A History of
MEDIEVAL SPAIN

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Joseph F. O'Callaghan

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For

Anne, Billy, Cathy, Annie, and Joe

Espanna sobre todas es engennosa, atreuuda et mucho esforçada en lid, ligera en affan, leal al sennor, affincada en estudio, palaciana en palabra, complida de todo bien. . . . Espanna sobre todas es adelantada en grandez et mas que todas preciada por lealdad. Ay, Espanna! Non a lengua nin engenno que pueda contar tu bien!

More than all other lands Spain is shrewd, bold and vigorous in struggle, nimble in action, loyal to her lord, eager for study, courtly in speech, filled with every good thing. . . . Spain is set above all other lands in greatness and is more precious than all for loyalty. O Spain! there is neither tongue nor talent that can recount your worth!

Alfonso X, *Primera Crónica General*, 558

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Preface

I began writing this book in the belief that a narrative history of the Hispanic Middle Ages, based upon the research and investigations of the best contemporary historians, would be useful to English readers. Until recently American and most northern European scholars have paid scant attention to the history of the Iberian peninsula in the Middle Ages and have often been content with superficial judgments founded upon antiquated and inaccurate works or on opinions clouded by the prejudices accumulated over the past four hundred years. If this book contributes to a clearer understanding of the formation of medieval Spain it will have served a valuable purpose. As the field of medieval Spanish and Portuguese history is still relatively unexplored, I hope that readers will be encouraged to pursue more intensive investigation into many of the subjects dealt with.

Chronologically this book extends from the coming of the Visigoths in the fifth century until the conquest of Granada and the discovery of America in 1492; geographically it embraces the entire peninsula, including both modern Spain and Portugal.

Consistency in the spelling of personal and place names is difficult to achieve, but I have tried to be consistent in my fashion. For the Roman and Visigothic periods I generally employ anglicized forms of personal names. There is no reason why they should be put in Castilian, and though Latin might be appropriate, "Reccesvinth" seems to me preferable to "Reccesvinthus." For Arabic names I usually adopt a simplified spelling based upon the forms used in the *Encyclopedia of Islam* (1960). I retain Romance names, except in such very familiar cases as Henry the Navigator and Ferdinand and Isabella, and I make use of the Castilian and Portuguese forms, for example, Alfonso, Afonso, Juan, João. Where there are several kings with those names ruling

simultaneously, the different spellings will help to identify them more clearly. Names of rulers in the crown of Aragon pose a problem. I use Catalan spelling for persons distinctly Catalan, such as the counts of Barcelona and the kings of Majorca; but I use the Aragonese form for the kings of Aragon who also ruled Catalonia, for example, Alfonso, Pedro, Jaime, rather than Alfons, Pere, or Jaume. Similarly, when referring to the parliament in the Catalan-speaking areas, I use the form *corts*; elsewhere in the peninsula this is spelled *cortes*. For most place names I use the anglicized forms; however, I use Duero and Miño instead of the Portuguese Douro and Minho, but this should cause no difficulty.

All translations appearing in the text are my own, unless otherwise indicated.

In preparing this volume I was aided by a fellowship from the National Endowment for the Humanities in the summer of 1971, a faculty research grant from Fordham University for the same period, and faculty fellowships from the University for the summer and fall of 1966 and the fall and spring of 1961–1962. I am indeed grateful to Fordham and to the Endowment for their essential financial support. I also wish to record my debt of long standing to the Institute of International Education for having first given me the opportunity to do research in Spain in 1955–1956 and to the Fulbright Commission for a fellowship for study in Spain in 1961–1962.

My thanks are due also to Rev. Robert I. Burns and Archibald Lewis, who read the manuscript and offered many helpful suggestions; to my friends C. J. Bishko, the dean of American Hispanists, for his kindness and encouragement; Bernard F. Reilly, for his counsel on many specific points; James F. Powers, for reading the text and offering me many of his photographs for use as illustrations; Betty and John Finkbiner, for their care in preparing the maps; and to my teachers who initiated me into the realm of medieval history: Jeremiah F. O'Sullivan, Gerhart B. Ladner, and James S. Donnelly.

My deepest gratitude is owed to my parents, now deceased, who long ago encouraged me in my studies. I can only hope that this book would be a source of joy to them. My most faithful ally has been my wife, Anne, who always lent support and intelligent interest at crucial times. To her and to our children I dedicate this volume.

JOSEPH F. O'CALLAGHAN

St. Patrick's Day, 1973
Fordham University

Abbreviations for Citations

CC: *Cancionero castellano del siglo XV*. Ed. R. Foulché-Delbosc. 2 vols. Madrid, 1912–1915.

CHDE: Alfonso García Gallo. *Curso de Historia del Derecho español*. 2 vols. Madrid, 1958.

CLC: *Cortes de los antiguos Reinos de León y Castilla*. 5 vols. Madrid, 1861–1903.

CMCH: José Saénz de Aguirre. *Collectio maxima Conciliorum omnium Hispaniae*. 4 vols. Rome, 1693–1694.

DP: Demetrio Mansilla. *La Documentación pontificia hasta Inocencio III (965–1216)*. Rome, 1955.

ES: Enrique Flórez. *España Sagrada*. 51 vols. Madrid, 1754–1759.

LCA: Joaquín Molas and Josep Romeu. *Literatura Catalana Antiga*. 4 vols. Barcelona, 1961–1964.

MHDE: Alfonso García Gallo. *Manual de Historia del Derecho español*. 3d ed. 2 vols. Madrid, 1967.

PL: J. P. Migne. *Patrologia Latina*. 222 vols. Paris, 1844–1864.

UKS: Richard Scholz. *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern (1327–1354)*. 2 vols. Rome, 1914.

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Hispania universa terrarum situ trigona est et circumfusione Oceani Tyrrhenique pelagi pene insula efficitur.

By the disposition of the land, Spain as a whole is a triangle and, surrounded as it is by the Ocean and the Tyrrhenian Sea, is almost an island.

Paul Orosius, *Historiarum Libri Septem*, I, 2

Hispania

The Problem of Hispanic History

Within the thousand years from the coming of the Visigoths in the fifth century to the reign of Ferdinand and Isabella in the fifteenth, the character of Hispanic civilization was shaped and molded in significant ways. In the struggle for existence in an often inhospitable environment the Hispanic peoples developed those distinctive traits cited by Ramón Menéndez Pidal: austerity, stoicism, individualism, bravery to the point of rashness, and the desire for fame—the imperishable fame that comes through remembrance in history. While historians agree that the medieval centuries were important in the making of Hispanic civilization, they are divided in their estimates of the relative influence of ethnic, religious, and cultural elements.

Spanish historians especially have explored their past in an attempt to explain those apparent faults of character they see as causing Spain's decadence in modern times or the retardation of her political and cultural development when compared to that of other European countries. The debate among them is colored by ideological considerations, such as the traditional Castilian ambition to dominate the entire peninsula and the contrary desires of Basque and Catalan nationalists to preserve their identity and to recover their independence. The Portuguese, having maintained their independence of Spain and of Castilian hegemony, have taken less interest in a controversy that seems not to affect them.

José Ortega y Gasset (d. 1956), the great philosopher of our century, expressed the view in his *España invertebrada* that neither the ancient Iberians nor the Romans nor the Arabs provided the determining elements in the development of the essential Spanish character. For

him the Visigoths were decisive. Intoxicated by Roman civilization, they were no longer noble savages bursting with vitality, as were the Franks, their neighbors in Gaul, and so were incapable of uplifting and reinvigorating the decadent Hispano-Roman civilization. Thus, he reasoned, the advent of the Visigoths was the source of all the calamities that have befallen Spain over the centuries. This interpretation has been dismissed as superficial and simplistic by Claudio Sánchez Albornoz, the principal historian of medieval Spanish institutions, whose special interest has been to elucidate the role of the Visigoths in Hispanic history.

For some years now Sánchez Albornoz has been engaged in a fiery polemic with Américo Castro (d. 1972) concerning the nature of the Spanish character. A philologist and philosopher, Castro expounded his thesis in a book that appeared in several versions and in English translation as *The Spaniards: An Introduction to Their History*. At the outset he took strong exception to the idea, commonly expressed by Spanish writers, that the Spanish personality or spirit was permanent and unchanging over the centuries. The ancient Iberians, Romans, and Visigoths, he declared, were not Spaniards and had little to do with the eventual development of the Spanish people; it is folly, therefore, to speak of Seneca and other figures of the Roman world as though they were Spaniards in the same sense as Ferdinand and Isabella, as many modern patriotic writers have been wont to do.

Castro believed that the causative factor in the formation of Spain and of the Spanish people was the coexistence in the peninsula from the eighth to the fifteenth centuries of Christians, Muslims, and Jews, who were conscious of their identity primarily as members of separate religious groups. From their interaction, the fundamentally religious nature of the Spanish personality received definitive form. This, he believed, is the key to an understanding of Spanish history and the unique character of Spain in western Europe.

Castro was quite right in challenging the concept of an eternal and immutable Spain and Spanish character, but his own vision tends to be static and does not give sufficient importance to the gradual nature of the historical process. There were real differences in the ideas and attitudes of the men of the tenth, the twelfth, and the fifteenth centuries, but these are not made clear. While properly emphasizing the impact of Muslims and Jews upon Hispanic Christianity, the examples used to illustrate his argument are often quite tenuous. For example, the sug-

gestion that the Christians borrowed the Muslim concept of the holy war fails to reckon with Christian traditions and ideas concerning the legitimacy of warfare. His argument that the Jews conducted all significant business activity in Christian Spain does not square with the facts; and the idea that Jews converted to Christianity were primarily responsible for the inquisition, the persecution, and eventual expulsion of their coreligionists is debatable.

While Castro's opinions have attracted great interest and acceptance, they have been strongly opposed and rejected in almost every instance by Sánchez Albornoz. In his *España, un enigma histórico*, Sánchez Albornoz stresses the fundamental continuity of history and, against Castro, argues that the Iberians, Romans, and Visigoths, as well as the medieval Christians, Muslims and Jews, in their several distinctive ways, made substantial contributions to the formation of the Hispanic personality. He believes that there are common aspects of the Hispanic character discernible over the centuries, but he recognizes that there were very real differences among the people of Roman times and those who lived in the centuries of the reconquest or of the Golden Age. He repudiates the idea that the character of the Spanish people was immutably fixed or determined in any period of history, as Castro seems to imply. As a Castilian, Sánchez Albornoz inclines to emphasize unity rather than diversity and regionalism, and he takes particular pains to point out those traits which Castilians, Portuguese, Basques, and Catalans, as Hispanic peoples, have in common.

Sánchez Albornoz criticizes Castro for neglecting the study of institutions and law where Roman and Germanic influence was especially vigorous and persistent; of exaggerating the impact of Islam and Judaism out of all proportion and of failing to realize that it was uneven and hardly touched some peninsular regions; of not acknowledging indigenous Hispanic, rather than Arabic or oriental, influences in Muslim Spain; and of ignoring the very strong influence of northern Europe upon Christian Spain, particularly from the eleventh century onward, precisely when Christians and Muslims were coming into closer and more continuous contact along the frontiers. The impassioned tone of Sánchez Albornoz's critique, however, often detracts from the justice of his arguments.

The Catalan historian Jaime Vicens Vives (d. 1960), in his *Approaches to the History of Spain*, stated that the polemic between Castro and Sánchez Albornoz could only result in a sounder interpre-

tation of Spanish history, but he suggested that the methodology of both men was now somewhat dated. Fully aware of the hazards of entering the lists against them, he insisted that one must put aside ideological preconceptions and avoid excessive reliance upon literary texts or law codes as accurate reflections of what people at any given moment were thinking or doing. In order to achieve a fuller understanding of peninsular history, in all its complexity and diversity, he argued that one must come down from the world of abstraction and theory and look at the practicalities of life as documents recording daily activities reveal them to us. Admittedly, documents of this kind are not always available to the historian.

One of the aims of the present book is to provide a necessary foundation for a proper comprehension and evaluation of these various theories. I conceive of the history of medieval Spain as the history of *Hispania,* the Iberian peninsula in its totality, embracing the modern states of Spain and Portugal, and all the peoples who inhabited the area from the fifth through the fifteenth century. The peninsula was known to the ancient Greeks as *Iberia,* but the Romans called it *Hispania;* in the medieval Romance tongue this became *España,* whence our *Spain.* In explaining the scope of his *Primera Crónica General* (972), Alfonso X of Castile remarked: "In this our general history, we have spoken of all the kings of Spain and of all the events that happened in times past . . . with respect to both Moors and Christians and also the Jews. . . ." In the same way, the concern of this book is with Christians, Muslims, Jews, Castilians, Portuguese, Basques, Catalans, Aragonese, Andalusians; in other words, with all the peninsular peoples of medieval times.

Though one may look at their ideas, institutions, laws, customs, languages, and religious beliefs and see naught but diversity, they had much more in common than mere geographical propinquity. As descendants of families long settled in the peninsula, they were, in varying degrees, heirs to a common tradition, and at any given period of medieval history they shared a common historical experience. During the centuries of the reconquest there existed in Christian Spain a religious and cultural community that transcended purely local or regional concerns. Just as the Christian peoples, despite linguistic and other differences, borrowed ideas and institutions from one another, so too were they open to influences from Muslim Spain where a similar community

of interests and traditions persisted, in spite of the political fragmentation that often prevailed in that area. This book seeks to illustrate the life of the Hispanic community in all its variety and complexity, pointing up what was common to many, while giving full recognition to their differences.

The Quest for Unity

Reflecting upon the history of medieval Spain, one can perceive as the recurrent theme the persistence with which men strove to unify the peninsula. The task was fraught with difficulties arising not only from the internal physical characteristics of the country, but also from the diversity of peoples within its borders. The Romans first established a uniform authority over the peninsula in the first century before Christ. By incorporating Spain into their empire they gave it a cultural foundation that subsisted in large measure through the vicissitudes of later centuries. The Germanic tribes who crossed the Pyrenees in the fifth century A.D. disrupted the imperial administration, and two centuries elapsed before the Visigoths were able to extend their rule over the entire peninsula. The course of peninsular history during that time was comparable to that of the other barbarian kingdoms of western Europe, but to a greater degree than elsewhere the Visigoths bowed to the superior civilization of Rome and adopted as their own the Latin language, the orthodox Christian religion, and much of the substance of Roman law.

