

The Spirit of the Gallican Councils, A.D. 314-506

MICHAEL EDWARD MOORE / Iowa

“Nothing is so *antiquated* as power”

E. CANETTI, *Notes from Hampstead*

The meaning and function of ecclesiastical law, and the legal stature of bishops, were developed in councils of the fourth century and afterward. This essay offers a methodical approach to the Gallican councils, to demonstrate the connection of this body of law to an ancient legacy of law and aristocratic activity. After a discussion of the legal tradition out of which conciliar law arose, will follow a commentary on a select number of councils of the Gallican church, with a discussion of their social and political dimension. Councils were chosen so as to indicate the spectrum of characteristic episcopal concerns. In addition, I hope to show that the form of collection and documentation of the councils were important features of the acceptance of episcopal councils as sources of authority, with the rise of a scholarly, learned style of law. Legal scholarship focused on the collection of conciliar law, and gaining knowledge about a body of law that was seen as a cultural and religious patrimony. This early learned law was significantly more simple and modest than the scholarship and legal philosophy of the ancient Roman jurists.

The legal activity of bishops of the late Roman Empire contained many new elements which distinguished them from classical norms of aristocratic law, but in other regards the bishops adhered to ancient structures of law, cultural values, and exceedingly old patterns of aristocratic activity. The lives and activities of bishops in the cities of southern imperial Gaul seem to confirm the historical vision of Fernand Braudel, living as they did in the ancient landscapes of the Mediterranean littoral and Maritime Alps. These landscapes transmitted exceedingly old patterns of community and agriculture, forming an historical structure, while “beyond this immobile history can be discerned a history slowly rhythmical: one would willingly say, if the expression had not been detoured from its plain sense, a *social*

history, of groups and of groupings”¹. In a similar vein, Theodor Mommsen long ago argued that the Romanized political culture of imperial Gaul preserved very ancient cultural patterns of the Gallican nobility. This nobility, accordingly, was able to coordinate imperial centers of power with local Gallican communities².

Later this Gallo-Roman elite culture of the Mediterranean region was reinterpreted and continued in Christian terms. The old wine of aristocratic life, poured out into the new bottles of the Church, involved bishops in immemorial patterns of regional and community leadership and mediation. Old social structures were transposed into episcopal networks and the life of the episcopal councils, and flowered into law³.

Imperial Law and Holy Law

Councils had convened early on in the history of the Church, certainly in the third century, but we know little about them. Likewise we know relatively little about the third-century bishops of Gaul⁴. It is possible that the practice of holding councils by the Montanist faction in Africa caused other Christians to hold synods as well⁵. Times of persecution interfered with the development of councils. From the early fourth century onward, many council-records exist, demonstrating an impressive level of participation and revealing the evident prestige accorded to this type of assembly. The councils were often shaken by conflicts over doctrine and clerical precedence, but the records of councils nevertheless gained general acceptance as sources of doctrinal authority, not only for those who attended. The individual decisions or laws propounded by the councils were called by various names: constitution (*constitutio*), statute (*statutum*), decree (*decre-*

¹ F. BRAUDEL, *La méditerranée et le monde méditerranéen à l'époque de Philippe II*, 2 vols., 2d ed., Paris 1966, vol. 1, 13.

² T. MOMMSEN, *The Provinces of the Roman Empire from Caesar to Diocletian*, trans. W. P. DICKSON, 2 vols., London 1909, vol. 1, 91-96.

³ R. LIZZI, *I vescovi e i potentes della terra: definizione e limite del ruolo episcopale nelle due partes imperii fra IV e V secolo d.c.* in: É. REBILLARD - C. SOTINEL, eds., *L'Évêque dans la cité du IV^e au V^e siècle. Image et autorité. Actes de la table rond organisée par l'Istituto patristico Augustinianum et l'École française de Rome (Rome 1^{er} et 2 décembre 1995)*, Rome 1998 (= CEFR 248), 81-104, see 83.

⁴ É. GRIFFE, *La Gaule chrétienne à l'époque romaine*, 3 vols., 2d ed., Paris 1964-1966; vol.1, 83-98. For an overview of early councils: J. GAUDEMET, *Les Sources du droit de l'Église en occident du II^e au VII^e siècle*, Paris 1985, 33-37.

⁵ R. MINNERATH, *Histoire des conciles*, Paris 1996, 8.

tum) or canon (*canon*)⁶. The topics addressed in the canons were likewise influenced by the Roman legal world. Episcopal law was considered unique and separate from secular law, but conciliar law was favored by the legal atmosphere of Rome: a climate of legality, a rich Latin vocabulary of technical terms and principles. Roman law and legal doctrines inspired the very notion that aristocratic Christianity should be crafted in terms of law and legality.

Although the councils were self-described, and collected, as a continuous fabric of law and authority, in fact the conciliar record is discontinuous. If we think of the Gallican councils as a carpet of authority and law being unrolled over time, an examination of the “figure in the carpet” reveals a patchwork. The records were developed in an assortment of forms: sometimes the seemingly official publication by a legislative body, sometimes a synodal letter signed by many bishops, sometimes the private legal collection of a bishop or a composite document produced in an episcopal legal atelier, sometimes the forgery of a suppositious council⁷. The conciliar records are at times mysteriously brief, while the obscurity of the participants sometimes limits our critical understanding. The continuity of canon law, and its emergence as a body of law, was established not only by the regular holding of councils, but by canon collections and the development of a Christian *learned law*.

The cultivation of legal studies in Rome led to the development of sophisticated legal concepts, and methods of legal reflection, commentary and analysis. Legal knowledge was organized and shaped by the activities of and disputes between the classical schools – the Cassians, Proculians, Sabinians. These second-century schools were under the aristocratic leadership of men of learning whose political engagements were frequently at the consular level⁸. In the late Empire law schools existed at Rome, Berytus in Syria (the foremost school), Carthage and Gaul⁹.

Bishops developing new areas of Christian law adopted traditional legal terminology and structures, if not the specific methods of reasoning and the entire content of Roman case law. One basic consideration was the tra-

⁶ R. SOMMERVILLE - B. C. BRASINGTON, Prefaces to Canon Law Books in Latin Christianity, New Haven 1998, 6. On the meaning of the term *canon*: A. STIEGLER, Der kirchliche Rechtsbegriff. Elemente und Phasen seiner Erkenntnisgeschichte, Munich 1958, 23-25.

⁷ G. GOTTLIEB, Die formalen Bestandteile in der Überlieferung der gallischen Konzilien des 4. und 5. Jahrhunderts, in: AHC 16 (1984) 254-263.

⁸ An account of the early schools: T. HONORÉ, Gaius, Oxford 1962, 18-45.

⁹ H. F. JOLOWICZ, Historical Introduction to the Study of Roman Law, Cambridge 1932, 469.

ditional philosophical distinction between the ordinary laws of the Empire and higher forms of law: natural law, the law of nations, and divine law. The law of episcopal councils was assimilated to divine law, and was called sacred law (*lex sacra*). Romans were familiar with overlapping realms of law and superimposed competencies of different significance. Imperial statutes and rescripts had a special value which cut through other levels of jurisdiction. Therefore the implications of ecclesiastical law must be regarded in connection with prevailing traditions of law.

In classical legal theory, Roman imperial law was recognized as something merely human (*lex humana*). Above that law stretched a universal realm of natural right (*ius naturale*) or natural law (*lex naturalis*)¹⁰. For Stoic thinkers, this higher law had shaped the cosmic world order. According to the Stoics, thirst for absolute justice ought to guide us even in the dust of daily life¹¹. According to the brilliant second-century jurist Gaius (whose work was later incorporated in the *Institutes* of Justinian), the law observed by Romans was partly shared by all nations (*ius gentium*), and partly unique to them: this uniquely Roman law was known as civil law (*ius civile*), consisting of statutes, senatusconsulta, imperial rescripts, and the findings of learned jurists¹². The concept of *ius gentium* or law of nations was developed not as a purely speculative theory, but from the direct contact of jurists with the wide array of national customs and laws across the Empire¹³. Aristotelian philosophy likewise nurtured an interest in legal history, and the collection and comparison of bodies of law and custom¹⁴. In the late Empire, some groups began to conceive of a divine law, higher than custom or civil law, but different than the natural law of the jurists: this was revealed sacred law.

The Jews possessed the Law of Moses (*Lex Moysi*), a divine law which in certain points contradicted Roman law, and which the Jews reckoned as

¹⁰ HONORÉ (as note 8), 107.

¹¹ The cosmic basis of law and politics: P. HADOT, *The Inner Citadel: The Meditations of Marcus Aurelius*, trans. M. CHASE, Harvard 1998, 306; see also 155-156. B. NICHOLAS, *An Introduction to Roman Law*, Oxford 1962, 55.

¹² Ph. E. HUSCHKE, ed., *Imp. Iustiniani Institutionum libri quattuor*, Leipzig 1911, vol. I, 2: 4-5.

¹³ HONORÉ (as note 8), 107-108.

¹⁴ The remaining portion of a vast collection: *Constitution of Athens*, in J. BARNES, ed., *The Complete Works of Aristotle*, 2 vols., Princeton 1984: vol. 2, 2341-2383. See also A. LESKY, *A History of Greek Literature*, trans. J. WILLIS - C. DE HEER, London 1996, 567; and HONORÉ (as note 8), 105.

higher than the laws of kingdoms¹⁵. The Jewish sages observed the majesty of the Mosaic Law and witnessed the antagonism of the Roman state to their oft-times theocratic stance. Philo of Alexandria uniquely attempted to synthesize Judaism with classical philosophy, hoping to coordinate the Mosaic Law with Roman law and the traditions of legal philosophy. Drawing upon legal theories of Aristotle and the Stoics, Philo argued that the Law of Moses should be recognized as the only true natural law: in the phrase of H. Koester “the legislation of Moses was identified with the Stoic concept of a rational order in the universe”¹⁶.

Willy-nilly the *Lex Moysi* was drawn into the context of Roman law and Roman legal theory. Christian prejudice imagined that Hellenistic Judaism had become merely legalistic¹⁷. As early as the Gospel of Matthew, the Christian religious order was defined in contrast to the Law. For his part, Paul appraised the law from a complex standpoint. The Law (Gk. *nomos*) was a treasured inheritance, although its meaning was now surpassed – it had become static¹⁸. This became a standard topic of anti-Jewish criticism: Augustine declared that the Law of Moses had been overthrown by Christian faith and life, and that in Christian times, the Mosaic Law had become nothing other than the burden and destruction of the Jews, a “ministration of death”¹⁹. This seemingly blasphemous suggestion reflected the darkest views of the Apostle Paul²⁰. Paul was equally suspicious of secular Roman courts²¹. While rejecting Mosaic Law, fifth-century Christians nevertheless began to claim that their own religious life rested on a real or implied legal

¹⁵ The right approach to Mosaic Law was a contentious issue in Hellenistic Judaism: F. E. PETERS, *The Harvest of Hellenism: A History of the Near East from Alexander the Great to the Triumph of Christianity*, New York 1970, 289-290.

¹⁶ Quoting H. KOESTER, *History and Literature of Early Christianity* (Introduction to the New Testament vol. 1), New York 1987, 280. See also R. WILLIAMSON, *Jews in the Hellenistic World: Philo*, Cambridge 1989 (= CCWJCW, 1.2), 202.

¹⁷ E. E. URBACH, *The Sages: Their concepts and Beliefs*, trans. I. ABRAHAMS, Harvard 1987, 288-289.

¹⁸ G. BORNKAMM, *Paul*, trans. G. M. D. STALKER, Minneapolis 1995, see 120-122; cf. the classic interpretation of A. DASSMANN, *Paul: A Study in Social and Religious History*, trans. W. E. WILSON, New York no date, 180; see also STIEGLER (as note 6), 61.

¹⁹ AUGUSTINE, *To Simplician – on Various Questions*, in: J. H. S. BURLEIGH, *Augustine: Earlier Writings*, Philadelphia 1953, 384.

²⁰ Bornkamm maintains that this is a misunderstanding of Pauls’ subtleties: BORNKAMM (as note 18), 127. Urbach may see more clearly “Paul’s complete negation of the Torah.” URBACH (as note 17), 422-424.

²¹ H. CHADWICK, *Bishops as Monks*, in: *Studia Patristica* 24 (Louvain 1993) 45-61; see 50.

order, known as Holy Law (*lex sacra*)²². Traditional antagonism to the *Lex Moysi* meant that ultimately the basic context of Christian law would not be Levitical or Biblical, but Roman.

Knowledge of Roman law was maintained within the Church, which long thought of itself as Roman. A practical attempt to reconcile the law of Rome with the law of Moses survives in the *Mosaicarum et romanarum legum collatio*, a compilation made by an anonymous jurist of the early fourth century. This brief work, compiled between 392 and 395, sought to show that the Mosaic law already contained the main precepts of Roman law²³. While it has recently been assigned to a Christian, I think that Momigliano was right to point to the likelihood of a Jewish origin²⁴. It seems unlikely that the work was Christian, and in any case no similar initiative ever appeared in the Gallican period of ecclesiastical law, except, perhaps, in the overall sentiment that Roman law was compatible with Christian principles. Taken together, the Gallican councils incorporate but one passage from Leviticus, one from Genesis, but nothing of the Law. Instead Christians hoped for a reconciliation with the Roman state and a point of entry to Roman law.

Tertullian (160-after 220) made acerbic observations about the supposed rule of law and ethics among the Romans, and the use of law to persecute Christians. According to Tertullian, Rome was plunged in a sordid decline and had abandoned its fine old virtues. Roman law became a form of injustice: “what sort of laws are those, exercised against us by unjust, impious, infamous, cruel, extravagant, mad princes...”²⁵? Tertullian’s message was highly ambiguous, however, as he raged on: “Now, most religious protectors and avengers of the law and paternal institutions, answer me regarding your faith and honor and adherence to the *senatusconsulta* of

²² “*Sacrae legis*”: *Epistola Episcoporum Leonis Victuri et Eustochi ad episcopos* contained in the records of the Council of Angers (453), in: C. MUNIER, ed., *Concilia Galliae A.314 - A. 506*, Turnhout 1963 (= CChr.SL, 148), 135-141; see 137. The *Epistola Episcoporum* is also one of the relevant items contained in the *Collectio Andegavensis*. See Munier’s note, 135.

²³ This work has long been attributed to a Jewish scholar: JOLOWICZ (as note 9), 471; H. J. WOLFF, *Roman Law: An Historical Introduction*, Norman 1978, 143. Attribution was made to a Christian lawyer by R. M. FRAKES, *The Manuscript Tradition of the Lex Dei*, in: ZSRG.R 124 (2007) 290-304. See also B. KURTSCHIED - F. A. WILCHES, *Historia iuris canonici*, 2 vols., Rome 1943-1951: vol.1, 119 (hereafter: KURTSCHIED - WILCHES).

²⁴ A. MOMIGLIANO, *On Pagans, Jews, and Christians*, Hanover, New Hampshire 1987, 133.

²⁵ TERTULLIAN, *Apologétique*, ed. J.-P. WALTZING, Paris 1998, V.7, 30. On the *Apologeticus*, see H. R. DROBNER, *The Fathers of the Church: A Comprehensive Introduction*, trans. S. S. SCHATZMANN, Peabody 2007, 157.

your fathers...”²⁶. Tertullian’s appreciation of the power of law can be seen even behind the rigid screen of his condemnation, as he called on Roman rulers to be more true to Roman values. Moreover, Tertullian himself had legal training and applied Roman legal principles to the structures of the Church, to define the Christian community as a *corpus*, and to demand recognition for the leadership presiding over it, which he defined as an *ordo*²⁷.

