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## CONTINUITY, TRANSFORMATION AND EXTINCTION OF THE *CURIAE* IN SPAIN FROM THE 4<sup>TH</sup> TO THE 9<sup>TH</sup> CENTURIES

**Аннотация.** Статья посвящена проблеме исторических судеб института курий и связанных с ними учреждений, существовавших в свободных общинах-муниципиях в эпоху Римской империи. Принято считать, что в бывших испанских провинциях муниципальные институты (в том числе институт куриалов) исчезли не позднее середины VII в. и что их судьба соответствовала общим тенденциям гибели и падения римских учреждений. В противовес этой точке зрения предлагается иной взгляд на одну из классических проблем антиковедения, основанный на испанских источниках IV–IX вв. (в том числе арабо-испанского происхождения). Их данные указывают на сохранение в Кордове и Севилье в VIII–IX вв., в период после мусульманского завоевания, как влиятельных местных олигархий (включавших испано-римские семьи, стоявшие во главе городов в эпоху Толедского королевства), так и связанных с ними городских советов. Информация о сохранении и трансформации курий, состав которых сузился до преемников позднеримских *principales*, происходит из испано-арабских источников и ряда других городов Андалусии. Применительно к центральным и северным областям полуострова того же периода особое внимание обращено на роль епископов как преемников традиции римских магистратов, а также на институт *comes civitates*, генетическая связь которых с городским управлением прослеживается с V–VI вв. и сохраняется до конца раннего Средневековья.

**Ключевые слова:** римский муниципий, курия, куриалы, *principales*, *comes civitatis*, власть епископа, поздняя Римская империя, Толедское королевство вестготов, аль-Андалус, континуитет/дисконтинуитет римской традиции

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## CONTINUITY, TRANSFORMATION AND EXTINCTION OF THE *CURIAE* IN SPAIN FROM THE 4<sup>TH</sup> TO THE 9<sup>TH</sup> CENTURIES

**Abstract.** The article deals with the historical destiny of the *curiae* and other institutions connected with them in the system of Roman free cities-*municipia*. The common opinion of experts (C. Sánchez Albornoz, M. I. Rostovtzeff, A. H. M. Jones and some others) is that Roman municipal institutions (including the *curiales*) disappeared in the former Roman Hispanic provinces no later than the middle of the 7<sup>th</sup> century. In contrast to this opinion, the article suggests another view of one of the classical problems of Roman studies, based on Hispanic primary sources from the 4<sup>th</sup>–9<sup>th</sup> centuries (including those of Arab-Hispanic origin). Information found in these sources points to the preservation of influential local oligarchies (including the Hispanic families of Roman origin which governed their cities in the epoch of the Visigothic Kingdom of Toledo) in Córdoba and Seville in the period following the Moslem invasion; at the same time, we see the influence of urban councils (*senatus* or *curiae* of the Latin texts), consisting of representatives of these families in the same cities. The fact of continuity and transformation of the *curiae* (consisting of successors of the Late Roman *principales*) is confirmed in the case of other cities and urban centers of Andalucia. The central and northern regions of Iberian Peninsula demonstrate the same tendency. Particular attention is paid to the role of bishops as successors of the Late Roman magistrates tradition and to the *comites civitatum* as a position which was genetically connected with the Roman urban government since the period of the 5<sup>th</sup>–6<sup>th</sup> centuries and which existed until the end of the Early Middle Ages at least.

**Keywords:** Roman municipium, *curia*, *curiales*, *principales*, *comes civitatis*, power of the bishop, the Later Roman Empire, Visigothic kingdom of Toledo, al-Andalus, continuity / discontinuity of the Roman Tradition

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I am going to make statements contradicting the *communis opinio* about the practical extinction of the municipal *curiae* at this time in Spain, which Claudio Sánchez Albornoz advocated [Sánchez-Albornoz 1971: 51 ff.].