In the eighth century Muslim conquerors, Arabs and Berbers, destroyed the unity of the Visigothic kingdom and interjected new religious and cultural elements into peninsular life. From that point the history of medieval Spain took on a unique character that distinguished it from the other western European states. Muslim influence upon Hispanic civilization was profound and is attested even today by architectural remains, the presence of numerous Arabic words in the Hispanic languages, and more subtly, by patterns of thought and behavior. But Spain was not Orientalized, Arabized, Islamized, or Africanized. The links with the past were not obliterated, nor did Muslim influence overwhelm or wholly displace the Roman, Germanic, and Christian contributions to peninsular development. As a bridge between Europe and Africa, between West and East, between the worlds of Christianity and Islam, Spain experienced in the medieval centuries a continual tension

created by the shifting balance of religious and cultural influences. In the end the balance was tipped decisively in favor of the Christian and western European world.

Muslim failure to occupy permanently the regions of the far northwest and northeast gave the Christian population an opportunity to establish an independent basis from which to initiate the long and arduous task of reconquering the land they believed to be rightfully theirs. Several Christian states, namely Asturias, León, Castile, Navarre, Aragon, Catalonia, and Portugal, emerged in the centuries following the collapse of the Visigothic kingdom, and each evolved distinctive qualities, customs, and language. Despite these differences the Christian people were conscious of their joint responsibility for the reconquest. In the early centuries the rulers of Asturias and León presented themselves as heirs of the Visigoths and hoped to recover all the territory of the Visigothic kingdom. As J. A. Maravall pointed out in his *El Concepto de España en la edad media,* the word *Hispania* itself became for many medieval men the summons to the reconquest, the symbolic expression of the potential unity of the peninsula. From the tenth to the mid-twelfth century this concept was expressed in terms of an Hispanic empire seated in the kingdom of León, but it never achieved lasting juridical reality. Yet even as the Christian states grew steadily stronger from the late twelfth century, and pursued their own aims, without regard for Leonese claims to supremacy, the reconquest remained their common enterprise, a task to be carried to its inexorable conclusion. Though their ambitions might differ, the Christian rulers were united in this, as their collaboration against their common foe and their treaties for the partition of Muslim territory make manifest. Throughout these long centuries the reconquest was the common purpose and the cohesive principle of the Christian states.

The reconquest may be described as a holy war in the sense that it was a conflict prompted by religious hostility. But it was something more than that. By proclaiming oneself a Christian, a Muslim, or a Jew, one espoused specific religious doctrines and also accepted a whole system of cultural values that affected one's daily life, one's habits, traditions, laws, and even language. The difficulty, if not the impossibility, of reconciling or assimilating these different religious and cultural points of view was at the root of the struggle. Both sides came to recognize that it could only end with the complete triumph of one over the other.

It is one of the ironies of history that in Spain, a land widely known

in modern times for religious intolerance, Christians, Muslims, and Jews often lived peacefully with one another in the medieval centuries. Religious minorities in general were tolerated in both Christian and Muslim kingdoms. This does not mean that they were loved or revered, but simply that they were permitted to exist and within certain limits to practice their religion and to be governed by their own laws and by their own judges. Periods of tolerance alternated, however, with persecution, and as the Middle Ages drew to a close the trend toward persecution grew stronger. This was partly a natural consequence of the successful progress of the reconquest which had reduced Muslim territory to the small kingdom of Granada. But the generally unsettled political and economic conditions prevailing in the late fourteenth and fifteenth centuries also stirred resentment against the Jews. Thus when Ferdinand and Isabella completed the reconquest in 1492, they decided that religious diversity was no longer acceptable; they expelled the Jews and began efforts to convert the Muslims who remained in the peninsula. Even though the Muslims accepted Christianity at least outwardly, they were never wholly trusted and were expelled finally in the seventeenth century. Religious uniformity and intolerance were thus consecrated as public policy.

Besides religious differences, a complexity of laws, customs, and languages developed in medieval times, and as the centuries wore on these dissimilarities served to strengthen and encourage regionalism. Roman law was incorporated in very large degree in the Visigothic Code, which remained in vigor during the centuries of the reconquest, but custom, derived principally from the Germanic tradition, challenged the supremacy of the written law. The *fueros* of León, Castile, Aragon, Navarre, and Portugal, and the *Usages of Barcelona* embodied the ancient customs by which the Christian people governed themselves for centuries. Royal attempts in the twelfth and thirteenth centuries to bring about legal uniformity by imposing Roman law met with strong popular resistance. In Muslim Spain the law was closely bound up with religion, and consequently its influence upon the Christian states was limited.

Among the different linguistic forms* in the peninsula the Basque language survived from prehistoric times in Navarre and the adjacent provinces. While few traces of Visigothic forms have come down to us, Latin eventually gave birth to several Romance languages, such as Gal-

* Spelling of personal and place names is explained in the Preface.

lego-Portuguese in Galicia and Portugal; Castilian, born in the central *meseta* and eventually spreading through the reconquered regions of Extremadura and Andalusia; Catalan, reaching from the French border down through Valencia and also to the Balearic Islands. In Muslim Spain, Arabic was the official language, but in daily affairs Berbers and Jews used their languages, and the Christians there developed a form of Romance. These linguistic differences were not an insuperable barrier to political union in the medieval era, but they have assumed great importance in modern times and have given impetus to Basque and Catalan demands for autonomy or independence.

The unification of Spain was achieved in part by the marriage of Ferdinand and Isabella, whose respective kingdoms, Aragon and Castile, the largest in the peninsula, were brought under their joint rule. The fall of the last Muslim outpost, the kingdom of Granada, in 1492, completed the reconquest and added a significant segment to their dominions. Political union was unfinished, however, because Portugal remained independent and successfully resisted all efforts to be absorbed or united with her larger neighbor. Moreover, Ferdinand and Isabella and their successors learned that the cultural and psychological differences developed during the medieval centuries were not easily resolved and that political union could not assure the spiritual cohesion of the people.

The achievement of a united Spain, incomplete as it was, was the consequence of fortuitous circumstances; in no way was it assured or foreordained. Indeed, if the accidents of history had been otherwise, Spain might be today what it was for so long in the Middle Ages, a congeries of states, both Christian and Muslim. Even so, the quest for unity, whether achieved or not, is the characteristic theme of medieval Hispanic history.

The Geographical Foundations

The physical structure of the peninsula has had much to do with its political and cultural development and its regional diversity. One of the most clearly delimited geographical entities on the European continent, its external appearance is deceptive in that it has always encouraged men to attempt to rule it as a whole. Separated from northern Europe by the Pyrenees mountains, it is bounded on three and one-half sides by the Mediterranean, the straits of Gibraltar, the Atlantic Ocean, and the Bay of Biscay.

For centuries the Pyrenees have served as a barrier, though by no means an impenetrable one, to communication between Spain and France. Two good passes through the mountains, Roncesvalles on the west and Le Perthus on the east, have enabled Celts, Visigoths, Franks, Frenchmen, and others to enter Spain. Throughout the medieval era communication was constant between Catalonia in the northeast and Languedoc and Provence in southern France. The oft-quoted phrase, "Africa begins with the Pyrenees" is a superficial judgment which neglects to take into account the diffusion of European ideas and institutions throughout the peninsula. Despite the Pyrenees, Spain remained an integral part of Europe.

To the south the straits of Gibraltar have never hampered communication between Spain and Africa, but have often afforded a facile passage for invaders such as the Arabs and Berbers in the eighth century, the Almoravids and Almohads in the eleventh and twelfth centuries, the Marinids in the thirteenth and fourteenth. As the Christians brought the conquest of Andalusia near completion, they endeavored to close the ports of Gibraltar and Algeciras to future invaders and contemplated the occupation of North Africa itself.

Although the peninsula appears as a self-contained geographical unit, its natural internal divisions have impeded the achievement of political unity and have encouraged separatism. The central nucleus of the peninsula is composed of a rather desolate *meseta*, a vast plateau which Madariaga called "the citadel of the Spanish castle." The rulers of the *meseta* (the future kingdom of León-Castile) strove to impose their authority upon the peripheral areas, but mountains rising sharply from the sea made access to the coastal regions difficult and sheltered rebels against a central power.

The great mountain ranges intersect the peninsula in an east-west direction. In the northeast the Pyrenees, the highest and broadest of these, separate Spain from France. The Cantabrian mountains, extending through Asturias into Galicia, border the *meseta* on the northwest. Crossing the center of the peninsula and dividing the *meseta* into northern and southern sections are the Serra da Estrela, the Sierra de Gredos, and the Sierra de Guadarrama. The Iberian mountains of Soria and Teruel form the eastern limit of the *meseta*, and the Sierra Morena its southern limit. Running through Andalusia south of the Guadalquivir is the Cordillera Bética, of which the Sierra Nevada is the high-

est range. The mountains and the *meseta* give the peninsula the second highest altitude in Europe, after Switzerland.

Of the principal rivers, only the Ebro runs in an easterly direction to the Mediterranean. From its source in the province of Santander it makes its way over 465 miles through Aragon and its capital, Zaragoza, and empties into the sea at Tortosa. The other great rivers move westward to the Atlantic. Rising in Galicia, the Miño (Minho) travels a distance of 212 miles, passing through Orense and Túy, forming the northern boundary of modern Portugal. From the province of Soria, the Duero (Douro) flows 485 miles through Old Castile, León, and Portugal, touches Valladolid and Zamora, reaching the Atlantic at Porto (Oporto). The Tagus has its source in the province of Guadalajara and flows westward for 565 miles through Toledo to Lisbon. The Guadiana originates in the province of Ciudad Real and courses 510 miles through Mérida and Badajoz, where it turns southward, forming part of the Portuguese frontier and emptying into the Gulf of Cádiz at Ayamonte. The Guadalquivir, the great river of Andalusia, rises in the province of Jaén and passes through Córdoba and Seville where it turns southward to the Atlantic, covering a distance of 512 miles. The rivers of Spain, though hardly comparable to the great rivers found in other parts of Europe, played an important role in the medieval history of the peninsula, for the reconquest can be seen as a gradual advance from one river frontier to the next. The particular disposition of the rivers flowing east-west rather than north-south has also been seen by Vicens Vives as a deterrent to political unity.

The peninsula has always been known for the harshness of its climate and the aridity of much of its soil. Extremes of heat and cold are common, especially in the *meseta*; rainfall is scanty, and the land is rude and poor. The regions of Andalusia, the Levant, Galicia, and Cantabria are much more fertile than the greater part of the Castilian and Aragonese lands of the central plateau. As a consequence, man has always had to struggle with the land to gain from it sufficient to sustain himself. Perhaps this constant struggle for survival has contributed to the strong individualism that is often suggested as typical of the Spanish character.

Roman Spain

Over the many centuries Spain, standing at the extremities of Europe and Africa, has served as a natural crossroads and has been populated

by many diverse peoples. Here there is no need to discuss the complicated theories concerning prehistoric settlers, of whom the Basques remain as a unique element, whose language is of unknown origin or relationship to any other known to man. Ancient historians spoke of the Iberians, a people who came from Africa and constituted the basic Mediterranean element in the population. The Celts, an Indo-European people, crossed the Pyrenees and settled in the northern and western reaches of the peninsula between 900–600 B.C. and by their wide use of iron weapons, horses, and chariots were able to dominate the earlier arrivals. Intermarriage between these groups led the geographers and historians to refer to the peninsula as Celtiberia.

Attracted by reports of mineral wealth, the peoples of the eastern Mediterranean established colonies on the eastern and southern coasts; around 800 B.C. the Phoenicians founded Gades or Cádiz, and from the seventh century onward the Greeks began to found colonies, like Emporion (Ampurias) on the Catalan coast. In the sixth century B.C. the Carthaginians penetrated the peninsula and overthrew the Tartessians, a people of African origin who had created a powerful kingdom in Andalusia. As Carthage developed a commercial empire in Sicily and southern Spain, she provoked the rivalry of the Roman city state, and a struggle for supremacy in the western Mediterranean ensued.

The contending powers tested their strength in the First Punic War (264–242 B.C.), with Rome emerging as the victor. To repair Carthaginian fortunes Hamilcar Barca, his son-in-law Hasdrubal, and his son Hannibal began to transform Spain into a major military base. Hannibal's sack of Saguntum (219), a peninsular town in alliance with Rome, opened the Second Punic War (218–201 B.C.). While Hannibal crossed into Gaul and Italy to carry the fight to the portals of Rome itself, Roman legions commanded by Publius Cornelius Scipio captured Nova Cartago (Cartagena, founded by Hasdrubal) in 209 B.C. and Cádiz in 205 B.C., and destroyed Carthaginian rule in Spain.

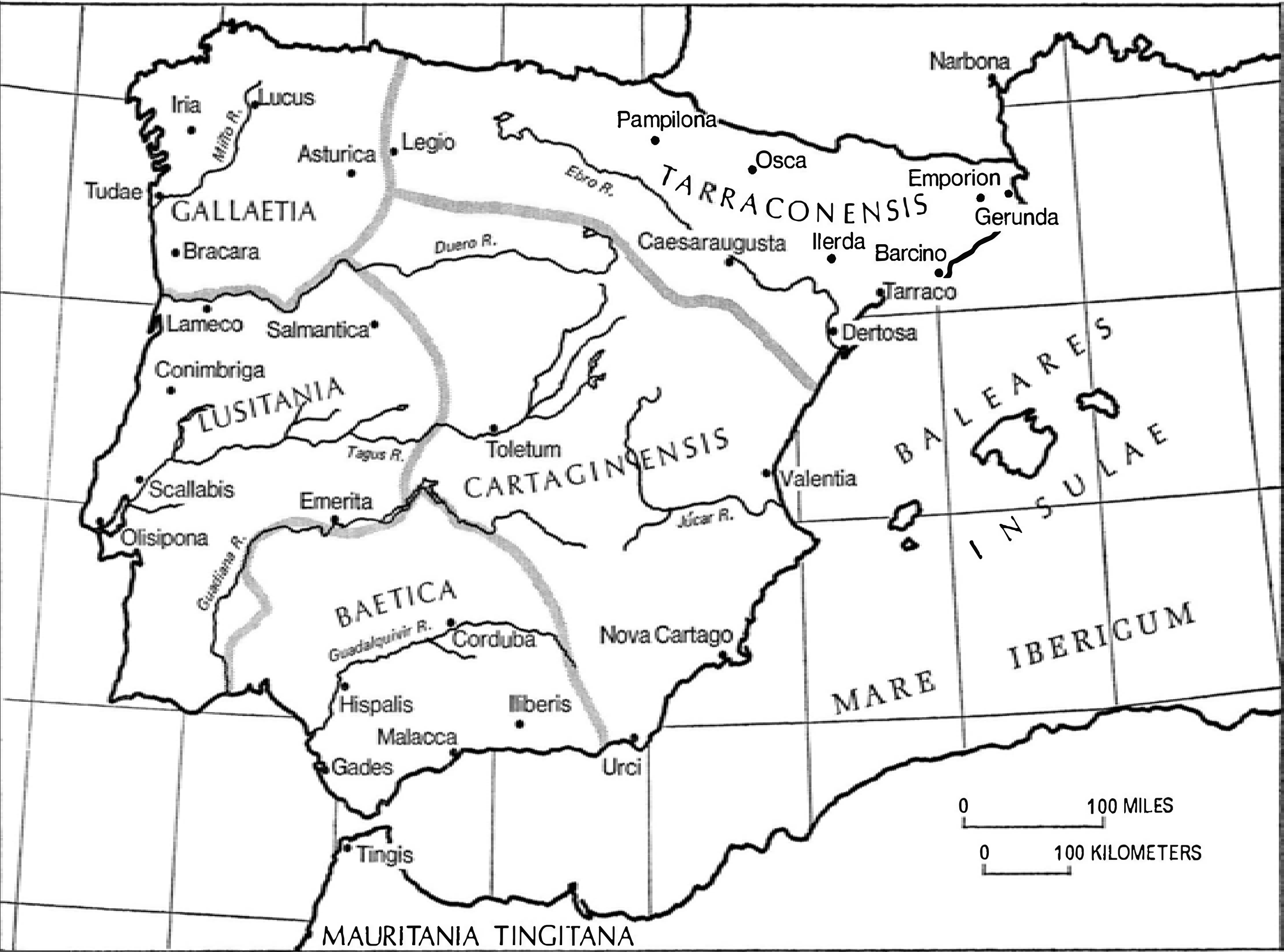
The indigenous Hispanic population (perhaps 4 million) collaborated in the overthrow of the Carthaginians, but they were not prepared to submit to Roman tutelage. Over the next hundred years the Romans slowly extended their rule into the heart of the *meseta,* meeting fierce resistance. The fall of the Celtiberian city of Numancia near Soria in 133 B.C. terminated the most arduous period of the conquest, but it was not until the time of Augustus (27 B.C.–14 A.D.) that the Romans succeeded in subjugating the wild tribesmen of the far north