Despite the old scars of persecution, Christians of the late Empire accepted Roman law as a model of law and justice, especially after the conversion of Constantine. Bishops were called upon to serve as judges over Christian communities, which they undertook in the bishops’ audience, or court (*episcopalis audientia*). To accomplish this new task, bishops relied on Roman law to provide the overall texture of the rules for daily life and for resolving the disputes that inevitably arose in Christian and urban communities. Christians were familiar with the polycentric Roman legal world, and viewed Roman law as relevant to this world and crucial to securing the basic structures of society. For Julian, Bishop of Eclanum and opponent of St. Augustine, the justice of God was in fact very Roman: human and divine justice could and should coincide²⁸. Julian of Eclanum, because of his rational and optimistic view of salvation, was deposed as an adherent of Pelagianism, condemned with others at the Council of Ephesus (431). Other Christian thinkers, including Julian’s enemy St. Augustine, maintained a more complex view. In his earlier writings, Augustine held that earthly law could and should conform to divine law. Even in his later writings he continued to recognize the (limited) value of human law for maintaining earthly peace, although Augustine came to believe that divine law transcended Roman law or earthly law (*lex temporalis*). Divine law became for Augustine the absolute criterion of true justice²⁹. Despite this theoretical construction, in practice *lex christiana* was interwoven and connected to Roman law.

After Constantine’s conversion, bishops were engaged in all the legal questions affecting their communities, and were forced into the role of mediators between their churches and imperial centers. As Gaudemet ex-

²⁶ TERTULLIAN, VI.1, 30.

²⁷ GAUDEMET, Sources (as note 4), 69; DROBNER (as note 25), 153.

²⁸ P. BROWN, Augustine of Hippo: A Biography, Berkeley 1967, 392-393. Cf. Harnack’s view, that Pelagianism was rational, monastic, Aristotelian and Stoical: A. HARNACK, Outlines of the History of Dogma, trans. E. K. MITCHELL, Boston 1957, 364.

²⁹ R. A. MARKUS, Saeculum: History and Society in the Theology of St. Augustine, Cambridge 1970, 88-89.

plains, “The justice of the church was recognized as the equal of secular justice,” and while the exact procedures are unknown, it seems that legal methods of inquest and evidence-gathering were simply adopted from secular courts³⁰. Episcopal courts gradually absorbed the function of imperial courts – and transferred to episcopal hands the aristocratic sense of legal privilege and elite dominance over the legal system. Bishops naturally turned to Roman law as a basis for judging the many complex property and family disputes that came their way. Christian principles were translated into legal norms³¹. Augustine of Hippo, for one, possessed a general familiarity of Roman Law, but little scientific legal knowledge, and so episcopal *audientiae* gave life to a mixed, ad hoc style of law comprising Roman and Christian elements, perforce creating a distinctive, new *lex christiana*³². The transfer to Christian law (*Ad legem Christianam transferre*) implied new developments and accommodations. The bishops were expected to issue their judgements “according to the precepts of law and equity,” or “according to the laws of truth and equity” thereby gaining a different moral tone and conceptual location than the decisions of imperial courts³³.

Serving as a judiciary required a constant engagement of bishops with Roman law, although by the fifth century, it was less common for the episcopal audience to exercise judgement over important laymen³⁴. Later regional assemblies, summoned by bishops, went on to assert their competence to try cases of heresy and excommunication³⁵. There was a close connection between the rise of episcopal councils and the overall involvement of bishops in the legal world of the late empire. As the “illusion” of imperial unity, maintained through the potency of ritual and panegyric, fell

³⁰ J. GAUDEMET, *Église et Cité. Histoire du droit canonique*, Paris 1994, 112. Both civil and criminal cases were heard: KURTSCHIED – WILCHES (as note 23), vol. 2, 207-216.

³¹ STIEGLER (as note 6), 75-79.

³² D. E. DOYLE, *The Bishop as Disciplinarian in the Letters of St. Augustine*, New York 2002 (= *Patristic Studies*, vol. 4), 75 and 107. See also G. VISMARA, *La Giurisdizione civile dei vescovi (secoli I-IX)*, Milan 1995 (= *Pubblicazioni dell'Istituto di Storia del Diritto Italiano* 18), 86; CHADWICK, *Bishops as Monks* (as note 21), 56, with refs.

³³ *Praecepta legis et aequitatis or secundum leges veritatis et aequitatis*: W. SELB, *Episcopalis audientia von der Zeit Konstantins bis zur Nov. XXXV Valentiniens II*, in: *ZSRG.R* 84 (1967) 162-217; see 184.

³⁴ J. LIMMER, *Konzilien und Synoden im spätantiken Gallien von 314 bis 696 nach Christi Geburt*, 2 vols., Frankfurt 2004 (= *Wissenschaft und Religion, Veröffentlichungen des Internationalen Forschungszentrums für Grundfragen der Wissenschaften Salzburg*, 10), vol. 2, 62.

³⁵ VISMARA (as note 32), 112.

apart in regional divisions and civil wars, bishops were well positioned to pick up the legal pieces³⁶.

In the fourth century, episcopal councils gained prestige and authority primarily by participating in imperial religious politics. As the Empire was transformed and divided, bishops turned their attention more intensively to their own functions as a cultural and governmental elite. In the course of the fifth century, what emerged in southern Gaul was an insistence that bishops should form a Christian cultural and religious elite, steeped in a monastic philosophy of the desert, directed by particular centers of authority and by men with a certain monastic training and personal style. The island monastery of Lérins trained a cohort of men who pursued these ideals, developing a language and tone faithful to the eastern monastic origins of the way of life practiced at the monastery, what the monks frequently called “the discipline” (*disciplina*)³⁷. The theme of ascetic power was combined with an insistence upon the distinctiveness of bishops as rulers of the Church and of urban Christian communities. Bishops developed the techniques and tactics of ecclesiastical governance through their mastery of every kind of law. Monastic in lifestyle and rhetorical stance, the bishops presented themselves as humble, austere men acting in the service of Holy Law, while weaving a very complex legal world combining Roman elements, in the context of governing their Christian communities and forming regional associations of bishops.

The lesson of Rome was that good forms of power should possess legality, and that law was concomitant to the exercise of power. Roman law had served to formalize privilege and power, and to regulate forms of dominance³⁸. Law and norms of adjudication provided the shifting gears needed to mediate between centers of power, regional elites, and local communities. In this way, the legacy of the Roman legal tradition nurtured the scholarly and aristocratic connotations of Christian law.

Analysis of Select Gallican Councils (314-506)

What follows is an analysis of councils in the Gallican period (314-506), carried out through an examination of a select number of councils and

³⁶ Phrases of R. VAN DAM, *Leadership and Community in Late Antique Gaul*, Berkeley 1985, 11.

³⁷ M. CARRIAS, *Vie monastique et règle à Lérins au temps d'Honorat*, in: RHEF 74 (1988) 195-211; see 196.

³⁸ P. GARNSEY, *Social Status and Legal Privilege in the Roman Empire*, Oxford 1970, 243-235.

pseudo-councils from these years³⁹. Perhaps 23 councils were held during the Gallican period, of which 13 are examined here⁴⁰. Most of these councils met in southeastern Gaul or in nearby Turin, and while we often have little specific information about the reason for the meeting, or the substance of their doctrinal debates, it is nevertheless clear that dogmatic and disciplinary questions were often combined in the conciliar business⁴¹. These documents, and the life of the councils, were at first shaped by the context of the late Empire and the determination of the imperial court to intervene in the disputes over dogma that dominated the life of the Church in this period. The proximate hand of the emperor can often be felt in the supposedly independent activities of important clerics. Later, as Gallican regions fell apart in the military crises of the late fourth century, the rise of independent barbarian regimes placed distinct pressures on bishops in various sectors of Gaul, culminating in the presence of the Gothic King Alaric II at the Council of Agde in 506. Wolfram is right to describe this assembly as a “Gothic-Gallic territorial council”⁴².

In the course of the Gallican period, a characteristic conciliar format was developed, spare and almost reticent⁴³. The councils deployed a special terminology, and expressed typical regional concerns of consensus-building, mutuality and arbitration. A constant preoccupation with law provided a cultural space for the resolution of conflicts, for mediating between imperial or royal centers and the churches of southern Gaul. We can view the councils as mirrors partially clouded by time, but reflecting the steady development of the episcopate as an aristocratic body, engaged in the wholesale transfer of the ideals of Roman nobility to the setting of the Church and the emerging governance by aristocrats over their regional Christian communities.

It is often stated in the scholarship that small regional councils had only a limited territorial competence, producing a law which was only binding on the bishops and territories represented, in contrast to the great ecumenical councils which were universal. This is emphasized in the modern

³⁹ On the place of these councils in the overall conciliar documentation: GAUDEMET, *Sources* (as note 4), 49-56.

⁴⁰ GOTTLIEB (as note 7), 254.

⁴¹ J. GAUDEMET, *La législation des conciles gaulois du IV^e siècle*, in: S. KUTTNER, ed., *Proceedings of the Third International Congress of Medieval Canon Law*, Strasbourg 3-6 Sept. 1968, Vatican City 1971 (= MIC.S, 4), 1-13; see 2-3.

⁴² H. WOLFRAM, *The Roman Empire and its Germanic Peoples*, trans. T. DUNLAP, Berkeley 1997, 155.

⁴³ GAUDEMET, *Législation des conciles* (as note 41), 4-5.

scholar's distinction, based on Gratian, between a 'council' and a mere 'synod.' However, these terms were synonymns in the Gallican period, alongside *coetus*, or 'assembly.' The Gallican councils frequently made reference to African and Spanish regional councils, for example, and accepted them as good law. And the development of canon law collections tell a similar story: authentic law was collected and accepted as sound episcopal law if it came from a known region with famous, admirable traditions. As yet no official diplomatic format existed, yet commonly-recognized forms of documentation became a sign of authority, and conciliar law functioned as a series of authoritative texts in a commonly recognized legal universe.

The Council of Arles (314)

The first council held in Gaul, and in the future conciliar center of Arles in 314, was also the first conference of bishops to assemble under imperial orders⁴⁴. Although highly significant, in certain respects this council should not be viewed as representative of overall trends in the Gallican church. The council opened a new chapter in the history of the Church and revealed its rising stature in the Empire. In the years preceding this council, Constantine had involved himself more and more in ecclesiastical affairs, apparently out of a fear that the truth of religion and of catholic law (*leges catholicae*) might be clouded over in the bitter conflicts of the Donatist controversy, leading to the unleashing of malevolent forces within and against the Empire. In fact the Council of Arles was summoned to reconsider the decisions of a synod held in Rome under Pope Miltiades the previous year, regarding the ordination of Caecilian of Carthage. Bishop Caecilian's opponents, the progenitors of Donatism, maintained that his ordination was invalid because one of the bishops involved had given up holy books during the recent persecutions of the Church. The Council of Arles reconfirmed the ordination of Caecilian, who was present at the proceedings. Despite Constantine's evident willingness to reexamine the earlier papal decision, he claimed that only bishops could resolve ecclesiastical matters: "the judgement of bishops ought to be looked upon as if the Lord Himself were sitting judgement"⁴⁵.

Whether or not this was mere verbiage, Arles (314) was intended to be a grand affair. Bishops were summoned from across the western empire, and

⁴⁴ CChr.SL 148, 3-25; and J. GAUDEMET, *Conciles Gaulois du IV^e siècle*, Paris 1977 (= SC 241), 35-67.

⁴⁵ N. H. BAYNES, *Constantine the Great and the Christian Church*, Oxford 1929, 2d ed. London 1972 (= RLH), 14.

allowed to travel by the imperial post, indicating that attendance at the council was imperial business of the highest order⁴⁶. In the period leading up to the council, the look and feel of the imperial court was steadily transformed by the emperor's growing interest in a Christianized politics. The new orientation was marked by the remarkable prominence of a new set of symbols as well as by unprecedented imperial activities. The battle standard of Constantine, the *Labarum*, a spearhead forming a cross, with the Chi Rho enclosed in a circle (memorializing the well-known vision of Constantine) was established in the palace and attended by an honor guard of 50 men⁴⁷. The regular engagement of the emperor in ecclesiastical matters was certainly a victory for the theologico-political ideals of Eusebius⁴⁸. Another significant trend reflected in the cities of origin of the clerics assembled in Arles was the concept of a western, Latin church distinct from the church of the Greek-speaking east. As yet this has the appearance of an imperial, organizational concept rather than a religious ideal.

Arles, "the Rome of the Gauls" was chosen as the location for the assembly, rather than Rome itself, in recognition of Arles' traditional commercial and administrative importance⁴⁹. This allowed the assembly, and Constantine, to escape any degree of interference by Rome and its bishop. The council was only the first step in a long-maintained dominance of Arles over the Gallican church and the early character of ecclesiastical law⁵⁰.

The council was a significant moment in the development of the episcopacy of Gaul, and reveals the extent to which the cities of Gaul could be represented by a bishop, among them: Marseilles, Arles, Vienne, Vaison-la-Romaine, Orange, Nice, Apt, Rheims, Rouen, Autun, Lyons, Cologne, Javols, Bordeaux, Trier, and Eauze. These cities would continue to dominate Gallian conciliar activity over the following century, although the importance of Marseilles, so evident at Arles (314) would evaporate under the steady accumulation of power by the bishops of Arles⁵¹. The influence of Mar-

⁴⁶ T. D. BARNES, *Constantine and Eusebius*, Cambridge, Mass. 1981, 58.

⁴⁷ A. DEMANDT, *Geschichte der Spätantike. Das Römische Reich von Diocletian bis Justinian*, Munich 1998, 48-51; T. D. BARNES, *Constantine and Eusebius*, 43.

⁴⁸ *Ibid.*, 254.

⁴⁹ C. JULLIAN, *Gallia. Tableau sommaire de la Gaule sous la domination romaine*, Paris 1892, 258-262.

⁵⁰ C. H. TURNER, *Arles and Rome: The First Developments of Canon Law in Gaul*, in: *JTh.S* 17 (1916) 236-247.

⁵¹ R. W. MATHISEN, *Ecclesiastical Factionalism and Religious Controversy in Fifth-Century Gaul*, Washington 1989, 5. The early rise of Arles is sketched in W. E. KLINGSHIRN, *Caesarius of*

seilles waned in spite of its connection to the very sources of monastic discipline in the west, stemming from John Cassian⁵². Many churches were represented by presbyters or deacons, rather than bishops. Lectors and exorcists were also present, seemingly forming the entourage of certain bishops or presbyters. The dominance of the figure of the bishop, coming into view at Arles, reflects the trend toward creating a firm line between the higher clerics and other, lesser clerics. Bishop, presbyter and deacon all shared the prestige of asceticism, in the sense of chastity and other marks of a restrained way of life. Further distinctions were based on the level of ecclesiastical service: but also control over, and contact with the sacred. The Gallican bishops frequently attempted to highlight their exclusivity. Arles (314) was a moment of crystallization as the distinction between bishops and all other clerics was on its way toward solidifying. The bishop was emerging as a master of ascetic power, a master of ecclesiastical law and dispute-resolutions, and the person privileged to handle the most sacred things⁵³. The bishop was also a member of the aristocracy, whose social status and function blended into that of the civil magistracy⁵⁴.

Arles (314) was a prominent and suggestive initiative. The council was attended by *missi* of Pope Silvester and was later accepted in Rome as an authoritative source of doctrine⁵⁵. The participation of clerics from across the Latin-speaking church is significant. Attending were bishops and deacons of other Italian cities: Syracuse in Sicily, Campania, Apulia, Aquileia in Dalmatia, Milan and Rome itself. From Britain, bishops of York, London and Lincoln; from Spain came bishops, presbyters or deacons from Merida, Betica (?), Ossuna, Tarragona, Saragossa; and of course, a small band of sympathetic clerics arrived from the African church to support Caecilian of Carthage, who also attended.

The subscription list, confusingly, exists in several somewhat different versions. In the *Collectio Corbeiensis*, an early decretal and canon collection made in Vienne during the pontificate of Pope Vigilius (537-555), codex Paris, B.N. Lat. 12097, information about those attending was arranged

Arles. The Making of a Christian Community in Late Antique Gaul, Cambridge 1994 (= CSMLT, 22).

⁵² LIMMER (as note 34), vol. 2, 137.

⁵³ A. FAIVRE, Naissance d'une hiérarchie. Les premières étapes du cursus clérical, Paris 1977 (= ThH 40), 129.

⁵⁴ GRIFFE (as note 4), vol. 1, 198.