Evidently, the old *ordo* of the *curiales*, a juridically defined class, had started undergoing a profound transformation as early as the fourth century; as the leading urban group it was reduced to a minority called the *principales*. Many of these would obtain a senatorial diploma freeing them from dangerous fiscal obligations and the so-called *munera sordida*. During the next two centuries this crisis was consolidated until their total extinction as a social group differentiated legally and economically. As early as 364 A. D., the imperial government delegated the collection of the so-called *capitatio-iugatio* to the *curiales*, entrusting it to officers dependent on provincial governors or vicars. And the Gothic *Liber Iudicum* no longer distinguishes between the *curiales* and the rest of the free owners (*privati*), who also have a limited ability to sell a farm only if the buyer could pay its tax<sup>1</sup>. In those times the Spanish *curiae* would have only the bureaucratic role of recording public documents, and their members were reduced only to the *principales*. By the end of the sixth century, the officers in charge of taxation in the territory of every city were appointed by the bishop, to whom important fiscal responsibilities were entrusted. Yet it would be a mistake to ignore the strength of those municipal oligarchies and the importance of the former instances.

From Edward Gibbon to Arnold Hughes Martin Jones, through Ferdinand Lot and Mikhail Ivanovich Rostovtzeff, the decline of urban life in the West since the third century A. D., if not before, has been robustly argued. The urban crisis and ruin would have been socially materialized in the political and economic collapse of the so-called municipal oligarchies, the *ordo decurionum*. But times have changed, and more than three decades ago an opposite discourse began, perhaps with an excess of excesses.

For Vandal and Byzantine Africa J. Durliat pointed out the restriction of the traditional municipal oligarchies to the minority group of the *principales* within the *curia*, and the growing importance of ecclesiastical finances [Durliat 1985: 377–386]<sup>2</sup>. Also, the latter would have been considered municipal ones to some extent, because the properties of the Church functioned as public. That explains the superior imperial vigilance and deliveries of benefits over ecclesiastical property to other people. In such a way, the usual evolution would be first the consideration of the bishop as a *principalis*, without doubt the most important one, and his establishment as the supreme civil power in the city in Justinian's times<sup>3</sup>.

This problematic should have been an important issue of the historiography on late Roman Spain long ago, although it has only been examined to a very limited degree and only by a few historians. In 1990 Leonard A. Curchin criticized the documentary evidence on urban cadence and on the municipal oligarchies, and he resumed the old<sup>4</sup> and new discourse of distinguishing the *principales* from the rest of the *curiales* [Curchin 1990: 115–122].

<sup>1</sup>LV. V.4.19. About this law and its meaning see: [García Moreno 1970: 240].

<sup>2</sup>About the African *principales* *vid.* [Kotula 1982].

<sup>3</sup>CJ. I.4.26. *Cf.* [Durliat 1982: 73–84]. But this process did not happen only in Byzantine Africa, it is also witnessed in Eastern France beginning in the 5<sup>th</sup> century [Anton 1986: 10 ff.].

<sup>4</sup>Really this evolution had been marked by M. I. Rostovtzeff [1962: 262 (and note 19)].

As it was stated at the beginning of this paper, for the centuries of the invasions and of the Gothic Kingdom the traditional discourse of decadence was assumed from an institutionalist point of view by Sánchez Albornoz, who studied the ruin of the institutions of the Roman municipality as a reflection of the crisis and final ruin of the decurional class, and its replacement by the new nobility and the protofeudal powers of the bishop and the count. A change of position would have to come as a result of partial analyzes by the very imaginative R. Collins [1980]<sup>5</sup>, and by the author of this paper<sup>6</sup>. In some studies delivered in November 1990 and in April and September 1991 [García Moreno 1992: 440 ff.; 1994: 559 ff.], I ventured to resurrect Pérez Pujol's intuition [Pérez Pujol 1896: 283] interpreting the senators and *senatus* in Spanish texts of the sixth and seventh centuries as referring to *curiales* and *curiae*; or it would be better to say *principales* instead of *curiales*.

For this reason, it is convenient to recall some of my reflections on the maintenance of the *curia*, dominated by its powerful *principales*-senators, in the city of Córdoba from the fifth to the seventh centuries. On this subject we have data of enormous significance.

