# The construction of episcopal authority in late antique Gaul: a case study of the role of canon law from the sixth century

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The work contained in this thesis has not been previously submitted to meet the requirements for an award for this degree or any other higher education institution. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person, except where the reference is made.

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# Thesis summary

A number of authorities were transformed in the late antique successor kingdoms of Gaul. The Christian community, Church councils and affairs including episcopal appointments were areas where there was an opportunity for the new kings to participate and to develop their own influence. The connection between the episcopal appointments and a bishop's authority and legitimacy was elementary, however it has not been considered in this period. Therefore the foundational terminology and procedures for episcopal appointments and their connections to the bishop's overall authority and legitimacy are the focus of this thesis. The aims are to examine how the procedures for ecclesiastical appointments were developed through their earliest traditions from other religions and from the Roman institutions.

Following a review of the current scholarship and a discussion on the sources, the thesis examines the earliest terminology for leadership appointment in the first Church councils and early Christian writers, followed by a study of the Gallic church councils their role and function in the new successor kingdoms of the Franks, Burgundians and other barbarian dominated areas. The next three chapters analyse the council texts for the terminology of the reference to ordination, election or consecration and compare them to the accounts of such procedures in the other genres. The penultimate chapter considers the ecclesiastical appointments of a family of bishops in the first hundred years of the Frankish period.

# Contents

# Abbreviations

AA     –    *Auctores Antiquissimi*

BN     –    Bibliothèque Nationale Paris

CCSL –    *Corpus Scriptorum Ecclesiasticorum Latinorum*

CSEL –    *Corpus Scriptorum Ecclesiasticorum Latinorum*

CIL    –    *Corpus Inscriptionum Latinarum*

CTh    –    *Codex Theodosianus*

CJ     –    *Codex Justinianus*

Ep.    –    *Epistulae*

GC    –    *Gregorii Episcopi Turonensis Liber in Gloria Confessorum*

GM    –    *Gregorii Episcopi Turonensis Liber in Gloria Martyrum*

DLH    –    *Gregorii Episcopii Turonensis Historiarum Libri Historiarum* X

MGH   –    *Monumenta Germaniae Historica*

PG    –    Migne, *Patrologia Graecae*

PL     –    Migne, *Patrologia Cursus Completus Series Latina*

Sid.    –    *Gai Sollii Apollinaris Sidonii Epistulae et Carmina*

SRM   –    *Scriptores Rerum Merovingicarum*

VP    –    *Gregory Episcopi Turonensis Liber Vita Patrum*

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# Previously published works by the candidate integrated into this thesis

Loftus, S., 'Suitable men to enter the episcopate in late antique Gaul: ideal and reality,' *Journal of the Australian Early Medieval Association* 10 (2014), 23–46.

Loftus, S., 'Episcopal elections in Gaul: the normative view of the Concilia Galliae versus the narrative accounts,' in J. Leemans, S. Keough, P. Van Nuffelen, C. Nicolaye (eds.), *Episcopal Elections in Late Antiquity (250–600 CE)*, Series**:** Arbeiten zur Kirchengeschichte 119 (Berlin 2011) p. 423–36.

Loftus, S., 'Episcopal consecration — the contemporary religious practice of late antique Gaul in the 6th and 7th century: Ideal and reality,' *Studia Patristica,* Vol. LXII (2013), p. 439–53.

# Chapter 1. Introduction and background

## 1.1 Introduction

Bishops held a crucial role in the development of the new kingdoms of Gaul in the sixth and seventh centuries. The evidence at times points to a variety of moral, spiritual and pastoral roles. They were the chosen leaders of a community of Christians. Their influence touched on all areas of the communities' spiritual life. Bishops also managed many of the non-spiritual facets of the church and political life in their local community. At times they appear as instructors of the faithful, leading the people in their worship. They participated in theological debates and performed liturgical services including the celebration of the Eucharist. Their role was essential for the ordination of priests and other bishops.

Bishops also managed church buildings and land, constructing ecclesiastical structures including churches, cathedrals and baptisteries. With money raised from the land, they oversaw the administration of charity to the poor, widowed, orphaned and sick of the community. They were required to uphold an ascetic ideal as the moral and spiritual standard for the community to emulate. They were obliged to attend church councils and so shared the responsibility for developing and promulgating canon law. They judged cases in ecclesiastical courts and sometimes even civil courts. In this period, bishops still had authority over the administration and at times the foundation of monastic centres.

During this period of crisis and war in Gaul bishops can be seen directing town defences, assisting in rebuilding bridges and aqueducts or raising ransoms for captives. They can be observed stepping in to take over roles in a time of dwindling central administration and local powers. By the middle of the sixth century the role of bishops in the civil sphere was included in legislation. They were to participate in any number civil roles including membership of committees that judged civil officers connected to food supplies, municipal revenues and the disposition of benefices.[1] To achieve all of this they needed to be practical and to have authority.

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[1] C. Rapp, *Holy Bishops in Late Antiquity: the Nature of Christian Leadership in an Age of Transition* (Berkeley 2005) p. 288–9, who quotes *Codex Justinianus* (*CJ.*) 10.27.3; 1.4.18; 1–4.26 (530); P. Allen and B. Neil, *Crisis Management in Late Antiquity (410–590 CE): A Survey of the Evidence from Episcopal Letters* (Leiden, Boston

Over recent years there has been increasing scholarly interest in bishops in general as well as the development of episcopal authority.[2] In the sixth and seventh centuries in Gaul a bishop's authority did not rest on his installation alone. As well as the spiritual, ascetic, or pragmatic authority expounded by Rapp, they needed other ways to enhance episcopal authority.[3] Rapp focuses on the issue of pragmatic authority, which included pastoral care and building a relationship with the poor in the community.[4] Bishops had responsibility for the penitence and morality of the community, thereby increasing their influence and authority. Their role in the development of civil spaces included ecclesiastical building and hospices; the establishment and enhancement of cult sites and the collection of relics as well as the administration of monasteries were all under the bishop's jurisdiction.

The choice and appointment of leaders was a matter of concern for early Christian writers and the first church councils. The installation of bishops was achieved through a number of procedures which were dependant on adhering to a succession of canons going back to the original church fathers. The canons not only duplicated the previous Roman church councils in language and form, they leant on these traditions and often referred to previous precedents. Thus the bishops in Gaul can be seen to have derived their authority from canons set down at earlier Roman councils. By following the precedents set down in previous canons the authority of the canons increased each time the procedures were reiterated. From the fourth century council canons prescribed the type of man who should become a bishop; the educational qualities he

2013) p. 79; 202; for earlier and other studies on a variety of topics connected to bishops, canon law and the political role of bishops see: L. Duchesne, *Histoire ancienne de l'Église* (Paris, 1907–1929); L. Duchesne, *Fastes épiscopaux de l'ancienne Gaule*, 3 volumes (Paris, 1900–1915); E. Loening, *Geschichte des deutschen Kirchenrechts,* II (Strasburg 1878) p. 220–75; R.Wey, *Das fränkische Staatskirchenrecht zur Zeit der Merovinger* (Breslau 1888); A. Hauck, *Kirchengeschichte Deutschlands,* vols. 5 (Leipzig, 1911–1929); E. H. Brunner, *Deutsche Rechtgeschicte,* vol. II (Munich, 1906–1928) p. 424–5; E. Ewig, *Spätantike und Frankische Gallien* (Munich 1976); D. Claude, 'Die Bestellung der Bischofe im Merowingischen Reiche,' in *Zeitschrift der Savigny–Stiftung für Rechtsgeschichte: Kanonistische Abteilung (ZsRG),* vol. 49 (1963), 1–79; M. Heinzelmann, *Bischofsherrchaft in Gallien*; See also G. Scheibelreiter, *. Der Bischof in merowingerischer Zeit.*( Vienna 1983); K. Selle–Hosboch, *Prosopographie merowingischer Amtsträger in der Zeit von 511 bis 613* (PhD. Diss.Bonn 1974).

[2] See section 1.8 below.

[3] Rapp, *Holy Bishops*, p. 23–55; 56–85; 100–4.

[4] Rapp, *Holy Bishops*, p. 30; P. Brown, *Poverty and Leadership* (Hannover, London 2002) p. 8; 31–2; 58. 67–72; see for a view that the role of bishops in actual care for the poor has been overemphasized and it was found somewhat limited, P. Allen, B. Neil, and W. Mayer, *Preaching Poverty in Late Antiquity* (Leipzig 2009) p. 19; 110; 163; 216; 227.

should have, and the need for longstanding morality and celibacy prior to his appointment.[5] The procedure of choice or *electio* by certain groups included participation by members of the local community, clerics and other bishops. The first phase of the ordination was the acclamation; following this, the elected candidate had no power to exercise the role of bishop, until he was invested by the metropolitan bishop accompanied by the provincial bishops. Canon law stated that the ceremony was to take place in the church where the candidate would hold his authority. This procedure was set out in the canons of the earliest church councils.[6]

Church councils in Gaul in the sixth and seventh century continued to espouse and adapt the earlier principles and procedures for episcopal appointment. When followed correctly the rules and regulations conferred authority on each bishop and legitimised him as the leader of his see. If the procedure was not correctly followed, a bishop's ordination was null and void and subsequent loss of authority was inevitable. However, in this period the question of royal participation in the procedure, as mentioned in the canons and prefaces of councils, is a matter of some controversy and debate. In terms of installation procedure as a basis for understanding episcopal authority it must be noted at the outset that there is no consistent procedure at this stage of the church's development. This is because the period was a time of adaptation and flux. Procedures were in the process of being established, tried and modified. This thesis will demonstrate how the changing nature of the bishop's role and his authority is reflected in the inconsistent, multifaceted and often complicated records of the procedures themselves.

Contemporary sixth and seventh century texts connected to the ideals required in the choice of a bishop stress the importance of specific morals, education, literary achievements,

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[5] The following studies include a variety of methodologies in which the scholarship is concerned with the position of bishops which subsequently enhances our understanding of the period through co-ordinated listings of ecclesiastical positions within cities and episcopal connections to various community activities. Y. Conger. *Droit ancien et structure ecclésiales* (Paris 1982); B. Basdevant, 'Les évêques. Les papes les princes dans la vie conciliaire en France du IVe au XIIe siècle,' in *Église et Autorités Études d'histoire du droit canonique médiéval,*(Paris, Limoges 2006) p. 115–13; B. Basdevant– Gaudemet, 'Les évêques d'après la léglislation de quelques conciles' in M. Rouche (ed.), *Clovis* (Paris 1996) p. 471–94; N. Gauthier, 'Le réseau de pouvoirs de l'évêque dans la Gaule du haut moyen–âge,' in P. Broglio, N. Gauthier, N. Christie (eds.), *Towns and Their Territories between late Antiquity and the Middle Ages,*(Leiden 2000) p. 191–5; E.Magnou–Nortier, 'A propos des rapports entre l'Église et l'état franc: La lettre Synodale au roi Théodebert,' in *Societa, Istituzioni, Spiritualita: Studi in Onore di cinzio Violante,* vol (Spoleto,1994) p. 519–34; C. Sotinel, 'L'personnel épiscopal enquête sur la puissance de l'évêque dans la cité,' in É. Rebillard and C. Sotinel (eds.), *L'Évêque dans la Cité du IVe au Ve Siècle: Image et Autorité*, Collection de l'École française de Rome 248. (1998), p. 105–26.
[6] See Chapter 2.

judicial training, ancestry and patronage. In addition, much emphasis was placed on the building works of the prospective bishops and their relatives. These same ideals represented, and were consistent with, the previous secular Roman lifestyle of the elite Gallo-Romans in the civil space. In this period the ecclesiastical buildings became the centre of the *civitas* even if they were still on the edge or walls of a town and church buildings replaced the earlier civil building complexes. Just as secular power in Rome was evident through control of building works the construction of new ecclesiastical structures increased a bishop's stature. Power previously held by civil city administrators was thus transferred to ecclesiastical leaders, increasing episcopal authority.

When normal Roman civil and military positions diminished under the Franks many aristocratic, educated, Gallo-Romans entered the church as bishops. This domination of the episcopate by Gallo-Romans in the sixth century was a result of a form of power substitution. One consequence of this move towards episcopal authority by the Gallo-Romans was the decline in the size of the aristocratic family. Adherence to the law of celibacy resulted in fewer children of aristocratic pedigree being produced.[7] The evidence from one ecclesiastical family indicates a decline in the number of eligible candidates to fill episcopal vacancies from Gallo-Roman aristocratic families. Towards the end of the sixth century, the Franks themselves became interested in being selected as bishops, and their entry into the episcopate suggests a preference for an ecclesiastical career because of the authority it commanded. Eventually the episcopate was to become a power base for Franks who were influential leaders at court.[8]

## 1.2 Methodology

This study seeks to complement one area that as yet has not been studied in any detail — that of episcopal appointment procedures in Gaul in the sixth and seventh centuries. The legitimising procedure of installation offers scope for examination in order to extend our knowledge of the construction of episcopal authority. I will argue that the developing nature of authority flows from legitimacy. Evidence from the period includes a variety of genres which discuss the

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[7] Chapter 7 discusses one family in which many members entered the church; with many celibate members the number of offspring diminished.

