of a broader concern for clerical laxity, as in the case of a letter that Justus of Urgell, Justinian of Valencia’s brother, wrote in the early 540s to the deacon Justus bemoaning a slack attitude towards religious studies.<sup>68</sup> Canons 5 and 6 also both address the related matter of clerical mobility. Canon 5 decreed that a wandering cleric disobeys the authority of the bishop who ordained him and fails to fulfil the duties of his office: he shall be excommunicated until he reforms his ways. Canon 6 examined the matter from an opposing perspective, forbidding the ordination of a “foreign cleric” without the consent of his bishop, according to the canons. No one should conduct an ordination unless the person being ordained had “first promised to belong to a place.” This desire to forbid clerical mobility may indicate that there was a shortage of clergy, who therefore needed to be forced to remain in one place. This could lend support to the proposition that the Valencian council was held in the context of an outbreak of plague, which may also have influenced the fourth canon, on episcopal funerals and burials.<sup>69</sup> On this interpretation, those clerics who remained may have been more likely to move around, for instance in the search for a more profitable post. However, the desire to fix members of the clergy in place may equally have been connected to the need to monitor the livings that were due to clerics (as suggested by canons 2–4), ensuring that the correct stipends were paid, especially at transitional moments. Sources from Visigothic Iberia are replete with examples of clerical mobility, suggesting that the canon was likely dealing with a real—and ongoing—issue resulting from an episcopal vacancy.<sup>70</sup>

**68** Justus of Urgell, *Epistula ad Iustum diaconum*, ed. García-Villada, at 265–66; Castillo Maldonado, “Conflict and Compromise,” 236–37.

**69** Compare the Fourth Council of Toledo (633), ed. Martínez Díez and Rodríguez, can. 74, at 5:248, which mentions the possibility of ordaining former slaves belonging to the church because of *tempus necessitatis*.

**70** For example, the Second Council of Seville (619), ed. Vives, can. 3, at 164–65,

## The Conciliar Agenda at Valencia: Specific Case or General Ruling?

The preceding analysis has suggested that, even though it took place in the same year as the Council of Lérida and dealt with some of the same issues, the meeting at Valencia was convened to discuss problems created by episcopal vacancies because of a specific recent case.<sup>71</sup> The Lérida acts are composed of a total of sixteen canons, whereas Valencia had only six, indicating a more concentrated agenda for the latter. Five out of those six can be related, we argue, to episcopal vacancies, implying that the bishops foregrounded this topic deliberately. They clearly did not decide the matters they were to discuss randomly or out of theoretical interest.<sup>72</sup> In the absence of a preface, minutes of conciliar discussions, or other sources directly related to the proceedings of the council such as letters or narratives, we cannot be sure how the agenda of this council was decided. However, comparison with conciliar practice elsewhere in Hispania and in neighbouring Gaul clearly shows that councils were responsive to current events and circumstances, and that the main topics to be discussed were often determined in advance. For example, King Clovis formulated discussion points for the bishops in “the articles” (*tituli*) sent to them before the Council of Orléans in 511.<sup>73</sup> For Hispania, we know of the practice of the king presenting a *tomus* before a council to suggest its subject matter.<sup>74</sup> If the convened council was to serve as a tribunal, the interested parties had to be informed early enough so that the reasons for the meeting would be known to the other participants.<sup>75</sup> We do not know whether the Council of Valencia in 546 had this component, but since its canons indicate that there may have been a recent conflict between a new bishop and the clergy of his church, it is not impossible that the parties wished to present their arguments within the conflict-resolution framework constituted by the provincial episcopate. Some revealing parallels to

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discusses the case of Spassandus, a priest from Italica, who fled to Córdoba (Thompson, *Goths in Spain*, 303); in addition, there are numerous cases of monks seeking to move around when they were supposed to stay in one place.