The term *senatus* draws the attention of everyone studying the Gothic Kingdom upon reading that the anonymous author of the so-called "Mozarabic Chronicle of 754" stated that the last Gothic king, Roderick, was illegitimately elected *exortante senatu*. Everything suggests that until that moment Roderick occupied the position of Duke of Bética based in Córdoba, where he had a famous palace that still was standing in Caliphate times<sup>7</sup>. The only other Gothic text using the term *senatus*, as a not antiquarian word, is a well-known notarial *formula*, written during the times of King Sisebut, which makes a reference to a young and noble bride belonging by lineage to the *senatus* in Córdoba<sup>8</sup>. Could not this senate be a council of Córdoba notables, as Pérez Pujol thought more than a hundred years ago?<sup>9</sup> In this regard, the special status of Córdoba and its Roman conservatism must not be forgotten. Córdoba repeatedly rose in rebellion against the central power of Toledo, with the Roman local nobility playing as much an active role as the noble Goths settled

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<sup>5</sup>About Merida in the 6<sup>th</sup> century thanks to the documentation offered by the *Vitas Patrum Emeritensium*; the case of Merida is valid for other cities in those years.

<sup>6</sup>In 1972, when hypothesizing a possible commercial reason in the Byzantine occupation of a part of Spain by Justinian [García Moreno 1972: 153 ff.], an idea also suggested some years before by A. R. Korsunskii [1957: 36 ff.]. My suggestion was taken up with excessive enthusiasm by other scholars [Salvador Ventura 1986], and that could now be framed within the renewal of Pirenne's former thesis like those ideas of the Anglo-Saxon and Italian school of Carthage on the existence of a Mediterranean World economic system in Justinian's times; a new argument in favor of these ideas is J. Delaine [1987: 181 ff.].

<sup>7</sup>*Continuatio Hispana* 43; [García Moreno 2013: 151 ff.].

<sup>8</sup>*Form. Visig.* 20; [García Moreno 2011].

<sup>9</sup>[Pérez Pujol 1896: 283]; *contra*: [Sánchez Albornoz 1972: 236; Stroheker 1965: 78]. Today the various senators mentioned by Gregory of Tours in Gaul at the end of the 6<sup>th</sup> century are considered nothing more than a mixture of ancient curial families, of *clarissimi* (people of senatorial rank but without a seat in the Senate of Rome) and of *novi homines* who emerged because of their service to the new Germanic kings (some would even be of Frank origin), see: [Barnish 1988: 135 ff., 138; Gillard 1978]. However, in 5<sup>th</sup> century Italy the equalization of the municipal *decemprimi* with second rank *clarissimi* is documented [Barnish 1988: 121 note 9], while in the 6<sup>th</sup> century family alliances are recorded among the *clarissimi*, Lombards and Byzantine officials [Brown 1984: 107 ff., 194 ff.].

there in the early sixth century<sup>10</sup>. In the second half of the seventh century the town proudly proclaimed its past as an illustrious Roman colony, having the epithet of patrician engraved on gold coins from its mint [Miles 1952: 104 ff.; Pliego 2009 (1): 120, (2): 353 ff.]. This term also could allude to the importance and power of its local aristocracy, still organized according to the Roman municipal tradition.

Thus, it would not seem strange that this old and new governing body, the *senatus*, supporting its leader, Roderick, was based on the old Roman municipal traditions and collegiate institutions of the city, the *curia*. But a *curia* socially and politically renewed, for its members represented the authentic, living forces of Córdoba; denying any outsider power over the city and claiming for it full political sovereignty. A *curia*, therefore, which had more to do with an ideal imitation of the senate of Rome than with the municipal chamber of a provincial town, raised from an urban oligarchy that had fallen into disrepair and that saw how the living forces of the place were trying to escape from it in a thousand and one ways. A Córdoba *curia* that frequently would choose to be called a *senatus*.

I repeat: it was a very different *curia* from that of the Early Empire, and reduced to the *principales*. Its members late in the Late Empire had been liberated from the burdensome *onera* and, in the case of important cities, received the distinction of honorary senators. I think I have shown that, prior to proclaiming Duke Roderick as King, the *principales* of Córdoba had already established the independence of their city in the second half of the 6<sup>th</sup> century, from the Gothic Kingdom and from Byzantium as well [García Moreno 2003a: 59–99; García Moreno, Martín 2006: 63 ff.]. Moreover, the institution and the families linked to it still persisted in Emiral Córdoba in mid-9<sup>th</sup> century. The lineage of the famous cleric Saint Eulogius was one of these: his brother, a layman, took his seat on the *curia*<sup>11</sup>. In the middle of the ninth century the participation of some members or relatives of the Córdoba *curia*-senate in the terrible acts of the voluntary Christian martyrs was very likely the cause of its final dissolution by the Islamic authorities.