[8] Passio Leudegar, *episcopi et martyrris Augustodunensis* (ed.), B. Krusch, MGH, SSRM t. 5 (Hannover 1997) p. 282–362; *Acta Aunemund alias Dalfini episcopi,* P. Perrier, *AASS,* Sept. VII (Antwerp 1760) p. 744–6.

appointments of bishops. Narrative histories, hagiographies, and the canons of church councils held throughout Gaul in this period reveal the identity and authority that bishops were striving to retain.

This study will examine all evidence for the procedures used to appoint late antique bishops in Gaul order to understand the place of appointment in the construction of a bishop's authority. The geographical focus of this thesis is Gaul, including an examination of the Nicene bishops in territories controlled by Franks, Burgundians and Visigoths in Gaul. The Franks were initially in northern Gaul, moving later to occupy most of Gaul and the eastern Burgundian kingdom. In addition, the area covered includes the civil territory in Gaul that remained for periods under Ostrogothic power or Roman authority. The period of study is focused on 500–696 although I include an examination of the period immediately prior to this, in order to observe the continuities between the period of Roman Imperial Gaul and the evolving procedures in the later autonomous successor kingdoms that replaced Roman administration. Most recent scholarly work on bishops and authority has either been broad in focus, or else more centred on the wider church institutions of the post-Roman imperial territory, thereby paying insufficient attention to Gaul. Other work has paid particular attention to individual bishops and their achievements, without assessing the broader contemporary context of episcopal authority.

In terms of installation procedure as a basis for understanding episcopal authority it must be noted at the outset that there was no consistent procedure at this stage. This is because the church was in a time of transition, adaptation and flux. Procedures were in the process of being established, tried and modified. This thesis will demonstrate how the changing nature of the bishop's role and his authority is reflected in the inconsistent, multifaceted and often complicated records of the procedures themselves. What must be stressed, however, is that the Latin language of the sources examined reflects that the emerging process was not always consistent. In the period examined, from 200–696AD, when the procedures were developing into more formal religious conventions, they were variable.

My research focusses on the question of how episcopal authority was developed and on what structures it rested in the period. My approach is multifaceted and follows a careful

examination of previous scholarly research and different methodologies. One area as yet underdeveloped in modern scholarship is research into the construction of a bishop's authority, which requires definition of the ideology of power through the prescriptions found in the *acta* of the Church councils. For example, Breukelaar appears to consider the development of episcopal authority through an examination of a variety of methodologies which re-examine the text of Gregory of Tours.[9] However, the topic of episcopal authority is not the focus if this work so much as the historiography of Gregory's narrative history. Breukelaar investigates the dating or the order and writing of the text and its unity.[10]

Rapp, who touches only briefly on the Western episcopate in her schematic study of the authority of holy bishops, frames her study from the early church history through to late antiquity making use of a wide variety of texts from early Christians to the sixth century. The focus of her attention is on a new interpretation and examination of the nature of episcopal leadership through three types of authority: spiritual, ascetic and pragmatic.[11] Part II of her work traces the concept of 'the holy bishop' as the stature of the bishop grew in the community over the period. Rapp's new 'explanatory model' discusses the importance of the appointment of bishops particularly in connection with spiritual authority and liturgy, however she has not discussed in detail the legitimacy of bishops, the exact terminology of appointment, or the view, which other bishops or authors from this period had of the importance of episcopal installation. Although Rapp discusses liturgy, her discussion it is not connected to the liturgy of appointment procedures.

In terms of other related scholarship, Stocking's study examines the consensus achieved by Visigothic councils in Spain to determine ecclesiastical authority in that kingdom. [12] Both Barnish and Van Dam consider the kind of men who undertook leadership that established the

[9] A. H. B. Breukelaar, *Historiography and Episcopal Authority in Sixth Century Gaul,* (Göttingen, 1994), chapter 5; p. 334 ff. For further examination of the interpretation by Breukelaar; see also C. Sotinel, 'Le personnel épiscopal enquête sur la puissance de l évêque dans la cité,' in E. Rebillard and C. Sotinel, (eds.), *L'Évêque dans la Cité du IVe au Ve Siècle: Image et Autorité*. Collection de l'École française de Rome 248. (1998), 10 –126.

[10] Breukelaar, *Historiography and Episcopal Authority* chapter 5; p. 334 ff.

[11] Rapp, *Holy Bishops*; C. Rapp, 'The Elite Status of Bishops in Late antiquity in the ecclesiastical, Spiritual and Social Contexts,' *Arethusa,* 33 (2000)), p. 45–81.

[12] R. Stocking, *Bishops Councils, and Consensus in the Visigothic Kingdom,* 589–633, (Ann Arbor, 2000).

episcopal hierarchy of Gaul and how this was gradually achieved.[13] These scholars attach the authority conferred on the men chosen for offices including the episcopate to their previous elite aristocratic ideals. However, their studies are confined to the period prior to 600. None of these scholars have considered the emphasis in contemporary canon law on episcopal appointment nor connected its use as way to legitimise or to confer authority on bishops during the process of appointment.

Therefore, it was necessary to settle first on a definition of authority as found within the emerging new authorities of the period. This required an initial qualitative examination of the idealised canons, civil legislation and other relevant sources available in these areas. I therefore analysed specific instances of installation terminology in context as well as the procedures for episcopal appointment in both church *acta* and narrative sources. This was necessary for two reasons; firstly in order to uncover the basis of episcopal authority, and secondly to look for the perceived normal procedure of episcopal installation in the sixth and seventh centuries. Discussion of concrete events beside the prescriptive ecclesiastical canons thus extends our understanding of the purpose of the reiteration of canons as well as the introduction of new ideals.[14]

Brown, in a book published first in 1971, introduced a new way of looking at the late antique world.[15] His methodology has been instrumental, through the use of anthropology and psychology, to the development of new ways of examining the cultural and religious history of late antiquity. Following on from his work we see a proliferation in the re-examination of the extensive hagiography of the period, all of which has led to a variety of different interpretations and a transformation in our understanding of the period. Rather than seeing a dark period of decline, Brown explored 'the new' in the power of asceticism; holy men, body, sexual renunciation, relics and cult sites and their importance to power structures in this era. This new

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[13] S. J. B. Barnish 'Transformation and Survival in the Western Senatorial Aristocracy, circa AD 400–700,' in *Papers of the British School of Rome,* 56, (1983), p. 122; 139–40; 152–3; R. Van Dam, *Leadership and Community in Late Antique Gaul* (London 1985), p. 37–51.

[14] C. Munier and C. de Clerq (eds.), *Concilia Galliae A. 314–506* and *A.511–A.695, v*ols. 148 and 148A, Corpus Christianorum Series Latina (Turnhout 1963).

[15] P. R. L. Brown, *The World of Late Antiquity,* (London 1971).

way of approaching the texts led to a modification in our understanding of the change in religious authority and in the attitude of the people to religion.[16]

This thesis, beginning with a linguistic approach which analyses the Latin *corpora* of all Gallic council texts, the writing of Gregory of Tours and other contemporary authors, it then moves to an examination of the context of the examples of appointment procedures. The canonical examples and works by other authors were first collected through a search of contemporary texts.[17] This approach reveals semantic changes in terminology as well as contemporary usage. The examples found were also examined quantitatively through a statistical study of the terms used for the different stages in episcopal appointment. This study is presented in tables supplemented by reference to specific contexts and any attendant additional terminology. Throughout the thesis there are also translations and analyses of the texts used. This evaluation of language and the system utilised for the ordination, selection and final installation of bishops is necessary in order to explore further episcopal legitimacy and its connection to authority.

Two scholars who have previously used a statistical methodology are Champagne and Szramkiewicz. They examined the number of metropolitans and bishops who participated in each council held in Gaul in the Merovingian period.[18] In this thesis a similar approach was used, which includes the quantitative statistical search for the terms used to appoint bishops. During the initial statistical search of the terms generally used in the field of episcopal appointment in this period, I found there were two main terms which were consistently used to refer to the procedures, those being 'ordination', or 'to ordain' and 'election' or 'to elect' with a third term 'consecration' or 'to consecrate' as a less commonly found term. Further analysis of the

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[16] P. R. L. Brown, 'The Rise and Function of the Holy Man in Late Antiquity,' *The Journal of Roman Studies,* 61 (1971), p. 80–101; *The Cult of the Saints: Its Rise and Function in Latin Christianity* (1981); *Society and the Holy in Late Antiquity* (1982); *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (1988); *Power and Persuasion: Towards a Christian Empire* (1992); *Authority and the Sacred: Aspects of the Christianisation of the Roman world* (1995); *The Rise of Western Christendom*, (1996/2003) *Poverty and Leadership in the Later Roman Empire* (2002).

[17] Using the CD of texts from *The Library of Latin Texts Series A, B, C* (Turnhout 2005) and after 2009 the online version, available at http://www.brepols.net/publishers/pdf/Brepolis_LLT. Other sources included *The Latin Library* http://www.thelatinlibrary.com/;BibliotecaAugustina,http://www.hsAugsburg.de/~harsch/saecp06.html; and the Perseus Project, http://www.perseus.tufts.edu/Texts/latin_TOC.html.

[18] J. Champagne, R. Szramkiewicz, 'Recherches sur les conciles des temps mérovingiens,' *Revue historique de droit français et étranger,* 49 (1971), p. 5–49.

terminology revealed that the most frequently used Latin words were *ordinatio* or *ordinare*, followed by *electio* or *eligo* and occasionally *consecratio, consecro* or *benedictio*. The frequency of use of these terms made it clear that for any analysis to be comprehensive it was essential to make an isolated and individual study of each of the procedural terms and their accompanying historical and ecclesiastical context.

Through a quantitative statistical study the finding of the preferred terms for episcopal appointment was confirmed. Then I undertook a terminological approach with a similar methodology to that used in earlier examinations such as those made by Gryson, Basdevant, Faivre and Vacandard and to a lesser extent Norton.[19] All of these scholars have used a philological methodology to understand the specific appointments of bishops. While these studies were useful they do not entirely cover the topic of this thesis. For example, Gryson and Vacandard confine their studies to ordination and the time-period was earlier. Gaudemet and Norton have made a broader consideration of episcopal election, although Gaudemet focusses on the specific relationship between kings and bishops during episcopal elections in the reign of Childebert while Norton examines elections in east and west over a three hundred year period. Further to this, different scholarly views on the way that kings were involved in episcopal appointments reinforced the need for a separate examination of the terminology and context of each procedure. For example, in most cases the use of the terms pertaining to 'ordination' was independent of the other two terms and procedures outlined above. The new approach in this thesis will therefore enable a greater understanding of the role of each separate category of procedure and its attendant terminology. Indeed, examining each term and procedure in isolation may in fact lead to a different perception of episcopal appointments in the transforming circumstances of late antique Gaul.

Pontal and Halford are two scholars whose works greatly influenced my own. In a 2007 article Halfond stated that 'we should return our attention to the church councils themselves', a

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[19] R. Gryson, 'Les élections épiscopales en Occident au IVème siècle,' *Revue d'histoire ecclésiastique* 5 (1980), 257–83; B. Basdevant, 'Childebert et les évêques, note sur une procédure de désignation épiscopale,' in B. Basdevant, *Église et Autorités Études d'histoire du droit canonique médiéval* (Paris, Limoges 2006) p. 107–13; A. Faivre, *Ordonner la fraternité: Pouvoir d'innover et retour à l'ordre dans l'Église ancienne* (Paris 1992); P. Norton, *Episcopal Elections, 250–600* (Oxford 2007), and E. Vacandard, 'Les élections épiscopales sous les Mérovingiens,' *Études de critique et d'histoire religieuse* 5 (Paris 1913), 123–8.

comment which prompted my own research in this area.[20] In his 2010 monograph he places the synods in their religious, political and territorial context with the focus on the institutional nature of the Church Councils in Gaul from late antiquity to the early medieval period.[21] However, both Pontal and Halfond's studies make artificial divisions of councils into specific categories such as 'political' and 'contested' or those councils concerned with 'doctrine' or monasteries.[22] On occasion Pontal also offers modern political views in her description of various sixth and seventh century councils. Rather than systematically looking at the councils chronologically and placing them into political or historical context, her method provides a somewhat false impression of many of the councils, which at the time did not mention or refer to any of the titles she connects with specific councils. I have therefore followed a chronological pattern in my examination of the various councils and histories, using attached prefaces and letters in order to analyse the events in their context rather than taking them out of their milieu and placing them in a thematic system.