**71** Cf. Gruber, “Indirect Evidence for the Social Impact of the Justinianic Pandemic.”

**72** See Halfond, *Archaeology of Frankish Church Councils*, 57–66.

**73** Council of Orléans (511), ed. de Clercq, letter to Clovis, at 4.

**74** King, *Law and Society in the Visigothic Kingdom*, 126; attested for the Third Council of Toledo (589) and Fifth Council of Toledo (636), and became regular from the Eight Council of Toledo (653).

**75** Halfond, *Archaeology of Frankish Church Councils*, 62.

such situations can be found in other Visigothic-era councils. For example, the canons of the Second Council of Seville in 619 retained the parts of the procedure in which participating clerics made petitions, asked for the resolution of conflicts, or appealed against previous judicial and disciplinary decisions. While resolving a specific case, the assembled bishops also formulated a general canon for future application.<sup>76</sup>

Nonetheless, the references that are made to past councils indicate that the bishops were well aware of the tradition to which they belonged, and saw it as both a repository of legal precedent to which they could appeal on specific points and a more general justification for the canonicity of their position. The canon law being cited and referenced was therefore not entirely dependent on the immediate situation; rather, past conciliar acts were resources that could be deployed selectively, provided they could do legal or rhetorical “work” to enable the bishops in council to reinforce their position.<sup>77</sup> In cases in which, unlike at Valencia and Lérida, the bishops decided to preface the canons with a preamble, they often expressed this sentiment explicitly. Both the bishops gathered at Tarragona in 516 and those at Toledo in 527 stated in their prefaces that one of the main aims of their assemblies was to restate the legislation of earlier councils.<sup>78</sup> The formulation of new canons is therefore perceived not so much as an innovation but as the reaffirmation and even completion of an already existing framework. As Jill Harries noted in the context of the legislative process in the later Roman empire: “Laws could be repeated so that new regulations could be appended.”<sup>79</sup> Repeating the old law and formulating new law out of a specific case were part of a process by which certain elements of the extensive body of conciliar rulings, scattered in different canon books and collections, could be identified as law in specific moments.<sup>80</sup>

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**76** Second Council of Seville (619), ed. Vives, at 163–69; see also the case of a conflict in Écija and how it was incrementally resolved at the Third Council of Seville (624) and the Sixth Council of Toledo (638), discussed in Stocking, “Martianus, Aventinus, and Isidore”; Martín-Iglesias, “*Iudicium inter Marcianum et Habentium episcopos*.”

**77** On the repetition of laws in Roman legal tradition, see Harries, *Law and Empire*, 82–88; Stephens, *Canon Law and Episcopal Authority*, 53 (repeating the canons of Nicaea); Stocking, *Bishops, Councils, and Consensus*, 38–41.

**78** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, preface, at 4:271–72; Second Council of Toledo (527), preface, at 4:346–47.

**79** Harries, *Law and Empire*, 87.

**80** Halfond, *Archaeology of Frankish Church Councils*, 100–101.

As we mentioned at the beginning of this article, the canons of the Council of Valencia in 546 were transmitted in collections of canons. They were included in the so-called *Epitome Hispánico*, compiled possibly in Gallaecia between 598 and 633, and the monumental *Hispana*, a wide-ranging collection whose earliest version was assembled in 633 and which is often associated with Isidore of Seville. Gonzalo Martínez Díez suggested that the compilers of both collections might have had in their hands an earlier collection circulating in sixth-century Hispania and consisting of the canons of the provincial councils of Tarraconensis (Tarragona, Gerona, Lérida) and Carthaginiensis.<sup>81</sup> This suggests that the specific resolutions made by the six prelates who met in Valencia (in Carthaginiensis) in 546, possibly in response to a pressing issue, began to circulate quickly in the context of the general evolution of a normative corpus to which churches functioning in different circumstances and facing different challenges could nevertheless refer, as in the case of the Seventh Council of Toledo's reaffirmation of the fourth canon of Valencia's ruling on episcopal burial.