⁵⁵ Silvester sent the deacons Eugenius and Quiriacus as *missi*: Council of Arles (314), CChr.SL 148, 14; see also SOMMERVILLE (as note 6), 37.

geographically, thus demonstrating the evidently imperial and administrative quality of the representation by bishops, presbyters and deacons of their *civitates* and provinces (carefully recorded in each case). There are signs, on the other hand, that the council was expected to be remembered as a major event in the history of the Church. There was an apparent interest in recording the council as a document of ecclesiastical history-in-the-making. The subscriptions in this compilation were introduced by the following remarks on the historical backdrop of the council: *Here begin the names of bishops with their clerics, both how many and out of which provinces, who convened at the Arlesian synod to destroy schism and the depraved efforts of men, during the consulship of Volosianus and Annianus*⁵⁶.

The council can be viewed as a harbinger of change and a milestone for the developing government of the church by its bishops. Stunningly, for a church that had so recently been persecuted by the state authorities, independent local battles, high ecclesiastical politics, and questions of sacramental theology could now be resolved in the context of a convening authority dominated by bishops: they made decrees “by common counsel” (*quid decreuerimus communi consilio*), thus using a prestigious, communal setting to lay claim to law and authority⁵⁷. *Auctoritas*: this grave dignity of influence and power associated with the Roman Senate was seemingly absorbed in the idea of this council. As a quality pertaining to the Christian bishop, *authority* had already been highlighted in apologetic and theological writings, but here the term retained its lustre as part of the Roman vocabulary of privilege⁵⁸. Special terminology reveals a mature set of concepts about the importance of ecclesiastical law, and its ability to stabilize the community. Theological ructions in the Church were dismissed as a disruption of social order by mere “agitators.” Bishops agreed to respect one another’s decisions. The legal authority of the meeting was highlighted as a defense of “our law and tradition,” as a statement of “authority and tradition and the rule of truth”⁵⁹. The establishment of these rules was announced by the ancient senatorial *placuit*: that a motion “pleased” the council was recorded in a stenographic, ritual formula.

⁵⁶ Council of Arles (314), CChr.SL 148, 14. For a similar phenomenon in later collections, see R. MCKITTERICK, *History and Memory in the Carolingian World*, Cambridge 2004, 255.

⁵⁷ *Canones ad Silvestrum*, Council of Arles (314), CChr.SL 148, 9.

⁵⁸ GARNSEY (as note 38), 225; See also the doctrinal treatment of H. U. VON CAMPENHAUSEN, *Ecclesiastical Authority and Spiritual Power in the Church of the First Three Centuries*, trans. J. A. BAKER, Stanford 1981, 280-281.

⁵⁹ *Epistula ad Silvestrum*, Council of Arles (314), proem, CChr.SL 148, 4.

The council experimented with a special recognition of the bishop of Rome. In a letter to the pope, a number of the attending bishops addressed Silvester as a principal of the Church, and conveyed to him an abbreviated set of nine canons. In the incipit of this document, the *Epistula ad Silvestrum*, Silvester was called *papa*. Although this term of endearment did not become specific to the bishop of Rome until the sixth century, it was clearly meant for Silvester alone⁶⁰. In a further publication of the conciliar decisions, the *Canones ad Silvestrum*, Silvester was simply called the “brother” of the “assembly (*coetus*) of bishops”⁶¹. This assembly reported the proceedings in the following way: “What we decreed in common counsel, we indicate to Your Charity, so that all bishops might know what they ought to observe in the future”⁶².

It is important to note this horizon of time directed toward the future, as the bishops assumed the continued recognition of the council’s authority, the preservation and perhaps the collection of the council-record. There was a manifest concern for the legacy of the council in regard to legal scholarship. Despite the participation of other clerics (presbyters, deacons, exorcists and lectors) at the council, in its published proceedings, the assembled bishops ignored the presence of lesser clerics and described themselves as forming an exalted and independent group. Most of the subjects discussed above became traditional and standard in later Gallican councils, although the gathering of large numbers of bishops from across the West was not repeated. The scale of Arles (314) was possible only because of direct imperial promotion, and a stable political situation. All later Gallican councils were to some degree local and regional, based in one or another important city and church, as an institution of the “localized hierarchical networks” now reorganizing social order in Gaul⁶³.

The Council of Paris (360/361)

In periods when imperial authority was unified, bishops tended to go along with religious initiatives of the court. However, periods of turmoil caused doctrinal positions to shift, sometimes suddenly. After the death of Constantine, his son Constantius II (337-361) interfered with conciliar ac-

⁶⁰ *Dilectissimo papae Siluestrio...: Epistula ad Siluestrum*, Arles (314), CChr.SL 148, 4.

⁶¹ *Domino sanctissimo fratri Siluestro coetus episcoporum...: Canones ad Silvestrum*, Arles (314), CChr.SL 148, 9.

⁶² *Quid decreuerimus communi consilio caritati tuae significauimus, ut et <omnes> episcopi sciant quid in futurum obseruare debeant: Canones ad Silvestrum*, Arles (314), CChr.SL 148, 9.

⁶³ VAN DAM (as note 36), 11.

tivity in a direct, crude manner once he governed alone⁶⁴. He allied himself with the Arian party, and set out to impose those religious views on bishops across the Empire, to insist upon religious unity as an adjunct of imperial unity⁶⁵. While staying in Arles in 353, he assembled a council at which the bishops were compelled to sign a denunciation of Athanasius and his trinitarian doctrines, and to accept a moderate Arian position⁶⁶. A council in Milan (355) likewise condemned Athanasius⁶⁷.

Such methods, and the sudden prominence of Arianism caused Bishop Hilary of Poitiers (ca.315-367) to react vehemently, if at first only privately: "You imprisoned bishops, setting your army to terrorize the Church; you assembled synods and pushed the faith of the westerners to impiety..."⁶⁸. In his *Liber contra Constantium*, a fierce little work published only after the death of Constantius, Hilary denounced the emperor as an oppressive tyrant⁶⁹. To the bishops who folded under imperial pressure, Hilary contrasted the good bishops, "apostolic men" who remained faithful to the truth⁷⁰. Martin of Tours and Ambrose also reacted strongly against the interference⁷¹. Hilary of Poitiers and his fellow bishops were meanwhile crafting an ideal of episcopal activity as the achievement of a social elite animated by strictly religious ideals, and a concept of conciliar authority associated with the Council of Nicaea (325). This was the Nicene faith (*fides Nicaena*)⁷².

⁶⁴ R. P. C. HANSON, *The Search for the Christian Doctrine of God. The Arian Controversy*, 318-381, Edinburgh 1993, 329-386.

⁶⁵ P.-P. JOANNOU, *La législation imperiale et la christianisation de l'empire romain (311-476)*, Rome 1972 (= OCA 192), 31-43 and 72-75.

⁶⁶ Council of Arles (353), CChr.SL 148, 30. See also T. D. BARNES, *Athanasius and Constantius. Theology and Politics in the Constantinian Empire*, Cambridge, Mass. 1993, 115-116; C. J. HEFELE, *Histoire des conciles d'après les documents originaux*, trans. and augmented by H. LECLERCQ, 11 vols., Paris 1907-1952 (cited hereafter as HEFELE - LECLERCQ), vol. 1.2, 869-875.

⁶⁷ LIMMER (as note 34), vol. 1, 68-72.

⁶⁸ *Sacerdotes custodiae mandas, exercitus tuos ad terrorem Ecclesiae disponis; synodos contrahis et Occidentalium fidem ad impietatem compellis...: HILARY OF POITIERS, *Contre Constance*, A. ROCHER, ed., Paris 1987 (= SC 334), 180. It is possible that this work was not published until after the death of Constantius: H. C. BRENNECKE, *Hilarius von Poitiers*, in: TRE 15 (1986) 315-322.*

⁶⁹ DEMANDT (as note 47), 66.

⁷⁰ P. SMULDERS, *Hilary of Poitiers' Preface to his Opus historicum: Translation and Commentary*, Leiden 1995, 65-71.

⁷¹ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 14.

⁷² M. DURST, *Nizäa als 'autoritative Tradition' bei Hilarius von Poitiers*, in: *Stimuli: Exegese und ihre Hermeneutik in Antike und Christentum. FS für Ernst Dassmann*, Münster 1996 (= JAC 23), 406-422; see 407.

Constantius used this strategy again in 359, in councils summoned to Rimini and Seleucia, where bishops were forced to sign pro-Arian statements⁷³. Constantius II adopted the Eusebian political theology, in which “Emperor Constantine” was developed as an historical and political symbol. The legend of Constantine’s conversion served as a foundational political myth, centering on the story of the Battle of the Milvian Bridge, the emperor’s vision of the Chi Rho symbol in the heavens, and the phrase *In hoc signo vincis*⁷⁴. These symbolic means were intended to provide the emperor with ecclesiastical aura and to authorize the successors of Constantine in their pursuit of theological unity. Gallican episcopal identity was first developed in reaction to this potent political mythos.

In 360 or 361, a council of bishops gathered in Paris, to reverse the extortive councils of Rimini and Seleucia. This was a regional Gallican assembly. The immediate political backdrop was however the competition between Constantius II and his co-ruler Julian (later called The Apostate). In the winter before the council, conflict broke out over the deployment of troops. Constantius attempted to draw down Julian’s troops and redeploy them in the East. Julian believed that this manoeuvre was only intended to deprive him of power. In this moment of tension, Julian’s troops acclaimed him as emperor, raising him on a shield, while Julian placed a Celtic torque on his head to serve as a diadem. The ceremony occurred in Paris, 360, and it is possible that in this dangerous situation Julian sought an opportunity for cooperation with the bishops of northern Gaul. At this point in his career, Julian still found it expedient to maintain the façade of devotion to Christianity⁷⁵. He allowed Hilary of Poitiers to return to Gaul, in time to participate in the council to be held in Paris⁷⁶.

The “Gallican bishops” (*Gallicani episcopi*), for so they identified themselves, now directed a synodal letter to the eastern bishops, declaring their opposition to the proceedings at Rimini and trumpeting their return to what were held up as the universal beliefs of the Church. Directing bitter remarks against Constantius II, the bishops complained they had been con-

⁷³ HANSON (as note 64), 329-334; 362-380; HEFELE - LECLERCQ (as note 66), vol. 1, 947; DURST, 418.

⁷⁴ C. PIETRI, La politique de Constance II: un premier ‘césaropapisme’ ou l’*Imitatio Constantini*,” repr. in: *Christiana Respublica. Éléments d’une enquête sur le christianisme antique*, 3 vols., Rome 1997 (= CEFR 234), vol. 1, 281-346; see esp. 337-346.

⁷⁵ Analysis in T. D. BARNES, Athanasius and Constantius (as note 66), 152-155; DEMANDT (as note 47), 74. For a crisp review of the evidence: G. W. BOWERSOCK, *Julian the Apostate*, Cambridge, Mass. 1978, 46-51.

⁷⁶ DROBNER (as note 25), 254-256.

strained by “worldly judgment,” and were now freed from the “error of the world”⁷⁷. Eastern bishops were roundly blamed for their complicity: “many ... were compelled to silence by the authority of your name”⁷⁸. Those who clung to such doctrines, the bishops declared, should be deposed from their sees as blasphemers and “apostate bishops”⁷⁹. Imperial struggles made it possible for Gallican bishops, following the lead of Hilary of Poitiers, to oppose the bishops of the East, and to exercise conciliar authority with little imperial interference. In this respect, the Council of Paris was something of a watershed.

The statement of faith propounded at Paris (360), and preserved in the *Collectanea antiariana parisina* of Hilary of Poitiers, expressed the Nicene doctrine of a triune God (*fides Nicaena*) in simple Latin terminology⁸⁰. The synodal letter directed to the bishops of the East functioned not so much to communicate with those bishops, as to summarize the discussions of the council and to publish them, a technique used already by the Council of Nicaea⁸¹. So far as we can judge, the council was intended as a counter-blast to Constantius’s efforts to organize and pacify the churches, and thus is closely connected to imperial struggles of the period, which provided the opportunity to speak out so forcefully. In the absence of a set of canons or a subscription list, Hilary of Poitiers dominated the proceedings even in terms of its documentation. Here we observe the range of possible approaches to the preservation of conciliar records and the presentation of a council’s authority. The dignity of a regional aristocratic assembly in this case was closely connected to imperial struggles and aligned against Constantius II’s religious policies, which the Gallican bishops considered to be abusive. Ironically, it was the ambition and religious skepticism of Julian which made possible the holding of such a council, and provided the setting for the bishops to adopt an openly combative tone, and to act as an independent institution.

⁷⁷ *Iudicio saeculi teneremur; liberans nos ab errore mundi*: Council of Paris (360/361) CChr.SL 148, 32-33; HEFELE - LECLERCQ (as note 66), vol. 1.2, 960.

⁷⁸ *Nam plures numero, qui aut Arimini aut Nicaeae adfuerunt, sub auctoritate uestri nominis ad usiae silentium sunt coacti*. Council of Paris (360/361), CChr.SL 148, 33.

⁷⁹ *Blasphemias quoque omnes, quas litteris uestris subiecistis, damnamus maximeque eorum sacerdotes apostatas respuentes...* Council of Paris (360/361), CChr.SL 148, 34.

⁸⁰ HILARY OF POITIERS, *Collectanea antiariana parisina*, in A. FEDER, ed., *S. Hilarii episcopi Pictaviensis Opera*, Vienna 1916 (= CSEL 65), 43-46. See also HEFELE - LECLERCQ (as note 66), vol. 1, 903-962.

⁸¹ DROBNER (as note 25), 245-246.

The Council of Valence (374)

Imperial politics of the late-fourth century were overshadowed by warfare along the Rhine-Danube frontier. After an interim during the reigns of Julian the Apostate and Jovian (who favored the Nicene party), the urgency of ecclesiastical conflict within the Empire faded, while mobilization for warfare proved to be a more important means of galvanizing aristocratic support⁸². Valentinian launched attacks against the Alamanni, and in regard to ecclesiastical matters, maintained a moderate Nicene position. An imperial presence is only implied in the records of the Council of Valence of 374, although there were continued reverberations arising from the persecution of the followers of Priscillian⁸³. The destruction of Priscillian raised the question of how far the Church should allow itself to be absorbed in the construction of a sacralized empire as a unified ideal. As a result the Council of Valence engaged a limited, inward-looking set of problems (less theological and more disciplinary than the concerns of Paris 360). The fact that the council was an important ritual occasion, and a major forum of aristocratic consultation and mutual recognition, is strongly implied by the subscription list, which records the participation of a large number of clerics from Gaul and the western Mediterranean.

The subscription lists contain some mysteries: Florentius of Vienne must have led the proceedings, as the senior cleric and bishop of a very powerful see, and therefore his name was entered first in the subscription list. Bishop Amilianus of Valence did not claim precedence, although the council assembled in his city. Others who can be identified and definitely connected to a city are: Chrestus of Syracuse, Simplicius of Autun, and Britto of Trier. Most of the bishops said to have been present are otherwise little known. Paulus may have been bishop of Paris, Justus may have been bishop of Lyon, Concordius perhaps of Arles. This leaves many opaque figures such as Eumerius, Artemius, Evodius – 12 unknown men in all, assumed by the editor Munier to be bishops. The council proceedings, and the subscription list, survive in the *Collectio Coloniensis* (Cologne, Dombibliothek 212), compiled in the mid- to late-sixth century in Arles⁸⁴. The council

⁸² Discussion of these wars: WOLFRAM (as note 42), 64-66.

⁸³ Council of Valence (374), CChr.SL 148, 35-42; F. MAASSEN, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgang der Mittelalters*, Bd. 1 (Leipzig 1870) repr. Graz 1956, 190-191; and GAUDEMET, *Conciles Gaulois* (as note 44), 100-111.

⁸⁴ Contents are discussed in MAASSEN (as note 83), 574-585. See also L. KÉRY, *Canonical Collections of the Early Middle Ages* (ca. 400-1140): A Bibliographical Guide to the Manu-

is also recorded in a seventh-century manuscript of Toulouse, 364, compiled by Perpetuus in the seventh century, and in a variant manuscript, with a somewhat different subscription list⁸⁵. Here, several more of those present were said to be bishops.

There are some fascinating features in this council, which was concerned primarily with the religious discipline of Christian communities. There were strictures against the return of “persons” to pagan practices after Christian baptism (a significant use of the legal term *persona* to designate a legally recognized member of the Christian community). Thus the bishops hoped to distinguish their communities from the surrounding cultural world and draw it more closely to episcopal guidance⁸⁶.

