

3. THE VISIGOTHIC CONVERSION TO CATHOLICISM

The Third Council of Toledo, Sixty-Two Bishops Attending, in Which the Arian Heresy Was Condemned in Spain (589)

Translated from Latin by David Nirenberg

The records of the ecclesiastical councils celebrated by the bishops of the Iberian Peninsula from the fourth century to the Arab conquest are among the most important sources for the history of Visigothic Spain.

The councils offer much information, but it is rarely easy to interpret. Because church councils were interested in condemning nonnormative practices, we do not know how common these practices were nor in what contexts they occurred. Further, the fact that councils often repeat much older legislation makes it difficult to use them as indicators of contemporary social reality.

Toledo III is the most famous of the councils, representing the moment when the ruling Visigoths converted from their traditional Arian form of Christianity to the Catholic Christianity of the Hispano-Roman peoples they had conquered. In Toledo III the Visigothic king Reccared (r.586–601) endorsed an assimilationist policy; in it one can already see a symbiosis between Visigothic and Catholic peoples. This cooperation would have had a profound effect on the later stability and prosperity of the Visigothic kingdom. (DN)

In the name of our Lord Jesus Christ, in the fourth year of the reign of the most glorious, most pious and most faithful to God Lord Reccared, King, on the eighth day of the Ides of May, era 627 [589], this sacred council was celebrated in the royal city of Toledo, by the bishops of all Spain and of the Gauls who are inscribed below.

This most glorious prince having commanded, because of the sincerity of his faith, that all the prelates of his kingdom should convene in one [council] in order that they might exult in the Lord, both for his conversion and for the renewal of the Gothic people, and that they should at the same time give thanks to the divine dignity for such an extraordinary gift, this same most blessed prince addressed the venerable council saying: "I do not believe that you are unaware of the fact, most reverend bishops, that I have summoned

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Because of space limitations here, the text of some chapters is omitted. Their subjects are generally clear from the headings.

you into our serene presence for the restoration of ecclesiastical discipline. And because throughout past times the threatening heresy [of Arianism] did not allow a synod of all the Catholic Church to be convened, God, whom it pleased to eliminate the said heresy through us, admonished us to repair the institutions of the customs of the church. . . .

Upon [hearing] this, the entire council, giving thanks to God and acclaiming the most religious prince, decreed in that instant a fast of three days. And all the bishops of God having come together again on the eighth day of the Ides of May, after the preliminary oration, each of the bishops was again seated in his proper place, when behold, among them appeared the most serene prince, having joined himself to the oration of the bishops of God, and filled thereafter with divine inspiration, he began to address [the bishops] saying: "We do not believe that your holinesses are unaware of how long a time Spain labored under the error of the Arians, and how, not long after our father's death, when it was known that we had associated ourselves with your holy Catholic faith, there [arose] everywhere a great and eternal rejoicing. And therefore, venerable fathers, we decided to unite you [in order] to celebrate this council, so that you yourselves may give eternal thanks to the Lord for the peoples newly come to Christ. The rest of the agenda which we present before your priestliness concerning our faith and hope which we profess, we have written down in this book. Read it, therefore, among yourselves. And [then] approved by the judgment of council and decorated with this testimony of faith, our glory shall shine throughout all times to come."

The . . . book the king offered was received, therefore, by all the bishops of God, and [it] being read in a clear voice by the clerk, the following was heard: Although the omnipotent God has, for the benefit of the populace, given us charge of the kingdom, and has delivered the governance of not a few peoples into our royal stewardship, nevertheless we remember that we too are of mortal condition, and that we cannot merit the happiness of future blessedness unless we esteem the cult of the true faith, and, at least, please our creator with the creed of which he is worthy. For which reason, the higher we are extolled above our subjects by royal dignity, the more we should provide for those things that pertain to God, both to increase our faith, and to take thought for the people God has entrusted to us. . . .