## Conclusion

The canons of Valencia deal with a series of issues that could have resulted from a vacancy in the episcopal office. Contextualization of the canons in relation to other conciliar legislation (from within and beyond Iberia) and other contemporary sources suggests strongly that the procedures which were laid down probably derived from the practical experience of the assembled bishops. The vulnerability of church property—particularly movable wealth—during vacancies seems to have been a particular concern throughout the Visigothic period in Iberia.<sup>82</sup> A primary concern was to ensure separation between the property of the bishopric itself (institutional wealth) and that of the bishop (his personal property) in order to avoid them becoming mixed up. In the absence of a clear legal framework for resolving potential confusion over the distinction between different

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**81** Martínez Díez, *Colección canónica Hispana*, 1:282–83; on these collections, see Kéry, *Canonical Collections of the Early Middle Ages*, 57–86.

**82** For example, the Twelfth Council of Toledo (681) states that prolonging the vacancy “brings harm to the divine ministry and loss to Church property,” ed. Martínez Díez and Rodríguez, can. 6, at 6:169; see also *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5 chap. 8, at 76, where the vanquished bishop Nepopis left Mérida with the members of his household carrying off in wagons “a great amount of silver, ornaments,” and other beautiful items from the churches of the city.

property types when a bishop died, the making of inventories under the oversight of neighbouring bishops and the metropolitan are proposed as a procedure for securing the interests of a variety of potentially competing parties. The canons illustrate the gradual evolution of the conciliar ideal in Hispania: appeals are made to specific precedents, alongside references to council legislation in general. In the process, the bishops at Valencia and other Iberian councils in the sixth century gradually constructed a specific concept of conciliar authority that would find full expression in the seventh century. In the process, they reflected and reinforced an idealized vision of the Church hierarchy focused on the role of the metropolitan as a provincial ecclesiastical leader, supported by provincial bishops and their clergy. Yet, in distinguishing between different kinds of bishops and clerics, the canons of Valencia also reflect a more pragmatic vision of how power was exercised on the ground.

Although clerics are presented as greedy, it is clear that a vacancy in the episcopal office left at least some of them vulnerable, with those connected to the bishop himself most at risk of losing their stipends. Because the clerical office was not monolithic, there would have been differences between the higher and lower clergy, between cathedral clerics and others, between those in the city and in the countryside, and between those who owed their position to the dying bishop and those who were not aligned with him. The impending death of a bishop was thus likely to generate an unstable situation as different parties sought to look after their own interests. This might account for the canons which sought to enforce ecclesiastical discipline and prevent clergy from moving around. The family is also identified as an interest group with the potential to intervene when the bishop dies, as members sought to protect the inheritance to which they may have been entitled. The admonition that neighbouring bishops should attend to the affairs of a vacant bishopric (or one that was about to be vacant) with haste may mask the fact that provincial bishops probably did not want to leave their own bishoprics unattended. Much literature has demonstrated how episcopal power had to be displayed and the absence of a bishop would have created a power vacuum.<sup>83</sup> The forcible removal of Bishop Masona from Mérida under King Leovigild (r. 568–586) is a good example: while Masona's triumphant return to the city is presented as a moment of communal rejoicing, his tem-

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**83** Rapp, *Holy Bishops in Late Antiquity*; Bowes, *Private Worship, Public Values, and Religious Change*, 61–120; Dey, *Afterlife of the Roman City*; Brubaker and Wickham, "Processions, Power, and Community Identity"; Wood, "Narrating Religious Processions in Visigothic Iberia."

porary absence had created an opportunity for at least two opposing factions to attempt successively to establish themselves.<sup>84</sup> There are attestations that Iberian bishops did not always travel to councils because of the distances and dangers involved,<sup>85</sup> but perhaps this was also because even a temporary absence would leave their position back home vulnerable.