In his more recent scholarly focus on the topic of church councils in Gaul, Halfond aims to correct this problem by following the system instituted by Hinschius.[23] To some extent, this system is more inclusive and thus enables Halfond to make a more thorough examination of the context of the councils. However, he still assigns thematic categories to councils that were unknown in the contemporary setting such as 'general', 'national' and 'interprovincial', all of which have modern political connotations.[24] Ghosh argues that to make a reference to the word 'national' is to 'anticipate the borders of the political landscape' of later centuries.[25] Halfond uses evidence by way of case studies to emphasise particular concerns such as church property or

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[20] G. I. Halfond, '*Cum Consensu Omnium*. Frankish church councils from Clovis to Charlemagne,' *Historia Compass*, vol. 5 issue 2 (2007), 539–59.
[21] G.I. Halfond, *Archaeology of Frankish Church Councils, AD 511–768*. (Leiden 2010), p. 57–63.
[22] O. Pontal, *Histoire Des Conciles Mérovingiens* (Paris 1989), p.89; 181; 225; 229; 246-259; 285-295. O. Pontal, *Die Synoden in Merowingerreich* (Paderborn 1986); O. Pontal, *Les statuts synodaux français du XIIIᵉ siècle* (Paris 1975): O. Pontal, *Répertoire des statuts synodaux des diocèses de l'ancienne France du XIIIe à la fin du XVIIIe siècle* (Paris 1963); O. Pontal, *Les status synodaux des anciennes provinces de Bordeaux, Auch, Sens et Rouen (fin XIIIe siècle)* (Paris 1971); O. Pontal, *Les conciles de la France capetienne jusqu'en 1215* (Paris 1995); R. Minnerath, *Histoire des conciles* (Paris 1996).
[23] P. Hinschius, *Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, vol. 3.(Berlin (1883) p. 328
[24] Halfond, *Archaeology of the Frankish Church*, p. 14–15. By this term Halfond may be referring to councils that included bishops from a number of different provinces which for example bishops of dioceses within the province of ecclesiastical province of Arles, Rouen or Vienne who participated in the same Council of Mâcon (581–583)
[25] A. Ghosh, *In an Ancient Land* (London 1992) p. 282.

religious minorities [26] Instead of the usual view of many previous scholars that Frankish councils were declining and moribund and that they were transformed by the Carolingians, Halfond stresses that their opportunism was reflected when Carolingians used the same methods as the Franks. It must be noted though that Halfond's work, which covers a large timeframe, has a strong emphasis on the later Carolingian period.

Garipzanov, in contrast, examines the king's symbolic language in the Carolingian period. He argues that the repetition of royal institutional language was essential to the sovereign's power. By its repetitive nature it became visible as customary or regular and thus made regal authority a fundamental 'part of the socio-political landscape'.[27] A similar argument has been propounded by Harries using the same theory with regard to Roman civil law. Harries argues that the repetitive issuing of edicts by consecutive emperors in a variety of places both enhances the authority of the Empire and further legitimises the Roman leaders.[28] If we apply these two theoretical models to the extant evidence, we can see that from the early church councils, each time the procedure was promulgated with the same terminology in the canon law its authority was enhanced.

The institutional language of the church once established was connected to symbolic rituals, which was then used to endow spiritual authority in the priestly hierarchy and episcopate. The procedure and its terminology held special significance for the institution, ranging from the lowest orders, who are characterised in post structural terms as 'the speakers' who say the words and 'the receivers' who have the rite performed over them. The words used throughout the history of the ecclesiastical hierarchy became the specialised terms that applied to the symbolic rituals of leadership installation.[29] One model by which we may examine the construction of episcopal authority and its connection to the appointment of ecclesiastical leaders is the

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[26] Halfond, *Archaeology of the Frankish Church,* Chapters, 3; 4; 5; 6; p. 56–96; 97–128; 157–82; 183–209; respectively.

[27] I. Garipzanov, *The Symbolic Language of Authority*, p .26–7. Garipzanov uses the theory of '*habitus'* as a basis for his argument on the repetitive enactments of royal liturgy and its frequent usage, especially for particular titles and signs within the liturgies, that unite the king's court with both the elites and the common (free) citizens. He argues that the symbolic language of regal authority is integrated by this repetitive use and is established by its relationship to the 'sociopolitical *habitus* as it 'dealt with the language of domination, submission and legitimation.'

[28] J. Harries, *Law and Empire in Late Antiquity* (New York 1999), p. 56–7.

[29] P. Bourdieu, 'Authorized Language:' p. 107–9.

theoretical understanding of its language and religious rituals. These are open to analysis using linguistic and social approaches.[30] The symbolic rituals and their accompanying language were first passed down as examples of discipline that duplicated the language and procedures used by the earliest known Christians leaders, the apostles. The terminology of the procedures was established in texts by early ecclesiastical writers, as well as the first prescriptive canon law, and later liturgy.

There are a number of ways to examine this terminology. The terminology of episcopal appointment may be said to be of a 'performative' nature. The words 'I' or 'we' 'ordain' have the power not only to imply the act but also to perform the action required to carry out the procedure. Butler has considered 'performative' speech as 'the action echoes prior actions, and accumulates the force of authority through the repetition or citation of a prior or authoritative set of practices. It is not simply that the speech act takes place within a practice, but that the act itself is a ritualized practice.'[31] Bourdieu has argued against Austin's anthropological theory of 'performative' speech, on which Butler relies. He argues that within all organisations there is an inherent rhetorical discourse, and this is perceived as the authorised language that is used in formal and official situations and is connected with the boundary or scope of group representation within the institution. In the case of appointments to any office, it is the group authority of the acknowledged institution that instils the authority on the office-holder. Bourdieu adds that it may also be the sole driving force of the regulations of an institution to authorise, to bring about the action, and accomplish it in an acknowledged manner.[32] I will consider these arguments and where applicable I will consider the above theories in my examination of the terminology of episcopal appointments.

In the last thirty years scholarly interest in late antique church councils and the *acta* of Gaul has burgeoned. New editions of manuscripts have been made and translated into French in

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[30] J. Butler, *Excitable Speech: A Politics of the Performative* (New York, London 1996) p. 7; 157–9; J. Butler, 'Performativity – Social Magic,' in R. Shusterman (ed.), *Bourdieu a Critical Reader* (Oxford 1999) p. 128. For Butler, 'performative' behaviour has at least two major dimensions. Butler asserts that 'the anticipation of an authoritative disclosure of meaning is the means by which the authority is attributed and installed: the anticipation conjures its object ... an expectation that ends up producing the very phenomenon that it anticipates. The anticipated (it may not be the real) audience shapes the performance.'

[31] Butler, *Excitable Speech,* p. 51.

[32] P. L. Austin, *How to Do Things with Words* (Oxford 1962); Bourdieu, **'**Authorized Language:' p. 107–26.

the *Sources chrétiennes Series*. The canon law scholar Gaudemet first translated the fourth century councils held in Roman Gaul.[33] Between 1977 and 1989, Gaudemet and Basdevant translated the Latin text into French of most of the councils and their canons from Gaul promulgated in the sixth and seventh centuries. They used the Latin texts of the *Concilia Galliae,* edited by de Clercq.[34] The translation indicates the growing importance of canon law as a primary source for this period.[35] Gaudemet and Basdevant also included significant bibliographical references in the footnotes. However in the later volumes there is no overall analytical index such as the one included in the first volume. A further problem occurs with the omission of certain councils referred to in the original Latin editions of Munier and de Clercq, as well as councils included under a different date with no explanation. These omitted councils were generally councils which were referred to in other sources such as letters attached to councils or in the narrative of Gregory of Tours. Additionally, a number of other studies concerning the manuscript tradition, date, context or content have been made of individual councils or groups of councils that were held in Gaul.[36] In this thesis these omissions will be

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[33] J. Gaudemet, *Conciles Gaulois du IVe Siécle,* (Paris, 1977). This work of the first volume has an analytical index that is a useful tool.

[34] DeC. Munier and C. de Clercq, CCSL 148, 148A *Concilia Galliae,* CCSL. vol.148A. *314–506*; *Concilia Galliae 511–695.* (Turnhout, 1963) (Latin texts of all council canons referred to were found in these works)

[35] J. Gaudemet and B. Basdevant, *Les Canons des Conciles Mérovingiens* (*VI–VII Siècles)* (Paris 1989) (*Les Canons*) vols 1–2. This work followed the plan and included most of the text of the canons with some but not all the attached letters of the Latin edition of de Clercq, *Concilia Galliae,* CCSL vol. 148A. Of the two volumes of Gaudemet and Basdevant, *Les Conciles,* vol.1; this includes most of the councils documented in a variety of manuscript collections of the councils 511 until 544. This volume includes an introduction, which includes the collections of manuscripts, a geographical and historical overview. The second volume begins in 567–680 and covers councils in this period. The scholars omitted the final councils of the Frankish era from 580–596. See the table of various texts inclusions in the appendices p. 450–73. Both volumes have the Latin text of the various councils on the left hand side of the page and the translation of these texts in French on the opposite side. The combination of these above works in Latin and French gives a more manageable and an up to date text of the council canons with a discussion of each of the councils with a brief historical context. This work discussed the manuscript transmission of each council separately included this on the page prior to the council. They also had a discussion occasionally of the different canons and their reiterative use in different councils.

[36] R.W. Mathisen, '"The Second council of Arles," and the Spirit of compilation and Codification in Late Roman Gaul,' in *Journal of Early Christian Studies,* 5.4 (1997), p. 511–544; B. Basdevant, 'Les évêques: Les papes les princes dans la vie conciliaire en France du IVe au XIIe siècle,' in *Église et Autorités: Études d'histoire du droit canonique médiéval,* (Paris, Limoges, 2006), p. 115–132; de Clercq, *La législation religieuse*; Gaudemet, *Conciles gaulois du IVe siécle*; J. Gaudemet, *Les sources du droit de l'église*; L. Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140)* (Washington 1999) J. Limmer, *Konzilien und Synoden im spätantiken Gallien von 314 bis 696 nach Christi Geburt.* Teil 1: Chronologische Darstellung; Teil 1 und 2 Zusammenschau wichtiger Themenkreise, (Frankfurt, 2004); E. Magnou–Nortier, 'A propos des rapports entre l'Église et l'état franc: La lettre Synodale au roi Théodebert,' in *Società, Istituzioni, Spiritualità: Studi in onore di Cinzio Violante,* vol. 1 (Spoleto, 1994) p. 519–34; H. Mordek, *Kirchenrecht und Reform in Frankenreich: die Collectio Vetus Gallica, die älteste systematische Kanonessammlung des fränkischen Gallien* (Berlin 1975).

rectified by an examination and inclusion of all the available evidence for the procedure of episcopal appointment in the period between 500 and 695 in Gaul.

## 1.3 Aims

In this thesis, a study of the connections of all the components of episcopal appointment will be made in order to suggest that this procedure was ultimately associated with the construction of a bishop's authority and legitimacy. I will argue that through detailed and deep analysis and comparison of terminology and procedures in contemporary canon law, narrative sources, hagiographies and letters a more informative picture will be gained of sixth and seventh century episcopal appointment. Because episcopal authority was an essential part of a bishop's role it is important to try to establish from where this authority and legitimacy emerged. For example, who held the ultimate authority over such installation procedures: the bishops or the kings of the successor kingdoms?

Previously, scholars such as Pontal have stated that as king of the Franks Clovis I (481–511) practically nominated bishops and made civil servants of them and they were made entirely subject to his orders. Similarly, Norton in his broad study on episcopal election sweepingly suggests that the Merovingian kings had complete control over episcopal elections.[37] Vacandard argues that it was proper for the king to control appointments and notes that kings often gave the order for ordination to metropolitans in their own territories. Therefore the aim in this study is through the specific methodology noted above, to allow a more nuanced synthesis to emerge where the findings may reveal that although kings were involved in some circumstances, their involvement was often benign or assisting the decisions of the people, bishops or local clerics. Additionally it appears that they were not always involved in all facets of episcopal appointments, nor were they involved to the same degree at all times. I hope that this new study and research will be a useful addition to scholarship on bishops and authority in late antique Gaul.

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[37] J. M. Wallace–Hadrill, *The Frankish Church* (Oxford 1983) p. 105; P. Norton, *Episcopal Elections 250–600* (Cambridge 2007) p. 11; 115–16; 161. O. Pontal, *Histoire Des Conciles Mérovingiens* (Paris 1989) p. 44; 45; 50; Vacandard. 'Les élections épiscopales,' p. 123–8.