Therefore, most holy fathers, these most noble peoples, who have been brought near to the Lord by our diligence, I offer to the eternal God through your hands, as a holy and propitiating sacrifice. Truly it shall be for me an unfading crown and a delight in the reward of the just if these peoples, who because of our dexterity have rushed to the unity of the church, remain rooted and firm within it. And truly, just as it was [entrusted] to our care by the

divine will to bring these peoples to the unity of the Church of Christ, it is your duty to instruct them in the dogmas of the Catholics so that, instructed in the full knowledge of the truth, they [shall] know [how] stolidly to reject the errors of the pernicious heresy, and to keep to the path of the true faith through love, embracing the communion of the Catholic Church with an ever more ardent desire. . . .

To these my true confessions I added the sacred decrees of the above-mentioned councils, and I signed them, with God [as my] witness, in all innocence of heart. . . .

I, Reccared, king, faithful to this holy and true creed, which is believed by the Catholic Church throughout the world, holding it in my heart, affirming it with my mouth, signed it with my right hand, [under] God's protection.

I, Bado, glorious queen, signed with my hand and with all my heart this creed, which I believed and professed.

Then the entire council broke into acclamations, praising God and applauding the prince: I. Glory be to God, Father, Son, and Holy Spirit, whose care it is to bestow peace and unity upon His Holy Catholic Church. II. Glory to our Lord Jesus Christ, who with the price of His blood assembled the Catholic Church from [among] all peoples. III. Glory to our Lord Jesus Christ, who joined such an illustrious people to the unity of the true faith, and established [but] one flock and one shepherd. IV. Who has [been given] eternal merit [by] God, if not the true and Catholic King Reccared? V. To whom [has] God [given] an eternal crown, if not the true [and] orthodox King Reccared? VI. [To] whom present and eternal glory, if not [to] the true lover of God, King Reccared? VII. He is the recruiter of new peoples for the church. VIII. May he be beloved of God and of men, who so admirably glorified God on earth, with the help of the Lord Jesus Christ, who with God the Father lives and reigns, one with the Holy Spirit, for ever and ever, amen. . . .

Here begin the decrees which, in the name of God, were established by the third holy synod in the city of Toledo.

I. That the Statutes of the Councils and the Decrees of the Roman Pontiffs Be Maintained

After the condemnation of the Arian heresy and the exposition of the holy Catholic faith, the holy council decreed the following: that since in some Spanish churches, whether because of heresy or paganism, canonical discipline was passed over, license for transgression abounded, and the option of discipline was denied, so that any excess of heresy found favor and an abundance of evil made lukewarm the strictness of discipline, [because of these things,] the mercy of Christ having restored peace to the church, [we order

that] all that which the authority of the ancient canons prohibited, let it also be restricted by the revived discipline, and let that be performed which [the canons said] ought to be performed. Let the determinations of all the councils retain their vigor, and also the synodal letters of the holy Roman pontiffs. Henceforth let no unworthy [person], contravening the ancient councils, aspire to be worthy of the honors of episcopal office. And let nothing be done of that which the holy fathers, filled with the spirit of God, decreed should not be done, and let any who presume to do [such a thing] be restrained by the severity of the ancient canons.

II. That in All the Churches the Creed Should Be Recited on Sunday

III. That No One May Alienate Church Goods Unless out of Necessity

This holy council gives no bishop license to alienate the goods of the church, for this is forbidden in the ancient canons. But if they should give something that does not prejudice the well-being of the church for the benefit of the monks or churches of their parish, [the donation] shall remain valid. They are also permitted to provide for the necessities of pilgrims, clerics, and the poor to the extent that they are able, excepting the rights of the church:

IV. That It Is Permitted the Bishop to Convert a Church in His Parish into a Monastery

V. That Bishops and Deacons Should Live Chastely with Their Wives

It has come to the attention of the holy council that the bishops, presbyters, and deacons who are coming out of heresy [i.e., Arians] copulate with their wives out of carnal desire. So that this shall not be done in the future, we decree what prior canons had already determined: that they are not allowed to live in libidinous union, but rather with the conjugal bond remaining between them they should mutually help each other, without living in the same room. Or if [his] virtue is strong enough, let him make his wife live in some other house, as good witness to [his] chastity, not only before God, but also before men. But if any should choose to live obscenely with his wife after this accord, let him be a lector. [And concerning any of] those who have always been subjected to ecclesiastical canons [i.e., Catholics], if against ancient command they have had consort in their cells with women who could provoke a suspicion of infamy, let them be punished canonically, the women being sold [into slavery] by the bishop, their price being distributed to the poor.