Without downplaying their role as pastors and moral leaders, bishops did not operate in a social vacuum. The ecclesiastical dynasties mentioned in the introduction to this article point towards the likelihood that the interests of the local clergy, the neighbouring (and certainly the co-provincial) bishops, and the family could often have aligned.<sup>86</sup> The authority of bishops was embedded in—and sometimes challenged from—the communities within which it operated, led by local and regional elites, including their episcopal peers.<sup>87</sup> The acts of Valencia thus recognize the practicalities of implementing collective conciliar decision-making on the ground. It was difficult, if not impossible, to get anything done without the consent of the lower clergy. In ensuring that stipends continued to be paid, the bishops respected collective clerical agency. Rather than the authoritarian view of ecclesiastical governance presented on a rhetorical level, the practical measures that the bishops put in place sought to recognize and balance the interests of different groups. Grounded in a recognition of the practical fragility of episcopal power at certain moments, the canons are above all a reflection of the sorts of social consensus that Iberian bishops strove to achieve in the face of frequent episodes of conflict.<sup>88</sup>

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**84** These were the Arian Sunna and the Nicene Nepopis: *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5 chap. 5–6, 8, at 54–71, 73–78.

**85** Thompson, *Goths in Spain*, 198.

**86** For example, *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 4, chap. 4–6, at 33–38: Fidel is both Paul's nephew and a priest, and succeeds him as bishop of Mérida.

**87** Wood, "Building and Breaking Episcopal Networks"; Wood, "Conflicts over Episcopal Office in Southern Hispania."

**88** Castellanos, "Significance of Social Unanimity in a Visigothic Hagiography"; Stocking, *Bishops, Councils, and Consensus*.

## TRANSLATION: *THE COUNCIL*

### **The Council of Valencia<sup>89</sup>**

In year fifteen of King Theudis [546] on the second day before the Nones of December [4 December] those gathered at the council in Valencia in the name of Our Lord Jesus Christ [decided]:

#### **1. That the Gospel should be read after the Apostle.**

When we discussed the ecclesiastical rules while reading the ancient canons, we decided that in the course of the readings the most holy Gospel should be read after the Apostle before the presentation of the gifts or the Mass of the catechumens, so that not only the faithful, but also the catechumens, the penitents, and all who disagree with us may hear the salutary commandments of Our Lord Jesus Christ and the sermon of the priest. For we know for certain that some who have heard the bishop's preaching have been drawn to the faith.

#### **2. That after the death of the bishop no one shall take anything for himself from the property of the bishop or the church.<sup>90</sup>**

We have also decreed that, when the bishop is recalled from this world at God's command, the clerics shall withhold their greedy hands from all the utensils and possessions of the house of the church or of the bishop, from the books, the precious objects, the tools, the vessels, the yields of the fields, the flocks, the animals, and from all other things, and shall steal nothing like bandits. If they have not been restrained by the authority of the canons, they are to be compelled by the stern admonition of the metropolitan bishop and all the other bishops of the province to restore to their former condition all that they have stolen, so that by this just order nothing may be taken from what is necessary for the future bishop and superintendent. To observe it with more confidence and fairness, according to the canons of the Council of Riez, after the death of a bishop, a bishop from the nearest neighbourhood comes to celebrate his funeral according to custom and to take strict care of his church, so that the greedy clerics do not ruin and plunder the church before the consecration of a new bishop. Thus, within an octave of

<sup>89</sup> Ed. Martínez Díez and Rodríguez, at 4:313–21.

<sup>90</sup> Transl. M. Szada with commentary: <http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=283>, accessed December 7, 2023.

the bishop's death, if it is possible, an inventory and a very reliable description of the bishop's property is made under the care of a bishop who is present and sent to the metropolitan. After paying the clergy the usual stipends, the metropolitan appoints an able person to administer the ecclesiastical household, so that he may also give an account of the things entrusted to him in due course to the metropolitan, if the consecration of a successor is delayed for any reason. Under this salutary constitution, clerics should be content with their stipends and not plunder the fruits of the late bishop's labours, and a future pontiff should not enter the empty house of the church with distress, but should be able to profit from the property left by his predecessor and to serve others from it.