If this happened in Córdoba, it is very difficult to imagine a different story in the case of Seville. The persistence of the *principales* in Seville and their permanence as a factual and institutional power until very late in the ninth century are documented in the internal struggles and rebellions of Seville against the Emir ‘Abd Allāh in 889<sup>12</sup>. These developments are known thanks to the Muqtabis III of Ibn Hayyān, which transmits the narrative of the local chronicler Muhammad ibn ‘Abd Allāh al-Qurayṣī<sup>13</sup>. According to this story, the main protagonists in the conflict were two powerful Arab lineages. A significant role also was played by some powerful Muladian (Spaniards converted to Islam after 711 A. D.) and Mozarabic families, from which eventually the Emir tried to win support but with little success. The

<sup>10</sup> Isid. *Hist. Goth.* 45; *Chron. Caes.* a. a. 568; Bicl. *Chron.* a. a. 572; cf. [García Moreno 2011: 279 ff.].

<sup>11</sup> [García Moreno 1999: 345 ff.] and the studies recorded in the earlier note.

<sup>12</sup> About these conflicts in general see [Dozy 1984: 187–204; Simonet 1897–1903: 531–537; Bosch Vilá 1984: 51–60; Marín Guzmán 2006: 379–404]. Possibly a consequence of the failure of the rebellion and the vengeance of the victors over the Mozarabs may have been the destruction and looting of the main symbol of Christian Seville, the basilica of the saints Justa and Rufina: the treasure of Torredonjimeno would be testimony of this looting (*vid. infra*).

<sup>13</sup> Ibn Hayyān, *al-Muqtabis* III. Sobre Muḥammad ibn ‘Abd Allāh al-Qurayṣī see: [Sánchez Albornoz 1974: 184, note 131].

latter ones formed a council of twelve members, called “notables and patricians (*baturaqa*) of the city”<sup>14</sup>, with undoubted functions of government and representation of their community. Both the content and the name given to its members make it very likely that this also concerns the institution of the *principales*<sup>15</sup>.

According to this historical narrative, two of the main Muladian lineages of this council were the Banu Angelina and the Banu Sabaric<sup>16</sup>. The Gothic onomastics of the latter can be sufficient proof of being rooted in the political realities of the Gothic period. Yet the first one is even more revealing. The name Angelina is a *hapax* in the non-Arabic anthroponymy of that time. Curiously, it is the same as that of a noble character of the mid-seventh century, with a likely residence in the Sevillian territory. Specifically, I am speaking of Count Angelas, whose help was requested by a noble young *gardingus* in order to prevent a noble girl, Benedicta, from joining the spiritual army following Saint Fructuosus<sup>17</sup>. Of course, the name Angelas is another *unicum* in the prosopography of the Gothic Kingdom.

Very likely John, a Sevillian friend of the famous Alvar of Córdoba, was part of this surviving nobility<sup>18</sup>. In addition to his Christian name, John, he had two others, Aurelius and Flavius. Of course, if the noble Alvar, a descendant of King Witiza [Neubauer 1985; Dunlop 1954: 137–151; 1955, 211–213; García Moreno 2008: 154 ff.; 2003b: 779–788; García Moreno, Martin 2006: 108 ff.], names him with the unusual system of the Latin *tria nomina*, that indicates his deep family roots in the Sevillian aristocracy of Roman tradition and stock. It may not be convenient to identify this Aurelius John with a John bishop of Seville and president of a church council in 839<sup>19</sup>; and there is no doubt that this Sevillian man had an important literary and ecclesiastical culture, being also very interested in the growing diatribe against Islam<sup>20</sup>. Probably this Aurelius Flavius John was the dedicator of one of the destroyed crosses of the Torredonjimeno treasure. In my opinion, this treasure is vivid testimony concerning the looting and destruction of the Sevillian martyrial basilica of Saint Justa and Saint Rufina, an event that occurred in those times and because of those political troubles. The ruin of the terrestrial home of the most important Sevillian *cives caelesti* meant an authentic *damnatio memoriae* for these lineages, especially for those who still remained Christians [García Moreno 2009:

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<sup>14</sup> The main testimony is in Ibn Hayyān, *al-Muqtabis* III: “Mas la matanza de Sevilla fue mayor, pues sus muladíes eran más numerosos, más ricos y fuertes y mejor organizados. Tenían doce jefes, y cada uno tenía su consejo áulico y su máquina de guerra...”