VI. That a Slave of the Church Who Is Manumitted by the Bishop Must Remain a Dependent of the Church; and That Those Manumitted by Others Should Be Defended by the Bishop

VII. That Divine Scriptures Be Read at the Bishop's Table.

Out of reverence for the bishops of God the entire council decreed the following: that because idle tales are often told at table, the divine scriptures should be read at all episcopal gatherings, for in this fashion the soul will be edified and unnecessary tales will be prohibited.

VIII. That the Prince May Not Give Away Clerics Dependent on the Fisc

By command and consent of our lord the most pious king Reccared the council of bishops decrees as follows: that no one dare ask the prince for [un-free] clerics belonging to the fisc as a present, but rather, with their personal tribute paid, let them serve the church to which they are bound so long as they live according to their rule.

IX. That the Churches of the Arians Shall Belong to the Catholic Bishops in Whose Dioceses They Are Located

X. That No One Commit Violence Against the Chastity of a Widow, and That No One Marry a Woman Against Her Will

In the interests of chastity (the increase of which the council should most avidly incite) and with the agreement of our most glorious lord king Reccared, this holy council affirms that widows who wish to maintain their chastity may not be forced with any violence into a second marriage. And if before taking a vow of chastity they wish to be married, let them marry him who of their own free will they wish to have as husband. The same should be maintained concerning virgins, [for] they should not be forced to take a husband against their parents' will or their own. If anyone impedes the desire of a widow or virgin to remain chaste, let him be held a stranger from holy communion and the thresholds of the church.

XI. That Penitents Do Penance

[We are] aware of the fact that in some churches of Spain men do penitence for their sins, not in accordance with the canons, but in a disgusting way: as often as they wish to sin, they ask the presbyter to be reconciled. Therefore, in order to eliminate such an execrable presumption, the council

decrees that penitence be given in accordance with the form of the ancient canons, that is: that he who repents should first be separated from communion, and he should avail himself often of the laying on of hands, along with the other penitents. Once his time of satisfaction is finished, he should be restored to communion as the bishop sees fit. But those who return to their old vice, whether during the time of penitence or afterwards, shall be condemned in accordance with the severity of the ancient canons.

XII. Concerning Those Who Ask for Penance: If They Are Male, First Tonsure Them; If Female, [Let Them] First Change Their Dress

... [Because] often, out of eagerness to administer penance to lay people, [lay people] relapse into lamentable crimes after receiving it.

XIII. That Clerics Who Appeal to Secular Judges Be Excommunicated

Prolonged lack of discipline and ingrown license have given rise to such illicit presumption, that clerics, abandoning their own bishop, summon other clerics to civil courts. Therefore we decree that henceforth they not presume to do so, and if any one does, let him lose the case and be excommunicated.

XIV. Concerning the Jews

At the suggestion of the council, our most glorious lord has commanded [that the following] be inserted in the canons: It is not permitted for Jews to have Christian women as wives or concubines, nor to purchase slaves for their personal use. And if children are born of such a union, they should be taken to the baptismal font. They may not be assigned any public business by virtue of which they [might] have power to punish Christians. And if any Christians have been stained by them, [or] by Jewish ritual, or been circumcised, let them return to liberty and the Christian religion without paying the price [of their freedom].

XV. That Servants of the [Royal] Fisc Who Build a Church Should Endow It, and [Ask] Confirmation from the King

XVI. That Bishops Along with Judges Destroy the Idols, and That Lords Forbid Their Servants Idolatry

Because the sacrilege of idolatry is taking root in nearly all of Spain and Gaul, the holy synod, with the consent of the glorious prince, commands the following: that each bishop in his respective area, along with the judge of that region, should diligently search out the aforesaid sacrilege, and should not re-

frain from exterminating that which they find, and should correct those who participate in such error with any punishment available, save that which endangers life. . . .