The Priscillianist controversy created conflict over what should be considered the highest form of Christian life. Although the council was an expression of episcopal authority, it took note of the fact that some clerics viewed ascetical retreat to be preferable to engagement with the world as a bishop, a dissonance that was not resolved until the rise of Lérins after 410, when episcopal power and asceticism were combined in a convincing, permanent manner⁸⁷. Ambrose, Julian Pomerius, and Gregory the Great would also work to establish ascetic foundations for episcopal life. The council opposed the ordination of females as deacons, and came out against married clergy, two canons which encouraged the concept that the episcopate and clergy should become a strictly male association, united only by scholarly, ecclesiastical, or regional ties⁸⁸.

We can conclude that the council was an expression of episcopal authority, although the character and personal authority of the attending bishops must have been variable. It is certainly true that the connection of a bishop to his city had not yet become the permanent and standard assertion of episcopal identity and authority. The council itself was a prestigious setting for demonstrating episcopal character, regional cooperation, providing an opportunity for arbitration among bishops, and aristocratic mu-

scripts and Literature, Washington 1999, 44-45; GAUDEMET, Sources (as note 4), 144; KURTSCHEID – WILCHES (as note 23), vol. 1, 98.

⁸⁵ KÉRY, 47.

⁸⁶ *Circa eorum uero personas, qui se post unum et sanctum lauacrum, uel profanis sacrificiis daemonum uel incesta lauacione polluerine*: Council of Valence (374), CChr.SL 148, 39. The Gallican tradition had a continuous concern with heathen worship: LIMMER (as note 34), vol. 1, 76-79.

⁸⁷ H. CHADWICK, Priscillian of Avila: The Occult and the Charismatic in the Early Church, Oxford 1976, 13-14.

⁸⁸ Council of Valence (374), CChr.SL 148, 38-39.

tual recognition. The council was a privileged assembly in which only the select few had a voice.

The Council of Nîmes (394/396)

Something similar recurs at a council held in Nîmes either in 394 or 396⁸⁹. Twenty-one bishops were said to be present at the council. The records are preserved in the late-sixth or early-seventh century manuscript mentioned above, the *Collectio Coloniensis* (Cologne, Dombibliothek 212)⁹⁰. Here again, the subscription list does not record the cities of the bishops present, and little can be said about them as individuals. Geniales was bishop of Cavaillon, Eusebius of Rouen, Remigius of Dax (Aquae Civitas), and Ingenuus of Arles. The city-connections of the remaining bishops are unknown. Nevertheless, we can assert that the council was a primarily southern Gallican assembly connected to the larger scene of imperial-ecclesiastical politics. The transactions of the council are so brief in content that they seem not to warrant the presence of the long list of bishops who attended the assembly.

In addition to the twenty-one bishops, at least one angel was present, according to a charming tale in the *Dialogues* of Sulpicius Severus. Martin of Tours was eager to learn about the decisions of this council, because he believed they would touch upon the persecution of Priscillian of Avila. The angel arrived to provide Martin with news of the council proceedings. Chadwick notes that this story is the only reason to associate the council with the Priscillianist controversy, because the affair was not treated directly in any of the canons⁹¹. The brief set of canons is instead quite similar to the proceedings at Valence (374), and reveals no obvious engagement with theological controversies. However, the brevity of the canons do not exclude a preoccupation with other matters, and discussions which could not be safely recorded⁹². The angel was probably right to say that Priscillianism was discussed at Nîmes.

⁸⁹ Council of Nîmes (394/396), CChr.SL 148, 49-51; see also HEFELE - LECLERCQ (as note 66), vol. 2, 94-97; MAASSEN (as note 83), 191; and GAUDEMET, *Conciles Gaulois* (as note 44), 124-131.

⁹⁰ MAASSEN, 577.

⁹¹ *Ipsum diem fuisse conuentus et eadem ibi fuisse decreta, quae Martino angelus nuntiarat.* Sulpicius Severus, *Dialogi*, II. 13, Giuseppe Augello, ed., Palermo 1969, 94-96, see also CHADWICK, *Priscillian of Avila* (as note 87), 158.

⁹² LIMMER (as note 34), vol. 1, 84, also considers Priscillianism the main topic of this council.

Thus at Nîmes, too, we see a council serving as a regional aristocratic assembly, providing an occasion for rites of mutual recognition, consultation and discussion. The principle of mutuality had been tangibly expressed at Arles (314) in the collegial recognition of every bishop's disciplinary decisions. At Nîmes (394/396) the bishops went on to establish the corollary that no deposed cleric should be received from another bishop's territory⁹³. The coolness in regard to theological conflict reflects an emphasis on conciliation and mediation rather than assertion and decision-making. The council may have served as an official ecclesiastical audience and partner for imperial ecclesiastical politics, in a period of religious divisions between courtly factions, and of dramatic changes in the social and political composition of the western Empire. Theological reticence was a counsel of wisdom in periods of political and religious antagonism.

The Council of Turin (398)

In the year of this council (398), Stilicho moved the capital of the prefecture of Gaul to Arles, making a dramatic new arrangement for the Rhine border regions, involving new treaties with the Franks and Alamanni⁹⁴. A brief, welcome period of calm ensued, which encouraged the bishops of Gaul to focus on their own formal organization as a regional elite. In particular, the bishops attempted to organize themselves around the primacy of metropolitan bishops (i.e., bishops of provincial capitals)⁹⁵.

Turin (*Augusta Taurinorum*), lying on the upper Po River in the Piedmont, was associated with the southern Gallican church. If it ever existed, the subscription list of the Council of Turin (398) was not preserved, so even less can be said about particular bishops present at this council, despite the fact that episcopal authority was almost the only concern at this evidently mean-spirited gathering⁹⁶. Despite the difficulties of dating the council, and of knowing which bishops attended, the issues raised were significant. The records of this council allow us to see an ecclesiastical and aristocratic elite attempting to regulate and routinize its interactions – in

⁹³ *Neque sibi alter episcopus de clerico alterius, inconsulto episcopo cuius minister est, iudicium uideat*: Council of Nîmes (394/396), CChr.SL 148, 50. See also GAUDEMET, *Législation des conciles* (as note 41), 7.

⁹⁴ J.-R. PALANQUE, *La date du transfert de la préfecture des Gaules de Trèves à Arles*, in: REA 36 (1934) 359-365 and J.-R. PALANQUE, *Du nouveau sur la date du transfert de la préfecture des Gaules de Trèves à Arles?*, in: *ProvHist* 23 (1973) 29-38.

⁹⁵ GRIFFE (as note 4), vol. 1, 336-340.

⁹⁶ Council of Turin (398), CChr.SL 148, 52-60; MAASSEN (as note 83), 191-192.

other words, to clarify or establish the dominance of certain bishops and certain cities. The council also attempted to adjudicate battles shaped by the presentation of competing legal dossiers (*allegationes*), in response to which judgement (*iudicium*) was expected from the assembled bishops⁹⁷. In a careful analysis of the relevant evidence, Chadwick affirms the date 398 for the council, and suggests that at Turin, Proculus of Marseilles sought acceptance of his authority to ordain clergy in the province Narbonensis II. In this dispute, the traditional establishment of ecclesiastical rank by seniority based on the date of ordination came into conflict with the emerging dominance of metropolitan bishops, who were held to have a special territorial claim of precedence, following the model of the eastern Pentarchy. The second canon records the council's cautious effort to employ the metropolitan principle to resolve the struggle (sometimes exaggerated in modern scholarship) between Vienne and Arles⁹⁸.

Eight lengthy, discursive canons were established in the council's effort to resolve the disputes presented before it. The council-record reveals that the most aggravated conflicts regarding religious debates and efforts to establish an orthodoxy (such as the fault lines opened by the execution of Priscillianist clerics), were transformed into legal questions of ordination and precedence, mutual recognition and acts of governance. The bishops turned away from theology to ecclesiastical order, implying that a satisfactory theological outcome was expected not from soul-searching or gazing into heaven, but from the smooth functioning of principles of order, seniority, and rules of etiquette. For example, the principle of mutuality demanded that bishops not provide positions to clerics arriving from other churches, especially if they had been deposed by another bishop⁹⁹. The assembly served as a tribunal for disputes involving bishops, such as the aggrieved Bishop Triferius. At Turin the council of bishops appears as a source of law, possessing judicial competence, which could serve as an organ of self-government.

To pass decrees by the "authority of the council" (*synodi decreuit auctoritas*), or to issue an official verdict (*sententia definitum est*) in a dispute, appear as the consuming preoccupations of the Gallican bishops. Meanwhile the political and social setting of imperial politics was almost wholly

⁹⁷ *Auditis allegationibus episcoporum, eorum uidelicet qui ad iudicium nostrum fuerant congregati...*: Council of Turin (398), CChr.SL 148, 54.

⁹⁸ CHADWICK, Priscillian of Avila (as note 87), 160-161; HEFELE - LECLERCQ (as note 66), vol. 2, 133-134; LIMMER (as note 34), vol. 1, 86-87.

⁹⁹ Council of Turin (398), CChr.SL 148, 58.

replaced by new regional political confederations. Bishops ceased gazing upward toward imperial centers, and focused their activity around coordinating their governmental and legal activities and integrating them with newly emerging regimes.

The Council of Riez (439)

The Council of Riez, held in 439, illustrates a cultural transformation within the episcopate of southern Gaul, reflecting the flexibility of the episcopal ideal. Confronted by political upheavals, the bishops devised new forms of organization, and adopted a new cultural and scholarly style, drawing upon the monastic traditions of the Mediterranean coast. By the early fifth century, the imperial and Roman context of Gallican councils was changing rapidly with the rising prominence of new tribal and regional powers. Within the city of Rome the Emperor Honorius had found it necessary as early as 397 to forbid the wearing of trousers and long hair in the style of the barbarians, a law which was several times renewed. The regions of Gaul experienced rapid cultural change, with the rise of barbarian confederacies and nascent kingdoms, especially in the north, conditions which the bishops of southern Gaul seemed to navigate with considerable skill, perhaps illustrating the principle that 'we recover sooner from the troubles of others.' The relevance of the emperors was waning as the most important arrangements were now made in the intimacy of local networks and negotiation between established groups and newly arriving peoples. The long, stable reign of the Theodosius II in the East corresponded with the rise to power of nomadic peoples in the West, including the Vandals after 406, and politically devastating events such as the sack of Rome by the Goths in 410, and the sudden rise of Attila's Hunnic Empire. The unified context of the state was submerged in the divisions between Germanic and Roman elements in the army and aristocracies of western regions¹⁰⁰.

Fractured political conditions in the West presented challenges for local sources of authority. This was a maximal period of responsibility for Gallican bishops who served as key figures representing cultural, historical, and political continuity in their cities and communities¹⁰¹. In many regions the kings of barbarian federations were able to force recognition of their successful seizures of power. In 439 the capital of the Burgundian kingdom

¹⁰⁰ G. TABACCO, *The Struggle for Power in Medieval Italy: Structures of Political Rule*, trans. R. B. JENSEN, Cambridge 1989, 50.

¹⁰¹ P. BROWN, *Power and Persuasion in Late Antiquity: Towards a Christian Empire*, Madison 1992, 103 and 134.

was established in Lyon, where one of the oldest western Christian communities was led by a cultured ecclesiastical echelon with ties to Lérins¹⁰². The bishop of Lyon lived in a well-appointed episcopal residence, and governed several churches and monasteries. The bishop was especially associated with a monastery on an island nearby, the *Monasterium Insulae Barbarae*¹⁰³. The bishops of southern Gaul witnessed the collapse of military and political arrangements and were forced to adapt themselves to a world in which new zones of power arose and as suddenly melted away according to shifting fortunes in the “game of the powerful”¹⁰⁴.

The bishops of Arles were affiliated with the monastery of Lérins, founded in 410. Arlesian clerical culture gained lustre by its connection to this monastery, which served as a center of book-learning and authority, a school of ascetic discipline, and a refuge of religious significance. The carefully nurtured and widely advertised ‘desert ethos’ associated with the monastery and affiliated bishops formed the basis for a close-knit aristocratic cultural circle, which was able to focus on its own concerns. The perceived conflict between the role of monk and bishop, so painfully examined in the Pricillian affair, was abandoned in this cultural circle¹⁰⁵. Close monastic, ecclesiastical and aristocratic cooperation were a solution to the new political conditions, and in this respect, Lérins and Arles were a source of cultural persistence, in terms of aristocratic culture, a meaningful form of life, and the bright thread of learning.

The successful survival and resulting embeddedness of the aristocratic power of bishops as an urban and regional elite, led to competitive efforts to secure the dominance of certain bishops and particular cities. We can point to an intensification of clerical prestige and a widening range of cultural importance for bishops and monks. The circle of Lérins was masterful in its accumulation of sanctity and in shaping a network of closely cooperating urban and monastic centers of regional authority, bound by men sharing a personal sense of solidarity¹⁰⁶. In 439, Hilary of Arles called a

¹⁰² WOLFRAM (as note 42), 252.

¹⁰³ B. BEAUJARD, et al., *Province ecclésiastique de Lyon (Lugdunensis prima)*; Paris 1986 (=TCCG, 4), 28. On the episcopal residence, see 26.

¹⁰⁴ Phrase of WOLFRAM, 103.

¹⁰⁵ CHADWICK (as note 21), *Bishops as Monks*, 47.

¹⁰⁶ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 83. In the case of Eucherius of Lyon, Prinz suggests a connection between the bishop and the Jura monasteries: F. PRINZ, *Frühes Mönchtum im Frankenreich. Kultur und Gesellschaft in Gallien, den Rheinlanden und Bayern am Beispiel der monastischen Entwicklung* (4. bis 8. Jahrhundert), Munich 1965, 66-67.

council in Riez, in the Maritime Alps of Provence, to address the improper ordination of a bishop in Embrun¹⁰⁷. Although the subscription lists do not identify the attending bishops by city, we know that the council included the ecclesiastical *beau monde* of the southern Rhone valley, the Mediterranean coast and the Milanese church. Thirteen bishops recorded their attendance and acceptance of the proceedings: Severianus of Thorame, Adentius of Die, Iulius of Apt, Arcadius (bishopric unknown), Auspicius of Vaison-la-Romaine, Severus of Milan, Claudius of Castellane, Valerianus of Cimiez, Nectarius of Avignon, Asclepius of Cavailon, Theodorus of Fréjus, and Maximus of Riez. Bishop Constantius of Carpentras, meanwhile, was represented by his presbyter Vincentius (and thus we see the line between bishops and other clerics such as presbyters becoming darker). The bishop of Lyon was unable to attend.

This was a group guided not only by the concept of episcopal power, but also by the added project of a monastic ideal, severe in its stated character but at the same time cultivated, practical, and easily combined with positions of authority. We know the commitments of some of these men: Maximus of Riez wrote an encomium for Honoratus, the founder of Lérins. It is possible that Valerianus of Cimiez can be identified as the author of an *Epistle to Monks*, which emphasized a Pauline spirituality, in which the idea of manual labor was subtly translated into a broader commitment to “do the work of God”¹⁰⁸. With such subtleties the road was open to provide aristocratic activities with the cachet of asceticism.

In some versions of the subscription list, Hilary’s name is recorded along with an assertion of the legal principle that the canons of the council followed the statutes of the Fathers (*statuta Patrum secutus*), thereby connecting the council to the setting of fourth-century Christianity and the bishops of old¹⁰⁹. In scolding tones the council-record frequently reminds the reader of the absolute and holy nature of synodal law, which embodies the historical weight of earlier assemblies of bishops. The council-record was crafted so as to function as an *authority-bearing* written document, a record of judgement, to be associated with the bishops who subscribed to the verdicts (*definitiones*) of the council. The tone, vocabulary and style of

¹⁰⁷ Council of Riez (439), CChr.SL 148, 61-75; HEFELE - LECLERCQ (as note 66), vol. 2.1:423-430; see also MAASSEN (as note 83), 192-193.

¹⁰⁸ VALERIANUS, *Epistola ad monachos*, PL 52:755-758. Discussion in A. DE VOGÜÉ, *Histoire littéraire du mouvement monastique dans l’antiquité*, vol. 7, Paris 2003, 129-131.