and west. The names of towns such as Asturica Augusta (Astorga), Caesaraugusta (Zaragoza), and Pax Augusta (Badajoz) record the progress of the legions.

The Roman conquest brought the Hispanic peoples into the mainstream of European civilization, and for the first time the peninsula was unified under one government. The process of colonizing it and converting it into a province, endowed with Roman administration, citizenship, law, and language was a gradual one, extending over several centuries. The southern and eastern coastal regions obviously were most receptive to Roman influence, as the geographer Strabo noted in the first century A.D. The stationing of legionaries at strategic points, the settlement of veterans in colonies, and the development of provincial administration were among the chief instruments of the policy of Romanization. Vespasian granted Roman law in 73–74 A.D. to a number of towns in the peninsula, but when Caracalla granted Roman citizenship to all residents of the empire in 212 the Romanization of the Hispanic peoples in a legal sense was completed. The adoption of Roman manners, customs, and language was not so easily accomplished.

After the conclusion of the Second Punic War, in 197 B.C., Spain was divided into two provinces: *Hispania Citerior*, the east, center, and north, and *Hispania Ulterior*, the south and west. This division into Hither and Farther Spain explains the usage of the plural form to refer to the peninsula in the Middle Ages, as in *rex Hispaniarum*, *rey de las Españas*. After the whole peninsula had been subjugated, Augustus in 27 B.C. divided *Hispania Ulterior* into the provinces of Baetica and Lusitania. The former included most of modern Andalusia, and the provincial governor had his capital at Corduba. Lusitania, whose capital was Emerita Augusta (Mérida), consisted chiefly of modern Portugal and Extremadura. *Hispania Citerior*, or Tarraconensis as it was also known from the capital city Tarraco (Tarragona), extended from the east coast to Gallaetia in the northwest.

At the end of the third century A.D. Diocletian (284–305) effected a final reorganization of the provinces as part of his general attempt to reform imperial administration. The whole of *Hispania* formed a diocese within the Prefecture of Gaul and was divided into five provinces: Baetica, Lusitania, Tarraconensis, Cartaginensis, and Gallaetia. Nova Cartago (Cartagena), the capital of Cartaginensis, was located on the southeastern coast; from there the province reached well into the center of the peninsula. Gallaetia, the northwestern province, had



Map 1. Spain in the Late Roman Empire

its capital at Bracara Augusta (Braga). To these peninsular provinces were added the Balearic Islands and North Africa (Mauritania Tingitana), whose respective capitals were Pollentia (Pollensa) and Tingis (Tangier). The *vicarius Hispaniarum* had general responsibility for the peninsula, but each province was administered by a *praeses, rector,* or *iudex,* who had civil but not military power.

The essential unit of local administration was the municipality (*municipium, civitas*). Some of these were of native origin, while others were new Roman foundations. Aside from the provincial capitals already mentioned, the principal towns included: Hispalis (Seville), Toletum (Toledo), Barcino (Barcelona), Pampilona (Pamplona), Pallantia (Palencia), Legio (León), and Salmantica (Salamanca). Temples, arches, and other public works gave the towns a distinctly Roman appearance. The most outstanding symbols of Roman power still extant, and in some cases still used, include the aqueducts of Segovia and Tarragona, the amphitheatre of Tarragona, and the bridges of Alcántara, Mérida, and Salamanca. The urbanization of Spain hastened the process of Romanization. While the rural population long remained attached to ancient traditions, the townspeople more readily accepted Roman law, customs, language, dress, and religion, and consciously thought of themselves as Romans.

The municipality included both the urban nucleus (*urbs*) and an extensive rural district (*territorium*) including many villages and estates. The task of governing the municipality was entrusted to a *curia* of 100 *decuriones* or *curiales,* who elected the chief magistrates or *duumvires.* In the third century the burden of satisfying the insatiable tax demands of the imperial government fell heavily upon the *curiales* and ruined them as a class, and stifled initiative in municipal administration. In order to prevent the wholesale flight of the *curiales* from their responsibilities, the imperial government was compelled to bind them by law to their posts and to their station in life. The merchants and artisans who constituted the bulk of the plebeian class in the towns were similarly bound to their crafts and occupations.

In the country areas there were many small free holds (*fundus, predium*) sufficient to maintain a single family, but from the third century onward these lands were absorbed with increasing frequency by great estates (*villa, latifundium*). Small free proprietors found it more and more difficult to obtain a good yield and also felt the need to seek protection from more powerful men against the disturbances occa-

sioned by civil wars and later by the barbarian invasions. As a consequence many proprietors gave up ownership of their land and became tenants on large estates and usually commended themselves to the protection of the landlord who eventually began to enjoy a real juridical power over them. As with other classes in society, the *coloni*, as the free men cultivating land on great estates were known, were bound to the soil in the fourth century. A large estate was usually administered by a steward (*villicus*) appointed by the landlord. The land was divided among the tenants who owed rents and labor services, but a certain portion was reserved for direct exploitation by the landlord. For this purpose he usually owned a large number of slaves, some of whom cultivated the land while others worked in his household. Under the influence of humanitarian impulses and Christianity, landlords often freed their slaves, but the freedman ordinarily remained a client under his lord's protection.

The economy of Roman Spain suffered the troubles which affected other regions of the empire in the third and fourth centuries. A flourishing commerce had developed along the southern and eastern coasts; from such ports as Cádiz, Cartagena, Tarragona, and Málaga, wheat, wine, olives, wax, honey, fish, and olive oil were exported to other parts of the Mediterranean world. In the interior the Romans constructed a network of roads covering about 13,000 miles which served to facilitate the transportation of troops and, at a later date, of goods. The Via Augusta running along the coast from Cádiz to Tarragona and thence into Gaul and Italy was the axis of the system. As trade began to decline in the third century, and gold and silver were steadily drained to the east, the government responded to the economic crisis by attempting to regulate wages and prices. Individuals were deprived of the fundamental freedom of movement and the right to change their occupations. This had deleterious effects upon life in town and country, as all sense of personal independence and initiative was stifled. A decadent economy and a stagnant, stratified society thus were part of the Roman legacy to the Visigoths. The territorial and personal tributes (*capitatio terrena, capitatio humana*), the system of tolls, and the obligation to perform certain public works (*munera*) were also part of that legacy.

One other element introduced during the Roman era contributed significantly to the civilization of the inhabitants and helped to unify them spiritually. Great obscurity surrounds the beginnings of Christianity in

Spain, but there is a tradition that Sts. Peter and Paul consecrated seven bishops to evangelize the people. It is also thought that St. Paul visited Spain, *circa* 63–67, as he promised to do in the Epistle to the Romans (15:23–28). The legend of St. James the Great's labors in Spain is of even more profound historical impact. No contemporary and none of the church Fathers mention his role in the peninsula, nor is he mentioned in any special way in the Mozarabic liturgy native to Spain; his martyrdom in Jerusalem makes it highly unlikely that he visited Spain or spent much time there. Early in the ninth century, however, his tomb supposedly was found in Galicia and became the center of the famous pilgrimage of Santiago de Compostela. As the patron of Spain, St. James was often seen fighting in battle by the side of the Christian rulers against the enemies of the faith, or so it was alleged. Yet there is no real historical evidence to demonstrate that he ever participated in the evangelization of the Hispanic people.

Whatever the details of evangelization may be, the work was accomplished quickly enough. Tertullian, writing about 202, speaks as if the whole peninsula were Christian. Pagan superstition persisted no doubt in many areas, and people in remote places, for instance, the Basques, remained untouched by Christianity for centuries. During the Decian persecution in the middle of the third century a number of Hispanic Christians were martyred, and there were also numerous victims of Diocletian's persecution at the close of the century. After the conversion of Constantine, as hostility between Rome and the church disappeared, Christianity flourished in Spain and became an effective means of Romanization. Ecclesiastical organization was based upon the civil territorial administration, so that metropolitan sees were established in the provincial capitals.

The growth of the Hispanic church in the fourth century was exemplified in various ways by the distinguished bishop, Hosius of Córdoba (d. 357), friend and counselor of Constantine, and chief papal representative at the Council of Nicaea in 325; by Paul Orosius, author of *Seven Books of History against the Pagans*, an attempt to demonstrate the failure of the pagan gods to protect their devotees from calamities over the course of history; and by the heresiarch, Priscillian (d. 385), whose execution by imperial officials foreshadowed the later collaboration of state and church in the suppression of heresy. One should also take notice of the Council held at Iliberis (Elvira) near modern Granada around 300–314; its most famous canon

required the clergy to observe a life of celibacy, a rule that eventually became general in western Europe.

On the eve of the Germanic invasions of western Europe, *Hispania,* after six hundred years of Roman presence, was highly Romanized and Christianized. In spite of her subjugation by the barbarians, Roman and Christian Spain survived and vanquished her conquerors.

PART I

The Visigothic Era

415—711

Gothorum antiquissimam esse gentem certum est. . . . Nulla enim gens in orbe fuit, quae Romanum imperium adeo fatigaverit.

Certainly the Gothic race is very ancient. . . . No people in the whole world so distressed the Roman Empire.

Isidore of Seville, *Historia Gothorum,* 1–2

CHAPTER 1

The Visigothic Kingdom

The Visigoths

During the fifth century, Spain slipped gradually away from Roman rule into the hands of the barbarian tribes driven westward by the general tide of invasion. Vandals, Alans, and Suevi occupied the south, west, and north early in the century bringing war and destruction to the Hispano-Romans who seemed incapable of defending themselves. At the end of the century the Visigoths, the most powerful of the tribes to enter Spain, began to settle in Old Castile where their presence has been evident ever after in place names, racial structure, and customary law. They gradually extended their rule over the other tribes and conquered the last Roman outposts, but it was not until the seventh century that they established effective government over the entire peninsula. Their great misfortune was their inability to create a stable monarchy based on the principle of hereditary succession. Civil war was endemic during the centuries of their rule and ultimately contributed to the sudden collapse of their kingdom before the onslaughts of the Muslims early in the eighth century.

While the Visigoths, numbering perhaps 200,000 to 300,000, constituted the military ruling class, they did not radically alter the civilization of the peninsula. Due to differences in language, customs, and religion, their assimilation by the Hispano-Roman population of about six to nine million was difficult. The persistence of the name *Hispania*, rather than its replacement by some Germanic alternative, suggests the continuing strength of the Hispano-Roman tradition. The cultural ascendancy of the Hispano-Roman population is also manifest in the adoption by the Visigoths of the Latin language, the orthodox Christian religion, the imperial administrative system, Roman ideas of the

state, of rulership, and of a written code of laws applicable to all men, regardless of racial origin. The substance of Hispano-Roman civilization, modified in various respects, survived throughout the Visigothic era, and it was this essentially Romance, rather than Germanic, legacy that was handed on to future generations. And yet, in spite of their cultural superiority, Hispano-Romans such as St. Isidore of Seville acknowledged the political and military achievements of the Visigoths and took patriotic pride in recording them. In this sense the Hispano-Romans accepted the Visigoths as their own.

The most significant element in the legacy of the Visigothic era was the concept of an indivisible kingdom embracing the whole of Spain. Inspired by this ideal and by the memory of the Visigoths, whose heirs they considered themselves to be, the rulers of the Christian kingdom of Asturias-León set as their goal the expulsion of the Muslim invaders and the reconstitution of the Visigothic state. Remembrance of the Visigothic kingdom thus gave an ideological justification to the reconquest.

The Kingdom of Toulouse

Settled along the Danube frontier in the late fourth century and already converted to Arian Christianity, the Visigoths were the first Germanic people to enter the Roman Empire in force. Fearing to suffer the fate of their neighbors, the Ostrogoths, who had been subjugated by the Huns, they requested permission in 376 to settle in the empire as *federati* or allies. Although Emperor Valens gave the necessary authorization, imperial officials dealt fraudulently and dishonestly with the Visigoths, causing them to rebel and to ravage Thrace. In haste, Valens prepared to crush them, but at Adrianpole in 378 his forces were routed and he was killed. The barbarians continued their rampage until they were brought under control by Emperor Theodosius (379–395) who settled them in Thrace and admitted their troops to the imperial army.

Toward the end of the century the rivalry between the regents governing the empire in the name of Theodosius's sons gave the ambitious Visigothic king Alaric the opportunity to seek his fortune. Leading his people through Thrace and Macedonia, he occupied Athens in 396; he then pressed westward attempting to enter Italy but was repulsed by the barbarian Stilicho, regent in the west. After Stilicho's murder in 408 Alaric was able to march unhindered through the pen-

insula, and in 410 sacked Rome, causing profound shock among the Romans, pagan and Christian alike. After three days the Visigoths left the city and continued southward, intending to cross into Africa, but Alaric's sudden death in southern Italy caused the abandonment of the project.