**3. That the relatives of the dying bishop may not appropriate any of his things without the knowledge of the metropolitan and the other bishops of the province.**

Likewise, the relatives and kinsmen of the dying bishop are to be told that, if he has died intestate, they must not attempt to take anything from the property of the deceased without the consent of the metropolitan and the other bishops of the province. This is done so that they do not accidentally appropriate among the inherited goods those that belong to the Church. They should wait until the ordination of the next bishop or, if that takes too long, have recourse to the decision of the metropolitan, as was said above. If anyone, cleric or layman, without regard to divine wrath does anything in bad faith against the synodal sanctions, they will be deprived of communion and unity with the Church, for it is hard to imagine that a person who is not afraid to plunder the Church would fit in. They will not receive a remission unless they change their soul for the better and give up their audacity. But if someone asks in a reasonable and humble way for what is legally his, he should not be denied a thing or a right without any reproach from the metropolitan or from a person whom the metropolitan has commissioned. All those who in the past have usurped the property of the Church or of the bishop should be restrained by this canon.

**4. On the funeral of the dying bishop: how he should be buried.<sup>91</sup>**

Often the burial of holy bishops is postponed because of the absence of a bishop to preside, so that the venerable body of a pontiff is mistreated owing

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<sup>91</sup> Transl. M. Szada with commentary: <http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=284>, accessed December 7, 2023.

to the delay in burial. Therefore, as a prudent resolution, we order that a bishop, who is usually invited to the funeral after the death of his brother, be informed earlier and not defer visiting the sick bishop while he is still alive. The latter will rejoice at the relief of his fellow priest and will certainly give his brother instructions for the administration of his house and hand him an approved will for execution. And having offered to God the sacrifice for the soul of the deceased, [the visiting bishop] will immediately bury him with all diligence, and he will not delay the fulfilment of these canonical provisions. However, if a bishop dies suddenly, as usually happens, and the bishops of the province cannot come because of the distance, the brothers and monks shall hold vigil and sing Psalms for a day and a night, singing Psalms over the deceased body. Then the presbyters shall take the body to a suitable place, but they shall not bury it at once, but shall only lay it there with honours until a bishop, invited without delay from somewhere, shall solemnly bury it, as is proper. Thus, any occasion for any ill-treatment shall be removed, and the ancient custom of burying bishops shall be observed.<sup>92</sup>

### **5. On wandering and disobedient clerics.<sup>93</sup>**

We also decreed that if a wandering cleric, whether he is in the ministry of deacon or in the office of presbyter, is not obedient to the precepts of the bishop who ordained him in order to fulfil his office steadily at the church entrusted to him, he shall be deprived of his honour and communion as long as he persists in his guilt.

### **6. That a foreign cleric shall not be ordained, and that no one become a cleric who has not promised to stay in the place to which he is bound.<sup>94</sup>**

No one shall dare to ordain a foreign cleric without the consent of his bishop according to the decrees of the canons, and no holy priest shall ordain him who has not first promised to belong to a place. In this way, no one will be allowed to deviate from the ecclesiastical rules and discipline without penalty.

<sup>92</sup> Gruber, "Indirect Evidence for the Social Impact of the Justinianic Pandemic," 196; note his suggestion to translate *loculus* (here 'a suitable place') as "a coffin."

<sup>93</sup> Transl. M. Szada with commentary: <http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=285>, accessed December 7, 2023.

<sup>94</sup> Transl. M. Szada with commentary: <http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=286>, accessed December 7, 2023.

## [Subscriptions]

- [1] Celsinus, bishop of the Catholic Church in the name of Christ, has subscribed.
- [2] Justinian, bishop of the Catholic Church in the name of Christ, has subscribed.
- [3] Reparatus, bishop of the Catholic Church in the name of Christ, has subscribed.
- [4] Setabius, bishop of the Catholic Church in the name of Christ, has subscribed.
- [5] Benagius, bishop of the Catholic Church in the name of Christ, has subscribed.
- [6] Ampelius, bishop of the Catholic Church in the name of Christ, has subscribed.
- [7] Salustius, archdeacon, substitute for my lord bishop Marcellus, has subscribed.

## Abbreviation

CCSL     *Corpus Christianorum Series Latina*. Turnhout: Brepols, 1954–.

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