¹⁰⁹ Council of Riez (439), CChr.SL 148, 71 and (subscriptions contained in the *Collectio Coloniensis*) CChr.SL 148, 72.

the document reflect an awareness of this developing legal genre. There are signs that the bishops of Arles had begun to build up a library of canon law to serve them in their assertions of privilege. The Council of Riez (439) was therefore able to draw upon canons from the councils of Nicaea (325), Toulon (398), and Elvira (306).

A decision was issued against excommunication of the bishops who had consecrated Armentarius of Embrun; but the latter was nevertheless deposed by the council and the see of Embrun declared open. Following a canon of Antioch (341), it was decreed that a council should be assembled by the Metropolitan bishop twice per year. This important canon was preserved, however, only in a single version of council in the *Collectio Hispana*, although it was often cited at later councils.

By thus exercising control over Embrun, Hilary was making clear that the power of Arles extended that far; at the same time, that he and the other bishops exercised power only in accordance with the statutes of the fathers, in accordance with legal authority, and supported by evidence known in Arles and brought to bear on the case through legal scholarship¹¹⁰. The organized regional power of bishops, and their government over Christian communities, were seen to take shape through law. Thus in the council we can observe the communal activities of the bishops and a characteristic legal procedure and mentality. The jurisdiction (*ius*) of a bishop, even a metropolitan bishop, was only as large and as real as he could make it, by engaging in authoritative acts, forcing men to recognize him over a certain area. Arles made such claims throughout the fifth century, asserting its metropolitan status against Vienne's reluctance to cede any of its own authority¹¹¹. In effect, a bishop's territory was not a stable geographic and legal reality, but was coextensive with his ability to govern convincingly, to organize regional elites, and to possess a mastery of law. Any supposed imperial setting had faded completely from view, while episcopal governance was highlighted.

At the Council of Riez, Hilary and his fellow bishops were engaged in 'making real' the diocese of Arles, and 'making legal' the shape of aristocratic prestige. In this case the procedure required the exclusion or punishment of opposing groups. While the overarching authority of Arles was established, the mutuality of episcopal power had to be recognized. By no

¹¹⁰ See for example Hilary's subscription to the council: *Ego Helarius iuxta id quod uniuersis sanctis episcopis meis qui mecum subscripserunt placuit, statua patrum secutus...*: Council of Riez (439), CChr.SL 148, 72.

¹¹¹ On this claim of Arles, see HEFELE - LECLERCQ (as note 66), vol. 2.1, 424-428 (n.1).

means could Hilary act by fiat in matters that touched on the sources of episcopal authority. Old law, scholarly and spiritual resources, and ascetic power formed a potent combination which placed the bishop of Arles at a pinnacle of authority. The ideal of collegial mutuality was stressed in spite of the effective seizure of power by Hilary of Arles: *Whatever is established by the common will, in the will of God, must be preserved by common consent: otherwise, God forbid, someone might prescribe something that goes beyond it, and yet not face the opprobrium of everyone as well as of God*¹¹².

The bishops claimed to make their decisions “in common” (*in commune*). Beneath the quiet surface, we can see the fierce struggle of Hilary of Arles and his circle against the bishop of Vienne unfolding as law¹¹³. Thus bishops reacted to the hypertrophy of Roman order, and the ubiquity of military force, by pulling together as a tight-knit regional organization through formal, mutually-accepted ritual and legal procedures.

The Council of Orange (441)

Orange, an old Roman center of the Vaucluse, with its baths, triumphal arch, and splendid theatre, was the setting for a further Arlesian council in 441¹¹⁴. The ascetic master Hilary of Arles again presided over an assembly of bishops from across southern Gaul, to inscribe the dominance of Arles in legal terms¹¹⁵. Legal knowledge, or what might be called the very concept of legality, was a principle feature of this council, as select canons were presented to the council and incorporated in its own records: from the councils of Arles (314), Nicaea (325), Turin (398), Elvira (306), Riez (439). The bishops displayed a knowledge of Roman law. Significantly we also see the incorporation of older Gallican canon law as a valued legal tradition.

The use of canons from councils held in Carthage (397 and 399) probably reflects the possession at Arles of an African canon collection. The African church, and Carthage in particular possessed a conciliar tradition more unified and far more extensive than the councils of Rome or Gaul: 23 Afri-

¹¹² *Quae uoluntate communi in uoluntate Domini constitua, omnes communi consensu conseruanda neque, quod absit, sine offensa omnium ac Dei a quoquam transgredienda definiunt...: Council of Riez (439), CChr.SL 148, 70.*

¹¹³ HEFELE - LECLERCQ, vol. 2, 423-430.

¹¹⁴ J. BIARNE, et al., *Provinces ecclésiastiques de Vienne et d'Arles (Viennensis et Alpes graiae et poeninae)*; Paris 1986 (= TCCG 3), 95-99.

¹¹⁵ Council of Orange (441), CChr.SL 148, 76-93; see also MAASSEN (as note 83), 193.

can councils had been held between 345 and 427, primarily in Carthage¹¹⁶. These impressive African councils circulated in several early collections, such as the *Codex canonum ecclesiae africanae*, also called the *Registri ecclesiae Carthaginensis excerpta*. This collection was known at Rome as well as Arles, and later incorporated in larger collections such as the *Dionysiana*. So pronounced are these incorporations of old law in the procedure of Orange (441), that the question naturally arises, whether one aim of Hilary had been to use the conciliar proceedings as a means of publishing and declaring for the Gallican church the bodies of law that were known in Arles. Mastery of sacred law, Hilary had discovered, allowed a mastery of situations.

In this way a mixed law was coming into existence, which involved the highly significant transfer of law from one regional church to another (in this case from Africa to Gaul). This meant that the scholarly *collection* and wide-spread *acceptance* of law through the medium of collections (and as we shall see, through canon-collections presented in the form of suppositious councils) were coming to rival the importance of “new legislation” and new conciliar initiatives, as the means of creation and dissemination of legal doctrines, legality and corresponding terminology. The acceptance of such ‘regional’ councils by the Gallican churches shows that canon law was not conceived of as territorial in its purview. Instead, the councils were informed by legal scholarship which focused on the compilation of law¹¹⁷. The mastery of this learned law accords well with the ascetic and scholarly connotations of the monk-bishop of Arles, and the backdrop of Lérins as a scholarly center of authority.

Concluding the records of the Council of Orange (441), are the subscriptions of seventeen bishops in attendance, recording their assent and participation not only by entering their names, but also the city and province of which they were bishop. In the most detailed version, the subscription list preserved in the *Collectio Coloniensis*, we observe an attempt to show the connections between ecclesiastical history as represented by the ongoing legal activity of the councils, and the cities and provinces of Gaul. Hilary of Arles led the assembly, accompanied by the presbyter Ravennius and Petronius, a deacon. About one-half of the attending bishops, such as

¹¹⁶ African councils: GAUDEMET, *Sources* (as note 4), 50-51; MAASSEN, 149-186; MINNERATH (as note 5), 24-25; KURTSCHIED – WILCHES (as note 23), vol.1, 92-93; HEFELE – LECLERCQ (as note 66), vol. 2, 201-209.

¹¹⁷ In contrast to the view of Gaudemet, who suggests a limited regional competence for such councils: GAUDEMET, *Législation des conciles* (as note 41), 1.

Claudius of Vienne, Eucherius of Lyon, Salonius of Geneva, Constantianus of Carpentras, and others, noted that they were similarly accompanied by presbyters or deacons. Having an entourage must have contributed to the prestige of each bishop, and may also reflect the intellectual efforts of episcopal ateliers engaged in compiling and manipulating the legal dossiers so evident in the conciliar record.

The council reflects the dominance among these bishops of the desert ethos of Lérins, and of men associated with the monastery. Eucherius of Lyon expressed the ideal which equated the “love of the desert” with the “love of God” in his *De laude eremi*¹¹⁸. According to Eucherius, the ascetic tradition established in Biblical times with Moses and David culminated in the monastery of Lérins, and thus was inherited by the echelon of bishops connected to the monastery. Those affiliated with Lérins described it almost exclusively as a place of austerity and monastic training, but it clearly also served as a regional retreat and center of learning, where men such as Eucherius could explore dialectic, grammar and the study of Scripture¹¹⁹.

The Lérins cohort included many highly literate and prolific authors, who were often connected by the friendly connection of student and pupil: one of the bishops named above, Salonius of Cologne, was a pupil of Salvian of Marseilles, who had introduced him to the “discipline of spiritual things”¹²⁰. His teacher Salvian may have been a native of Cologne, entering Lérins in about 426¹²¹. For his part, Salonius authored the exegetical treatise *Expositiones mysticae*. The Lérinians were connected by family ties as well: Salonius was the son of another learned bishop attending the council, Eucherius of Lyon¹²². Salonius was later present at the Council of Vaison-la-Romaine (442), and signed the synodal letter of the Council of Arles sometime between 449-461. Salonius of Cologne, although stationed farther north, was able to maintain a close cooperation with other men of learning and thus share in the ascetical reputation of this emerging elite¹²³.

¹¹⁸ EUCHERIUS OF LYON, *De laude eremi*, PL 50: 701-712. See G. DE MONTAUZAN, Saint-Eucher, évêque de Lyon et l'école de Lérins, in: *Bulletin historique du diocèse de Lyon* 2 (1923), 81-96.

¹¹⁹ P. RICHÉ, *Éducation et culture dans l'Occident barbare, VI^e-VIII^e siècle*, Paris 1995, 89.

¹²⁰ *Spiritualium rerum disciplinae*: in the testimony of EUCHERIUS OF LYON, *Instructiones ad Salonium*, C. WOTKE, ed., Vienna 1894, CSEL 31.1, 65.

¹²¹ DROBNER (as note 25), 490.

¹²² SALONIUS OF COLOGNE, *Expositiones mysticae in parabolas Salomonis et in Ecclesiasten*, PL 53: 967-1012.

¹²³ VAN DAM (as note 36), 73.

The Council of Vaison-la-Romaine (442)

Like other council-records, the acts of Vaison-la-Romaine convey the dry verbal resonance of authority in successful motion. The pacific ending of ecclesiastical tension was achieved through a combination of deployed authority, legal norms, pressure and negotiation. Vaison-la-Romaine was a further council under the leadership of Hilary of Arles¹²⁴. His organisation of so many apparently effective assemblies demonstrates Hilary's central position in this regional network of like-minded clerics and their communities.

The ritual and social significance of the Gallican councils meant that certain bishops could rely on a principle of hierarchical leadership expressed in the law itself. The presiding bishop could exert pressure to sway the results and decisions of the council¹²⁵. But this often had to take the form of conciliation and recognition of others: while we imagine Hilary as the bishop providing the energy and impetus of this council, Auspicius, the bishop of Vaison was allowed to inscribe his name first in the subscription list, and nominally, at least, must have presided. Auspicius was one of the Lérins circle and had been ordained in Arles¹²⁶. In Mathisen's view this arrangement may have been an attempt to lighten the oppressive sense of Hilary's dominance over the southern Gallican church. It is even possible that the bishops who were disciplined at Riez (439) were brought back into the fold¹²⁷. In so small a world, the tense presence of unreconciled men was difficult to bear.

The subscription list contained in the *Collectio Coloniensis* reveals again the attendance of bishops accompanied by other clerics, in this case from no fewer than 23 cities¹²⁸. In each case the city and province of the bishops were listed, reflecting an awareness of legal historicity, no doubt as a result of legal scholarship which found that old law was better appreciated when the participants and context could be known. The subscription-style was also important as a record of who exactly had agreed to potentially divisive canons. It was important to note the participation so as to be able to re-

¹²⁴ The council-record: Council of Vaison-la-Romaine (442), CChr.SL 148, 94-104; see also MAASSEN (as note 83), 193-194. See also HEFELE - LECLERCQ (as note 66), vol. 2, 454-460. On the ecclesiastical landscape of Vaison-la-Romaine, J. BIARNE, et al., *Provinces ecclésiastiques de Vienne et d'Arles (Viennensis et Alpes graiae et poeninae)*, Paris 1986 (= TCCG 3), 89-93.

¹²⁵ PRINZ (as note 106), 51; GAUDEMET, *Sources* (as note 4), 53.

¹²⁶ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 97.

¹²⁷ Following the account in: *ibid.* 112.

¹²⁸ Vaison-la-Romaine (442), CChr.SL 148, 102; MAASSEN (as note 83), 577.

mind them, if need be, of their accordation. The name of Claudius of Vienne was entered immediately after Hilary's, suggesting that their stature was to some extent comparable, despite the underlying tension of competition for regional prominence. Salonius of Geneva was present, but not his father.

The attending bishops were still divided over the affair of Armentarius of Embrun, at what was now the third council to take up the matter. Valerianus of Cimiez was on the side of Maximus of Riez, while Theodorus of Fréjus stood against them. Maximus had been abbot (*praepositus*) of Lérins and had helped to establish a rule governing the life of the monastery¹²⁹. Later he was 'unwillingly' (unless this was a traditional conceit) forced to serve as bishop of nearby Riez¹³⁰. His connections to Lérins and Arles were quite strong. At Riez (439), the affair of Armentarius was finally laid to rest. The key to this reconciliation may lie in the expressions of the first canon: "that bishops attending from the Gallic provinces need not be examined, but that it should suffice if no one refused to take communion with anyone..."¹³¹. Local ties were relied upon to resolve a long-standing problem, by the tactful and deliberate avoidance of the divisions it had provoked.

On the nature of episcopal prestige and mutuality, Vaison-la-Romaine (442) accepted as canonical the First Epistle of pseudo-Clement, thus revealing that they were in tune with Pope Leo's interest in this document, which Leo was using, in combination with principles from Roman law, to limn the legal nature of Roman authority¹³². In a highly significant canon, the bishops attempted to make regional councils such as Vaison the ordinary court for all appeals in ecclesiastical disputes¹³³. The exclusive liturgical government of a bishop over his community was likewise confirmed, as lower clergy were forbidden to resupply the holy chrism from other bish-

¹²⁹ VOGÜÉ (as note 108), 57-58.

¹³⁰ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 90-91.

¹³¹ *Placuit ergo tractatu habito episcopos de Gallicanis prouinciis uenientes intra Gallias non discutiendos, sed solum sufficere si nullus communionem alicuius interdixerit...*: Council of Vaison-la-Romaine (442), CChr.SL 148, 96. Trans. in MATHISEN, *Ecclesiastical Factionalism* (as note 51), 112.

¹³² Council of Vaison-la-Romaine (442), CChr.SL 148, 98; text of First Clement in: EnchP, 2d ed., Freiburg 1962, 5-11; see also W. ULLMANN, *A Short History of the Papacy in the Middle Ages*, New York 1982, 20; see further on First Clement: DROBNER (as note 25), 47-49.

¹³³ *Si quis episcopi sui sententiae non adquiescit, recurrat ad synodum*: Council of Vaison-la-Romaine (442), CChr.SL 148, 98.

ops than their own¹³⁴. It was declared that bishops formed an order: “our order” (*noster ordo*) which should not readily listen to accusations injurious to collegial activity and cooperation¹³⁵. The bishops were shaping this ideal order as an affiliated group with special training and monastic connections. As portrayed in the council-record, this *ordo* possessed a special sacred aura combined with an equally-supported aura of legality.

In summarizing Hilary’s career Peter Brown aptly suggests: “as befitted an aristocrat, backed by aristocrats, Hilary was an empire-builder”¹³⁶. This is certainly justified by Hilary’s dominant role in the Gallican councils of his day. Hilary could marshal the resources of Arles and the Lérins circle, and with their assistance, successfully maintain his ecclesiastical decisions even over the opposition of Pope Leo I. Hilary’s deposition of Chelidonius of Besançon also created friction with the monastic communities of the Jura¹³⁷. The image of Hilary as an ecclesiastical campaigner should be complemented by an appreciation of his role in shaping and strengthening the very meaning of the episcopate in the context of his councils, as a brotherly *ordo*.

Council in a Place Unknown (451)

As a result of invasions and civil wars of the early fifth century, Gallican bishops became isolated from the eastern Mediterranean world which had harbored the late antique church, and regular contact among themselves became the decisive factor in preserving their ability to act as an institution.

One such council (location unknown) sent a synodal letter to Pope Leo I in 451. The Pope had conveyed to these bishops a document which he had “sent to the east for the assertion of the Catholic faith”¹³⁸. Pope Leo’s letter

¹³⁴ *a suis propriis per anos singulos chrisma petant...*: Council of Vaison-la-Romaine (442), CChr.SL 148, 97.