## 1.4 Overview of chapters

Chapter one begins with a framework for the thesis including an overview of the political and military context of the period. The second part of the chapter builds upon this with a chronological survey of the historiography of the topic, pointing to the various methodological changes that have occurred in the field of study. Included in this chapter is a discussion of the manuscript tradition and translation of particular texts. I also address the problems of sources, translation and the difficulties involved in the use of prescriptive church council texts, narratives and hagiographies written in another time by a number of authors.

Chapter 2 examines the role of church councils. This includes a study of the *formulae* composed by the first Christian writers and located in early church councils. In this chapter I consider the continuity of the canonical tradition together with elements of change taking place as the councils grew to universal proportions. Finally, the chapter concludes with a discussion of the new developments in Gaul during the period.

Chapter 3 serves as an introduction to the early ideas of leadership appointment in the first Christian church and later additions to the custom. It begins with the earliest tradition as seen through the scriptures. I also investigate the connection to other institutions and religions through shared terminology and procedures.

Chapter 4 focuses on the terminology and procedure of 'ordination' in the canons of the Frankish church and in the narrative, poetic, epistolary and hagiographical evidence of the period. The emphasis here is on the first of three steps in episcopal installation and on the significance of the separate analysis of each process and its terminology. 'Ordination' is examined separately to gain some insight into why it was the most frequently used term for leadership appointment in this period. By examining separate instances of the use of the term 'ordination' within their specific context a clearer picture emerges of the actual use of the term. Included in the chapter is a statistical examination of all the canonical terminology of ordination and its procedure with a parallel analysis of similar data collection found in the writings of Gregory of Tours. This statistical research enhances our understanding of the importance of this phase in the procedure.

Another reason for the separate treatment of terminology and procedure is that it allows us to examine the significance of 'ordination' in the construction of a bishop's authority.

Chapter 5 addresses episcopal 'election' and its place in episcopal appointment, including its specific historiography. An assessment of both the term 'election' and procedure it relates to is essential in order to elucidate the nature of royal involvement in a variety of elections. Sources include Gregory of Tours who was himself often involved in elections. A separate examination of the election procedure, as found in various sources from different genres, helps to clarify essential elements connected to election alone and distinct from ordination. This includes the non–religious context of election, as well as consideration of the disparate groups of people involved. In this chapter I address the issue of the role of kings and differing perceptions on the nature of persuasion in the form of gifts, factional lobbying and nepotism.

Chapter 6 makes a study of what in modern terms is the last phase of the appointment of bishops, which today usually signifies 'consecration'. Data from a statistical study of the terminology of 'consecration' points to alternative uses or else the absence of the term in the period under investigation. Through the examination of the specific contexts for the use of 'consecration' alone, other uses become obvious. Thus it may be noted that when 'consecration' was connected to the installation of bishops a temporal characteristic as well as other features emerge.

Chapter 7 is a series of case studies of one family, that of Gregory of Tours, re-evaluating the episcopal appointments. The aim is to assess whether the appointments of family members to episcopal offices were canonical. Additionally I consider whether the canonical procedure of appointment in this family was essential to the position of bishop in terms of establishing authority and legitimacy. A survey of family background and other connections allows us to scrutinise individual family appointment procedures and attendance at church councils. This, in turn, opens the door to further assessment of the significance of a family monopoly of a particular church and land over several generations. Finally the chapter concludes with an analysis of reasons for the family losing control of the church and land. This loss of control lead

to the subsequent removal of relics from one area to another and raises the question of whether episcopal authority needed to be bolstered.

The final chapter is a conclusion which summarises the findings of the thesis. Additional material includes a bibliography with maps and further discussion of two terms (*comes* and *dioecesis*) which have some bearing on the thesis as well as a short discussion on extant sixth and seventh century baptisteries. Appendix I includes the Latin text of canons used, a table of council information, canon terminology charts relating to the terms 'ordination', 'election' and 'consecration', and two genealogy charts. In Appendix II there are notes, an extensive commentary and some translation of canons relevant to episcopal appointment in the Gallic church councils from 500–696.

## 1.5 Historical background

The increase in the members of aristocratic Gallo-Roman men entering the episcopate in the late fifth and sixth century coincided with the entry into Gaul of a new indirect form of political dominance by autonomous military groups from outside the Roman Empire. During the turmoil of the fifth century there were a number of incursions by a variety of military groups such as Burgundians, Goths, Salian Franks, Visigoths and Huns. These autonomous successor groups settled in or seized areas of Roman territory in Gaul with the aim of controlling different geographical areas of the previously Roman administered provinces of Gaul. [38]

The original structure of power in Gaul prior to this settlement in the late Roman period was divided among Gallo-Roman men who were of the same aristocratic, educational and social background as one another. The Gallo-Roman elite occupied positions in the provincial senate

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[38] On the settlement of various tribal groups in Gaul, see W.A. Goffart, *Barbarians and Romans AD 418–584: The Techniques of Accommodation* (Princeton 1980); W.A. Goffart, *Barbarians, Maps and Historiography* (Farnham, Surrey, Burlington, VT. 2009); W. A. Goffart, *Barbarian Tides: the migration age and the later Roman Empire* (Philadelphia 2006); W. A*., *Goffart, *Rome's Fall and After* (Toronto 1998); On the social changes in Gaul following the settlement, J. Drinkwater, and H. Elton (eds.), *Fifth Century Gaul: A Crisis of Identity?* (Cambridge 1992); I.N. Wood, *The Merovingian Kingdoms* (Harlow 1994) p. 5–19; R. Van Dam, R. *Leadership and Community in Late antique Gaul* (London 1985) p. 37–51; J. B. Bury *History of the Later Roman Empire: from the death of Theodosius I. to the death of Justinian* (New York 1958), vols. I and II; vol 1, p. 249–53, 288–95; 298–300; 431–47.

established in 418 when Honorius ordered an assembly to meet annually in Gaul. [39] The assemblies were a combination of provincial praetors or their envoys from what were known as 'the seven provinces.' [40] The group membership, representing local landowners as well as a number of *decurions*, was mentioned in the edict that Honorius enacted. [41] These aristocratic men were a force of elitist, educated men who controlled power in Gaul culminating in the elevation of a Gallic leader Avitus to the imperial throne from 455.

The praetorian prefect, Aetius, retained Roman authority from 433–454. He was named *dux* and *patricius* and was supported by the aristocratic Gallo-Romans and an allied army of *foederati*. [42] Between 455 and 457 his successor Avitus became the last Gallo-Roman to wield any real power in the West. [43] Once the western emperor Avitus had been destroyed, Roman power in the West began to fall out of the grasp of the Romans and was gradually handed over to military leaders of the *foederati* settled in Gaul. At this time the Visigoths under Euric made incursions into Gaul, prompting the emperor Anthemius to make military alliances with the Burgundians who had been settled by Aetius into Saupaudia in 443. [44] Anthemius was

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[39] S. J. B., Barnish, Transformation and survival in the western senatorial aristocracy, circa AD 400–700,' in *Papers of the British School of Rome,* 56 (1983) p.120–155. Bury, *Later Roman empire,* vol. 1 p. 207, Bury notes that it was a representative assembly of the seven provinces of Gaul set up in Arles in 418. 'It had no independent power,' but it would appear to be a way for local men in Gaul to have some influence on concerns that had arisen in that geographical area. The outcomes of these meetings were usually presided over by the Provincial *Praetors.*

[40] J. Brissaud, *A History of French Public Law* (Washington DC. 2001) p. 44; A. H. M. Jones, *The Decline of the Ancient World* (London, New York, 12th impression 1994) p. 82–3; 97; 140.

[41] *Codex Theodosianus*, *Theodosiani libri XXVI cum Constitutionibus Sirmondinis*, Th. Mommsen and P. Krueger (eds.) (Berlin 1905); C. Pharr, *Theodosian Code,* trans. (New York, 1958); *CTh.* 6. 4. 1–34. The *Edict* of Honorius and Theodosius issued in 409 mentions the *decurions*, landowners and municipalities as a group.

[42] A. C. Murray, *From Roman to Merovingian Gaul*, trans. (Peterborough, Ont. 2000), *Chronica Gallica 452,* 451; Murray, p. 73; 76; 80–5; 91–4.; Prosperus of Aquitaine, a. 451; p. 62; 151–153; Hydatius, *Chronicon*, 150–153; Murray, p. 82–5; Hydatius dates the account in 451. Other sources give slightly different dates, but Hydatius was a contemporary author. See also Gregory of Tours, *Gregorii episcopii Turonensis historiarum libri historiarum* X, Monumenta Germaniae Historica SS Scriptorum rerum Merovingicarum, t.1 part 2 (eds.), B. Krusch, W. Levison (Hannover 1965); Abbrev. Greg. Tur. *DLH.* II.7; Bury, *Later Roman Empire,* vol. 1, p. 240–4; 249–53. In 451, Aetius with the joint military help of the Visigothic, King Theoderic was able to overcome the Hunnic attack at the Battle of the Catalaunian Plain.

[43] P. Heather, *The Fall of the Roman Empire* (Oxford, London 2005). p. 375–81; 382–4; Bury, *Later Roman Empire,* vol. 1. p. 323; 326; Sidonius Apollinaris, *Sidonius Letters and Poems*, trans., W. B. Anderson (London 1963), vols. 1–2; Sid *Ep.* I. 11.6; Hydatius, *Continuatio Chronicorum Hieronymianorum*, T. Mommsen (ed.), *MGH AA* 11 (Berlin 1894), Hydatius, *Chronicle,* 43 1–3; trans. Murray, *From Roman to Merovingian Gaul,* p. 93–95; Hydatius, *Chron. a. 455–457; The Reign of Avitus.*

[44] Hydatius, *Chron. a. 466–7;* Sidonius Apollinaris, *Sidonius Letters and Poems*, trans., W. B. Anderson (London 1963), vols. 1–2; I. 5. *Carm.* II; J. Favrod, *Histoire politique du royaume burgonde (443–534)* (Lausanne 1997) p.127; 150–60; 187–210. Saupaudia became the area of the Burgundians, however not the exact area usually associated with the region of modern Burgundy and became the area of Savoy in the 8th century.

unsuccessful, thus enabling Euric to establish control over large areas of Gaul.[45] Military conflicts and alliances continued until the Frankish king Clovis defeated Alaric, the son of Euric in 507. Peace then prevailed under the Franks throughout most of Gaul. Eventually the sons of Clovis, Childebert and Chlothar, defeated the Burgundians in Gaul, and their territory was amalgamated into the Frankish kingdom (534).[46]

During this time Gallo-Roman aristocratic men in different areas of Gaul held allegiance to many different military groups. Prior to the fifth century incursions, Gallo-Roman aristocrats had been seen as a group that only allowed those of senatorial background to take part in this leadership structure.[47] The younger men of this group took what might be called an apprenticeship. They held positions in the provincial or imperial court, assisting in legal cases, taxation or the administrative management of the Gallic part of Roman Empire. All these lower positions required a degree of education. From letters and narrative texts we see a network of social contacts that allowed easy movement with references from family members or social contacts within the group.[48] These young men rose through the ranks and eventually became leaders of their communities. The expertise of the Gallo-Roman aristocrats in Roman law helped them to establish laws and to restrain the worst excesses of the 'barbarian' groups.

Young men of social standing were also able to acquire experience in leadership in a military capacity. There were even a few men of Gallo-Roman origin who held the posts of *magister militum* and even *praefectus praetorio.*[49] However, in the mid-fifth century, with the settlement of a variety of groups of Franks, Visigoths, Burgundians and later Ostrogoths, the opportunity for such leadership positions gradually diminished. The competition for posts in

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[45] *Chron. Gall.* (511), Euric succeeds a. 466; 465; 10–13; a 472, 20; death of Anthemius a 472, 15, trans. Murray, *From Roman to Merovingian Gaul,* p. 99.

[46] Greg. Tur. *DLH.* III. 5–6; III. 11.

[47] By 'senatorial' in this period generally it signifies a status of a family who had had a senator in the background. By this time they were usually also wealthy landowners. See G. Kurth, 'Les senateurs en Gaule au Vie siècle' *Etudes, Franques*, II (Paris 1919) p. 97–115; F. Gilliard, 'Senators of the sixth century Gaul,' *Speculum* 64 (1979), 685–97.; B. Brennan, 'Senators and social mobility in sixth century Gaul, *Journal of Medieval History* 11 (1985), 145–61.

[48] Sid. *Ep.* His books are strewn with the many titles and social strata of the time. III. 1; Avitus, III. 3; Ecdicius; (mounted a military expedition to save Clermont) III. 6; Eutropius (praetorian prefect); IV. 14, Polemius (praetorian prefect), V. 18; Attalus (Count of Autun).