Athaulf (410–415), his successor, led the Visigoths through Italy into Gaul, where, under the assaults of the Suevi, Alans, Vandals, Burgundians, and Franks, imperial defenses had already broken down. The Suevi, Alans, and Vandals, who had had little previous contact with the empire, continued their marauding and entered Spain in 409. After laying waste the country for two years, the Suevi settled in the northwestern province of Gallaetia, as did the Asdings, one branch of the Vandal tribe. The Siling Vandals occupied Baetica in the south, while the Alans, an Iranian people, settled in the central provinces of Lusitania and Cartaginensis. Given the small number of barbarians, the occupation of the peninsula was far from complete, and for the moment Tarraconensis was left free of barbarians.

In the meantime, Athaulf, who as Orosius remarked, had dreamed of restoring the glory of the Roman empire, failed in his attempt to secure imperial permission to settle his people as *federati* in Gaul. Driven into Tarraconensis by the Romans, for a brief time he made Barcelona his headquarters, but he was assassinated in 415, as was his successor, Sigeric. Under their new king, Wallia (415–418), the Visigoths, threatened by starvation in Spain, tried unsuccessfully to pass into Africa. Thereupon they came to terms with the Romans and were recognized as allies and supplied with food (416). In the emperor's name the Visigoths now launched a series of campaigns against the other barbarians in the peninsula and nearly exterminated the Alans and the Siling Vandals. The remnants of these tribes joined the Asdings and the Suevi in Gallaetia. In 418, in return for these services, the Visigoths were allowed to settle in Gaul in *Aquitania secunda* and in part of Narbonensis. This was the beginning of the Visigothic kingdom of Toulouse.

For the next forty years the Visigoths had little to do with Spain, though they were very much involved in the defense of Gaul against other barbarians, including Attila's Huns. In Spain the Suevi and the Asdings continued their depredations and fought one another. About 421 the Asdings left Gallaetia and overran the province of Baetica, seizing Seville and Cartagena and even raiding the Balearic Islands. The

Vandal king, Gaiseric, led his people across the straits of Gibraltar to North Africa in 429; without great difficulty they conquered the province, and ruled it and the Balearic Islands until the Byzantine reconquest in 534.

The withdrawal of the Visigoths and then of the Vandals allowed the Suevi freedom to plunder the peninsula at will. Their destruction of Gallaetia induced Bishop Idatius to travel to Gaul in 431 to seek aid from the Roman general Aetius, but he could do nothing. Later Idatius tried to negotiate peace with the barbarians but to no avail. In 456 the Visigoths, led by King Theodoric II (453–466), who had recently helped to stop Attila at the Catalaunian Fields, returned to Spain with instructions from the emperor to destroy the Suevi. They easily defeated the Suevi and killed their king, but the Visigothic triumph, rather than benefiting the empire, prepared the way for the eventual Visigothic occupation of the peninsula.

In the next twenty years the chaos in the western empire continued unchecked and reached its culmination in the deposition of Emperor Romulus Augustulus in 476. His downfall also disrupted the fragile alliance between the empire and the Visigoths. Under the leadership of Euric (466–484), who gained the throne by murdering his brother, the Visigoths established an independent kingdom in Gaul and northern Spain. From his capital at Toulouse, Euric ruled the most powerful barbarian state in the late fifth century. The region in Gaul bounded by the Atlantic, the Loire, the Rhone, and the Pyrenees acknowledged his authority. In Spain his people occupied Tarraconensis and parts of Lusitania; the Suevi were forced back into Gallaetia, while Baetica and Cartaginensis were left to fend for themselves.

Despite the general collapse of the imperial government, Roman influence was still strong in the Visigothic kingdom. Not only did the Romans form the majority of the population, but they also filled many of the chief administrative positions, and continued to be governed by the Theodosian Code promulgated in 438. Euric, the ablest of the Visigothic kings, gained fame as the first great Germanic legislator, when the code of law bearing his name was published in Latin about 475. Some years later (506) his son Alaric II (484–507) issued a compilation based on the Theodosian Code known as the Breviary of Alaric. The difficulty of creating a common law for Visigoths and Romans and the persistence of the Visigoths in adhering to the Arian heresy created a broad gap between the rulers and the ruled.

During the reign of Alaric II a serious threat to Visigothic preponderance in Gaul emerged. Clovis (481–511), the greatest king of the Merovingian Franks, had subjected northern Gaul to his rule and by his acceptance of orthodox Christianity gained favor with the Gallo-Romans. As Gregory of Tours tells us, the wily Frank proposed to liberate southern Gaul from the hated and heretical Visigoths. Already Alaric II had revealed that he lacked the will to resist the Franks. When the Roman leader Syagrius, whom Clovis had expelled from northern Gaul, sought refuge at Toulouse, Alaric delivered him up to the mercy of the Franks, but this act of appeasement failed to save his kingdom. Crossing the Loire in 507, Clovis gave battle to the Visigoths at Vouillé (Vogladum) near Poitiers. "The Goths fled as was their custom," says Bishop Gregory; Alaric was defeated and killed, and the kingdom of Toulouse came to an end.

Following their victory, the Franks overran southern Gaul, occupying Toulouse, Bordeaux, and other cities, while their Burgundian allies entered Narbonne. Gesaleic (507–510), a bastard of Alaric II, could not check the invasion and was forced to flee to Barcelona. The intervention of the Ostrogothic king, Theodoric the Great (493–526), who had recently established his power in Italy, halted the progress of the Franks and Burgundians. No doubt he feared a possible threat to his own position, but he was concerned also to defend the rights of his grandson, Amalaric (510–531), the legitimate heir to the Visigothic throne. Theodoric drove the Franks and Burgundians out of Narbonensis and expelled Gesaleic from Barcelona. Although the Visigothic kingdom survived, it was now reduced to Septimania, a part of the province of Narbonensis, and the northern provinces of Spain. Until Theodoric's death the kingdom remained an Ostrogothic dependency, ruled by Ostrogothic governors. Much of the peninsula was still free of barbarians, but the inhabitants were abandoned to their own devices by the imperial authorities.

Not long after Theodoric's death, hostilities between the Franks and the Visigoths were resumed. At first Amalaric, by marrying Clovis's daughter Clotilde, established friendly relations with his northern neighbors, but his ill treatment of his wife and his attempts to force her to accept Arianism caused the Franks to renew their attack. Amalaric was expelled from Narbonne and fled to Barcelona, where he was murdered in 531. The Franks laid waste to Tarraconensis, seized Pamplona, and besieged Zaragoza, but their hope of extending their

dominion south of the Pyrenees was not to be fulfilled. An Ostrogothic general, Theudis (531–548), the newly proclaimed king of the Visigoths, drove the Franks from Spain and regained control of Septimania, the southeastern corner of Gaul comprising the episcopal cities of Narbonne, Carcassonne, Nîmes, Maguelonne, Béziers, Agde, Lodéve, and Elne.

Although Frankish ambitions in Spain had been thwarted, the Visigoths had to face another challenge to their hegemony in the peninsula. The Byzantine Emperor Justinian (527–565) planned to reconquer the former Roman provinces abandoned to the barbarians by his predecessors. By 534 Byzantine forces had conquered the Vandal kingdom in North Africa and the Balearic Islands and were beginning the long struggle to destroy the Ostrogothic kingdom in Italy. Theudis recognized the threat to Spain and occupied Ceuta (Septum) on the North African coast, so as to close the straits of Gibraltar to a Byzantine invasion. In 542, however, the Byzantines were able to take possession of Ceuta. The murders of King Theudis in 548 and of his successor Theudigisil in the next year prepared the way for Byzantine intervention in the peninsula. Commenting on these murders in his *History of the Franks* (III, 30), Gregory of Tours said, "the Goths have taken up this detestable custom, that if any of their kings displeases them, they go after him with their swords, and then they make king whomever they wish." Heartened by the Byzantine conquest of North Africa, the Hispano-Romans of Baetica rose in revolt against King Agila (549–554) and routed him in a battle at Córdoba. A rival claimant to the throne, Athanagild, appealed to the Byzantines for help, and in reply Justinian dispatched a small fleet and an army from Sicily. Near Seville in 554 the rebels and their Byzantine allies defeated Agila, who fled to Mérida, where he was killed by his own men. Athanagild (554–567) was now the undisputed king of the Visigoths.

As one might expect, the Byzantines, whom Athanagild had summoned to Spain, did not withdraw, but seized possession of the province of Baetica and part of Cartaginensis, including the towns of Cartagena, Málaga, and Córdoba. Although he was able to wrest Seville from their grasp, Athanagild's efforts to expel them from the peninsula were futile. For about seventy years the Byzantines maintained a foothold in Spain, stretching along the southern and eastern coast from the mouth of the Guadalquivir to the mouth of the Júcar. Over the years

the Visigoths whittled away at this territory, whose limits were never determined precisely, until the final conquest by King Swintila.

The Kingdom of Toledo

By the middle of the sixth century the power of the Visigoths, formerly centered in Toulouse, was located irrevocably in Spain. Since the time of Euric, the Visigoths had been penetrating deeper into the peninsula. In the course of the sixth century, especially after the battle of Vouillé, their settlement increased substantially. Although they were the preponderant power in the peninsula they were not the only one. The Suevi, though weak, still ruled Gallaetia; the Basques remained independent in their mountains, and the Byzantines controlled a large area in the south and east. The principal task facing the Visigoths in the late sixth century was that of unifying the peninsula under their rule. This was not only a political and military problem, involving conflict with the Suevi, Basques, and Byzantines, but there were also important legal, social, and religious differences dividing the Visigoths and Hispano-Romans. Until these were removed the Hispano-Roman majority would only tolerate the Visigoths as unwanted intruders.

During the reign of King Leovigild (568–586), who had been associated on the throne with his brother Liuva (568–573), the initial steps toward the solution of these problems were taken. A good general, Leovigild proved to be one of the most distinguished Visigothic rulers. According to Isidore of Seville, Leovigild established his residence at Toledo in the heart of Spain; henceforth Toledo would be the *urbs regia* par excellence. In imitation of the Byzantines, he began to wear royal vestments and to sit upon a throne; he was also the first of the Visigothic kings to coin money, in imitation of Byzantine coinage, with his own image and inscription. A legislator as well, he revised Euric's code and terminated the fourth-century imperial ban on intermarriage between Goths and Romans, an important step toward the ultimate assimilation of the races. The king clearly had a high conception of monarchy and hoped to transfer his power to his sons, to whom he entrusted the administration of certain provinces, as a means of ensuring their loyalty.

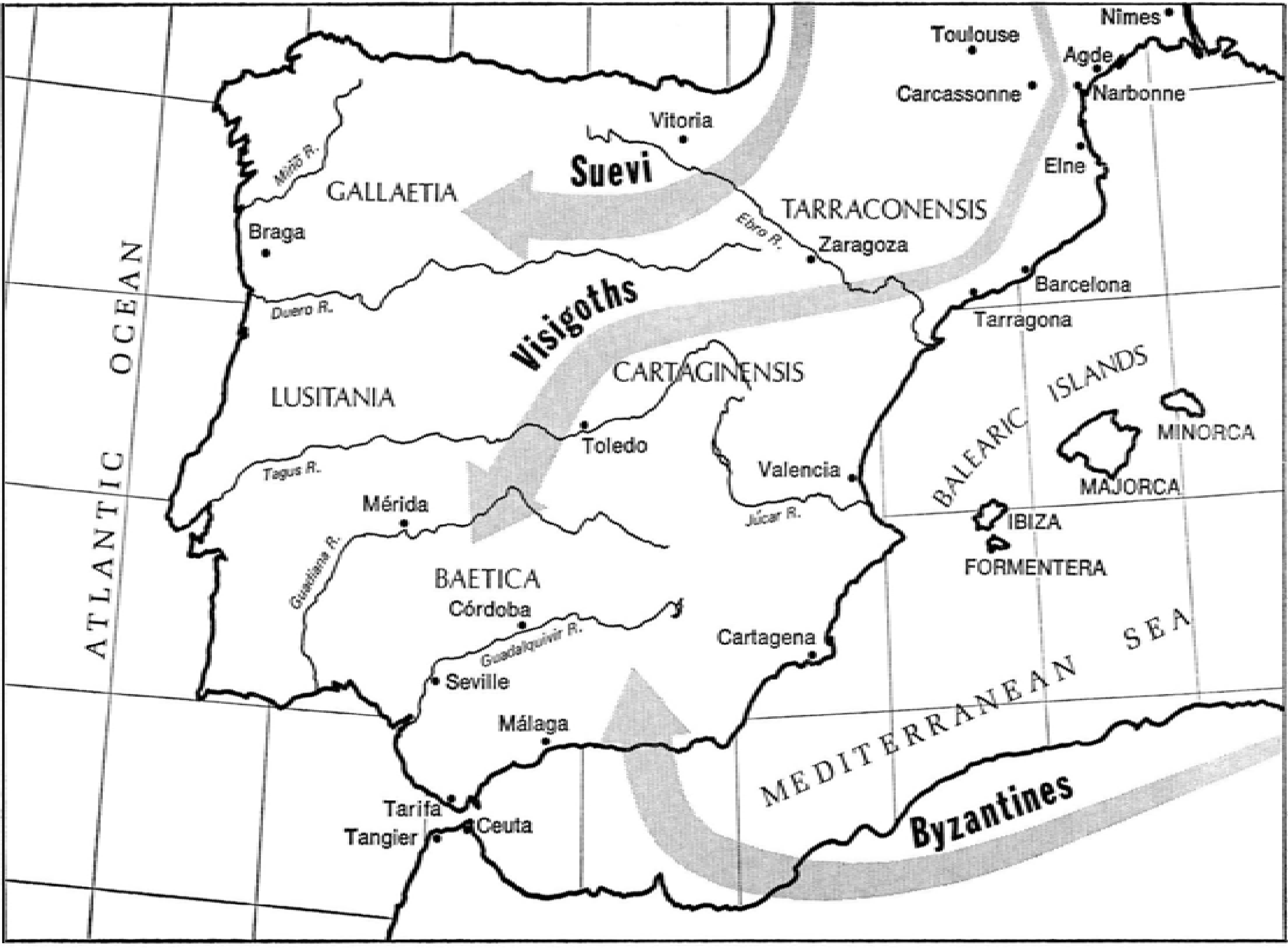
With great energy Leovigild set out to achieve the territorial unification of the peninsula. Between 570 and 572 he took Málaga, Medina Sidonia, and Córdoba, thus restricting Byzantine dominion to the east-

ern coastal region. He was equally successful in defeating the Basques in 581 and, in commemoration of his triumph, founded the city of Victoriacum (Vitoria). Although the Basques were never subdued entirely, they did have a new respect for his authority. Leovigild's most notable success was his conquest of the Suevi, who had been confined to the mountains in the northwest since the late fifth century and did not represent a major threat to the Visigoths. Through the missionary labors of St. Martin of Dumio, bishop of Braga, the Suevi were converted to orthodox Christianity in the middle of the sixth century. From about 574, Leovigild began to penetrate into the northwest and completed the conquest by 585. The last king of the Suevi was forced to enter a monastery.