¹³⁵ *Placuit praeterea accusandi licentiam etiam in nostri ordinis si qua existit leuitate comprimere...*: Council of Vaison-la-Romaine (442), CChr.SL 148, 99.

¹³⁶ P. BROWN, *The Rise of Western Christendom: Triumph and Diversity AD 200-1000*, 2d ed., Oxford 2003, 113.

¹³⁷ See the account in GRIFFE (as note 4), vol. 2, 160-170; and M. JOURJON, À propos du conflit entre le Pape Léon et Hilaire, évêque d’Arles, in: *La Patrie gauloise d’Agrrippa au VI^{ème} siècle. Actes du Colloque (Lyon 1981), Lyon 1983 (= Centre d’Études Romaines et gallo-romaines 3)*, 267-271. On the reaction in the Jura communities: VOGÜÉ (as note 108), 330-331.

¹³⁸ *Perlata ad nos epistola beatitudinis uestrae, quam ad Orientem pro catholicae fidei assertionem misistis...*: *Epistola synodica episcoporum Galliae ad Leonem Papam post concilium incerto in loco adunatum (451)*, CChr.SL 148, 107-110. See 107.

to Flavian of Constantinople on the two natures of Christ, known as the *Tome of Leo*¹³⁹, had been rejected at the Council of Ephesus in 449, so Leo recruited the support of the Gallican bishops for his effort to overturn that council, which he succeeded in doing at the Council of Chalcedon in 451¹⁴⁰. Gallican bishops were thus drafted for the church-wide struggles of the time, yet there were signs, in their letter of reply to the Pope, of how light their participation was: “it was difficult for us, because we could not quickly come together, either because of the long distances which separate us, or because of the weather, which, as is customary in our regions, was intemperate”¹⁴¹. This was an oddly diffident statement, given that many bishops were then enduring invasion by the Huns, who were defeated in a horrible battle on the Catalaunian Plains that same year¹⁴². The contrast with the eastern church was great, where councils gathering many hundreds of bishops met repeatedly throughout the fifth century, and continued to rely on the emperor’s protection.

Leo must have been gratified by the effusiveness of Gallican support. The bishops made an extended declaration of their faith in the Apostolic See, and of their joy at having heard Leo’s authoritative voice, which the bishops took as a “symbol of the faith,” to be committed to memory¹⁴³. The Apostolic See was described as the “font and origin of our religion”¹⁴⁴. Far from being intimately involved in this debate, the bishops felt that the Pope had taken up arms against “a heresy developing in secret for a long

¹³⁹ *Tomus Leonis*, in J. ALBERIGO, ed., *Conciliorum oecumenicorum decreta*, 3d ed. Bologna 1973, 77-82.

¹⁴⁰ On Chalcedon, see: E. SCHWARTZ, *Aus den Akten des Concils von Chalkedon*, Munich 1925 (= *ABAW.PPH* 32/2); A. GRILLMEIER, *Le Christ dans la tradition chrétienne*, trans. SISTER PASCALE-DOMINIQUE, vol. 2.1, *Le Concile de Chalcédoine (451), réception et opposition (451-513)*, Paris 1990.

¹⁴¹ *...nisi nobis difficultatem, qua in unum celeriter non potuimus conuenire, uel spatia, quibus a nobis dispatati sumus, longa terrarum uel aurarum, quae in regionibus nostris praeter consuetudinem fuit, intemperies attulisset: Epistola synodica episcoporum Galliae*, CChr.SL 148, 107.

¹⁴² WOLFRAM (as note 42), 136-139.

¹⁴³ *Quae Apostolatus uestri scripta, ita ut symbolum fidei, quisquis redemptionis sacramenta non negligit, tabulis cordis adscribit, et tenaci...memoriae commendauit: Epistola synodica episcoporum Galliae*, CChr.SL 148, 107.

¹⁴⁴ *Tantaeque doctrinae Apostolicae Sedi, unde religionis nostrae, propitio Christo, fons et origo manauit, Antistitem dedit: Epistola synodica episcoporum Galliae*, CChr.SL 148, 108. The bishops thereby applied to the pope the same epithet which they applied to themselves. See for example *Presbytero uel diacono sine antistitis sui epistolis ambulanti cumunionem nullus inpendat: Council of Épaone (517) CChr.SL, 20-37. See 25.*

time”¹⁴⁵. In the very act of declaring their reverence toward Rome the bishops of Gaul betrayed the extent to which they were absorbed by their own profound troubles, and their efforts to find local solutions. An attitude of worshipful obedience to Rome was combined with a degree of disconnection from the debates in which the popes were engaged. As at Arles (314), once more the bishops of Gaul used the term *papa* to refer to the pope¹⁴⁶.

The Council of Arles (449-461)

With the unusual exception of the previous council, the Gallican councils continued to revolve around matters of local concern. This council, gathering 12 bishops, was held in Arles during the episcopate of Bishop Ravennius (449-461), but the date cannot be further specified¹⁴⁷. It was the first council held there following the death of Hilary of Arles (†449). The council-record takes the form of a synodal letter recording the decision of the bishops in the affair of Faustus, Abbot of Lérins¹⁴⁸. This involved a dispute between the abbot and Theodorus, bishop of Fréjus, over the liturgical precedence of the bishop whose territory included the island monastery. The council-record also provides a few valuable passages that appear to be drawn from the *regula* composed by Honoratus for Lérins¹⁴⁹.

The letter confirmed the principle of mutuality, restating that clergy must not seek the chrism from bishops other than their own, and that “peregrine clerics” should not be given a position when they have fled the territory of another bishop¹⁵⁰. As Vogüé suggests, the dispute must have arisen because of the contrary practice on the part of the community of Lérins, which was held to violate the prerogatives of Fréjus¹⁵¹. Most of the bishops who signed this synodal letter were also signatories of the letter to Pope Leo, discussed above: Ravennius of Arles, Rusticus of Narbonne, Nectarius of Avignon, Florus (of Lodève?), Constantius of Carpentras, Asclepius

¹⁴⁵ *Meritis autem Apostolatus uestri pius Dominus praestitit, ut haeresim iamdiu occulte nutritam uestris temporibus proderet: Epistola synodica episcoporum Galliae*, CChr.SL 148, 108.

¹⁴⁶ *Et Apostolico honore uenerando Papae Leoni: Epistola synodica episcoporum Galliae*, CChr.SL 148, 107.

¹⁴⁷ HEFELE - LECLERCQ (as note 66), vol. 2, 881.

¹⁴⁸ J. SIRMOND, *Conciliorum antiquorum Galliae a Iac. Sirmondo S.I. editorum Supplementa*, Paris 1666, 27-32. Munier’s edition: Council of Arles (449-461), CChr.SL 148, 131-134; LIMMER (as note 34), vol. 1, 124-126.

¹⁴⁹ Council of Arles (449-461), CChr.SL 148, 134. CARRIAS (as note 37), 194-195.

¹⁵⁰ *Peregrini clerici absque ipsius praeceptio in communionem uel ad ministerium non admittantur*: Council of Arles (449-461), CChr.SL 148, 133.

¹⁵¹ VOGÜÉ (as note 108), 315-317.

of Cavaillon, Maximus (not the same bishop of Riez mentioned earlier), Iustus of Orange, the learned Salonius of Geneva, and Ingenuus, the new bishop of Embrun. This group of bishops continued to be a well-connected and learned group. Rusticus had received a brilliant introduction to the monastic life in the form of a letter from St. Jerome, which highlighted the value of scholarship as a form of spiritual discipline, and grandly epitomized the monastic life by reference to John the Baptist, and the ascetics of the Old Testament, who “built huts for themselves by the stream of Jordan, and leaving the crowded cities lived on porridge and wild herbs.” Jerome also encouraged the person who might stay inside the city, with the lovely image: “as long as you stay in your native city, regard your cell as Paradise” (*Quamdiu in patria tua es, habeto cellulam pro paradiso*)¹⁵². Jerome had many connections in southern Gaul, commending Proculus of Marseilles and Exuperius of Toulouse to his youthful correspondent as paragons and teachers¹⁵³.

Within the circle of this aristocratic community drawn from several southern metropolitan provinces, it appears that all matters touching Lérins still formed a point of concern for most of the southern Gallican bishops¹⁵⁴. The monastic community itself was not condemned, while the episcopal dispute was settled in favor of Fréjus. The large number of bishops involved in the dispute-settlement is another instance of the importance, for southern Gallican bishops, of the principles in question, affecting the collegial and legal construction of their aristocratic echelon. The agony of discord was expressed in the following terms: “Each time that a member suffers some kind of infirmity, it cannot be that the other members of the body do not suffer”¹⁵⁵. The values of conciliation and cooperation were highlighted from the very announcement of the council, and certainly no other outcome aside from reconciliation was imagined. An affair which touched on the proper distribution of the monastic prestige associated with Lérins was something that harmed the college of bishops, who were said to form a single, vividly imagined social and religious body (*corpus*), a

¹⁵² JEROME, Letter 125, in: F.A. WRIGHT, ed. and trans., *Select Letters of St. Jerome*, Cambridge Mass. 1963 (=Loeb Classical Library, 262), 396-439. See also J. N. D. KELLY, *Jerome: His Life, Writings and Controversies*, London 1998, 297.

¹⁵³ JEROME, Letter 125, 436.

¹⁵⁴ VOGÜÉ (as note 108), 319.

¹⁵⁵ *Quotiens membrum aliquod quolibet infirmitatis genere laborat, fieri non potest quin etiam cetera membra corporis doleant: Exemplar Epistulae generalis quae ad episcopos invitandos in causa insulae Lerinensis missa est*, Council of Arles (449-461), CChr.SL 148, 132.

term which appears to acquire a social or political sense referring to the clergy alone, rather than Christian community as in Tertullian¹⁵⁶.

The Council of Tours (461)

With the council of Tours (461) we leave the close-knit world of southern Gaul and its Lérinian connections, and observe a new generation of bishops grappling with new conditions¹⁵⁷. In the south the miniature empire of the Gallican senator Avitus collapsed with the expansion of the Gothic kingdom, which now reached out into Spain, where in 455 the Suebi and their Roman allies were defeated by the Goths, who now trumpeted the erection of the Kingdom of Toulouse. The bishopric of Clermont-Ferrand, and Tours itself were a kind of refuge, protected by the miraculous power of St. Martin and by the Frankish general Childeric. Alliances frequently cut across the traditional opposition of *Romani* and *barbari* in these conditions¹⁵⁸. The Roman aristocracy increasingly turned to the Church: Avitus himself was (forcibly) made bishop of Piacenza¹⁵⁹.

The church of St. Martin was the setting of this assembly of bishops, who declared that they were “preserving the statutes of the fathers according to evangelical precepts and apostolic doctrine”¹⁶⁰. Led by Perpetuus of Tours, the council assembled nine bishops from the surrounding region on the feast day of St. Martin¹⁶¹. The unusual reliance of this council on citations from Scripture, fits into the total picture presented by this council, that it focused on recounting old law in a quest for the most widely-known and ancient sources of authority. Out of the total 36 scriptural citations contained in all the councils of the Gallican period, about one-half were presented at Tours (461).

A sense of distance is implied in the addition of Biblical citations, as if divine confirmation of southern Gallican law was considered helpful in the environment of the troubled Loire valley. Most of the canons of the council

¹⁵⁶ It is highly significant that *corpus* here does not refer to the Church but to the bishops of southern Gaul. Compare citations in GGB vol. 4, 538-541; see also H. DE LUBAC, *Corpus mysticum. L'Eucharistie et l'église au moyen âge. Étude historique*, Paris, 1949 (= Theo[P] 3), 2d ed. rev., 94.

¹⁵⁷ Council of Tours (461), CChr.SL 148, 142-149.

¹⁵⁸ WOLFRAM (as note 42), 152.

¹⁵⁹ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 199.

¹⁶⁰ *Ut secundum euangelica praecepta et apostolicam doctrinam patrum statuta seruantes*: Council of Tours (461), CChr.SL 148, 143.

¹⁶¹ HEFELE - LECLERCQ (as note 66), vol. 2, 898-890.

were directly based on earlier councils. There are also several citations of papal decretals, providing an early instance of the acceptance of these documents as the equal of conciliar decrees¹⁶². Later canon collections ordinarily included papal decretals alongside conciliar documents implying a single body of law with a shared authority, which raises the possibility that the bishops at Tours (461) possessed an early canon collection of some kind. The procedure is quite similar to that followed by Hilary twenty years earlier at Orange (441): an effort to make known the law, to publish it in a communal setting and give it renewed force. The inclusion of old canon law alongside papal decretals makes it exceedingly unlikely that these sources were in the form of separate documents. The council-record is preserved in Paris, Bibliothèque Nationale, lat.3846, a ninth-century Carolingian collection which also contains the *Collectio Dionysiana*¹⁶³. It also exists in the *Collectio Bellocensis*, a chronological collection of councils made in the ninth century (Vatican lat.3827)¹⁶⁴.

Perpetuus corresponded with the elegant occupant of the see of Clermont-Ferrand, Sidonius Apollinaris, and may have overseen an early episcopal school in Tours¹⁶⁵. Tours had its own ascetic tradition, developed by St. Martin himself, who made a point of conducting his episcopal business while seated on a homely tripod. The bishops of Tours could draw upon the resonance of those associations and the continued presence of Martin's monastic community in neighboring Marmoutier¹⁶⁶. Also present were Victorius of Le Mans, Leo of Bigorre (Tarbes), Eusebius of Nantes, Amandinus of Chalons-sur-Marnes, Germanus of Rouen, Athenius of Rennes. A British bishop, Mansuetus, might have represented a British refugee community in the Loire. Others found it difficult to participate: Venerandus, bishop of an unknown city, was represented by a presbyter. Thalasiaus of Angers, who could not attend, meekly placed his name last, remarking: "I Thalasiaus a sinner, reviewed, subscribe and consent to this definition of my lords the bishops, transmitted by them to me in my little city"¹⁶⁷. Thalasiaus certainly desired to be included in the authoritative world of the councils, and would later build up a collection of law based on his inclusion in these activities. Thalasiaus's *Collection of Angers* is discussed below.

¹⁶² D. JASPER - H. FUHRMANN, *Papal Letters in the Early Middle Ages*, Washington 2001, 17.

¹⁶³ KÉRY (as note 84), 10 and 16.

¹⁶⁴ *Ibid.*, 85.

¹⁶⁵ RICHÉ (as note 119), 74. On the possible existence of a school in Tours, see 106.

¹⁶⁶ VOGÜÉ (as note 108), 340.

¹⁶⁷ *Thalasiaus peccator...: Council of Tours (461)*, CChr.SL 148, 148.

The council drew upon ancient conciliar tradition including decrees of Ancyra (314), Nicaea (325), Turin (398), and Angers (453). The effect was to demonstrate the stated aim of the council, to preserve the ancient canons and support them with Scripture, as in its stricture against usury: “We believe thereto exactly according to the authority of Scripture and the additional constitution of the fathers...”¹⁶⁸. Generally the content of these canons regarded the discipline of Christian communities and the bishops themselves, who were forbidden the company of women. Fundamental, traditional dictates were prominent. It was also forbidden to violate the norms of collegiality by accepting foreign clerics or to attempt to exercise power in another’s territory: a violation of another bishop’s rights (*ius*).¹⁶⁹ Thus in conditions of tremendous pressure, in a key city in the power struggle underway between the emerging Franks and the Gothic Kingdom of Toulouse, the bishops made the recovery and promotion of ancient law the centerpiece of their own regional cooperation. The ascetic aura of this meeting was guaranteed by the guiding presence of St. Martin, for whose intercession the bishops prayed in closing the council¹⁷⁰.

The Council of Vannes (461-491)

Perpetuus presided, possibly only at a distance, at a council held in Vannes (461-491)¹⁷¹. As many of the topics and procedures are quite similar to the earlier Council of Tours (461), it will be dealt with only briefly here. The council appears to have been a continuation, or a follow-up on some initiative coming out of Tours (461). The first canon repeated the rejection of murderers from communion as propounded at Tours, also drawing on a canon of the Council of Elvira (306), which had concerned women who had beaten their servants to death¹⁷².