<sup>15</sup> Especially significant is its number. Unfortunately, we do not know anything about the composition of the estament of the *principales* in the Later Roman Hispanic municipalities, to the point that its very existence has been disproved [Kulikowski 2004: 43]. But its existence is attested by a notarial *formula* written in Córdoba, and used in Gothic and Islamic times [García Moreno 2003a: 70 ff.]. Probably, it seems far-fetched to think that the number of ten was also normal, as it happened in Africa and Sicily, where it is known that the *principales* were equivalent to the *decemprimi* [Jones 1964: 731]. If to these are added the *duumviri* this would total twelve members.

<sup>16</sup> Ibn Hayyān, *al-Muqtabis* III.

<sup>17</sup> *Vit. Fruct.* 15. See: [García Moreno 1974a].

<sup>18</sup> *Alv. Epist.* 1–6.

<sup>19</sup> Identification accepted with some hesitations by F. J. Simonet [1897–1903: 459, note 2], against the opinions of H. Flórez; but against such an identification, and with strong arguments [Colbert 1962: 154], and a years before by C. M. Sage [1943: 18, note 87].

<sup>20</sup> *Vid.* [García Moreno 2005: 31 ff.], where I made a mistake in identifying him with the Hispalensis bishop of 839 A. D.

305–310]. This probably would have been accompanied by the suppression of its main institution, the old *curia* of the former Romulean colony.

These two important cities — Seville, seat of the metropolitan bishop of Betica, and Córdoba, seat of the provincial duke — are not a unicum. The *curia*, reduced to its *principales* at the beginning of the eighth century, lasted as an institution of government and, mainly, of civic representation, in other towns of secondary importance, which were not even episcopal sees. Such would have been the case of the town called Qastiliya in the Arab texts, in the vicinity of current Atarfe, in the plain of Granada, as witnessed by the *amman* granted in 759 by Abd al-Rahman I to the Christian population of that locality<sup>21</sup>. This Islamic juridical document distinguishes “patricians, monks and princes and other Spanish Christians” in the city. This social tripartition should be understood as the local aristocracy (patricians), forming the *curia*, the clerical class (monks and princes [of the Church]), and the *plebs*.

Focusing more on the objective of the present congress, I must now recall some data demonstrating both the conservation and transformation of the ancient *curia*, and the *curia* as an instrument of administration in the 6<sup>th</sup> and 7<sup>th</sup> centuries, especially in the fundamental fiscal aspects, through its oligarchic restriction and the integration of the bishop as its head.

In the first place, it should be remembered that the *curia* kept full registry functions, although restricted only to the *principales*. Thus, it is necessary to ask whether the mentions of the *curia* in some notarial *formulae*<sup>22</sup> of Córdoba origin are not simple mechanical reproduction of models of more remote times, as C. Sánchez Albornoz [1971: 106] has stated. In this regard, I consider the content of the *Form. Visig.*, 25, exactly vinculated to Córdoba and to full Visigothic times: *gesta. Era ill., anno illo, regno gloriosissimi domini nostri ill. regis <...> acta habita Patricia Corduba apud illum et illum principales, illum curatorem, illos magistratos <...> ex officio curiae est accepta et lecta*. Of course, there are very few common *curiales* mentioned in Gothic Spain. The only one I recall is Maximus in the current Rioja in the middle of the 6<sup>th</sup> century. But there is a similar situation in North Africa, where the institutional permanence of the *curia* has been witnessed much better, although their attributions are reduced in essence to the *principales* or *decemprimi*. This would also explain the difficulties in finding *curiales* mentioned in the *Fragmenta Gaudenziana*, one of the bases for Sánchez Albornoz’s thesis on the progressive disappearance of the Hispanic *curiae*.