The most serious obstacle to Visigothic rule in the peninsula was religion. As Arians, the Visigoths had a strong antipathy toward their Catholic subjects and frequently dealt harshly with them. Recognizing this difficulty, Leovigild in 580 convoked a synod of Arian bishops in hopes of converting the Catholic majority to Arianism. Although the Catholics were asked only to accept the Arian formula for the Trinity (*Gloria Patri per Filium in Spiritu Sancto*), they showed no disposition to do so, and this attempt to solve the religious problem failed.

The issue also clouded the king's relations with his first-born son, Hermenegild, who had been appointed duke of Baetica. Married to a Catholic Frankish princess, he came under the influence of St. Leander, bishop of Seville, and in 579 accepted orthodoxy. When summoned to Toledo, he declared himself in open rebellion and soon had the support of most of the towns in Baetica, as well as of the Byzantines and the still independent Suevi. Leander journeyed to Constantinople, seeking help for the rebels, but it was not forthcoming. Meanwhile Leovigild responded vigorously, defeating the Suevi and seizing Seville and Córdoba, the chief towns of Baetica. Hermenegild was captured and imprisoned but, after refusing to abjure Catholicism, he was murdered in 585 by his jailer. It seems unlikely that Leovigild had ordered his execution. Although Pope Gregory the Great, in his *Dialogues*, hailed Hermenegild as a martyr, contemporary peninsular Catholics, such as John of Biclaro, did not do so, but condemned him as a rebel and as a traitor for his alliance with the Byzantines. To some Hispano-Romans his actions appeared not as a defense of orthodoxy, but as a political uprising which the supporters of stable government could not condone.

Within a year Leovigild, the best of the Visigoths, whose organiza-



Map 2. The Visigothic Kingdom

tion of the state and extension of its frontiers did so much to strengthen the Visigothic realm, followed his son to the grave. Though he failed to resolve the religious issue, he probably realized the futility of attempting to force the orthodox majority to accept Arianism and may have recommended that his successor adopt the religion of the Hispano-Romans.

The Conversion of the Visigoths

Recared (586–601) peacefully succeeded his father and in 587, probably for reasons of public policy as well as personal conviction, announced his conversion to Catholicism. An assembly of Arian bishops followed his lead, but the Arians of Septimania revolted and appealed to the Burgundian king for help. The historian John of Biclaro regarded the defeat of the rebels and their allies in 589 as a divine reward for the king's conversion. In the same year at the Third Council of Toledo, at a gathering of sixty-two orthodox bishops, Recared read a profession of faith in the tenets of the Nicene Creed and promised his protection to the church. As the bishops shouted for joy, Leander of Seville extended their congratulations to the king. Recared's conversion and that of the Visigothic people eliminated one of the most serious causes of friction between the ruling caste and the subject population; religious unity now made possible a greater assimilation of the two races. To a much greater degree than before, the church was able to exercise its civilizing influence over the barbarians, whose Romanization proceeded rapidly in the seventh century.

As a consequence of Recared's abjuration of Arianism, relations between church and state became extremely close, so much so that historians such as Dahn have characterized the Visigothic state as a theocracy. No one would question the existence of a union of church and state in any medieval kingdom, but there is hardly any Spanish historian who today would speak of a theocracy in Visigothic Spain. Both church and state, as Isidore of Seville pointed out, had the same purposes, though they utilized different means; therefore they had the obligation to work in harmony with one another. By accepting orthodoxy, the kings did not surrender their authority to the bishops, but they made it possible for the bishops to exercise a much greater influence in public affairs. Just as the bishops recognized the monarchy as the only sure guarantee of law and order, the kings recognized the church as the most effective bulwark of their power. By appointing

bishops, convoking councils, and sanctioning conciliar decrees, the kings were able to exercise a considerable measure of control over the church. At the same time the bishops exalted the institution of kingship and attempted to safeguard the person of the sovereign against a factious nobility. If the influence of the church appeared greater than that of the monarchy, this was the result of the essential weakness of the monarchy, its elective character.

The failure of the Visigothic kings to establish an hereditary monarchy laid the kingdom open to sedition and civil war. To avert these disorders the church councils tried to regulate the succession in accordance with the elective principle. Even though they might condemn arbitrary rule, in their anxiety to preserve stable government they were prepared to acknowledge anyone who gained the throne, even if by questionable means.

The problem of succession was especially acute during the seventh century. Although Recared's young son, Liuva II (601–603), succeeded to the throne, he was soon assassinated. His murderer, Witeric (603–610), apparently tried without success to revive Arianism, and in turn met a violent death at a banquet, a favorite scenario for regicide among the barbarians. Though eight of his predecessors had died naturally, Witeric was the tenth of the Visigothic kings to die by the hand of an assassin.

After the brief reign of Gundomar (610–612), Sisebut (612–621), the most Romanized of the Visigothic sovereigns and a close friend of St. Isidore, came to power. There are several extant Latin letters attributed to him in which he emphasized the ruler's accountability to God for waging war. His belligerence was directed chiefly against Byzantine positions in southeastern Spain, thus preparing the way for their final expulsion. At the same time he enacted rigorous legislation against the Jews, requiring them to accept baptism on penalty of death and confiscation of property. Several of his successors followed this unfortunate policy, thereby arousing the resentment of the Jewish community who at a later date could only welcome the Muslim invaders as liberators. Both Sisebut and his son Recared II, who reigned for only a few days, may have been murdered. Sisebut's most distinguished general, Swintila (621–631), finally expelled the Byzantines from the peninsula, thereby becoming the first king to rule the whole of Spain. St. Isidore had words of high praise for this monarch, but in his later years he apparently began to rule arbitrarily, and when he at-

tempted to assure his son's succession by associating him on the throne, a rebellion broke out. With Frankish support, Sisenand, duke of Septimania, seized power and deposed Swintila, who, despite this misfortune, had the distinction of being the first king dethroned without also being murdered.

Acknowledging the insecurity of his own position, Sisenand (631–636) made an emotional appeal for support to the Fourth Council of Toledo in 633. Under the presidency of St. Isidore, the assembled bishops anathematized despotic kings and declared that Swintila by his evil ways had deprived himself of the throne. To protect Sisenand and future sovereigns, the Council proclaimed the inviolability of the king's person as the Lord's anointed, citing the Old Testament prohibition: "Nolite tangere christos meos." Hoping to avert the discord and rebellion so prevalent in the past, the Council decreed that upon the king's death, the magnates and bishops, by common counsel, should choose a successor. The Fifth and Sixth Councils of Toledo (636, 638), summoned by Sisenand's brother, King Khintila (636–640), attempted further to strengthen the sovereign's position by condemning sedition and by protecting the property rights of royal children and servants. Conciliar decrees were insufficient, however, to curb the morbid propensity of the Visigoths to revolt against their rulers. Thus Khintila's son, Tulga (640–642), was deposed, tonsured, and thrust into a monastery.

The octogenarian Khindasvinth (642–653), who dethroned Tulga, believed that the most effective means of retaining power was the use of terror. He executed hundreds of enemies and enacted a severe law subjecting conspirators and rebels to the penalties of mutilation, death, and confiscation of property. To these, the Seventh Council of Toledo (646) added ecclesiastical censures. No doubt such measures contributed to the tranquility of the next reign. Reccesvinth (653–672), who had been associated on the throne with his father, was a more conciliatory ruler and sought to mitigate the severity of this legislation. Although the Eighth Council of Toledo (653) declared that the law of treason was necessary for the well-being of the realm, and that the king was bound to uphold the laws, it acknowledged that he could dispense mercy.

Reccesvinth completed a project initiated by his father, namely, the compilation of a code of law applicable to all the inhabitants of the realm. Promulgated about 654, the *Liber Judiciorum*, one of the most

significant legacies of the Visigothic era, terminated the duality of law and thus removed the last barrier to the assimilation of the Gothic and Roman populations. The code was a tangible manifestation of the survival of Roman civilization and of the fundamental role of the Hispano-Romans in the government of the Visigothic realm.

The Decline and Fall of the Visigothic Kingdom

When Reccesvinth died in 672 the Visigothic kingdom seemed at the height of its development. Territorial unity had been achieved; sources of religious and legal conflicts between the races had been eliminated, and a cultural level higher than in any other barbarian kingdom had been attained. Yet the state continued to suffer from fundamental weaknesses which neither royal legislation nor conciliar enactments were able to overcome. Despite the efforts of various kings to make the monarchy hereditary, it remained elective, thus encouraging ambitious magnates to conspire and rebel, even though these crimes were subject to harsh penalties. In essence, a sense of loyalty to the king seated on the throne was utterly wanting. In the last years of the kingdom's existence, rivalry among factions became especially intense and ultimately brought about the ruin of the Visigoths. An insufficiency of contemporary sources is a serious handicap to a clear understanding of the events preceding the Muslim invasion. Sources written a century or two after the fall of the kingdom must be used cautiously, since they are usually colored by a partisan effort to fix the blame on one faction or another.

The final unhappy chapter in Visigothic history began with the death of Reccesvinth and the election of his successor. In accordance with a decree of the Eighth Council of Toledo, the bishops and magnates who were assembled at Gerticos, where Reccesvinth died, proceeded immediately to an election. Their haste may have been due in part to a desire to affirm the elective nature of the monarchy and to prevent any member of Reccesvinth's family from seizing the throne; in any case they offered the crown to Wamba (672–680), a distinguished noble, who was reluctant to accept until threatened with a sword. So that his rights to the throne could not be impugned, he postponed his anointing until he arrived at Toledo. Scarcely had he assumed the kingship than a revolt broke out in Septimania. In order to suppress it, he dispatched Duke Paul, who promptly betrayed his trust, allied himself with the rebels and proclaimed himself king. Wamba, who had been

occupied with a Basque uprising, hastened through Tarraconensis to Septimania. There he easily defeated the rebels and captured Paul (673), who was condemned to death, though the penalty was commuted to decalvation, lifelong infamy, and imprisonment. Wamba had crushed the rebellion with energy, but he had also encountered difficulties in raising troops. As a remedy he decreed that in the future all nobles and simple freemen, including the clergy, would be obligated to answer the summons to the royal host. This law, re-establishing an old custom, aroused ecclesiastical opposition, as did the king's erection of several new bishoprics, but there is no reason to believe that the bishops thereupon resolved to bring about his ruin.

In his brief career Wamba revealed exceptional competence and ability, but his reign ended rather abruptly in 680. On the night of 14 October he suddenly lost consciousness, and his courtiers assumed that he was dying. In accordance with custom, Julian, bishop of Toledo, tonsured the king and clothed him in penitential garb. When he awoke from his coma, Wamba found himself deprived of his right to rule, since the Sixth Council of Toledo had forbidden any tonsured person to wear the crown. Therefore he renounced the throne in favor of Erwig and retired to a monastery where he ended his days. According to the *Chronicle of Alfonso III*, written in the late ninth century, Erwig, a grandnephew of Khindasvinth, had indeed conspired to usurp the throne, and by administering a drug caused the king to lapse into unconsciousness. Nineteenth-century historians such as Dahn, Görres, and Gams, believed that Julian of Toledo collaborated in the conspiracy and was in fact the chief villain. Supposedly he wished to be rid of an energetic king who could not be dominated by the church, and to replace him with a weakling; on the other hand, F. X. Murphy has argued that evidence of Julian's involvement is so scanty as to be highly questionable.

The circumstances in which Erwig (680–687) attained the throne rendered his position precarious. Realizing this, he summoned the Twelfth Council of Toledo in 681 under the presidency of Bishop Julian; presenting documents in which Wamba designated him as his successor, Erwig appealed for recognition and support. Ziegler believes that these documents were forgeries, but the Council could not dispute their authenticity without provoking civil war. Thus the Council recognized Erwig, and released the people from their oath of allegiance to Wamba. Erwig's desire to conciliate his subjects was reflected in the

Council's pardon of those who had been punished under the terms of Wamba's law on military service. The Council also condemned Wamba's erection of new sees and declared that in future the metropolitan of Toledo, with royal consent, should have the right to name and to consecrate bishops of any diocese in the realm. This extension of Toledo's jurisdiction has been interpreted as Erwig's reward to Julian of Toledo for his assistance in the conspiracy against Wamba. Finally Erwig asked the Council to approve his stringent legislation against the Jews. Two years later the Thirteenth Council, on the king's urging, pardoned the Septimanians who had rebelled against Wamba.

If the *Chronicle of Alfonso III* is to be believed, Erwig made a final effort to reconcile the factions by marrying his daughter to Wamba's nephew, Egica, whom he designated, just before he died, as his successor. According to the same source, Egica (687–702) had no sooner ascended the throne than, on Wamba's insistence, he repudiated Erwig's daughter. Rather ominously he asked the bishops assembled in the Fifteenth Council of Toledo in 688 to release him from his oath to protect Erwig's family. When they did so, he set out to punish those whom he suspected of treachery, confiscating their goods, sending them into exile, or reducing them to servitude. Upon his complaint that the Jews were conspiring against him and were entering into treasonous contacts with their brethren in North Africa and with the Muslims, the bishops of the Seventeenth Council in 694 supported his proposal to deprive the Jews of their property and to reduce them to perpetual slavery.

Hoping to establish an hereditary monarchy in his own family, Egica associated his son Witiza (702–710) on the throne. He in turn elevated his young son, Akhila, to whom he entrusted the government of Septimania and Tarraconensis. Naturally these ambitious designs evoked hostility, and moreover, according to the *Chronicle of Moissac*, the king "was so given up to the love of women and by his example, taught the priests and the people to live in lust, that he aroused the anger of the Lord." The *Chronicle of Alfonso III* also denounced the king for corrupting the church by refusing to convoke councils, by violating the canons, and by compelling the clergy to take wives. For these reasons the "Goths perished under the sword of the Saracens."