[49] Sid. *Ep.* III.3 Ecdicius, brother-in-law of Sidonius, was *magister militum*, seen to be protecting the area of Clermont against the Visigoths probably 469–471 when they blockaded Clermont. Sid. *Ep.* III. 4; III. 6. The correspondents, Magnus Felix and Eutropius, friends of Sidonius, both became praetorian prefects of Gaul.

administration increased and the opportunities offered in terms of military roles was removed when the autonomous kingdoms of non-Roman groups took over. Indeed, by the end of the century, the majority of the military force in Gaul was in the hands of Visigothic, Frankish or Burgundian leaders. Evidence shows there were still a few men of Gallo-Roman origin holding posts in Gaul as *praefectus praetorio*,[50] or as *comites* (an office which at this time became common in the secular organisation[51] or in a military capacity in connection with the leaders of the developing successors groups). However, positions were rare and where available were generally held by Franks or Burgundians.

Initially there were accusations aimed at groups of Gallo-Romans for aiding opposing sides: in particular for assisting the outsiders while Roman power was waning in Gaul. Many powerful Gallo-Romans could see the advantage and necessity of working with a new authority, in order to retain some of their former power and their lands.[52] There is evidence of the loss of land or property by those who did not find accommodation with the new authorities. For example Ennodius, Paulinus of Pella and a number of other aristocrats were forced to move outside of the barbarian occupied areas and lost their property.[53] In areas occupied by fractious Visigoths and Franks and Burgundians and Franks, local Gallo-Romans were quickly and easily embroiled in political and military machinations between opposing sides[54] and intermingled with the followers

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[50] *Caesarii Arelatensis Opera omnia* (ed.), G. Morin, *CSEL* p. 103–4 (Turnholt 1953), II 10–12; W. Klingshirn, Caesarius of Arles, *Life, Letters and Testament,* trans. (Liverpool 1994), II 10–12. In the area of Provence, King Theoderic of the Goths of Italy gave this position to one Liberius, although he only held the position from 510–511 following which he was killed in an ambush by Visigoths.

[51] See the discussion on *comes* in Appendix 1.

[52] Sidonius at different times spent time with the Visigoths but was later imprisoned by them when they held the Auvergne region.

[53] Greg. Tur. *DLH*. V.23. Ennodius count of Tours lost his property and goods. Paulinus of Pella, who came from a family who hailed from Bordeaux, wrote poetry on the loss of property and land through the invasions and upheavals of this period, writing in the period 495–465. *Eucharisticos*, his poem translated in *Ausonius,* H. G. E. White (London 1921), lines 310–320, p. 329; M. Heinzelmann, *Gallische Prosopographie*, p. 531–718; R. W. Mathisen, 'Emigrants, exiles and survivors: aristocratic options in Visigothic Aquitania,' *Phoenix* 38 (1984), 160–5.

[54] Sid. *Ep*. IV.22, 3; *Ep*. VIII. 3; X. 13. Leo of Narbonne assisted Visigoths in both Toulouse and Bordeaux with the writing of the Breviary; he was probably employed by both Euric and Alaric in a legal capacity, but as Sidonius implies he was the owner of immense information, treaties, and 'the secrets of government,' from the court of the Visigothic king. The son of Sidonius, Apollinaris was involved with *comes* Victorius a man who Euric placed in the Auvergne region as Governor. Apollinaris went to Italy accompanying Victorius. Greg. Tur. *DLH*. II. 37. He also fought with a group of Auvergnians at Vouille. Greg. Tur. *DLH*. II. 24. The brother-in-law of Sidonius, Edcidius was involved in a military capacity fighting off a group of Goths. Sid. *Ep*. VI. 6; VII. 7; VII. 15.10. Once the Auvergne was in Visigothic hands, Sidonius writes of his view of the Visigoths, of identifying the people of Clermont with Rome and he described the subsequent slavery of the local people of the area. (Sid. *Ep*. VIII. 5). Namatius was a naval officer on a Visigothic ship. (Sid. *Ep*. VIII. 1; 2; 3). With the loss of Gaul to non-Roman

of the autonomous leaders when they became resident in many occupied areas.[55] These situations often resulted in accusations and in some cases exile.[56]

By the sixth century entry into the episcopate became the path for many aristocratic Gallo-Romans, where it could be argued that they were able to maintain their solidarity through the church hierarchy and its frequent councils, as they had through military and political systems under the Roman administration. These resident bishops played an important intermediary role, often interceding between the groups of Visigoths, Franks and Burgundians.[57] As bishops, they were often found to be the only effective leaders of a community in a crisis.[58] Thus during this period we can see an increase in educated, aristocratic men entering the church as bishops as well as an increase the number of those who chose to enter monasteries. The monastic movement in Gaul was centred initially in the south in Lérins. This monastic institution produced bishops such as Hilarius and Caesarius of Arles.[59] Later monasteries were built during the period of the Franks whose kings often donated land or built original abbeys.[60]

The debate continues on theories of decline, continuity or transformation in the Western provinces once Roman administration had been replaced. Central to this is the role that

leaders, all that was left for the previous citizens who came had previously been under Roman administration was the remaining Roman 'literature,' that Sidonius speaks of and presumably the 'ecclesiastical hierarchy'. See also J. Harris, *Sidonius Apollinaris and the Fall of Rome, AD 407–485* (Oxford 1994); J. Drinkwater, and H. Elton, *Fifth Century Gaul: Crisis of Identity* (eds.) (Cambridge 1992).

[55] Sid. *Ep.* Bk.VI and VII. The letters sent by Sidonius include ones from many correspondents who came from the senatorial class and were bishops. Sidonius named the class *frequens ordo*, the translator translates this as senatorial order. VII. 14, l). On a perusal of only two books it was found many friends and relations who were aristocratic men entered the Gallic episcopate of the period of Sidonius. Pragmatius, VI. 2; Leontius, VI. 3; Theoplastus, VI. 5; Eutropius, VI. 6; Fonteius, VI. 7; Lupus, VI.1; 4; 9; Censorius, VI. 10; Eleutherius, VI.11; Patiens, VI. 12; Mamertus, VI. 1; Megethius, VII. 3; Fonteius, VII. 4; Agroecius, VII. 5; Basilius, VII. 6; Eufronius, VII. 8; Graecus, VI. 8; VII. 2; 7; 10; Auspicius, VII. 11; Perpetuus, VII. 9; Volusianus, VII. 17.

[56] Sid. *Ep.* VIII. 3.1; J. Harries, *Sidonius and the Fall of Rome* (Oxford 1994) p. 174–5. Sidonius writes of his arrest, he was imprisoned by Euric for the year 475–476.

[57] Sid *Ep.* II.1; II.13; III.9.

[58] P. Allen and B. Neil, *Crisis management in late antiquity (410–590): a survey of the evidence from episcopal letters* (Leiden 2013).

[59] R.W. Matthisen, *Ecclesiastical Factionalism and Religious Controversy in Fifth–Century Gaul* (Washington 1989) p. 77. On the earlier groups of aristocratic bishops see: R. W. Mathisen, 'Syagrius of Autun, Virgilius of Arles and Gregory of Rome; Factionalism, Forgery and Authority and Local Authority at the end of the Sixth Century,' in C. de Dreuille (ed)., *L'Eglise et la mission au VI<sup>é</sup> siècle; la mission d'Augustin de Cantorbéry et les Eglises de Gaule sous l'impulsion de Grégoire le Grand* (Paris 2001), p 260–9; R. W. Mathisen, *Roman Aristocrats in Barbarian Gaul: Strategies for Survival in an Age of Transition* (Austin 1993).

[60] Greg. Tur. *DLH.* III.3. King Sigismund of the Burgundians built St Maurice of Agaune.

ecclesiastical leaders played in the maintenance of civil authority in the provinces. [61] During this period bishops were involved in events in the community and upheld a particularly Roman (albeit aristocratic, provincial and orthodox Catholic) identity within the province of Gaul. It might be said that this continuity of Christian Roman religious identity ensured the continuity of many aspects of the previous administration of the province.

Clovis adopted orthodox Christianity and was thus able to harness some of the influence the bishops of the Roman church had acquired specifically through group assemblies of the church councils. In this way, religious authority became inextricably linked with the relationship between the kings and their Gallo-Roman citizens. The non-Roman origin of these kings has led scholars to question what impact their origin and cultural background had on their policies and actions.[62] It may be argued that the adoption of an 'alien' religion by the Franks and Burgundians was a way to gain support from the Gallo-Roman provincials. Further, the conversion of the kings to orthodox Christianity ultimately led to their acceptance by the Eastern emperors and the bishops of Rome as legitimate leaders of the previous Roman territories in Gaul.[63] One could argue that this be seen as an element of their political intent.

In the East, for example, evidence indicates that the Iberians embraced Christianity when they came into contact with the Romans.[64] Similarly in Gaul, the Franks become Christian. The question arises: why did these barbarian leaders of successor kingdoms in Gaul not impose their own religious practices on the Roman population in the same way as the Vandals, Visigoths and

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[61] J. H. W. G. Liebeschuetz, *The Decline of the Roman City* (0xford 2001) p. 158–61,164–6; J. Harries, 'Christianity and the Cities in Gaul,' p. 80, 82, 95; and J. H.W.G. Liebeschuetz, 'The End of the Ancient City,' in J. E. Rich (ed.), *The City in Late Antiquity* (London 1992) p. 1–49; esp. 19.

[62] J. Drinkwater, and H. Elton, *Fifth Century Gaul: A Crisis of Identity* (Cambridge 1992); R. Fletcher, *The Barbarian Conversion: From Paganism to Christianity* (New York 1997) p. 89–105; J. M. Wallace-Hadrill, *The Long-haired Kings,* (Toronto 1982) p. 1–24; J. M. Wallace-Hadrill, *The Frankish Church* (New York 1983) p. 12–36; P. Schaff, *History of the Christian Church,* vol IV. 20–3. W. Goffart*, Rome's Fall and After* (London 1989) p. 23–6; J. C. Russell, *The Germanization of Early Medieval Christianity: a Sociohistoical Approach* (Oxford 1996) p. 146–50.

[63] Greg. Tur. *DLH*. II. 38. In a letter from the emperor Anastasius to Clovis he appointed him honorary (*suffect*) consul, Gregory wrote that he accepted the honour and was crowned himself leader in the church of St Martin in Tours wearing a purple tunic.

[64] D. Braund, *Georgia in Antiquity: A History of Colchis and Transcaucasian Iberia, 550 BC–AD 562* (New York 1994) p. 5; 66; 215; 238–9. Braund has suggested that the 'christianization of the Iberians made the alliance with Rome more comfortable.' He also states that the development of 'the Iberian written language and its adoption of Christianity was a direct consequence of Roman christianization.'

autonomous groups elsewhere did? [65] Was this because the non-Romans were only (as is thought) a very small population of each group compared to the local established Gallo-Roman population in Gaul? Or was their adoption of the local religion in fact a natural step: one that had been taken by many groups previously in the Roman Empire in order to assimilate and to gain recognition for their leaders as suitable Roman imperial replacements?[66]

During the development of the administration of the nascent successor kingdoms the Gallo-Roman aristocrats and landowners retained a particular attachment to the church in Gaul as the one remaining Roman organisation. In this attachment they initially appear to develop a practice of distinguishing themselves as different from the Franks in administration. [67] The Frankish identity, apart from their obviously different language, clothing and hair, was unlike that of the previous Roman citizens who entered public life in secular administration in the Roman Empire. This new identity may be viewed in a variety of ways. It can be seen a regeneration of the pride in the educated, Roman, aristocratic values. On the other hand it also demonstrates the strong connection to Christianity and the ethical ideas emerging from the monastic movement. These ideals were intimately linked to the ascetic ideals of chastity and piety which were well documented in this period as specific elements of the Christian identity.[68]

From the last quarter of the fifth century onwards more men from the elite sections of society sought to enter the church. The ideological and social dimensions of the change in occupation for administrators, from Roman political career to ecclesiastical vocation, needed

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[65] The example of North Africa and the imposition of Arianism by the Vandals spring to mind as well as the Visigoths imposing Arianism although they did show more toleration of the Nicaean Christians than the Vandals in North Africa. M. Berndt and R. Steinacher, *Arianism: Roman Heresy and Barbarian Creed* (Farnham 2024) p. 239–57.

[66] In the case of the Iberians in the East at one point they came under the protection of the Romans, despite it only lasting for a short time, they later adopted Christianity and for some time were aligned with imperial Rome and later Byzantium. Braund, *Georgia in Antiquity,* p. 66; 238–9.

[67] Salvian of Marseilles, *De Gubernatione Dei Libri VIII* (ed.), F. Pauly, *CSEL* 8 (Vienna 1883); Salvian of Marseilles, *The Writings of Salvian the presbyter,* trans. J. F. O'Sullivan (Washington 1977). Salvian expressed another view, he saw the difference between the autonomous groups and the men of the church in a different way, stating that at times the 'barbarians' were more moral than Romans. Sid. *Ep.*III. 9; IV. 20; V.5; VIII.3. In these letters Sidonius draws attention to the appearance, language and behaviour of the non-Romans compared to local Gallo-Romans.