Secondly, it is important to note the continuity of the *curia*, in the fifth century and the beginning of the sixth, as taking part in the fiscal process of the *annona*. The existence of *principales* as *procuratores* in charge of certain municipal works related to the management of the military *annona* is already confirmed in Spain at the end of the fourth century. The famous instructions in judicial and fiscal matters given by Theuderic the Great to Ampelius, newly created Prefect of the Spains, show the functions of the municipal *exactores* for the immediate collection of direct taxes.

<sup>21</sup> The text, translated into Spanish by Simonet, in [Sánchez-Albornoz 1973: 131; 1971: 227 ff.]. Qastiliya is located in the vicinity of current Atarfe (Granade). A test of its relative importance in Roman times are the important Roman architectural and ornamental remains in Islamic times; it was also an important Visigothic military enclave in front of the Byzantine province of *Spania* [García Moreno 1985: 143 ff.].

<sup>22</sup> *Form. Visig.* 21, 25.

Finally, we must not miss here the metaphor used in the famous *Cunctorum* homily in honor of St. Vincent — not before the seventh century! — linking the fruit delivered by the town of the martyrdom of the saint to the celestial *statio* with the fruits delivered to these state warehouses by the municipal administration: *...hec quoque huius ope muneris gratis non careret, et domesticum sanctorum municipatum in illa celi statione non perderet: habens in prorogandis accipiendisque reliquiis et ipse quod redderet*<sup>23</sup>. This text could only be understood if these municipal fiscal functions were still being maintained.

A third aspect to highlight would be the growing importance of the bishop at the head of the traditional municipal functions, and of equal status with the new figure of the *comes civitatis*<sup>24</sup>. The capacity of the bishops for the appointment of lower positions of the *curia* was made official in a law by King Reccared<sup>25</sup>. Already from an earlier date we see the Hispanic bishops under Gothic domination taking on functions of municipal government, as the main economic power in the city: this is reflected in a well-known inscription in Merida from 483 A. D.<sup>26</sup> The reason for this episcopal advancement of power and government in the peninsular cities would have been the barbarian invasions and the ruin of Roman government<sup>27</sup>. Undoubtedly, as in the sphere of justice, the conversion of King Reccared to Catholicism in 589 A. D. reinforced episcopal involvement in fiscal matters. The 18<sup>th</sup> canon of the Third Council of Toledo establishes that provincial synods were to be held annually in November. These gatherings would hear the complaints of the provincials against the abuses of the Treasury, represented specifically by the provincial governors, the counts of the city and the superintendent of the provincial assets of the Crown, on which the collection of the main direct tax depended<sup>28</sup>. A curious document regarding fiscal matters, *Epistola de fisco Barcinonesi*, is dated 592 A. D. In it, the bishops of Tarragona, Egara, Ampurias and Gerona accept the rates of adjustment — change in the *annona*, which must be collected in kind, in a monetary estimate — proposed by the officials (*numerarii*) dependent on the Count of the Patrimony, in this respect the heir of the attributions of the former Imperial Prefecture; a proposal that affected the so-called *fiscus* of the city of Barcelona<sup>29</sup>. The document states that episcopal consent to these fees was already an ancient custom, and was done by virtue of the functions of the co-government that the bishops exercised in the territories of

<sup>23</sup> *Form. Visig.* 21.

<sup>24</sup> About this important position in the Gothic Kingdom *vid.* [García Moreno 1974a: 9 ff.].

<sup>25</sup> LV. XII.1.2.

<sup>26</sup> Vives *Inscrip.* n. 363.

<sup>27</sup> *Cf.* [García Moreno 1991: 230 ff.], showing the early assault, at least since the Theodosian era, on the Hispanic episcopate by powerful local oligarchies, even those belonging to the Roman senatorial nobility: at least as intensely as in Gaul and northern Italy and certainly much earlier than in the rest of Italy (*vid.* [Pietri 1981: 236 ff.]).

<sup>28</sup> On the administrative context in which this canon must be understood *vid.* [García Moreno 1974a: 26 ff.]. A test of the actuality of such a fiscal ordinance is found in the acts of the church council of Baetica in 619 A.D. (*vid.* [García Moreno 1974b, notes 135, 140]).