XVII. That the Bishops and the Judges Correct with Bitter Discipline Those Who Murder Their Own Children

Among the many complaints which have come to the ears of the holy council, there has been denounced to it a crime so great, that the ears of the present bishops cannot bear it, and this is that in some parts of Spain, parents kill their own children, [because they are] eager to fornicate, and know nothing of piety. Those to whom it is troublesome to have many children should first refrain from fornication. [For once] they have contracted marriage under the pretext of procreation, they make themselves guilty of parricide and fornication, who, by murdering their own children, reveal that they were married not for procreation but for libidinous union. Our most glorious lord King Reccared, having taken account of such evil, his glory has deigned to instruct the judges of those regions to inquire diligently concerning such a horrible crime, in conjunction with the bishops, and to forbid it with all severity. Therefore this sacred council sorrowfully urges the bishops of [those] regions that together with the judges they diligently inquire [about this crime], and forbid it with the most severe penalties, excepting death.

XVIII. That the Synod Meet Once a Year, and That the Judges and Agents of the [Royal] Fisc Attend

XIX. That the Church and All Its Goods Are Under the Administration of the Bishop

Many people, against that which is established in the canons, request the consecration of churches which have been built [by them] in such a way that the endowment they gave it not fall under the administration of the bishop, which thing was displeasing in the past and is forbidden in the future. Rather, everything is [now] under the administration and power of the bishop, in accordance with the ancient edicts.

XX. That the Bishop May Not Impose Exactions or Tribute upon His Diocese

The complaints of many require this decree, because we have known that bishops in their dioceses act, not in a sacerdotal manner, but cruelly, and . . . impose tributes and afflictions upon their dioceses. Therefore, excepting that which the ancient canons command the bishop should receive from his par-

ishes, they shall be denied all that to which they now presume, that is: they may not fatigue presbyters and deacons with exactions or taxes. Let it not appear in the Church of God that we deserve the name of tax collectors more than that of God's pontiffs. And those clerics who feel themselves oppressed by the bishop, whether local or from the diocese, should not hesitate to bring their complaints before the metropolitan. . . .

XXI. That It Is Forbidden for Judges to Make Exactions of Clerics and Servants of the Church

Because we are aware that in many towns servants of the church, of the bishops, and of all the clerics are bothered by diverse exactions from judges and [other] public authorities, the entire council has asked of the piety of our most glorious lord that henceforth he prohibit such abuses, and that the servants [or: slaves] of the above-mentioned officials [be free to] labor on their own or the church's business. And if any judge or civic official wishes to employ some cleric or some servant of a cleric or of the church in public or private business, let him be a stranger to the communion of the church, which he is obstructing.

XXII. That the Bodies of [Deceased] Religious Be Processed [to Burial] amid the Chanting of Psalms

The bodies of all religious who, called by God, depart from this life, should be carried to the grave amid psalms and the voices of the chanters only, but we absolutely forbid burial songs, which are commonly sung for the dead, and the accompaniment [of the corpse] by the family and dependents of the deceased, beating their breast. It suffices that, in the hope of the resurrection of the Christians, there be accorded to bodily remains the tribute of divine canticles. For the Apostle forbids us to mourn the dead, saying: "I do not wish you to sadden yourselves about those who are asleep, as do those who have no hope" [1 Thess. 4:12]. And the Lord did not mourn the dead Lazarus, but rather shed tears for his resurrection to the hardships of this world. Therefore if the bishop is able, he should not hesitate to forbid all Christians to do this. Clerics, too, should not act in any other way, for it is fitting that throughout the world deceased Christians should be buried thus.

XXIII. That Dances Be Prohibited on the Birthdays of the Saints

That unreligious custom which the vulgar people practice on the feast days of the saints must be completely destroyed. That is, that the people who ought to attend to the divine offices instead dedicate themselves to unseemly songs and dances, injuring not only themselves, but also interfering with the

offices of the religious. The holy council commends [this] to the care of the bishops and judges: that this custom may be banished from all of Spain.