[68] Sid. *Ep.* II. 10; IV. 2; VII. 7; VIII. 6; 8; IX. 9. Sidonius' discussions are mostly with regard to Roman identity in the form of literary activities. *Vernanti Honori Clementiani presbyteris italici opera poetica,* F. Leo (ed.), MGH AA t. 4 (Berlin 1881), *Carm.* 4.5. The epitaph of Ruricius he refers to the family of Rurici and its ancesters the Anicii as Roman. Klingshirn, *Caesarius of Arles Life and Letters*: 1–11, p. 71–6. Testament

new political ideals in order to construct a basis of authority. Mathisen has argued that this authority was required to allow the provincial leaders to navigate the social and political situation under the new foreign rule.[69] The letters, hagiographies and poetry written at this time depict the church as the central focus of the lives for much of provincial Gallo-Roman society. Thus the church may be recognised as offering a form of collective aristocratic Roman and monastic identity in the changing world of Late Antiquity. [70]

A glimpse of this new identity in the sixth century may be seen when Gregory of Tours expounds *ad unitatem ecclesiae* in reference to idea of merging or combining everyone, including converted pagans, into his church.[71] In the early chapters of his narrative writing he incorporates the faithful of the early community with those Christians who had come before as martyrs, despite being also Romans. [72] Gregory upholds the identity of the Christian Romans against all other members of that society — Frankish, Gothic, Visigothic, Burgundian, Jewish, Arian, members of other different Christological groups or polytheists.[73] Once converted to orthodox Christianity, members of these groups promptly become part of the whole Christian community. Gregory differentiates Christians when he directs his readers to the identity of the Christians against these 'others', thus promoting the independent Christian identity.

Gregory, in writing his narrative history and hagiographies, was at the same time constructing his own identity as a moral Christian bishop, through glorification of members of his family. [74] Although he somewhat dissociates himself by not explicitly stating the nature of their relationship, at the same time he endows his family with additional powers demonstrated

[69]R.W. Mathisen, *Roman Aristocrats in Barbarian Gaul: Strategies for Survival in an Age of Transition* (Austin 1993) p. 119–21; 129–31; M. R. Salzman, 'Competing claims to 'Nobilitas' in the Western empire in the fourth and fifth centuries', *Journal of Early Christian Studies* 9 (2001), 359–85.

[70] Greg. Tur. *VP.* VII; Gregory of Tours, *Life of the Fathers,* trans. E. James (Liverpool 1985); Venance Fortunat, *Poèmes,* trans. M. Reydellet (Paris 1994), *Carm.* 1.15. 32–35; Sid. *Ep.* 4. 25.2; 7.9.17. All these authors give references to and mention rank or senatorial ancestry or nobility almost as a requirement for election to the bishopric or connect these previous Roman identifying labels to the office of the episcopate.

[71] Gregorii *episcopi Turonensis Liber in Gloria Confessorum,* B. Krusch (ed.), MGH SRM, t.1.part 2 (abbrev. to *LGC*) (Hannover 1969), *LGC.* 76, p. 344; Gregory of Tours, *Glory of the Confessors* (Liverpool 1988), trans. R. Van Dam, *Glory of the Confessors.* 76.

[72] Greg Tur. *DLH*. I. 26–34; 39.

[73] Greg Tur. *DLH* II. 3; 9; 23; 28; 34–35; 36; 37; IV. 27; 28; 35; V.38; IX 15.

[74] I. N Wood, 'The individuality of Gregory of Tours,' p. 29–46; and C. Leyser ''Divine power Flowed From this Book'': Ascetic Language and Episcopal Authority in Gregory of Tours' Life of the Fathers,' p. 281–94, in I. N. Wood, K. Mitchell (eds.), *The World of Gregory of Tours* (Boston 2002).

through their moral actions, pious acts, miracles and the construction of buildings. He thus enhances his own authority through his connection. [75] Through the method of inserting his family into the text and locating their moral actions within the narrative of his history and hagiography, Gregory exploits and fashions his own identity and authority as a Christian bishop.

## 1.6 The sources

### 1.6.1 Canon law

The use of canon law is a problematic because its original purpose (like all legal texts) was prescriptive and moreover its proposed audience was ecclesiastical. Canons were promulgated in order to maintain clerical and lay discipline. The content of the *acta* was often more theological than historical. Additionally, the texts written in Gaul at church councils occasionally include copies of previously written *formulae* from earlier canons written in Gaul or other areas of the Roman Empire. Additionally, we are uncertain exactly how many council texts are missing. An examination of the editions of the collections of council texts and consideration of the work of scholars who refer to councils, reveals that all available council *acta* were not included in the modern edited collections. Some examples include the councils of Sorcy (589), Paris (552) and Chalon-sur-Saône (579) where the references survive in sources other than the *Concilia Galliae*.[76]

The collection of canon law promulgated in Gaul from 500–696 is a source which reflects the desires of the educated aristocratic group who collectively wrote the first canons in this period.[77] It functioned as a disciplinary text to be referred to when problems arose. It indicates the expected conduct and procedures required when performing certain ecclesiastical duties. At times the canons are repetitive and prescriptive. However this was the style and form of the legal

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[75] L. K. Bailey, 'Within and without: Lay People and the Church in Gregory of Tours' miracle stories,' *Journal of Late Antiquity* 5 (2012), 124–5.

[76] These were sometimes included in *Concilia Galliae*. However occasionally they were found in diverse manuscripts.

[77] This was the pattern at the beginning of the fifth century but as Frankish men became bishops that aristocratic, educated, influence changed and later councils reflected this in the language and content of the councils.

language of ecclesiastical institutions.[78] The reiteration of specific canons indicates their importance and adds to their authority and yet reveals that the behaviour legislated against persisted in spite of the existence of canons previously passed.

Further problems emerge when we consider the *formulae* or letters attached to editions of the council *acta*. Some letters found with council texts were inserted at a later date and for a variety of reasons. They were composed in a different period with purposes often unconnected to the original council, and as such may have been intended for a different legal, political, administrative or diplomatic audience. Therefore we must consider that these additions had a different agenda from other council related material. These later insertions raise further problems when used to demonstrate contemporary Gallic practice.[79]

From these letters we can however observe that councils not only issued rules, but also dealt with canonical contraventions within the community. Problems such as non-canonically installed bishops or other church issues requiring group judgements are all evident. Additionally, the majority of prefaces to the councils contain explicit agendas for specific councils, while regulatory canons provide us with direct indications of contemporary practices and concerns. When the whole council text is considered in the light of additional evidence found in other historical narratives and other sources of the era, ecclesiastical events or circumstances are made clearer. Consequently, although the *acta* are prescriptive, when used in context they provide a valuable source for an analysis of episcopal authority.

The extant council texts contain evidence of the disciplinary objectives of their ecclesiastical creators. One might perceive through them at best a refracted image of their milieu. Nevertheless, when certain notions are repeated, this indicates the possible importance of, or concern for, a particular topic. The abundant source material of the *Concilia Galliae* overall does give us the opportunity to analyse aspects of contemporary procedure and terminology.

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[78] There is a full discussion of both topics of 'reiteration of canons' and 'prescriptive canons' in the following chapters.

[79] Munier and de Clercq, CCSL vols. 148, 148A *Concilia Galliae, 314–506*; *Concilia Galliae 511–695*. (Latin Edition of the texts of all council canons referred to were found in these works). For further discussion of the problem see P, Allen, B. Neil and W. Mayer, *Preaching Poverty in Late Antiquity* (Leipzig 2009), p. 46–7; Allen and Neil, *Crisis Management in Late Antiquity*, p. 11–35.

### 1.6.2 Gregory of Tours as a narrative source

Written texts contain the author's own context and agenda, subsequently the events they record often indicate or even enhance the author's own morality, social group, identity or family authority.[80] The major narrative source used in this thesis is the work of Bishop Gregory of Tours. He was the foremost author of sixth century in Gaul.[81] An accomplished and at times wily narrator, his focus is the morality or the immorality of his subjects, expressed in theological terms.[82] His style is at times suffused with action — direct speech and short sentences. His reporting style also includes clues indicating when and where events happened.[83] The subjects within his narrative history indicate the issues he considered important to record. From the opening chapter he reveals his world: 'wars waged by kings against hostile peoples, by martyrs against the heathens and by the churches against the heretics' and in those first words he establishes his boundaries. [84] However his chronology is at times questionable and his omissions seem arbitrary. In the early parts of his work he writes about events in the distant past and these sections seem to be somewhat less informative than the later chapters. In these sections he is reliant on other sources including oral transmission from his own family members. In contrast,

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[80] H. Reimitz, 'Social Networks and Identities in Frankish Historiography, New Aspects of the textual History of Gregory of Tours' *Historiae,* in *The Construction of Communities in the Early Middle Ages,* R. Corrodini, M. Deisenberger, H. Reimitz (eds.) ( Leiden, Boston 2003) p. 229–68, especially 267–8.

[81] Complete list of his works used in the thesis: Gregory of Tours, *Gregorii episcopii Turonensis historiarum libri historiarum* X, MGH SRM. t. 1. (eds.), B. Krusch, W. Levison (Hannover 1965); (*DLH*) Gregory of Tours, *Gregory episcopi Turonensis Liber Vita Patrum* (ed.), B. Krusch, MGH SRM t. 1 part 2 (Hannover 1969) (*VP*); Gregory of Tours, *Gregorii Episcopi Turonensis Miracula et opera minora* (*ed.),* B. Krusch, MGH SRM t.1 part 2 (Hannover 1969) (which includes) Greg. Tur. *Liber in Gloria Confessorum; Liber in Gloria Martyrum; Liber De passionesset virtutibus Sancti Juliani; De Virtutibus santcti Martini* and *Georgi Florentii Gregorii episcopi Turonensis Passio sanctorum Martyrum Septem Dormientorum Ephesum; De Cursu Stellarum ratio; In Psalrerii tractari commentaries,* MGH.(Turnhout 2010).

[82] For a variety of scholars who write about Gregory see N. Gauthier, and H. Gallinié (eds.)*, Grégoire de Tours et L'espace gaulois* (Tours 1997); W. A. Goffart, The *Narrators of Barbarian History, c.500–800. Jordanes, Gregory of Tours, Bede, Paul the Deacon* (Princeton 1988); 'From *Historiae* to *Historia Francorum* and Back again: Aspects of the Textual History of Gregory of Tours,' in T. X. Noble and J. J. Contreni (eds.), *Religion, Culture and Society in the Early Middle Age: Studies in Honor of Richard E. Sullivan* (Kalamazoo: Mich. 1987) M. Heinzelmann, *Gregor von Tours (538–594), 'Zehn Bücher Geschichte' Historiographie und Gesellschaftskonzept im 6 Jahrhundert* (Darmstadt 1994); *Gregory of Tours: History and Society in the Sixth Century*, trans. C. Carroll (Cambridge 2001); A. C. Murray, *After Rome's Fall: Narrators and Sources of Early Medieval History. Essays presented to Walter Goffart* (Toronto 1998); A. C. Murray, *The Merovingians, Gregory of Tours* (2006); G. De Nie, *Views from a Many–Windowed Tower. Studies of Imagination in the Works of Gregory of Tours* (Amsterdam 1987); K. F. Stroheker, 'Die Senatoren bei Gregor von Tours,' *Klio,* 34 (1942), 293–305; J., Verdon, *Grégoire de Tours* (Le Coteau 1989); I. N. Wood and K. Mitchell (eds.), *The World of Gregory of Tours* (Leiden, Boston 2002).

[83] E. Auerbach, *The Representation of Reality in Western Literature,* trans. W. R. Trask (Princeton 1953) p. 77–95.

[84] Greg. Tur. *DLH*. I.1.

when he comes to recording his own lifetime he writes about contemporary events with abundant detail. Because of these inconsistencies his work needs to be viewed with some circumspection.

### 1.6.3 Hagiographical sources

One purpose of hagiography was the creation of *exempla* as a source of moral ideals for the reader to emulate. This objective is thus very different to the objectives of authors of narrative histories, letters or poetry. The focus and purpose of the hagiography written by Gregory of Tours directs the reader to emulate the lives of famous ecclesiastical men and women who were saints, martyrs and confessors. The agenda of his hagiography is clearly different to that of his narrative history. However, he does include details of concrete historical events, which when added to evidence from other sources, gives us a clearer picture of the historical context. Because Gregory considers the connection between royal and episcopal authority as significant, it is important to employ the entire surviving corpus to any examination of episcopal authority. For example, Gregory focuses on different characteristics of episcopal appointment in the hagiography from those in his narrative history. His prodigious interest in episcopal appointments reveals the significance of this topic to both him and his fellow bishops. He describes many episcopal appointments, both canonical and irregular, thus indicating that he understood the importance of the correct procedure for the establishment of the authority of a bishop.