<sup>29</sup> The text in: *Epistola de fisco Barcinonensi*. On the exact nature of the document, its content, and the late Roman origin of the officials mentioned therein, *vid.* [García Moreno 1970: 244 ff.; 1974a: 35 ff.]. The existence of this *fiscum*, which territorially encompassed the entire coastal area of present-day Catalonia, explains the political importance of Barcelona in the 5<sup>th</sup> and 6<sup>th</sup> centuries, and why Ataulfo sought refuge in it when he found himself lacking in victuals.

their sees<sup>30</sup>. A well-known law of Reccared establishes that the bishops appoint the officials in charge of the administration of the direct taxes at the municipal level (*numerarii*); in fact, the bishops often confined themselves to giving their consent to a previous royal designation<sup>31</sup>.

At the beginning of this paper I stated that the most distinctive feature of the transformation of the late antique city is the increasing participation of the bishop in government as well as the figure of the “count of the city”<sup>32</sup>. The evolution of the first was based primarily on two pillars, one economic and the other ideological.

The first, the economic pillar, is none other than the replacement of the old evergetism of municipal notables with the practice of charity linked to ecclesiastical institutions, in particular that of the bishop. In this regard we are very well-informed with regard to the city of Mérida in the second half of the sixth century, thanks to data of the “Lives of the Holy Fathers Emeritenses”. They especially emphasize: 1) the *xenodochium*, or hospital founded and endowed by bishop Masona<sup>33</sup>; 2) the daily distributions of food in the episcopal court; and 3) the so-called “bank of Redemptus”, founded by the aforementioned prelate, which was nothing more than the creation of a diaconia similar to those of the Roman church, to carry out charitable works benefit for needy people. These included loans at low interest, for which the diaconia was endowed with a fund in money of two thousand solids, that is, about nine kilograms of fine gold<sup>34</sup>. This information should be assessed in light of the same writer’s claim that the church of Mérida was the richest in land property in the entire kingdom. And yet a great part of the liturgical objects that the intruder bishop Nepopis tried to take away from that cathedral in 586 A. D. was made of silver, not of gold<sup>35</sup>.

The other pillar of the bishops’ power was ideological or, rather, supernatural: their role as privileged interlocutors with the so-called *cives caelesti*, or celestial mates of each city, especially if these were famous local martyrs whose supposed burial site was kept in a basilica in the city. On this subject I will not dwell further because I have done so abundantly on other occasions<sup>36</sup>.

The count of the city is a typically late-Roman institution, born of the military emergency situation of the fifth century and the military functionality of the elites of the Germanic peoples who constituted the Roman-Germanic monarchies of Western Europe. The so-called Gothic Kingdom of Toulouse in the second half of the fifth century generalized an institution disseminated by the later Carolingian Empire: it became a landmark of territorial administration in Christian Western Europe. Formerly Claudio Sánchez Albornoz saw its origin in the *iudices*, delegates of the provincial governor in the main cities, who had the title of *comes* by virtue of

<sup>30</sup> ...*et a nobis, sicut consuetudo est, consensum ex territoris, quae nobis administrare consueverunt, postulastis* (it is to say: *numerariis*; the marks are ours, to facilitate the understanding of the text). In Byzantine Italy the Pope managed the ancient *horrea* on which the fundamental civic *annona* depended (*vid.* [Durliat 1985: 146]).

<sup>31</sup> LV. XII.1.2. On these municipal officials *vid.* [García Moreno 1974a: 43 ff.].

<sup>32</sup> In 7<sup>th</sup> century Barcelona that duality of power had a bearing on urbanism, with the residences of the bishop and the count situated side by side: [Beltrán de Heredia 2008: 279 ff.].

<sup>33</sup> The active and wise archaeologists responsible for the restitution of ancient Mérida believe they have found the remains of this building [Mateos 2000: 232].

<sup>34</sup> *Vit. Pat. Emert.* 5.3 (9). On the diakonias of the Roman See *vid.* [Pietri 1976: 134 ff.].

<sup>35</sup> *Vit. Pat. Emert.* 5.8 (9).