In the early Gallican *Collection of Rheims (Collectio Remensis)*, Berlin, Philipps 1743, compiled in the second half of the sixth century, the council is connected to six attending bishops¹⁷³. This version of the record actually casts doubt on the presence of Perpetuus, who according to the *Collection of*

¹⁶⁸ *illud etiam secundum scripturarum auctoritatem uel patrum constitutionem addendum credidimus...*: Council of Tours (461), CChr.SL 148, 147.

¹⁶⁹ Council of Tours (461), CChr.SL 148, 146.

¹⁷⁰ *Ibid.*, 147.

¹⁷¹ Council of Vannes (461-491), CChr.SL 148, 150-158.

¹⁷² *Ibid.*, 151. See also BROWN, *The Rise of Western Christendom* (as note 136), 64 with refs.

¹⁷³ KÉRY (as note 84), 50-53; MAASSEN (as note 83), 638-640.

Rheims was relegated to reviewing and subscribing to a document sent to him by the attending bishops¹⁷⁴. Present at the council was Paternus of Vannes, who evidently was not permitted to claim the presidency although the council met in his church. Nonechius of Nantes was present, with Albinus and Liberalis, obscure bishops. The presence of Athenius of Rennes was another point of continuity with Tours (461).

Conflict with the new, unstable and competitive kingdoms was evident. The council adopted a lofty tone in its express return of the region to ecclesiastical law and order (*regula ecclesiastica*)¹⁷⁵. The bishops sought to prevent clerics from being dragged before secular courts, and maintained the special dignity and competence of the episcopal audience, as a court which should not be interfered with by “secular power”¹⁷⁶. The anxiety of the times was evident in the desire of some Christians to find out about the future, by means that were considered illegitimate. The council forbade clerics from indulging in auguries “under the banner of a made-up religion” which was the practice of consulting the Bible as an oracle (*sanctorum sortes*)¹⁷⁷. The influence of competing religious communities was evident in this effort to forbid Christian oracles, and this seems to be another instance of separation and heightening distinctions.

The council was primarily concerned with marshalling and ordering the monastic life, allowing for the growing numbers of monks who wished to retreat into the life of a hermit. Vogüé considers the Council of Vannes (461-491) as evidence for an eremitical tone in the monastic life of the region¹⁷⁸. By organizing and ruling over monasteries and hermitages, bishops such as Perpetuus could ensure their own contact with the ascetic sources of religious authenticity.

The Council of Agde (506)

A new political and religious figure loomed over the proceedings at the Council of Agde: the council noted the permission granted to their meeting by a “most-glorious, most-magnificent, most-pious king.” The triple soubriquet of King Alaric outshined the recognition of Constantine long ago at

¹⁷⁴ Council of Vannes (461-491), CChr.SL 148, 157.

¹⁷⁵ *Ibid.*, 151.

¹⁷⁶ *De proprietate aliqua aduersus ipsum episcopum fuerit nata contentio, aliorum episcoporum audientiam no saecularium potestatem debet ambire*: Council of Vannes (461-491), CChr.SL 148, 153.

¹⁷⁷ Council of Vannes (461-491), CChr.SL 148, 156. LIMMER (as note 34), vol. 1, 78.

¹⁷⁸ VOGÜÉ (as note 108), 386.

Arles (314), who had only been termed “most-pious.” The obsequious proem of the council-record is worth quoting at greater length:

*When in the name of the Lord, the holy synod gathered in the city of Agde, with the permission of our most-glorious, most-magnificent, most-pious king, and there bent our knees to the earth, praying for his reign, for his longevity, for the people of God...*¹⁷⁹.

Alaric II succeeded his father in ruling the Kingdom of Toulouse in 484. Throughout his reign, conflict with the Franks was becoming ever more inevitable as the Franks expanded across northern Gaul toward the Visigothic frontier. At the same time the Visigoths began to conquer Spain from the Suebi and their Roman allies. Beginning in about 500 the Frankish and Visigothic kingdoms began to skirmish. Throughout the two decades of Alaric’s reign these two confederacies confronted each other as rivals, each kingdom endeavoring to consolidate its new possessions effectively. In both the Frankish kingdom and the Kingdom of Toulouse, this required reaching an accommodation with the valuable aristocratic networks of bishops, and their well-entrenched government over cities, monastic communities and Christian churches¹⁸⁰. In Wolfram’s view, “Alaric II’s great achievement was his legal and ecclesiastical policy”¹⁸¹. This achievement soon came to an end. In the year following the council of Agde, Alaric was spectacularly defeated and killed at the Battle of Vouillé. From that point onward the Visigothic kingdom was restricted to Spain, while the Franks under King Clovis now extended their rule across Gaul¹⁸².

Alaric was a king who understood the value of law, and whose ideas about law gave him a point of contact with his bishops, who also believed that social and religious order could be shaped by law. The explanation for Alaric’s extensive legal activities must lie with Roman aristocratic, and possibly episcopal advisors. *Collection* rather than legislation was the form taken by Alaric’s legal program. The king’s interest in learned law was tantamount to an acquired taste. The Council of Agde (506) was an assembly of bishops as well as of other leading men of the Kingdom of Toulouse. The

¹⁷⁹ *Cum in nomine Domine ex permissu domni nostri gloriosissimi magnificentissimi piissimique magnificentissimi piissimique regis in Agatensi ciuitate sancta synodus conuenisset, ibique flexis in terram genibus, pro regno eius, pro longaeuitate, pro populo Dominum deprecemur...:* Council of Agde (506), CChr.SL 148, 189-228; this quote, 192.

¹⁸⁰ R. MATHISEN, The ‘Second Council of Arles’ and the Spirit of Compilation and Codification in Late Roman Gaul, in: *Journal of Early Christian Studies* 5 (1997) 511-554; see 533.

¹⁸¹ WOLFRAM (as note 42), 155.

¹⁸² DEMANDT (as note 47), 160.

ecclesiastical portion of the council was a fitting summary and coda for the Gallican legal tradition. The large body of canon law that issued from the council was widely collected in early Gallican collections of canons¹⁸³. Despite the new political context of the Gothic kingdom, Agde (506) was considered to belong to Gallican conciliar tradition, given the form of its preservation, with its inclusion in chronologically-ordered collections of canon law. One example is the sixth- to seventh-century *Collection of Corbie*, originally compiled in Vienne, as mentioned earlier. This work, the *Collectio Corbeiensis*, is contained in Paris, B.N. Lat. 12097 (= St. Gall, Cod. Sangerm. 936)¹⁸⁴. The late-sixth century *Collection of Rheims*, Berlin, Phillipps 1743 also records the council of Agde among its chronological series of councils. Munier's text A is the version of the council-record preserved in the ninth-century Carolingian manuscript, Paris, Bibliothèque Nationale, lat.3846, a ninth-century Carolingian collection mentioned earlier¹⁸⁵. Because of the sudden political changes following the death of Alaric, some recorded versions of Agde (506) expunged the name of King Alaric from the council-record, seemingly to make the text "more acceptable in a Frankish context"¹⁸⁶.

Scholars agree that Agde (506) was the occasion for the issuance of the *Lex Romana Visigothorum*, an anthology of Roman law designed for the Roman inhabitants of the Kingdom of Toulouse. The *Lex Romana Visigothorum* contained an abridgement of the *Institutes* of Gaius¹⁸⁷. Also known as the *Breviary of Alaric*, this simplification of the Theodosian Code was tailored to the conditions in Gaul, and built upon an earlier initiative of King Euric, the *Codex Euricianus*¹⁸⁸. The Visigothic collections of Roman law are highly relevant here, but space does not allow a discussion. One clear signal of this event was a declaration of peace and cooperation between the Arian Gothic nobility and the catholic Roman subjects of the Kingdom of Toulouse. One evident dimension of this mutual understanding was that the religious division separating ruler and ruled would not preclude the con-

¹⁸³ Cf. Discussion of the editor Munier: Council of Agde (506), CChr.SL 148, 189-191. See also HEFELE - LECLERCQ (as note 66), vol. 2, 973-1004.

¹⁸⁴ MAASSEN (as note 83), 556-574.

¹⁸⁵ KÉRY (as note 84), 10 and 16.

¹⁸⁶ MATHISEN, Second Council of Arles (as note 180), 552-554.

¹⁸⁷ JOLOWICZ (as note 9), 394; KURTSCHIED - RILCHES (as note 23), vol. 1, 118.

¹⁸⁸ M. LUPOI, *The Origins of the European Legal Order*, trans. A. BELTON, Cambridge 2000, 76-78.

tinuation of Gallican Christianity and the dominance of bishops within that system.

The Council of Agde (506) gathered perhaps 24 bishops from across the region dominated by the Goths. This was the first council held in Agde, reflecting the importance of Languedoc in the new configuration of Visigothic power in southern Gaul. The changed shape of power did not prevent the see of Arles from maintaining its leadership role, now in the person of Caesarius of Arles. For this council Caesarius was able to rely on the traditional conciliar cities of southern Gaul: represented by Cyprian of Bordeaux, Clarus of Eauze, Tetradius of Bourges, Heraclianus of Toulouse. But this southern grouping of cities was joined to a newly emergent and wider network of bishoprics. Only after the Arlesian worthies did Sofronius of Agde enter his name in the subscription list, followed by many other bishoprics stretching across southwest Gaul: Boethius of Cahors, Gratianus of Dax, Galactarius (var. Galectorum) of Lescar, Gratus of Oloron and bishops of other cities within the province of Éauze¹⁸⁹. Verus of Tours, who surely found it difficult to attend a council in Visigothic territory when his city was under Frankish protection, was represented by his deacon Leo¹⁹⁰.

The integration and consolidation of royal power and the southern and southwestern Gallican episcopal aristocracy was demonstrated in communal acts of law-giving. The ‘royal’ side of law was represented by the promulgation of a simplified code of Roman law. The ‘episcopal’ side of law was reflected in the canons of Agde (506), a compendium of important earlier conciliar law, similar to the learned procedure of Orange (441), described earlier¹⁹¹.

“In the first place it pleased the council the canons and statutes of the fathers be read concerning order (*ordo*),” by which was meant old canon law regarding the character of clergy¹⁹². The ensuing text of the first canon of the council seemingly relied on the first canon of Valence (374) and the twenty-fourth canon of Orange (441), denying ordination to bigamists. Such men, if already ordained, were allowed to retain their positions as

¹⁸⁹ L. MAURIN, et al., *Province ecclésiastique d’Éauze (Novempopulana)*, Paris 2004 (= TCCG 13), 13.

¹⁹⁰ The subscription list survives in a number of different versions: the list contained in Paris, B.N. Lat. 1564, allows us to identify the cities of attending bishops, including those indicated here: Council of Agde (506), CChr.SL 148, 213-219.

¹⁹¹ LIMMER (as note 34), vol. 1, 152, provides a key to the sources for Agde (506).

¹⁹² *In primo id placuit, ut canones et statuta patrum per ordinem legerentur...*: Council of Agde (506), CChr.SL 148, 193.

priests or deacons, but forbidden to conduct the rites¹⁹³. Similarly the council made reference to canons of the following councils, many of which have been discussed here: among them Neocaesaria (314), Nîmes (394 or 396), Vaison-la-Romaine (442), and Vannes (461-491). The Council of Agde thus gives the feeling of a summary and promotion of important old law, considered vital for the organization of episcopal regional networks of prestige, aristocratic mutuality and ecclesiastical culture. Among the topics developed in this way: the problem of an unjust punishment by a bishop, who must allow the appeal of such cases to the judgement of a synod (following a canon from Vaison-la-Romaine, A.D. 442)¹⁹⁴.

Vindication of new law was sought in the judgements of the Fathers, conceived of as the bishops of olden times (even when relatively recent). The solution to contemporary problems was sought in the books of canon law, which by this time have assuredly taken the form of canon law collections. Two such sources, relied upon by Caesarius and the bishops assembled in Agde, are of particular interest to this discussion, reflecting the earliest stage of canon collection and the development of learned Christian law: these were the so-called “Second Council of Arles” and the *Statuta ecclesia antiqua*, collections of canons, discussed below, which were made by anonymous scholars or bishops, and presented as actual councils¹⁹⁵. Agde (506) sought to highlight the special dignity of vestments and distinctive appearance of clerics, who should not grow their hair long, or wear the vestments or slippers appropriate only to a clerical order higher than their own¹⁹⁶. This canon of Agde combined two canons of the *Statuta ecclesia antiqua*¹⁹⁷. The latter work was seemingly compiled in order to synthesize laws concerning clerical discipline, church order and the appropriate cultural attributes of clerics.

¹⁹³ *Quibus lectis placuit de bigamis aut internuptarum maritis...: Council of Agde (506), CChr.SL 148, 193; similar to canon one, Council of Valence (374), CChr.SL 148, 38; see also duplicata matrimonia: canon 24 of Council of Orange (441), CChr.SL 148, 84.*

¹⁹⁴ Council of Agde (506), CChr.SL 148, 193-194; see also Council of Vaison-la-Romaine (442), CChr.SL 148, 98. Hefele - Leclercq consider such reproductions in light of their later incorporation in the *Corpus Iuris Canonici*, although the contemporary context is more important here: HEFELE - LECLERCQ (as note 66), vol. 2, 981-983.

¹⁹⁵ MATHISEN, Second Council of Arles (as note 180), 538-539.

¹⁹⁶ *Clerici qui comam nutriunt, ab archidiacono, etiam si noluerint, inuiti detundantur; uestimenta uel claceamenta etiam eis nisi quae religionem deceant...: Council of Agde (506), CChr.SL 148, 202.*

¹⁹⁷ *Clericus nec comam nutriat... and Clericus professionem suam...: Statuta ecclesia antiqua, CChr.SL 148, 171.*

At Agde (506) and at later, similar councils in the Frankish and Burgundian kingdoms, important collections of Roman and barbarian law were made in the context of councils, which served as major expressions of law and legality, grand ritual events evoking the religious and cultural basis of law. Like the other councils examined here, Agde (506) was an aristocratic assembly dedicated to the notion of legality, possessing the competence of an ecclesiastical court and including members who had abundant legal resources at their fingertips. The episcopal assembly at Agde was concerned with presenting a compendium of old law, with the goal of making it relevant for a new aristocratic network, assembling in new conditions. Caesarius of Arles was a master at maintaining clerical orientation and discovering new resources for episcopal power in the post-Roman world. He managed to work closely with King Alaric II, who may have agreed to the nomination of Caesarius as bishop¹⁹⁸.

Like Roman law, conciliar law itself was increasingly preserved in canon collections. An early version of that scholarly activity took the form of pseudo-councils, which attempted to provide a canon collection with the dignity and weight of an actual council. All this legal material, much of it old, some of it new, was intended to bear the weight of what the “ancient authority of the canons prescribes” (*prisca canonum praecepta auctoritas*)¹⁹⁹.

Factitious Councils (Collections of Canons)

Following is a discussion of four important cases of the forgery or composition of a pseudo-council. In each case, these conciliar records prove to be canon-collections, compiled in an episcopal or monastic atelier, rather than a record of the actual legislation of a meeting of bishops: these include the so-called “Second Council of Arles (442-506),” the “Council of Angers (453),” for which a better name would be the *First Collection of Angers*, and the *Statuta ecclesiae antiqua* from about 475. We have already noted the development of legal knowledge and the focus on old law, possibly with the assistance of canon collections or legal libraries, in several of the Gallican councils. One can speak of an ideological preference for repetition, not merely as an awareness of “legal precedent” but as a sign of connectedness to the holy past and to the religious power embedded in the law.

The pseudo-councils were in fact a type of canon collection. On the one hand, their existence demonstrates the prestige accorded to real council-

¹⁹⁸ MATHISEN, Second Council of Arles (as note 180), 536.

¹⁹⁹ Council of Agde (506), CChr.SL 148, 195.

records as authority-bearing documents, and on the other hand, they illustrate an intimate connection between conciliar activity and the emergence of a *learned law*. They are an important phase in the overall history of canon law collections.