The circumstances that led to the Muslim invasion of the peninsula a year after Witiza's death are involved in extraordinary confusion. In later accounts of the conquest it is not always possible to separate truth

from legend. Although Witiza's son Akhila was proclaimed as king, his opponents controlled the royal city of Toledo and recognized Rodrigo, duke of Baetica, a grandson of Khindasvinth and a son of Theodofred who had been blinded by Egica. Rather than accept Rodrigo as king, Witiza's family reportedly sent envoys to Africa seeking Muslim assistance.

A mysterious personage known as Count Julian also figures in the events preceding the Muslim conquest. He is mentioned by all the Arabic chroniclers, but not by the early Christian ones. Modern authors have variously identified him as a Byzantine exarch who ruled Ceuta on the North African coast, as a Christian Berber who defended Tangier against the Muslims, or as a Gothic noble who was lord of Algeciras and Cádiz on the Spanish side of the straits of Gibraltar. Whatever his origin and official status, the Arabic chroniclers emphasize that he opposed Rodrigo's accession to power and collaborated in his downfall. They allege that his hostility to the king was born out of a desire for vengeance, as Rodrigo had ravished his daughter. For this reason Julian facilitated the Muslim entry into the peninsula.

Whatever the truth may be, and it will probably never be known entirely, the proximity of the Muslims to the peninsula eventually would have induced them to contemplate its conquest. Ever since Muhammad (d. 632) had proclaimed his message, his followers had been engaged in the continuing task of spreading Islam throughout the Mediterranean world. While Muslim armies overran Syria and pushed on toward the frontiers of India, others had advanced steadily across Egypt and Libya into North Africa. Carthage fell into their hands in 698, and Byzantine rule in North Africa came to an end. With the aid of the newly converted Berbers the Arabs were able to take Tangier in 708 and probably forced Count Julian to recognize their lordship over Ceuta in the next year. In October-November 709, Julian sent a reconnoitering expedition to Spain and reported the weakness of its defenses to the Muslims. But before undertaking any action on his own, Musa ibn Nusayr, governor of North Africa, consulted the caliph of Damascus who advised caution. A small expedition of about 400 men commanded by Tarif ibn Malluq landed in July 710 on the Spanish coast at Tarifa, which ever since has borne his name. After moving rapidly to Algeciras, he returned to Africa with booty and favorable reports.

After some months of further preparation Musa appointed the Ber-

ber freedman, Tariq ibn Ziyad, to command a force of about 7,000 men to carry out a more extensive investigation of conditions in the peninsula. Tariq landed on 27–28 April 711 on the rock of Gibraltar to which he gave his name. King Rodrigo, who had been engaged with the Basques, hastened to Córdoba where he assembled an army to oppose the intruders. Rather than move inland and deprive himself of the means of a rapid withdrawal from the peninsula, should that be necessary, Tariq chose to wait at Algeciras. The arrival of reinforcements brought his total strength to about 12,000 men. The fateful battle was joined at last on 19 July 711. The site traditionally has been placed on the Guadalete river between Jerez and Medina Sidonia, but Lévi-Provençal has located it on the river Barbate and the lagoon of La Janda not far from the coast.

In the midst of the battle, Witiza's sons, Sisbert and Oppa, who commanded the wings of the Visigothic army, abandoned their king, probably by prearrangement with the enemy. As a consequence, the Goths were routed, and King Rodrigo disappeared, perhaps a victim of the combat. The victors found only his white horse, a golden saddle encrusted with rubies and emeralds, and a gold mantle. In the words of the *Cronicon Albeldense* (78) : "And so the kingdom of the Goths perished and through fear and iron all the pride of the Gothic people perished." The defeat was complete, but if the family of Witiza hoped to regain the throne they were soon disillusioned. Tariq realized that the backbone of Gothic resistance had been broken and that the kingdom could be taken. His expedition, originally intended only to reconnoiter, had achieved one of the greatest victories in the annals of Islam.

In later days the Christians who survived the conquest tried to explain the destruction of the Visigothic kingdom by reference to the vices of Witiza or Rodrigo. Others saw the downfall of Spain as a divine punishment for the sins of the Visigoths. Without seeking to blame any individual, one can point to reasons of a more fundamental character which led to the collapse of the Visigothic state. The decrepitude of the state had been accentuated in the last thirty years of its existence by the conflict of factions. Lacking an hereditary monarchy, the state was left a prey to constant conspiracy and civil war. The most recent rivalries had not been healed at the moment of invasion, and the family of Witiza chose the decisive moment of battle to revive their partisan claims. The invasion was facilitated as well by Muslim control of the southern invasion route, namely, Ceuta and Tangier. The

Visigoths had never taken the precaution to secure firm control of those ports and the adjacent regions. In later centuries successive waves of invaders followed the path traced by Tariq in 711. In explaining the Muslim triumph one must also take into account the astounding combination of religious zeal and warlike enthusiasm which enabled Muhammad's disciples to overrun much of the Persian and Byzantine empires and to create an empire reaching from the borders of India to the Pillars of Hercules. Even if the Visigothic kingdom had not suffered from internal weaknesses, it seems unlikely that it would have been able to resist the impetus of the Muslim assault.

Whatever explanation one might offer, the lamentation of Alfonso X of Castile perhaps best expressed the traditional view of medieval Spaniards:

> This kingdom, so noble, so rich, so powerful, so honored, was ravaged and destroyed by the discord among the people of the realm who turned their swords against one another, as if they were enemies . . . but they all lost because all the cities of Spain were taken . . . and destroyed . . . and the whole land was emptied of people and bathed in blood and tears; strangers occupied it; neighbors and householders were driven out; their wives were widowed and their children orphaned. . . . Spain weeps for her sons and cannot be comforted because they are no more. . . . What evil, what ruin has Spain not endured? [*Primera Crónica General*, 558–559]

CHAPTER 2

Visigothic Government

The Formation of the Kingdom

In 418, after many years of wandering through the Roman Empire without a fixed abode, the Visigoths achieved recognition as *federati* with the right to settle in sections of southern Gaul and with the obligation to render military aid to the emperor. Retaining political autonomy under the rule of their own king and subject to their own law, the Visigoths formed a kind of state within the state. This situation changed as imperial power gradually disintegrated in the late fifth century. The authority of the emperor in the provinces of southern Gaul and northern Spain was replaced by that of the Visigothic King Euric who ruled both Goths and Romans, though each people probably continued to be governed according to its own law. The Visigothic kingdom, now established on a territorial basis, was centered at Toulouse in southern Gaul, but due to the expansion of the Franks it was confined from the sixth century onwards to Spain and to the region of Septimania just north of the Pyrenees. In the reign of Leovigild, Toledo replaced Toulouse as the seat of monarchy, but Visigothic rule did not extend over the whole peninsula until Swintila's recovery of Byzantine coastal positions early in the seventh century.

The government of the realm was conducted in accordance with ideas of Germanic, Roman, and ecclesiastical origin. Among the ancient Germans the assembly of freemen directed the affairs of the community and in time of war conferred supreme power upon a king. Government was popular and military in character and lacked any territorial foundation until the settlement of the Visigoths in Spain. Through long association with Rome the Visigoths had come to some understanding of the state as a public institution based upon a defined territory and

held together by the allegiance of its citizens. Probably to a greater extent than elsewhere in the barbarian west, the Roman idea of the state (*res publica*) remained nearly intact, as suggested by the use of terminology such as *patria, utilitas publica, arca publica,* in the *Liber Judiciorum,* and by the distinction made between crimes against the fatherland or kingdom and those against the king. Roman influence also countered the Germanic inclination to regard the territory of the state as the king's private domain. The indivisibility of the kingdom was thus a fundamental characteristic of Visigothic rule.

The Visigothic kingdom, though influenced by the Roman concepts of public law and public welfare, was not a mere continuation of the late empire. Contrary to Dahn and Torres López, who insisted that the unity of the realm was based on the public bond between king and subject, Sánchez Albornoz argued that certain private relationships among men tended to undermine the public character of the kingdom and to encourage the development of a prefeudal society. In the late empire the seigneurial regime was fully developed. Roman magnates not only exercised a private jurisdiction over their tenants who commended themselves to their protection, but they also maintained bodies of armed retainers bound to them by a private oath of fidelity. These highly personal relationships were often interposed between the sovereign and his subjects.

Sánchez Albornoz has also presented ample proof of the survival of the Germanic *comitatus* in the Visigothic kingdom. The *comitatus,* according to Tacitus, was a company of warriors who freely pledged loyalty and service to a renowned chieftain in return for glory, booty, protection, and maintenance. Dahn and Torres López denied the existence of the *comitatus* in the Visigothic kingdom, but Sánchez Albornoz has shown that the *fideles regis* and *gardingi regis* mentioned in contemporary texts were especially bound to the king's service by a private oath of fidelity. The *fideles regis,* sworn to faithful and honest service (*fidele obsequium et sincerum servitium, vigilantia et custodia*), were magnates of the royal council, some of whom held offices in the royal household, while others did not. Provincial dukes and counts probably were included in their number. Of lower rank, but still enjoying high status among the aristocracy, were the *gardingi* or armed retainers, living in the palace, serving and protecting the king. Like the *antrustiones* of the Merovingian monarchy, they continued the tradition of the *comitatus.*

The Visigothic kings remunerated their *fideles* and *gardingi* with grants of royal lands, sometimes in full ownership or subject to certain conditions. Stipendiary grants (*in stipendio, causa stipendii*) were gratuitous, temporal, and revocable at will and can be properly described as benefices. While admitting the lack of documentary proof, Sánchez Albornoz believes that such concessions were made at times in return for military service on horseback. Grants of land, whether in full ownership or in usufruct, transformed the *fideles* and *gardingi* into rural landlords whose continued fidelity was a source of great strength to the monarchy. On the other hand, the armed retainers (*sagiones, bucellarii*) in the service of bishops and magnates and receiving similar recompense represented a threat to the crown.

By the seventh century the private bond between men was becoming the essential basis of political and social relations and tended to weaken the public character of the state. The Muslim conquest, however, interrupted the normal progression of Visigothic Spain toward a feudal society.

Kingship

The king, as the leader of his people and as the head of government, was responsible for defending the realm against external attack, preserving domestic tranquility, administering justice, and protecting the church. In addition to his private estates, he also enjoyed the revenues and income of the public patrimony.

Royal absolutism was curbed by the turbulence of the Visigothic nobility and the influence of the church. With their propensity to rebellion and assassination (the *morbus gothicus* or *detestabilis consuetudo* of Gregory of Tours), the magnates were always able to put an end to despotic government. After the Visigoths abandoned Arianism, the bishops, through the councils of Toledo, tried to guard the king against conspiracy and revolt, and also to limit his authority. Seeking to give a moral orientation to the state, they declared that the king received his power from God with the duty to rule justly in accord with the laws and the Christian moral code and to render a final accounting of his work at the divine tribunal. St. Isidore of Seville, who was chiefly responsible for formulating the political theory of the Visigothic era, argued that a king who ruled unjustly lost his character as king. Kings, he said, ought to uphold the law: "It is just for the prince to obey his laws. For when he himself shows respect for his laws, they

will be deemed worthy to be held by all" (*Liber Sententiarum*, III, 51). The responsibility of the king and his people to obey the law was also stated in the *Liber Judiciorum* (II, 1, 2): "Both the royal power and the body of the people ought to be subject to reverence for the laws."

Although it has long been commonplace to describe the Visigothic monarchy as an elective institution, it would be more accurate to say that throughout Visgothic history the elective principle was in conflict with the hereditary one. By associating their sons to the throne, successive kings labored to make the monarchy hereditary. In those instances where sons succeeded their fathers, it is not evident that any formal election took place. Often enough, association to the throne or designation by the preceding monarch was sufficient to secure the succession of a new king.

In the fifth century the establishment of an hereditary monarchy seemed well under way, since the descendants of Theodoric I occupied the throne from 418 to the death of Amalaric in 531. The crisis resulting from the expansion of the Frankish kingdom ushered in a transitional period, one in which the Visigothic kingship was conferred by election. In the sixth century, once the crisis had passed and the center of the kingdom was located in Spain, the family of Leovigild renewed the attempt to promote hereditary succession. The effort failed, however, and following Swintila's overthrow, the Fourth Council of Toledo (633) formally recognized the elective nature of the kingship. For the first time the Council laid down the principle that the magnates and the bishops should elect the king.

> No one of us shall dare to seize the kingdom; no one shall arouse sedition among the citizenry; no one shall think of killing the king; but when the prince has died in peace, the chief men of all the people, together with the priests, shall, by common consent, constitute a successor for the kingdom, so that while we are united in peace, no division of the fatherland nor of the people may arise through force or intrigue. [*MHDE*, II, 395]

Later councils added further details. The candidate should be of noble Gothic origin and of good character; clerics, serfs, foreigners, and those who had suffered the penalty of decalvation were excluded. As a means of preventing the disorders attendant upon an interregnum, the Eighth Council (653) decreed that the election should take place at Toledo or in the place where the king died.

In view of this conciliar legislation it has been accepted generally that churchmen were the staunchest advocates of elective kingship. Or-

landis, however, has insisted that the evidence does not reveal that the bishops displayed any special enthusiasm to uphold the elective principle, nor any decided preference for hereditary rule. On the contrary, Sánchez Albornoz has argued that the bishops were inclined to favor an hereditary monarchy in order to curb the conspiracies, rebellions, and assassinations which often attended the succession to the throne. In his opinion the decrees of the Fourth Council, regulating the elective system, represented a compromise between the wishes of the bishops and the magnates. The latter, rather than the bishops, had the most to gain from the preservation of the elective principle.

Despite the decrees of the councils, seventh-century kings such as Khintila and Khindasvinth, by associating their sons to the throne, attempted to transform the monarchy into an hereditary institution. In the last years of the century a clear case of election in conformity with the conciliar decrees was that of Wamba. No election seems to have taken place in the succession of the next three kings, two of whom were designated by their predecessors, and the third associated with his father on the throne. On the death of Witiza, the magnates, by electing Rodrigo, the last of the Visigothic kings, once more demonstrated their opposition to the hereditary principle. The sudden destruction of the kingdom immediately thereafter put an end to this controversy.

Upon his accession to the throne the king swore an oath to rule justly and received an oath of fidelity from his subjects, a public oath essentially different from the private pledge of his *fideles* and *gardingi*. Violation of the oath was condemned as sacrilege. Among the ancient Germans the elected king was raised upon a shield, but more refined ceremonial was adopted in the Visigothic kingdom. St. Isidore reported in his *Historia* (51) that Leovigild was "the first among them to sit upon a throne wearing royal vestments, for before him dress and seating were common to the people as well as the kings." The other symbols of royal power were the crown, sceptre, purple mantle, sword, and standard. Sometime after the conversion of the Visigoths, the custom of anointing the king was introduced. Although the anointing of Wamba is the first recorded instance, the custom may antedate his reign. Anointing conferred upon the king a quasi-sacerdotal character and protected his person against violence. This practice was adopted subsequently by the Franks and the Anglo-Saxons and thus became common throughout western Europe. Although the title *Rex Gothorum*

expressed the tribal character of Visigothic kingship, the frequent use of the imperial title, *Princeps*, and the imperial surname, Flavius, emphasized the king's role as the head of state. From the time of Leovigild, the usual royal residence was Toledo, and, in the centuries to come, Christian tradition remembered it as the *urbs regia*, the symbol of the Visigothic monarchy.