Here Begins the Edict of the King in Confirmation of the Council

Our most glorious lord, King Reccared: [That] divine truth which makes us lovers of all those living under the power of our rule, [also] primarily inspired our understanding to command all the bishops of Spain to present themselves to our highness, in order to restore ecclesiastical faith and discipline. And after careful and considerate deliberation, we know that [these things] have been decided, with all [due] maturity of feeling and weightiness of intelligence, concerning both what is convenient for the faith and the correction of customs. Therefore, we command with our authority all men who are [citizens] of our kingdom, that no one be allowed to disdain or presume to neglect anything that has been established in this holy council held in the city of Toledo in the fourth year of our felicitous reign. For these decrees which have so pleased our intelligence and which, [because they are] so much in accord with ecclesiastical discipline, have been promulgated by this synod, should be maintained and observed in all their authority by [everyone], as much clerics as laypeople, and by every manner of person. . . .

We decree that all these ecclesiastical rules which we have summarized briefly above [should be] maintained with eternal stability as is amply explained in the canons. If any cleric or layperson does not wish to obey these decrees, [let them be punished as follows]: If they are a bishop, presbyter, deacon, or cleric, let them be subject to excommunication by the entire council. If they are laypeople of substance in their region, let them give [as a fine] half of their possessions to the fisc, and if they are people of inferior status in their region, let them lose [all] their possessions and be sent into exile.

I, Flavius Reccared, have signed as confirmation these decrees which we established with the holy synod.

[There follow the signatures of the bishops, etc.]

4. VISIGOTHIC LEGISLATION CONCERNING THE JEWS

The laws issued under Visigothic rule were remarkable in that they continued the Roman tradition that the head of state had the right and responsibility to legislate. Other Germanic successor-states to the Roman Empire issued law codes that were little more than lists of penalties for specific offenses. They limited their lawmaking in that fashion because they held to the primitive Germanic conviction that law was the immemorial custom of the people. Visigothic kings, by contrast, imitated Roman emperors in this regard.

The following selections demonstrate Visigothic legislation concerning the Jews. The first text, the third canon from the Sixth Council of Toledo (held in 638), adds serious political consequences to a general principle regulating the relationship between two religious communities. The council was summoned by King Khintila and attended by forty-eight bishops from all of Spain and part of southeastern Gaul, as well as by clergymen representing five other dioceses—in other words, the entire church under Visigothic rule. This anti-Jewish legislation makes important statements about the vices these churchmen perceived as inherent in the Jewish community and seeks to bind present and future kings to that attitude. This canon became part of a chain of theoretical precedents which influenced monarchs as distant as Ferdinand and Isabella, who used the church tribunal of the Inquisition as an instrument for enforcing religious conformity.

The second selection comes from the Lex Visigothorum, also known as Liber iudiciorum [Book of Laws] or Forum iudicum (and hence as Fuero juzgo in its influential thirteenth-century Castilian translation). This is a comprehensive law code in twelve books, each dedicated to a specific topic. Its orderly structure and length make it unique among early medieval Germanic law codes. Book XII deals with religious deviancy. The second of its two original subdivisions is entitled "On Amputating All the Errors of All Heretics and All Jews." Of its seventeen articles, the tenth (legislated by Recceswinth in 653) extends legislation passed twenty years earlier. What had been a penalty reserved for Christian converts who had returned to Judaism became a disability severely limiting the capacity of any Jew or Christian of Jewish descent to achieve redress or defend himself or herself in any Spanish court. The second half of this law had a long life in medieval regulations of the rights of conversos—Christians of Jewish descent. (ORC & Jd'QA)

A. Canon III of the Sixth Council of Toledo (638)

Translated from Latin by Jeremy duQ. Adams

Keeping Watch of the Jewish Faith

It seems that the inflexible infidelity of the Jews has finally been forced to bend to the powerful piety of heaven. The whole world is aware how, thanks to

Translated from *Concilios visigóticos e hispano-romanos*, edited by José Vives, Tomás Marín Martínez, and Gonzalo Martínez Díez (Madrid: C.S.I.C., 1973), pp. 236–237.

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