Using hagiography as a source is problematic for a number of reasons. The primary aim of hagiography was to reveal the perfect Christian saint through stories of his life and achievements. [85] The texts demonstrate and promote certain desired aspects of a Christian life. They were written with the purpose of teaching and engaging the Christian audience, and include examples for emulation. Gregory states in the preface to his *Vitae Patrum* (*VP*) that he wrote the *vitae* specifically for this purpose.[86] Thus the discourse regarding the saints and their miracles is

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[85] For further discussion on the use of hagiographies see: F. Lifshitz, 'Beyond Positivism and Genre: "Hagiographical" Texts as Historical Narrative,' *Viator*, 25 (1994), 95–115; M. Heinzelmann, *Manuscrits hagiographiques et travail des hagiographes* (Sigmaringen 1992); M. Goullet, M. Heizelman and C.Veyrard-Cosme (eds.), *L' Hagiographie Mérovingienne à Travers ses Réécritures,* Beihefte der Francia 71 (Paris 2010).
[86] Greg.Tur. *VP*. MGH SRM, t. 1, part 2, p. 211–213; *VP*. preface, 1; James, *Life of the Fathers,* p. 27.

formulaic and constructed through the use of rhetoric. Although there is usually a reality at the core of the work, areas such as those dealing with the miracles are often detached from reality.[87]

Hagiographies were also written to provide a Christian style of myth in opposition to contemporary pagan Roman mythology and local folklore. They sought to combat the earlier ideals represented by miraculous phenomena performed by the gods of ancient myths. Christian authors in writing their hagiography provided rival miracles to oppose the older traditional myths. Because of this mix of reality and mythology hagiographies must necessarily be viewed with caution when being used as evidence for the reality of particular practices or rituals at a specific time. [88]

The formulaic hagiographies are however useful for historians seeking to examine contemporary terminology because they offer transparent examples of use and practice. In addition, hagiographies can offer us context for certain repetitive conventional practices. Scholars have examined hagiography through a variety of methodologies, including Marxist psychology and cultural anthropology. [89] Recently ways have been found using different methodologies to employ hagiographical texts as useful sources of history for the period such as a post–modern socio–linguistic approach, which is challenged by Fouracre and Gerberding.[90]

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[87] Allen et.al., *Preaching Poverty in Late Antiquity:* p. 53; 210

[88] *Greg. Tur. LGM.* MGH SRM, t.1. part 2, p. 34–111; R. Van Dam, *Gregory of Tour: Glory of the Martyrs,* trans. (Liverpool 1988); Greg. Tur. *LGC.* MGH SRM, t.1. part 2, p. 294–376; Van Dam, *Glory of the Confessors.*

[89] H. Delahaye, *Sanctus: essai sur des saints dans l' Antiquité* (Brussels 1927); F. Graus, *Volk, Herrscher und Heiliger im Reich der Merowinger: Studien zur Hagiographie der Merowingerzeit* (Prague 1965); M. Van Uytfanghe, *Stylisation biblique et condition humaine dans hagiographie mérovingien (600–750)* (Brussels 1987); A. Vauchez, *La sainteté en occident aux derniers siècles du moyen âge d'après les procès de canonisation et les documents hagiographiques*, Bibliothèque des Ecoles françaises d'Athènes et de Rome, 241 (Rome, 1981; second edition 1987); Heinzelmann, *Manuscrits hagiographiques et travail des hagiographes*; R. Van Dam, *Saints and their miracles in Late antique Gaul* (Princeton 1993); Lifshitz, 'Beyond Positivism and Genre, p. 95–113; P. Fouracre, and R A, Gerberding, *Late Merovingian France: History and Hagiography, 640–720* (Manchester 1996); G. de Nie, *Dynamics of Miracle and Self-Perception in Sixth-Century Gaul* (Aldershot 2003); D. Quin, 'Relics, Religious Authority, and the Sanctification of Domestic Space in the Home Gregory of Tours: An Analysis of the *Glory of the Confessors* 20,' *A Journal of Early Medieval Northwestern Europe* 10 (May 2007) p. 1–11; T. D. Barnes, *Early Christian Hagiography and Roman History. Tria Corda 5* (Tübingen 2010), Ch 6. See the previous text for a different view of the use of hagiography and the difficulties of analysing and interpreting fifth and sixth century hagiographical texts.

[90] Fouracre and Gerberding, *Late Merovingian France,* p. 40–6.

## 1.6.4 Other sources

There are other genres of writing from this period which were employed to examine episcopal authority and its terminology. For example, within the poetry of Venantius Fortunatus (530–600/9) the idealised formulaic lives of men and women were frequently portrayed.[91] Other sources include collections of letters such as those of Sidonius Apollinaris (432–489),[92] Ruricius of Limoges (440/445–510),[93] Caesarius of Arles (469–570),[94] Avitus of Vienne, and the letters known as *Epistolae Austrasicae*.[95] The letters were often private but some were public, for example Sidonius published a book of his letters. Letters attached to councils were also in the public domain. Of particular note in the study this area are Klingshirn, Harries, Mathisen, Shanzer, Wood and George, who have all examined episcopal correspondence with the aim of uncovering life in the communities of Arles.[96] Gillett too has translated and made commentary on a large number of letters including the *Epistolae Austrasicae*, as well as other episcopal correspondence.[97]

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[91] Venantius Fortunatus *Vernanti Honori Clementiani presbyteris italici opera poetica,* F. Leo (ed.), MGH AA t.4 (Berlin 1881), 102–70, *Appendix Carminum*, p. 271–92. See further M. Reydellet., *Fortunat, Poèmes,* trans. (Paris 1994); *Venantius Fortunatus Personal and Political Poems,* trans. J. George (Liverpool 1995); J. George, *Venantius Fortunatus A Latin Poet in Merovingian Gaul* (Oxford 1992); B. Brennan, 'The Image of the Merovingian Bishop in the Poetry of Venantius Fortunatus,' *Journal of Medieval History,* 18 (1992) p. 115–139; B. Brennan, *Bishop and Community in the Poetry of Venantius Fortunatus* (unpublished dissertation, Macquarie 1983); S. Coates, 'Venantius Fortunatus and the Image of Episcopal Authority in Late Antique and Early Merovingian Gaul,' *The English Historical Review,* vol. 115, No. 464 (Nov. 2000), 1109–37.

[92] Sid. *Ep; Sidoine Apollinaire,* t. 1. *Poèmes,* A. Loyen (Paris 1960); A. Loyen. *Recherches historiques sur les panégyriques de Sidoine Apollinaire* (Paris 1942); see also: R. W. Mathisen, 'Epistolography, literary circles and family ties in late Roman Gaul,' *Transactions of the American Philological Association* 3 (1981) p. 95–109

[93] B. Krusch (ed.), *Fausti aliorumque epistulae ad Ruricium aliosque Ruricii epistulae recensuit et emendavit,* MGH, t. 8 (Munich 1985); R. W. Mathisen, *Ruricius of Limoges and His Friends A Collection of Letters from Visigothic Gaul,* trans. (Liverpool 1999) p. 19. I have used the dates suggested by Mathisen. See also Mathisen, 'Epistolography, literary circles and family ties in late Roman Gaul'.

[94] Caesarius of Arles, *Caesari Arelatensis Opera omnia* (ed.), G. Morin, CSEL 103–4 (Turnholt 1953); *Caesarius episcopus Arelatensis, Sermones seu admonitions* (ed.), G. Morin, vol. I in 2 parts. (Maredsous 1937); W. Klingshirn, Caesarius of Arles *Life, Letters and Testament,* trans. (Liverpool 1994).

[95] *Epistolae Austrasicae, Epistolae Merowingici et Karolini aevi* (ed.), W. Gundlach, MGH,t. 3 (Munich 1995) *Epistolae Austrasicae* trans. A. Gillett (forthcoming).

[96] Shanzer and Wood, *Avitus of Vienne*; Mathisen, *Ruricius of Limoges and his Friends,* trans. (Liverpool 1999); P. Flobert (ed.), *La vie ancienne de saint Samson de Dol* (Paris 1997); Klingshirn, *Caesarius of Arles, Life,* W. E. Klingshirn, Caesarius of Arles: the Making of a Christian Community in Late Antique Gaul (Cambridge, New York 1994); Reydellet., *Fortunat, Poèmes*; George, *Venantius Fortunatus A Latin Poet*; George, *Venantius Fortunatus poems*; Harries, *Sidonius Apollinaris and the fall of Rome,*; Anderson*, Sidonius Apollinaris: Poems and Letters.*

[97] A. Gillett, *Epistolae Austrasicae,* trans. (forthcoming); A. Gillett, 'Ethnography and *Imperium* in The Sixth Century: Frankish and Byzantine Rhetoric in The *Epistolae Austrasicae,*' in L. Garland and G. Nathan (eds), Basileia: *Essays on Culture and Imperium in Honour of E.M. and M.J. Jeffreys*, Byzantina Australiensia 17 (Australian Association for Byzantine Studies, Brisbane; 2011) p. 67–81; A. Gillett, *Envoys and Political Communication in the Late Antique West, 411–533*, Cambridge Studies in Medieval Life and Thought, series 4, no. 55 (Cambridge 2003); A. Gillett, 'Communication in Late Antiquity: Use and Reuse,' in Scott Johnson (ed.), *Oxford*

There were also chronicles documenting history in the period following Gregory of Tours (539–594). These include the works of Marius of Avenches (530–694), [98] Fredegar and chronicles written by his continuators (613, 642 and 658) [99] as well as the *Liber Historiae Francorum*.[100] These sixth and seventh century works are a useful source of information on the period, although the later works lack the detailed information we see in the works of Gregory of Tours. The seventh century chronicle style with short sentences recording events and few explanations or elaboration of the circumstances means these works are not as fruitful in terms of source material as texts from the sixth century.

## 1.7 Manuscript traditions

The manuscript tradition of the canon law texts and other historical sources from the sixth and seventh century can pose some problems for the historian.[101] Using canon law texts as a historical source can be complicated by the fact that only parts of church council proceedings were retained in manuscripts from different geographical areas. Moreover the canons were not collected chronologically and are often found lodged with other canons from different eras.[102]

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*Handbook of Late Antiquity* (Oxford 2012) p. 815–46; A. Gillett, 'Diplomatic Documents from the Barbarian Kingdoms,' in *Rome and the Barbarians: The Birth of a New World* (ed.), J.-J. Aillagon et al.; (Venice 2008), p. 400–2.

[98] J. Favrod (ed.), Marius of Avenches, *La Chronique de Marius d'Avrenches (455–581)* (Lausanne 1991).

[99] *Fredegarii et aliorum chronica. Vitae sanctorum,* B. Krusch (ed.) (Hannover 1984). MGH SRM, t. 1, 2; *Chronicarum quae dicunter Fredegarii scholastici librum iv cum Continuationibus,* B. Krusch (ed.), MGH SSRM., t. 2 (Hannover 1984); R. Collins, *Die Fredegar–Chroniken* (Hannover 2007); W. A. Goffart, 'The Fredegar Problem Reconsidered,' *Speculum,* 38 no 2 (1963), 206–41; J. M. Wallace–Hadrill, *The Fourth Book of the Chronicle of Fredegar and Its Continuations* (London, Boston 1960); *The Gallic Chronicle* of 511, in Murray, *From Roman to Merovingian Gaul,* p. 98–100. Other recent translations of Latin Chronicles include: R.W. Burgess, *The Chronicle of Hydatius and the Consularia Constantinopolitana,*, trans. (Oxford 1993); S. Muhlberger, *The Fifth Century Chroniclers: Prosper, Hydatius and the Gallic Chronicler of 452,* trans. (Liverpool 1990); J. F. O'Sullivan *The Writings of Salvian the Presbyter*, trans. (Washington 1977).

[100] *Liber Historiae Francorum* (ed.), B. Krusch, MGH. SRM. t. 2. (Hannover 1965) p. –215–328; Fouracre and Gerberding, *Late Merovingian France,* p. 79–96.

[101] For the earliest collections see: J. Sirmond, *Concilia antiquae Galliae* (Paris 1629), vols. 1–3; P. Labbe, G. Cossart, *Sacrosancta concilia ad regiam editionem exacta,* vols. 1–18 (Paris, 1662–72); J. Harduin, *Acta Conciliorum et Epistolae decretales ac Constitutiones summorum Pontificum* (ed.) (Paris, 1714–1715); G. D. Mansi, *Sacrorum Conciliorum nova et amplissima collection* (Florence, Venice, 1759–98), vols. 1–3; F. B. C. Maassen (ed.), *Concilia aevi Merovingici*, MGM Legum III. t. 1 (Hannover 1989).And for problems see: R. Kay. 'Mansi and Rouen: A Critique of the Conciliar Collections,' *The Catholic Historical Review,* vol. 52 (July 1966) p. 155–85.