The Royal Council and the Councils of Toledo

Once the Visigoths settled permanently in western Europe the traditional assembly of freemen by which they had regulated their affairs declined and disappeared. The dispersion of the Visigoths over a wide area in Gaul and Spain impeded, if it did not make impossible, their convocation to assemblies of this kind. In the sixth century the king relied for advice and support upon a much smaller council or *senatus* of prominent men (*seniores*), but this in turn, due to the extinction of old noble families and the progressive strengthening of royal power, disappeared in the following century.

The functions of the ancient assembly and the *senatus* passed, in the seventh century, to another organism called the *aula regia*, composed of officials serving in the royal court or bound to the king by special ties. The principal officers of the royal court (*officium palatinum*) included the treasurer (*comes thesaurorum*), the administrator of the royal patrimony (*comes patrimonii*), the head of the chancery (*comes notariorum*), the commander of the royal guard (*comes spatariorum*), the guardian of the stables and master of the household cavalry (*comes stabuli*), the chief chamberlain (*comes cubiculariorum*), the count of Toledo, and others. These officials and their subordinates, in continuous residence with the king, were responsible for the day-to-day activities of the central administration.

The *aula regia* also included magnates (*seniores*, *maiores palatii*) who resided at court without performing specific functions; bound to the king by the tie of commendation, they were known therefore as *fideles regis*. Also in residence, were the *gardingi* who formed the royal *comitatus*. As Sánchez Albornoz has shown, they were armed men, specifically sworn to the king's service, receiving maintenance from him, usually at court, or sometimes on lands granted to them as benefices or in full ownership. Finally the bishops of sees near Toledo in turn customarily resided each month at the royal court and were able to participate in the deliberations of the *aula regia*.

Thus the *aula regia* was composed of court officials (*officium palatinum*), the magnates (*seniores palatii*), the *gardingi*, and the bishops. The council had a consultative role, advising the king in matters of legislation, administration, war, foreign policy, and sitting with him as a judicial tribunal, but he was not obligated to follow its advice nor to submit his decisions for its approval.

After Recared's conversion, the bishops, through the councils of Toledo, collaborated with the king in the affairs of government. The royal need for the moral support of the church largely explains the great influence which the councils enjoyed in secular matters. Although the councils were primarily ecclesiastical assemblies, they were convoked by the king, who opened their deliberations. In his message (*tomus regius*) he set forth those questions of a spiritual or temporal character which he believed required the attention of the bishops. The councils, under the presidency of the oldest metropolitan, and later of the bishop of Toledo, treated first of ecclesiastical matters. During these sessions, usually lasting three days, only the prelates attended.

When the councils turned to secular matters the magnates of the *aula regia* attended to further the king's interests, but the councils remained essentially ecclesiastical bodies. They did not legislate for the state nor did they serve as secular tribunals. They did sanction the laws promulgated by the king, such as those concerning the Jews, the pardoning of rebels, the protection of the royal family; they regulated the forms of royal elections, and they acknowledged the legality of the king's accession to the throne. But the canons of the councils received the force of civil law only through confirmation by the king. It was to the interest of the church to secure civil support of conciliar decrees, just as it was to the interest of the king to obtain ecclesiastical sanction of his laws. In sum, the councils, as assemblies representing the church, tried to bolster the institution of monarchy and to set forth moral principles to guide the sovereign.

Provincial and Local Administration

In broad outlines the structure of Roman provincial and local administration survived in the Visigothic era. The old Roman provinces (Tarraconensis, Cartaginensis, Lusitania, Baetica, Gallaetia, together with Septimania, or Gallia Gothica, part of the province of Narbonensis) which now formed the Visigothic kingdom, had been governed by *rectores* or *iudices provinciae*, who were still appointed by the first

Visigothic kings. From the second half of the sixth century, however, the functions of these officials were assumed by a *dux*, the supreme civil and military governor of the province. At times the king appointed his sons as dukes in order to assure their eventual succession to the throne, but the office usually was given to prominent nobles, whose names, for example, Claudius, Paulus, often suggest that they were of Roman or perhaps Greek origin.

Much more important as administrative entities were the *territoria* or subdivisions of provinces. In the Roman era the *territorium* was the rural district surrounding a city and dependent upon the municipal *curia*. The importance of the *territoria* in the Visigothic kingdom was due to the decline of the municipalities (*municipia, civitates*), formerly the basic units of imperial administration.

Sánchez Albornoz has demonstrated that the municipalities suffered a steady economic decline from the third century and, as organs of administration, disappeared by the close of the sixth century. In earlier times the municipal *curia*, composed of the principal citizens, known as *curiales*, had been an honored institution, entrusted with the administration of the city and the rural area depending upon it. The *curiales*, subjected to heavy financial burdens by the imperial government, saw themselves threatened with ruin, but when they attempted to escape the responsibilities of the *curia*, the government made their office hereditary. The confusion accompanying the Germanic invasions and the collapse of imperial authority contributed further to the decline of the *curia*. Traditional offices such as *duumvir*, *aedilis*, and *quaestor* disappeared, while the *defensor civitatis* was reduced to the role of a local judge.

With the disintegration of municipal administration, the functions of the *curia* were conferred upon *iudices* or *comites* appointed by the king and removable at will. Usually residing in the city, the count and his lieutenant, the vicar, were responsible for the administration of justice, the collection of royal revenues, and the summoning of troops within the *territorium* which now replaced the municipality as the ordinary unit of local administration.

While villages and hamlets were subject directly to the count and his vicar, and did not form distinctive administrative units, village assemblies (*conventus publicus vicinorum*) regulated economic questions of interest to the community. On the other hand, lords of great estates

(*villae, latifundia*) tended to enjoy a certain independence of territorial officials and often had extensive administrative responsibilities. Through their stewards and other agents, the lords maintained order and exercised civil and sometimes criminal jurisdiction over the villagers living on their estates who were often commended to their protection, and owed military service, rents, and personal services to them.

The Law and the Administration of Justice

When the Visigoths first settled in Gaul early in the fifth century the Roman empire acknowledged their right to be governed by their own customary laws. After the collapse of imperial power in the late fifth century the duality of law persisted, as the Visigoths continued to be subject to their own law, and the Gallo-Romans and Hispano-Romans to Roman law. In addition to a considerable body of vulgar Roman law, the Theodosian Code, promulgated in 438 by Emperor Theodosius II, remained in force. Thus, law in the early Visigothic kingdom was personal rather than territorial in its application.

The Visigoths originally regulated their affairs in accordance with custom, an unwritten law, developed over the centuries and deriving its binding force from long usage and the consensus of the people. In the late fifth century, under Roman influence, the Visigothic kings began to publish written laws for both their Gothic and Roman subjects. Even so, custom undoubtedly survived throughout the Visigothic era and, in the centuries following the Muslim conquest, reappeared in the full light of history.

The first written compilation of law in any of the Germanic states was the Code of Euric promulgated around 475. The work of Roman provincial jurists, who used elements of the Theodosian Code, the *Sententiae* of Paulus, as well as Germanic custom, the Latin text survives in 54 chapters in a palimpsest of Paris. Although largely Roman in tone, most historians believe it was intended to apply only to Euric's subjects, as Isidore of Seville suggested in his *Historia* (35): "Under this king the Goths began to have written enactments of laws; previously they were bound only by usages and customs." García Gallo, however, supported by Alvaro d'Ors and to some extent by Paulo Merêa, has insisted that from the beginning the Visigothic kings attempted to establish a territorial law. In this view, Euric's Code, by fusing vulgar Roman law and Gothic custom, was intended to put an

end to the duality of law, but since it neither respected the integrity of Roman law nor codified Gothic custom, it was inadequate for the needs of both peoples.

Euric's son, Alaric II, in 506 promulgated a code known as the *Lex romana Visigothorum*, or simply as Alaric's Breviary. Prepared by a commission of jurists, the Breviary contained Roman law drawn from the Theodosian Code and other Roman sources. Its influence in western Europe, especially in southern Gaul, was considerable for centuries thereafter. Most historians believe it was intended to serve the needs of Alaric's Roman subjects, but García Gallo considers it a territorial law applicable to Goths and Romans. He argues that Alaric, faced by the impending threat of Frankish attack, sought to win the favor of the Gallo-Romans by accepting Roman law in full and giving it universal force in his kingdom. Thus Euric's Code ceased to have any effect. Again, most scholars dissent from this opinion.

Although a duality of law existed, Visigothic custom was not exclusively Germanic but was strongly influenced by the Roman, especially during the sixth century, thereby encouraging a tendency toward the unification of law. This may have prompted Leovigild's revision of Euric's Code between 572 and 586. In his *Historia* (51) St. Isidore noted that he "corrected those things in the laws which seemed to have been set down confusedly by Euric, adding many neglected laws and suppressing other superfluous ones." Although the text of this revision has not survived, individual laws are included in the later *Liber Judiciorum* under the rubric, *antiqua*. While Torres López and Galo Sánchez insist that Leovigild's revision was still a code for Visigoths only, García Gallo holds that it was a territorial law, replacing the Breviary and correcting and updating Euric's Code.

In the seventh century, Khindasvinth planned a new code of law of a territorial character that would embody the considerable amount of legislation enacted since the reign of Leovigild. Under the title *Liber Judiciorum*, the work was completed and promulgated by his son Reccesvinth *circa* 654. Erwig published a further revision in 681 including laws enacted since Reccesvinth. This was the final correction and reform of the text. Egica proposed a new revision in 693, but it does not seem to have been carried out. From time to time anonymous jurists corrected the text, and this corrected text is known as the *vulgata*.

A territorial law, binding on all the inhabitants of the realm without regard to their Germanic or Roman origin, the *Liber Judiciorum* ter-

minated the duality of the law in the kingdom, thus removing one of the principal obstacles to the unification of the people. Lear has described the content of the *Liber* as Romance law, that is, an organic combination of both Roman and Germanic law. The text is divided into twelve books, and these into titles and laws dealing with civil, criminal, and procedural matters, as for example: the law, the legislator, judges, witnesses, procedures, marriage, inheritance, contracts, crimes, punishments, sanctuary, military obligations, foreign merchants, heresy, and so on. In addition to laws derived from the code of Leovigild, there are also laws of Khindasvinth and the later laws of Reccesvinth, Wamba, and Erwig, usually cited by the name of the king. The influence of conciliar decrees is notable, and the whole work has a distinctly Christian tone.

The most sophisticated and comprehensive codification promulgated in any of the barbarian kingdoms, the *Liber Judiciorum* continued to serve the Christian peoples of the peninsula until the revival in the twelfth century of Roman law embodied in Justinian's Code. In the thirteenth century, on the order of Fernando III of Castile, the *Liber Judiciorum* was translated into Castilian under the title *Fuero Juzgo*, and given to Córdoba and other cities as their municipal law. Thus as Galo Sánchez remarked, in one form or another it has been in use until our own times.

Although the *Liber Judiciorum* gave little attention to custom as a source of law, custom was ingrained in the minds of the people and persisted for centuries. In many areas it probably had greater binding force than the written law. After the collapse of the Visigothic kingdom, custom rose to the surface again and enjoyed a vigorous life throughout the early centuries of the reconquest. As Hinojosa pointed out, the numerous municipal *fueros* issued before the thirteenth century reflect the significance of custom in the daily lives of the people.

The administration of justice in the Visigothic kingdom had to be complicated, so long as the principle of the personality of law survived. The principle implied that Goths and Romans were subject to their own distinctive laws, but what law was followed in cases between Goths and Romans? Torres López, following Zeumer, believes that the law of the defendant was applied. Another complication arose from the ancient Germanic concept that litigation was primarily the private concern of the parties involved, rather than the public business. In their law codes, however, the Visigothic kings, influenced by Roman princi-

ples, assumed that the administration of justice was a function of the state under the direction of the king. The conflict between ideas of public and private justice undoubtedly continued throughout the Visigothic era, and García Gallo suggested that public justice triumphed only where royal functionaries were able to impose it.

Even before the duality of law was ended by the promulgation of the *Liber Judiciorum*, both Goths and Romans probably were being judged by the same functionaries. The judicial organization was not distinct from the civil administration, since administrative officers also enjoyed judicial powers. The king, assisted by the magnates of his court, was the supreme judge, with full jurisdiction and also with the power to dispense mercy. In special cases he could appoint judges (*pacis adsertores*) to act in his name. According to the *Liber Judiciorum* (II, 1, 27), "unjust judgments or sentences rendered by judges out of fear of the king or on his command, are invalid."

The ordinary judicial officers were the counts who were responsible for the general territorial administration, supplanting both the Roman provincial governors and the municipal magistrates. The *vicarius*, as the count's lieutenant, could also sit in judgment. Prominent men (*boni homines*) from the district served as assessors, offering advice on points of law or procedure, and *sagiones* acted as executive agents of the court, citing parties, seeing that judgments were carried out. Both the dukes and bishops had the general responsibility of supervising the administration of justice by the counts. The Portuguese scholar, Merêa, has argued that the *iudices territorii* who appear in the law codes were a distinct body of magistrates with jurisdiction in judicial subdivisions of the *territoria*.

The *thiufadus*, who is also recorded in the law codes, is the subject of much controversy. He has been regarded as the ordinary judge of the Visigoths, but this has been denied by Alvaro d'Ors, who does not believe that there were separate judges for Visigoths and Romans. In any case, by Leovigild's reign his jurisdiction was probably territorial; inasmuch as he has been identified with the *millenarius*, the military commander of 1,000 men, his jurisdiction was primarily over military crimes.

Of an entirely private character was the jurisdiction which landlords exercised on their estates. A landlord could adjudicate civil matters presented to him by those living on his estate, and he could also judge crimes committed in his household even by freemen. A landlord's slaves

were especially subject to his jurisdiction, but he could not execute them until public judgment had been given. In general, landlords tended to close their estates, insofar as possible, to the jurisdiction of public functionaries. Finally, one should note the existence of church courts, dealing with ecclesiastical persons and property, and of courts for foreign merchants who were judged by their own magistrates according to their own law.