A well-known example of this type of document is the pseudo-council of Cologne (346), a curate's egg that hatches strange questions but no answers. This *soi-disant* council can be dealt with briefly here. It is very difficult to say what the related documentation can provide evidence *for*²⁰⁰. The council is preserved in a single northern French manuscript, of disputed date, possibly of the ninth century, Bruxelles, Bibliothèque Royale Albert Ier, 495-505 (Cat. No.2494), and was unknown to fifth-century compilers²⁰¹. Jean Gaudemet was doubtful about the date and provenance, but thought that the council-record was at least late-antique, containing genuine information, perhaps including the list of "attending" bishops²⁰². Brennecke and Gauthier have maintained that it was a late forgery, probably of the tenth-century²⁰³. In the current state of knowledge "Cologne 346" cannot form part of a discussion of Gallican conciliar life.

A. *The so-called "Second Council of Arles" (c. 442-506)*

It was mentioned in connection with Orange (441), above, that episcopal councils sought to bind together and reconcile the frequently divided regional networks of governance that replaced the wider, unified associations of the Empire. Legal collections developed as a concomitant to the overall life of episcopal law, as one of the principle means of disseminating law, and especially as a way to heighten the authority of old law. By means of such legal work a scholar or the workshop of a bishop, monastery or

²⁰⁰ The so-called Council of Cologne (346) was included in Munier's edition (CChr.SL 148, 26-29), although the inauthenticity of the council had been indicated much earlier by L. DUCHESNE, *Le faux concile de Cologne (346)*, in: RHE 3 (1902) 16-29.

²⁰¹ Citation in KÉRY (as note 84), 14; J. DUBOIS, *La composition des anciennes listes épiscopales*, (Séance de 22 fev.), in: BSNF (1967) 74-104; see 85-86. Consult the tables in MATHISEN, *Second Council of Arles* (as note 180), 518-519 and 529-530.

²⁰² GAUDEMET, *Conciles Gaulois* (as note 44), 68-79.

²⁰³ H. C. BRENECKE, *Synodum congregavit contra Euphratam nefandissimum episcopum. Zur angeblichen Synode gegen Euphrates*, in: ZKG 90 (1970) 176-200; see also N. GAUTHIER, *L'Évangélisation des pays de la Moselle. La province romaine de Première Belgique entre antiquité et moyen âge (III^e-VIII^e siècles)*, Paris 1980, 447-435. This is also the view of H. H. ANTON, *Die Trierer Kirche und das nördliche Gallien in spätrömischer und fränkischer Zeit*, in: *Actes du colloque international "La Neustrie, Les pays au nord de la Loire 650-850"*, tenu à Rouen du 7 au 10 octobre 1985, 2 vol. Sigmaringen 1989 (= Francia.B 16), vol. 2, 53-73.

school could prepare a legal counter-balance to phenomena of theological discord and social fission. A close parallel can be observed in the development of *codices* of Roman law. Varied types of Roman law collections were compiled in this period, in addition to the grand imperial collections such as the *Theodosian Code*.

In the case of canon law, broad-based imperial institutions and initiatives gave way to regional associations, often under the leadership of certain prominent bishops, such as Hilary of Arles. Episcopal ecclesiastical politics came to the fore, involving negotiations and various means of consensus-building among the representatives of aristocratic regional power, and these trends were reflected in the development of archives and *codices* containing law. The judgement of Bellomo, that with the fifth century we see the commencement of an “age without jurists,” is technically correct, but by no means was the period devoid of legal activity and scholarly interest in law, especially on the part of bishops²⁰⁴. As Mathisen has demonstrated, legal scholarship took the characteristic form of compilation and codification, and was part of a trend, in which the primary concern was the preservation and gathering of sources of authority²⁰⁵.

The factitious council known as the “Second Council of Arles” was in actuality a collection of earlier conciliar law, although it is certainly possible that the work was promulgated at a gathering of bishops²⁰⁶. The presentation of this material as a pseudo-council deliberately blurred the line between conciliar legislation as the result of discussion and the accumulated power of the bishops, and the authority which conciliar law evidently possessed when collected and disseminated in a seemingly authoritative, learned compilation²⁰⁷. This was one of the first such deliberate collections of Gallican canon law, compiled sometime after 442²⁰⁸. Collections of this kind became one of the most important dimensions of canon law. In other words, the collection of law was a type of legal activity which could take the place of legislation, and have the same impact as a council. In order to achieve such a result, presumably, the collection known as the “Second Council of Arles” had to accord with traditions of canon law and corre-

²⁰⁴ M. BELLOMO, *The Common Legal Past of Europe, 1000-1800*, trans. L. G. COCHRANE, Washington 1995, 34-36.

²⁰⁵ MATHISEN, *Second Council of Arles* (as note 180), 511.

²⁰⁶ *Ibid.*

²⁰⁷ The so-called Second Council of Arles (c. 442-506), CChr.SL 148, 111-130. See also MAASSEN (as note 83), 194-200.

²⁰⁸ MATHISEN, *Ecclesiastical Factionalism* (as note 51), 114.

spond to known canons of earlier councils²⁰⁹. The earliest manuscript containing this set of canons is the *Collectio Coloniensis*, mentioned several times already. This *codex* is an important testimony of the history of canon law compilation and scholarship, containing the canons of many councils as well as papal decretals²¹⁰. Later compilations always relied heavily upon earlier collections.

B. *The First Collection of Angers (453)*

This so-called council, if ever it met at all, under the leadership of Bishop Thalasiaus, appears to have been almost exclusively an effort to publish and achieve awareness of law collections in his possession. The procedure is similar to that of the “Second Council of Arles.” Angers (453) should be thought of as a canon-collection, although issued with the associated authority of an actual council²¹¹. The contents are briefly analysed by Gaudemet²¹². Several documents were brought together to create the suppositious conciliar record: first was a synodal letter from bishops Leo of Bourges, Victorious of Mans, and Eustochius of Tours regarding a verdict in an ecclesiastical case. Also included was a letter Thalasiaus had received from bishops Lupus of Troyes and Euphronius of Autun.

Thalasiaus also included twelve canons from a council that was indeed held in Anger in 453. Two further, later councils were included: a council held Tours (461), and another council held in Vannes, also in the province of Tours. Thalasiaus received copies of these councils although he had not been present at them. Moreover, an impressive array of legal materials made their way into the canons of Angers (453): selected canons from the following councils provided the legal substance of Angers: Arles (314), Nicaea (325), Chalcedon (451). The very flexibility of conciliar authority, here attached to another diverse collection of canons shows how significant had become the existence of canon law as comprising written documents possessing synodal or episcopal origin. The prominence of canon collections in the history of canon law shows that conciliar activity was only one aspect of the overall production of law, and the engagement of bishops in legal ac-

²⁰⁹ Perhaps the Second Council of Arles was forged to bolster the metropolitan claims of Arles: K. SCHÄFERDIEK, *Das sogenannte zweite Konzil von Arles und die älteste Kanonensammlung der arelatenser Kirche*, in: ZSRG.K 71 (1985) 1-19; TURNER (as note 50), 240. See also HEFELE - LECLERCQ (as note 66), vol. 2.1, 460-476; and KÉRY (as note 84), 6-7.

²¹⁰ GAUDEMET, *Sources* (as note 4), 88-89.

²¹¹ Council of Angers (453), CChr.SL 148, 137-139.

²¹² GAUDEMET, *Sources* (as note 4), 86-87.

tivity. Similarly, legislation was only one aspect of the meaning and function of episcopal law, which ordinarily functioned (after a certain passage of time) as one *codex* within a system of legal *codices*.

C. *Statuta ecclesiae antiqua* (c.475)

The *Statuta ecclesiae antiqua*, a compilation presented as a council-record, was possibly made by Gennadius of Marseille, working in southern Gaul, perhaps in Arles itself²¹³. For many centuries the work was accepted as the “Fourth Council of Carthage (398), no doubt because of the predominance of African councils in the collection²¹⁴. The work was widely collected, beginning with sixth-century compilations such as the *Collection of Cologne*, and the *Collection of Corbie*, both mentioned earlier. In fact it is a collection of eastern and Gallican councils, with decretals drawn from earlier small letter collections²¹⁵. The legal concerns behind this collection are primarily questions of church order, the selection and ordination of various grades of clerics, and the qualities and virtues that should distinguish clerics from each other and from the surrounding world. In the first place, the collection offered a statement of faith in Nicene catholicism, “confirming that Father and Son and Holy Spirit are one God, and the coessential and total deity of the Trinity, coeternal and consubstantial and coeternal...”²¹⁶. Adherence to the *fides Nicaena* would be expected of a man to be ordained as a bishop.

The overall portrait of an ideal bishop included here is highly instructive. Among other fine qualities, bishops should be knowledgeable in the “Law of the Lord,” which probably means the very kinds of law and doctrine contained in the *Statuta ecclesiae antiqua*²¹⁷. The ability of the bishop to govern in the best style of conciliation and moderation between communities was to be safeguarded by consultation. The bishop should govern in

²¹³ *Statuta ecclesiae antiqua*, CChr.SL 148, 162-188. Munier also edited and studied the work separately: C. MUNIER, ed., *Les Statuta ecclesiae antiqua*, Paris 1960 (= BIBC 5). See also KÉRY (as note 84), 7; MAASSEN (as note 83), 202-204.

²¹⁴ The contents are analyzed by HEFELE - LECLERCQ (as note 66), vol. 2.1, 108-121.

²¹⁵ KURTSCHIED - RILCHES (as note 23), vol. 1, 96-97.

²¹⁶ *Patrem et Filium et spiritum sanctum unum Deum esse confirmans, totamque in Trinitate deitatem coessentialem et consubstantialem et coaeternalem...: Statuta ecclesiae antiqua* (c.475), CChr.SL 148, 164.

²¹⁷ *In lege Domini: Statuta ecclesiae antiqua* (c.475), CChr.SL 148, 164; see also *legis et prophetarum*: 165.

harmony with his clerics and the local community of his church²¹⁸. Clerical culture should be distinguished from that of the surrounding nobility not only in the matter of not wearing long hair, marking clerical status by means of specialized clothing, but also in abstention from women (*extraneae mulieres*), and preserving the property of his church from the creeping effects of sale and involvement in local arrangements. A significant portion of the *Statuta ecclesiae antiqua* regards liturgical order and oversight of the cult. The bishop as a ritual expert and master of ascetic discipline is presented side by side with the bishop as a master of law and government.

A Note on the Quesnelliana and Later Canon Collections

The *Quesnelliana*, possibly made in Gaul at the end of the fifth or early sixth century, was a canon collection which brought together the oldest threads of conciliar tradition, Nicaea (325) and other eastern councils such as Ancyra, Neocaesarea, and Gangra, conciliar documents from Africa, and papal decretals through Pope Gelasius²¹⁹. The work takes its name from the first editor of the collection, the Jansenist theologian and orator Pasquier Quesnel (1634-1719), who believed it to have been a Roman collection (*Codex ecclesiae Romanae*)²²⁰. According to Maassen and others, it was probably made in southern Gaul. Because of its wide-ranging contents, and its possible reflection of the ecclesiastical and scholarly resources of Arles, some have assigned the *Quesnelliana* to the legal *atelier* of Caesarius of Arles (†542) himself²²¹. The collection was foundational, in the sense that it later served Dionysius Exiguus (†537-555) in crafting his own collection, known as the *Dionysiana*²²². The collection is an early example of the development of ecclesiastical *learned law*, and the historical ambitions of such such collections. In this sense, it should be viewed in the context of the early pseudo-conciliar collections. Council-records were ordinarily assembled in chronological sequence, thereby emphasizing the historical character of the unfolding authority of episcopal law.

²¹⁸ *Ut episcopus absque consilio compresbyterorum suorum clericos non ordinet, ita ut civium conuentioniam et testimonium quaerat: Statuta ecclesiae antiqua (c.475), CChr.SL 148, 168.*

²¹⁹ MAASSEN (as note 83), 486-500.

²²⁰ P. QUESNEL, *Ad S. Leonis Magni Opera Appendix 2*, Paris 1675, 13-242.

²²¹ KURTSCHIED – RILCHES (as note 23), vol. 1, 96.

²²² A. STREWE, ed., *Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion*, Berlin 1931 (= AKG 16).

Beginning in the sixth century there was an awakening of religious legal scholarship, taking the form of many local collections of canons²²³. Despite their inclusion of the most highly-regarded sources of conciliar authority, these collections were tailored to local needs, “local perceptions of priorities and local understandings of the history of the church,” which in the theory of R. McKitterick would explain why so many collections exist in only a unique copies²²⁴.

As a religious phenomenon, the ‘unrolled carpet’ of canon law seems generally devoid of emotional flights or inscribed beauty. The barren language of the law conveys little more than the practical framing of institutions and regulations. This *askesis* of law, the reduction of complex matters to prudential conclusions, was part of the legacy of Roman law. Conciliar law focused on governmental concepts and the arrangement of aristocratic status and privilege. Interactions within the aristocratic coterie of southern Gaul were regulated and mediated. Episcopal government over regional Christian communities was often fortified in the context of these regional aristocratic assemblies. The councils were more than that: they served also as tribunals for dispute resolution, and provided theological and ritual leadership to Christian communities.

What has been shown in this examination of the Gallican councils is the development of a legal tradition which suited the needs and aims of aristocratic groups, and the communities that looked up to them, in littoral and southwestern Gaul during the collapse of the Roman Empire and the rise of new barbarian political confederations. The imperial context of the earliest councils meant that theological questions were translated into problems of political integration. The breakdown of imperial unity and top-down projects for the church allowed the bishops of Gaul to center their activities in the needs of a southern Gallican aristocratic elite and its efforts to provide guidance and orientation to Christian communities.

Roman law affected the life of the councils by providing legal concepts and terminology, the parameters of the institutional possibility and episcopal cooperation, conciliation and mutual recognition. The most powerful forum in which this transfer of Roman aristocratic values was made, for the purposes of Christian community, were among Gallican bishops trained and inspired by the ascetic masters of Lérins, and the collegial cohort of like-minded men who dominated the church after 410. As powerful new

²²³ A brief conspectus of sixth-century canon collections: KURTSCHIED – DILCHES (as note 23), vol. 1, 97-98.

²²⁴ R. MCKITTERICK, *History and Memory in the Carolingian World*, Cambridge 2004, 254.

barbarian regional dominions transformed the social landscape of Gaul, the bishops continued to rely on their mastery of law as a basic medium for the negotiation of disagreements among bishops, and for the mediation between royal or military centers of power, aristocratic networks, and regional Christian communities. In these activities of the Gallican aristocracy we confront the slow movement of institutional and political change, and the “necessity for the historian to extend his research over a vast space of time,” in the phrase of Fustel de Coulanges²²⁵.

Ultimately such activities gave rise to a learned law as the activity of the councils was supported by legal collections and scholarly mastery over canon law. Seemingly on this basis, the episcopal councils became the appropriate setting for kings such as Alaric who wished to play a role in the legal universe. In turn, the council was briefly transformed into a territorial meeting bringing the Gothic nobility and Roman bishops together to promulgate collections of the two bodies of old law relevant to the church and its episcopal governors: Roman law and canon law. Both of these laws were in the special domain of bishops. In the famous phrase of the *Lex Ribuarica* “the Church lives by Roman law” (*Ecclesia vivit lege Romana*)²²⁶.

Canon Collections & Other Manuscripts

Collectio Corbeiensis: Paris, Bibliothèque Nationale Lat. 12097, Saec. VI

Collectio Coloniensis: Cologne, Dombibliothek 212, Saec. VI

Collectio Remensis: Berlin, Phillipps 1743, Saec. VI

Collectio Albigensis: Toulouse, Bibliothèque Municipale 364, Saec. VII

Collectio Bellovacensis: Vatican Lat. 3827, Saec. IX

Paris, Bibliothèque Nationale Lat. 3846, Saec. IX

Bruxelles, Bibliothèque Royale Albert Ier, 495-505 (Cat. No. 2494), Saec. IX

²²⁵ “La nécessité pour l'historien d'étendre ses recherches sur un vaste espace de temps”: F. DE COULANGES, *La Gaule Romaine*, (Paris 1891) reed. Paris 1994, 42.

²²⁶ *Lex Ribuarica*, 58, text cited in H. O. TAYLOR, *The Mediaeval Mind: A history of the Development of thought and Emotion in the Middle Ages*, 2 vols., 3d ed. New York 1919, vol. 2, 294. GAUDEMET, *Sources* (as note 4), 67-68.