<sup>36</sup> Specially, [García Moreno 2001: 90–120].

belonging to the entourage of the Gothic king, in imitation of that of the Emperor. Whatever the truth of this claim, the institution is already widespread in Leovigild's *Codex Revisu*. In the laws of that collection, preserved as *antiquae* in the later *Liber Iudicum*, the count has full and superior jurisdictional functions in the city and its territory<sup>37</sup>. He also has fiscal powers<sup>38</sup>. His immediate subordinates are the *vicarius*, the *iudices loci* and the *defensor civitatis*.

The importance of the bishop and the count was reflected in an almost undeniable way in the new territorial arrangement that in some cases survived over many centuries until the modern Spanish provincial division drawn up by Javier de Burgos in mid-nineteenth century. However, the former Gothic counties of the early eighth century were the basis of the “corae” in al-Andalus and of the first Carolingian counties in Narbonensis and Old Catalonia. Endowed with full military attributes, the count of the city is the hierarchical superior of army officers as the *thiufadus* and the *centenarius*. The full consolidation of the Gothic Kingdom of Toledo as a proto-feudal state in the second half of the seventh century will convert the count of the city into a key element in the political structure and public administration [García Moreno 1974a: 8–12, 42–54; 1992: 39 ff.]. But, of course, all that is another story.

## Abbreviations

- Alv. *Epist.* — Paulus Alvarus Liber epistolarum (1973). In J. Gil Fernández (Ed.). *Corpus scriptorum muzarabicorum* (Vol. 1, pp. 144–270). CSIC. (In Latin).
- Bicl. *Chron.* — Iohannis Biclarenensis Chronicon (2001). In C. Cardelle de Hartmann, R. Collins (Eds.). *Victor Tunnunensis Chronicon. Cum reliquiis ex Consularibus Caesaraugustanis, et Iohannis Biclarenensis Chronicon* (pp. 124–143). Brepols. (In Latin).
- CJ — Krueger, P. (Ed.) (1877). *Corpus Iuris Civilis. Vol. 2: Codex Iustinianus*. Apud Weidmannos. (In Latin).
- Continuatio Hispana* — Crónica Mozárabe a. 754 (2018). In J. Gil (Ed.). *Chronica Hispana saeculi VIII et IX* (pp. 357–406). Brepols. (In Latin).
- Chron. Caes.* — Cardelle, C. (Ed.) (2001). *Chronicae Caesaraugustanae reliquiae*. In C. Cardelle de Hartmann (Ed.). *Victor Tunnunensis Chronicon. Cum reliquiis ex Consularibus Caesaraugustanis, et Iohannis Biclarenensis Chronicon* (pp. 115–124). Brepols. (In Latin).
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- Form. Visig.* — Formulae Visigothicae (1972). In J. Gil Fernández (Ed.). *Miscellanea Wisigothica* (pp. 70–113). Univ. de Sevilla. (In Latin).
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- Isid. *Hist. Goth.* — Isidoro de Sevilla. *Historia Gothorum* = Rodríguez, C. (Ed.) (1975). *Las Historias de los Godos, Vándalos y Suevos de Isidoro de Sevilla*. Centro de Estudios e Investigación San Isidoro; Archivo Historico Diocesano; Caja de Ahorros y Monte de Piedad de León. (In Spanish, Latin).
- LV — Zeumer, K. (Ed.) (1902). Liber Iudicum. In *Monumenta Germaniae Historica. Legum Sectio, I. Impensis Bibliopolii Hahniani*. (In Latin).

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<sup>37</sup> LV. III.4.17 and VIII.4.26 of King Leovigild.

<sup>38</sup> Like the cast of the *annona* among the soldiers stationed there (LV. IX.2.6).

- Vit. Fruct.* — Díaz y Díaz, M. C. (Ed.) (1974). *La Vida de San Fructuoso de Braga. Estudio y edición crítica*. Imp. na Empresa do Diário do Minho. (In Spanish, Latin).
- Vit. Pat. Emert.* — Maya Sánchez, A. (Ed.) (1992). *Vitas sanctorum patrum Emeretensium*. Brepols. (In Spanish, Latin).
- Vives *Inscrip.* — Vives, J. (1969). *Inscripciones cristianas de la España romana y visigoda*. CSIC. (In Spanish, Latin).

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