The civil procedure of the *Liber Judiciorum* was essentially Roman. A written or oral charge before the judge initiated the process. The court's bailiff (*sagio*), accompanied by witnesses, summoned the defendant, who had to appear in person or through his representative on the day and at the place assigned, or suffer penalties. A postponement could be granted on the grounds of illness, royal service, or some such reason. The presentation of documentary evidence and the use of witnesses was permitted in substantiation and in refutation of the charge. In important cases the judgment was rendered in written form under the signature and seal of the judge and witnesses.

In criminal cases the *Liber Judiciorum* did not admit the principle of collective responsibility, that is, the responsibility of the defendant's family or neighbors, nor did it recognize the blood feud. Ignorance of the law did not diminish responsibility, but the intent of the accused and not merely the damage done was given appropriate consideration. Thus accidental killing was not punishable to the same extent as murder. The social rank of criminals and of those against whom crimes were committed influenced the degree of punishment, but in general penalties were in proportion to the crime. Once an accusation was made it could not be withdrawn, but one who brought a false charge was subject to heavy fines (*calumniae*). The judge interrogated witnesses and scrutinized documents to determine credibility. Purgation was admitted, though not the accompanying band of *compurgatores* characteristic of Germanic law. There is little evidence of Germanic procedure, other than the ordeal of cold water, the principle of monetary compositions, and the penalty of decalvation. The use of torture and the penalties of reduction to slavery, confiscation, infamy, exile, imprisonment, mutilation, and execution, were typically Roman. The brutality of the times is suggested by a passage in the *Chronicle* of John of Biclaro describing the punishment meted out to Argimund, the rebellious duke of Baetica: "After being beaten and interrogated, his head was vilely shaved and his right arm was cut off. Then, paraded

through the city of Toledo seated on an ass, he gave an example to all, and taught servants not to be arrogant to their lords."

Financial and Military Organization

In a simplified form the Roman financial administration continued to function in the Visigothic era. The Visigoths were probably slow to make a distinction between the patrimony of the state and that of the king, but Reccesvinth affirmed it at the Eighth Council of Toledo (653). Torres López does not believe that a new principle was enunciated, but that one previously recognized was restated. Property acquired by the king prior to his accession constituted his private patrimony, heritable by his descendants; property acquired after his accession was the public patrimony of which he had usufruct, but not ownership, and which passed to his successors rather than to his heirs.

The general supervision of the patrimony was entrusted to the *comes patrimonii*, while the *comes thesaurorum* was responsible for the moneys and precious objects kept in the royal residence. On the provincial level the dukes and especially the counts, assisted by many lesser officials, such as *villici* (administrators of royal estates), and *telonarii*, or toll collectors, had charge of the collection of royal revenues.

Royal revenues were determined by custom rather than by current need and thus tended to be fixed sums, and most were vestiges from the Roman era. Among them were rents payable by tenants on state domains, that is, lands formerly pertaining to the empire, lands without owners, lands confiscated from rebels, Jews, criminals, and such. Among direct imposts levied by the king was the land tax of the late empire, the *tributum soli* or *functio publica*, payable in coin or goods. It was collected originally only from lands held by Romans, but eventually it was applied to the lands of the Goths. In the course of time it tended to be confused with the private rent paid by tenants, and since no attempt was made to reassess land values, as had been done under the empire, the tax became a fixed charge.

Romans and Goths were obliged to pay a personal capitation (*capitatio humana*), though Sisenand authorized the Fourth Council of Toledo (633) to exempt clerics from this burden. The principal indirect tax was a toll on goods in transit (*teloneum, portorium*). Other indirect taxes disappeared. Royal income was augmented by fines, confiscation, booty, gifts from subjects or other kings seeking alliances, and personal services (*munera*), such as the provision of horses for royal

messengers. No attempt was made to devise a budget. Royal expenses were limited to the maintenance of the king and his family, his household, officials, donations to the church, and to his *fideles.*

The Visigothic kings did not maintain a standing army, but their *fideles* and *gardingi* were pledged to render military service to them and formed an important element in the army. All freemen traditionally were obliged to perform military service when summoned to do so and to equip themselves suitably. Euric probably extended this obligation to Hispano-Romans and perhaps to slaves. The evident failure of many to answer the summons to war caused Wamba to re-enact the old law in 673, even extending it to the clergy, and to impose severe penalties on those who were delinquent in obeying it. Erwig modified the law somewhat by mitigating the harshness of its penalties.

Under the king as commander-in-chief and his lieutenant, the count of the army (*comes exercitus*), the troops were grouped in decimal units. The *thiufadus* or *millenarius,* the *quingentenarius, centenarius,* and *decanus* commanded groups of 1,000, 500, 100, and 10 respectively. Commanders were responsible for the punishment of infractions of discipline, desertion, failure to answer the summons, and so on. The chief remuneration of the soldiers consisted of booty. The army was constituted primarily by infantry forces, though Sánchez Albornoz pointed out that the cavalry had an important role, inasmuch as the *fideles* and *gardingi regis* and other chief men probably fought on horseback. Isidore of Seville, moreover, commented on the Visigothic predilection for horses: "They are remarkable enough in the use of arms and they fight on horseback not only with lances but also with darts. They enter battle both on horseback and on foot; nevertheless they prefer the swift course of cavalry, wherefore the poet says: 'There goes the Goth, flying on his horse' " (*Historia Gothorum,* 69).

CHAPTER 3

Visigothic Society and Culture

The Population

For nearly three centuries the Visigoths dominated the political structure of the peninsula, but they were never more than a minority of the total population. Of the Germanic tribes who invaded the peninsula, the Alans and the Siling Vandals had been largely destroyed in wars with the Visigoths early in the fifth century. The survivors joined the Asding Vandals who crossed from Spain to North Africa in 429. The number of emigrants traditionally has been put at 80,000. Remaining behind were the Suevi, numbering about 100,000, who settled principally in Galicia where they preserved their independence until the end of the sixth century.

Not until the late fifth century did the Visigoths begin to occupy the peninsula in significant numbers. Due to Euric's expansionist policy, they took possession of the northeastern provinces, but only after the Franks expelled them from the kingdom of Toulouse did their colonization of Spain become more intensive. Archeology and the evidence of place names (Villa Gotorum, Godos, La Goda) indicate that they settled in relatively dense numbers in the upper regions of the central *meseta,* that is, in Old Castile, from Soria along the Duero river to the Campos Góticos around Palencia and Valladolid. Sánchez Albornoz believes that the evident Germanic influences in the later county of Castile are a reflection of Visigothic concentration in that region. Since statistical data for this period are unsatisfactory, estimates of the numbers of barbarians must be conjectural. Valdeavellano and others estimate that about 300,000 or 400,000 Visigoths settled among 9 million

Hispano-Romans; on the other hand, Vicens Vives gives figures of 200,000 Visigoths and 6 million Hispano-Romans.

Although the Visigoths were receptive to Roman ideas, their assimilation with the Hispano-Romans could not be achieved immediately. The process began soon after the Visigoths settled among the natives, but it did not result in the complete abandonment of barbarian customs. The law of Valentinian I and Valens (included in Alaric's Breviary) forbidding intermarriage between Romans and barbarians technically posed an obstacle to assimilation, but it does not seem to have been enforced rigorously. Late in the sixth century Leovigild, whose primary aim was the unification of the peninsula and its people, abrogated the law. Soon after, his son Recared accepted orthodox Christianity, thus eliminating the principal barrier separating the two peoples. The Suevi had been converted earlier in the century. The simultaneous existence of Visigothic and Roman law traditionally has been considered a major factor perpetuating the division of the races, but strong arguments have been adduced in favor of the territoriality of the law codes issued by the Visigothic kings. Although this controversy has not been settled, all agree that the tendency toward the unification of the law was apparent in Leovigild's reign and was completed about 654 with the promulgation of the *Liber Judiciorum*. The enactment of a single law for all the people of *Hispania* terminated the process of assimilation, if only in a juridical sense.

Standing apart from the Visigoths and Hispano-Romans and inferior to them in the eyes of the law were the Jews, whose religion and social isolation made them an object of suspicion and persecution. After Recared's conversion the Visigothic kings embarked on an anti-Jewish policy that reached its climax in the seventh century. The Third Council of Toledo (589), summoned by Recared, re-enacted Roman laws of the fourth century forbidding Jews to marry Christians, to own Christian slaves, or to hold public offices in which they would have power to punish Christians. In 613 King Sisebut went far beyond this by demanding that Jews accept baptism or leave the kingdom. In his *History of the Visigoths*, St. Isidore of Seville protested that forcible conversions were improper, since religion was a matter of persuasion and personal conviction. The Fourth Council (633), under his presidency, repeated this principle but insisted that Jews who had been baptized should be obliged to fulfill the precepts of the Christian faith. Children of apostates were to be taken from their parents and reared as Christians.

Under Khintila, the Sixth Council (638) returned to Sisebut's harsh policy requiring Jews to become Christians or to go into exile. The continuing hostility of the king and the church encouraged the Jews of Septimania to participate in the rebellion of Duke Paul against Wamba in 672, but the quick suppression of the uprising ended all hope of securing a mitigation of the laws. In the closing years of the century even more stringent legislation was enacted. At Erwig's urging, the Twelfth Council (681) ordered Jews to receive baptism within a year on pain of exile, confiscation, or decalvation. Jews were forbidden to practice circumcision, to celebrate their holy days, or to insult Christianity. The supervision and punishment of Jews was entrusted to the clergy rather than to civil officials. Some years later, Egica denounced the Jews for conspiring against him and summoned the Seventeenth Council (694) to deal with the crisis. In punishment of their perfidy, Jews who obstinately refused to accept the Christian religion were reduced to slavery, and their property was confiscated.

The Visigothic kings apparently were the initiators of the anti-Jewish policy, but the councils generally lent their support. No doubt the desire to achieve complete religious unity was a principal motivation for this policy, but royal greed must not be discounted. Confiscation of property was a frequent punishment inflicted on the Jews and must have increased royal income substantially. The persecution was essentially religious rather than racial, since Jews who converted were entitled to the same rights as other Christians. Some converts or descendants of converts (for example, St. Julian, bishop of Toledo, who is said to have been of Jewish origin) rose to high positions. Despite the abundance of legislation against them, the majority of Jews preserved their religious and racial homogeneity. It is not surprising that, in their own defense, they took political action against kings such as Wamba and Egica; nor is it surprising that they welcomed the Muslim invaders as liberators from a cruel oppression. Anti-Jewish legislation was a principal legacy of the Visigothic era to later generations of Spaniards.

The Social Structure

In spite of the settlement of the barbarians in Spain, the social structure of the former Roman provinces did not undergo any radical change. Society was divided broadly into two groups, the free and the unfree, of whom the former were the majority. Class distinctions arose

from such conditions as ancestry, the possession of property, the exercise of public office, and a man's private relationship to the king or to other men.

Visigothic lords and survivors of the Roman senatorial class constituted the aristocracy. The fusion of both groups through intermarriage and other social and political relationships probably began with the first settlement of the Visigoths in the peninsula. The nobles (*seniores, maiores, primates, proceres*) were distinguished from the mass of ordinary freemen by birth, the possession of great estates cultivated by tenants, and service in the principal offices of the palace and the royal council and in local administration. According to the Fourth Council of Toledo (633), they acted as electors of the king. Many were *fideles* or *gardingi regis*, specially pledged to the king's service by a private oath of fidelity, and remunerated by grants of land in full ownership or in usufruct. Nobles also maintained their own companies of armed men (*buccellarii, sagiones*) commended to them by a private oath and similarly compensated. Private bands such as these greatly increased the power and prestige of the nobility, but they were also a disturbing element in society and a threat to royal authority.

As a class, the nobles enjoyed certain juridical privileges, for example, they could not be tortured or subjected to corporal punishment except in cases of extreme gravity. They were subject, however, to heavier fines than those imposed on simple freemen, and their properties frequently were confiscated in whole or in part. Wamba declared that nobles could be reduced to slavery for failure to answer the royal summons to war, while Egica enacted the same penalty for refusal to take the public oath of allegiance to the king. Sánchez Albornoz believes that Egica or Witiza emphasized the social distinction between nobles and simple freemen by establishing a higher *wergild* or monetary composition for the former. Men of talent but humble origin could be admitted to noble rank, but the aristocracy as a whole seems to have been developing as an hereditary class in the late seventh century.

Simple freemen (*ingenui, minores, inferiores*) of Gothic and Roman origin were the most numerous element in society. The law recognized that all freemen had certain rights and duties, but it also acknowledged that a great gap separated nobles from non-nobles. All freemen had juridical capacity and could sue in court, but simple freemen were subjected more often to torture and corporal punishment. Class distinctions among simple freemen arose from the possession of wealth and

social independence. The urban population, composed chiefly of Hispano-Romans, tended to decrease both in importance and in numbers. The *curiales* of the late empire, who had been ruined by the excessive financial burdens imposed on them, no longer had any significant role in municipal administration and were fast disappearing as a class. The artisans and merchants who had been grouped into corporations or *collegia,* so the imperial authorities could more easily control and tax them, suffered a similar decline. Many townsmen realized that the urban economy had fallen on hard times and sought a new life in the countryside.

Among the rural population, free proprietors, both Roman *possessores* and Gothic *hospites,* who had acquired land by virtue of the division of the soil or perhaps through usurpation were the most prominent group. Difficult economic and political circumstances, however, caused many of them to surrender their property to great lords, agreeing to hold it henceforth as tenants in return for protection. Freemen without land could secure it on a rent-paying basis by commending themselves. In theory the man who commended himself to another remained a freeman, retaining his personal liberty, with the right to break the bond at any moment, but in that case he had to yield whatever he had received from his lord as well as one-half of whatever he had acquired in his lord's service. As few tenant farmers were willing to risk the loss of security by terminating the tie of commendation, the relationship tended to be for life and ultimately became hereditary. Commendation limited the tenant's freedom to some extent and also interfered with the public relationship between the king and his subjects.

Most rural freemen were probably *coloni* of Hispano-Roman origin. Although the *colonus* was theoretically free, capable of contracting marriage and suing in court, he did not have freedom of movement, bound as he was to the soil (*adscripti glebae*); that is, he could not leave the land, nor could he be expelled from it. The *coloni* were also commended to the protection of their landlords, to whom they paid rent and personal services, and the *capitatio* or poll tax. The law required *coloni* to marry persons of the same social condition. If a *colonus* married a woman from another estate the children were divided between the two lords. While the *colonus* enjoyed security in his tenure, his condition was hereditary and in many ways not much different from that of slaves.

Slaves (*servi, mancipii*) were totally lacking in liberty and possessed