[102] For discussions, of the dating and place of production of many manuscripts from Gaul see: F. B. C. Maassen, *Geschicte der Quellen und der Literatur des canonischen Rechtim Abendlande bis zum Ausgange des Mittelalters* (Paris 1870, reprint 1931) p. 536–42; 556–74; 574–85; 585–91; 775–7; 604–11; L. Kéry, *Canonical collections of the Early Middle Ages (ca 400–1140)* (Washington 1999) p. 6–7, 27–9; 31–2; 39–40; 43–51; 54–7; 61–8; 73–80; 84–6; 92–100; 166; 167; H. Mordek, *Kirchenrecht und Reform in Frankenreich: die Collectio Vetus Gallica, die*

While some manuscripts contain the records of a large number of councils as well as letters they were often written much later than the period under which they were originally recorded. Other manuscripts randomly omit councils. The attached letters further complicate the issues. Even when they are found attached to what appears to be the relevant council noted in the manuscript there are chronological quandaries over how and when the letters were actually added into the council archive.[103]

The manuscript traditions of a variety of councils has been the subject of scholarly debate. Kéry recently surveyed the manuscripts of canonical collections up to the middle-ages, including a large number of the manuscripts that contain the *acta* of the majority of the *Concilia Galliae*.[104] Kéry's bibliographic survey gives the content, place of the manuscripts, period of inscribing and suggests possible compilers. Kéry also considers that the stages of the composition of the most notable manuscripts collections began in late fifth sixth century.[105]

In the preface of the volume of the edited version of the *Concilia Galliae, 511–695,* de Clercq lists the manuscripts with the appropriate *sigla.*[106] Prior to the preface of each council there is a short comment on the main manuscript source together with the list of *sigla* for the appropriate council. Where there are variations of terminology de Clercq gives detailed comments on the variations. In their work, Gaudemet and Basdevant go one step further in examining the transmission of the council texts.[107]

*älteste systematische Kanonessammlung des fränkischen Gallien* (Berlin 1975), 15; 45; 56; 90–1; 343–617. R. McKitterick, 'Knowledge of Canon law in the Frankish Kingdoms before 789: The Manuscript evidence,' *The Journal of Theological Studies,* 36/1 (1985), 97–117; R. McKitterick, 'The Scriptoria of Merovingian Gaul: a survey of the evidence,' in H. B. Clarke and M. Brennan (eds.), *Columbanus and Merovingian Monasticism* BAR International Series 113 (Oxford 1981) p. 173–207. D. Jasper and H. Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington: D.C. 2001) p. 21–102. For example the letter of Silvester, Bishop of Rome, attached to the first Council of Arles (314). It is thought now that it was added in the sixth century. See K. Sessa, 'Exceptionality and Invention Silvester and the Late Antique Papacy in Rome,' in *Studia Patristica,* XLVI (2010), 77–94.

[103] Jasper and Fuhrmann, *Papal Letters,* p. 20–40.

[104] Kéry, *Canonical,* p. 6–86.

[105] Kéry, *Canonical,* p. 43. For example the *Collectio Lugdunensis* was made in the mid sixth century in Gaul.

[106] De Clercq, *Concilia Galliae*, CCSL vol. 148, p. vii–x.

[107] Gaudemet and Basdevant, *Les Canons des Conciles,* p. 13–19; see also J. Gaudemet, *Les sources du droit de l'église en occident du IIe au VIIe siècle* (Paris 1985) p. 142–9. Important manuscripts were compiled in many monasteries. The collection of the councils for Gaul began during the sixth century. For example *Collectio Corbiensis,* Paris Bibliothéque nationale is abbreviated to PBN. (PBN *lat.* 12097), *Collectio Lugdunesis* (PBN *lat.*1452) (parts of the manuscript are found in St Petersberg, F.e. II.3; Berlin, Phill. 1745); *Collectio Colonensis* (Cologne), *Collectio Albigensis* (Albi.Bibl. mun. 2 147; Toulouse, Bibl. Mun. 364); Collectio Pithouensis (PBN,

The manuscript tradition of the texts of Gregory of Tours is similarly complex. His work was originally written in ten books but the text was later condensed. Not long after his death, Gregory's historical narrative was edited and compiled into only six books which omitted much of the ecclesiastical information.[108] This was despite his specific request, at the end of the tenth book, that all his books should be kept intact and not changed in any way. He stated that his works should remain 'with no amendments and just as I have left them to you and not changed.'[109] Gregory perhaps understood his narrative would be scrutinised for information in much the same was as he had mined other works to create his text. Deleting sections of a text and altering it from the original reflects a change in the agenda of the editor and offers a new view of how narrative history should be. Once the ecclesiastical and personal material was removed, the work no longer serves its original purpose. Indeed, with the later exclusion of matter concerning ecclesiastical affairs Gregory's narrative becomes similar to the other chronicles of the seventh century.

Gregory's *Decem Libri Historiarum* survived in four families of manuscripts, although some are fragmentary in nature.[110] Bonnet develops the archetype and provides a diagram and explanation of the various manuscripts. He divides the family of manuscripts into 29 further groupings.[111] Bonnet names the main three X, B and Y, which are then further subdivided individually into three subsections — X = A and D; B = Bc and Bb and Y = By and C. These subdivisions are further divided again into A and D = A1, A2, D1, D2, D3, D4 and D5 which contain all the books I–X. The next group B is subdivided into B1, B2, C2, C2, C3, and an adjacent subdivision of B3, B4 and B5 holding only the texts of books I–VI. The last group Y is further subdivided into B1, B2, C2, C2 and C3, containing books VII–X. Later scholars divide

*lat.*1564); *Collectio Sancti Mauri* (PNB. *lat.* 1451; Bibl. Vat. Ap. Reg. *lat.*1127). This is just to name a few of the significant collections.

[108] M. Heinzelmann and P. Bourgain, 'L'oeuvre de Gregoire de Tours: la diffusion des manuscrits', in Gauthier and Galinie, *Gregoire de Tours et l'espace*, p. 273–317; W.A., Goffart, 'From *Historiae* to *Historia Francorum* and Back again: Aspects of the Textual History of Gregory of Tours,' in *Religion, Culture and Society in the Early Middle Age: Studies in Honor of Richard E. Sullivan* (*eds.*), T. X. Noble and J. J. Contreni (Kalamazoo, Mich. 1987) p. 55–76; A. Smith, 'The 'Prehistory' of Gregory of Tours: An Analysis of Books I–IV of Gregory's *Histories.*' (MA thesis published online, University of York 2010). core.kmi.open.ac.uk/download/pdf/8780225 downloaded on 17/11/2013) p. 14–19; H. Reimitz, 'Social networks and identities in Frankish historiography,' in R. Corrodini, M. Diesenberger and H. Reimitz (eds.), The *Construction of Communities in the Early Middle Ages* (Leiden, Boston 2003) p. 232–68.

[109] Greg. Tur. *DLH*. X. 31.

[110] In further references this will be abbreviated to Greg. Tur. *DLH*.

[111] M. Bonnet, *Le Latin de Gregoire de Tours* (Paris 1890) p. 15–22

the manuscripts simply into A–D with families E and F. A is equal to X in Bonnet. They confirm that A2, which is quite fragmentary, was the manuscript used to establish B because it is the closest to the language of the period of Gregory. However this further confuses matters as B only holds books I to IV.

When we consider the manuscript tradition of Gregory's hagiography we find all his works including his *VP,* are found in one of the five most significant manuscripts of the period, 1a (PBN 2204, ninth century).[112] Other work is found in manuscript 1b (PBN 1493, dated to the late ninth and early tenth centuries). Manuscript 1a contains *VP, Liber in Gloria Martyrum* and *Liber in Gloria Confessorum*. Later manuscripts include manuscript 2 (PBN 2205. tenth century); manuscript 3 (Clermond-Ferrand Bibl. Mun. 1, tenth century); and manuscript 4 (Brussels Bibl. Royal, 7666–71, tenth century).[113] Manuscripts 2 to 4 contain more than the single work that is the *VP*. All five manuscripts have sections omitted, particularly from the *VP* except for manuscript 4, which appears to include the missing section (*VP*.II.4).[114] The manuscripts which also include a number of other *vitae* or *acta* pose similar problems of authenticity and dating to those discussed above. Many of the texts came from multiple manuscripts and were written in sections in different manuscripts.[115]

## 1.8 Historiography of Gregory of Tours

A significant part of the scholarship of Late Antiquity in the West is focused on the main narrator of the history and hagiography of the sixth century, Gregory of Tours. Gregory's works have been considered naive and linguistically backward,[116] however Auerbach argues that Gregory in fact offers more realism because of the simplicity of his language in contrast to the

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[112] Greg. Tur. *Gregorii Miracula et opera minora,* p. 1–14.

[113] Greg. Tur. *Gregorii Miracula et opera minora,* p. 12–14.

[114] James, *Life of the Fathers*, p. 16–17

[115] *Vita Audoini Episcopi Totomahensis, Passio Leudogarii, Passio Praejectii;* Fouracre and Gerberding, *Late Merovingian France*, p. 134; 194–5; 255–7; Heinzelmann and Bourgain, 'L'oeuvre de Gregoire de Tours: la diffusion des manuscrits,' p. 273–317; M. Heinzelmann 'L'hagiographie mérovingienne Panarama des documents potentiel,' in M.Goullet, M, M. Heizelmann and C.Veyrard-Cosme (eds.), *L' Hagiographie Mérovingienne à Travers ses Réécritures,* Series Beihefte De Francia 71 (Paris 2010) p. 27–82.

[116] S. Hellmann, ' Studien zur mittelalterlichen Geschichtschreibung, ' *Historische Zeitschrift* 107 (1911) p. 1–43.; L. Halphen, ' Gregoire de Tours: Historien de Clovis, ' In *Melanges d'Histoire du Moyen Age, offerts a M. Ferdinand Lot* (Paris 1925) p. 235–44.

constructed rhetoric of earlier authors.[117] Through the proliferation of Gregorian scholarship, using a multitude of methodologies, a more detailed picture has developed of his writing. Gregory's work is now considered to be more complex and sophisticated than was previously thought.[118]

The field of Gregorian scholarship is vast. Therefore I will confine my review to the most influential studies. Heinzelmann's work, as the title suggests, is a study of the religious and historical aspects embedded in the texts. Heinzelmann also undertakes an interesting examination of the social aspects of this time and the impact they had on the family of Gregory of Tours.[119] Additionally, there are now translations, commentaries and interpretations of a number of Gregory's hagiographies.[120]

De Nie's careful study uses modern theories of psychology to interpret Gregory's work,[121] while further addition to the recent study of both Merovingian Gaul and Gregory is a book edited by Mitchell and Wood. This is a collection of essays which present a variety of approaches. The essays all explore the different characteristics of the 'World of Gregory of Tours.'[122] Perhaps the most important recent interpretation of Gregory's narrative history is by Goffart. His work on the writers of the history of the period examines Gregory's narrative history

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[117]G. Monod, *Étude critiques sur les sources de histoire mérovingienne* (Paris 1851) p. 21–146; Auerbach, *Mimesis: The Representation of Reality* (Princeton 1957) p. 89–99; *Literary Language and its Public in Late Latin Antiquity And the Middle Ages,* trans. R. Manheim (London 1965); H. Beumann, 'Gregor von Tours und der Sermo Rusticus,' in K. Repken and S. Skalweit, *Speigel der Geschicte, Festgabe für Max Braubach* (Münster 1964) p. 69–98; F. Thürlemann, *Der historische Diskurs bei Gregor von Tours: Topoi und Wirklichkeit*, Geist und Werk der Zeiten 4 9 (Bern and Frankfurt 1974) p. 86–94; J. R. Clarke, 'Teaching Medieval Latin, *The Classical Association of the Middle West and South,*75 (1979) p. 48; See especially E. Brehaut, *History of the Franks by Gregory, Bishop of Tours* (New York 1969)*, p. IX–XXV.

[118] G. De Nie, *Views from a Many–Windowed Tower*; Quin, 'Relics, Religious Authority, and the Sanctification', p. 1–11.

[119] Heinzelmann, *Gregor von Tours (538–594)*; M. Heinzelmann, *Gregory of Tours: History and Society in the Sixth Century,* trans. C. Carroll (Cambridge 2001).

[120] James, *Life of the Fathers*; Van Dam, *Glory of the Confessors*, R. Van Dam, *Gregory of Tours, Glory of the Martyrs* (Liverpool 1988); Van Dam, *Saints and their miracles*, for the translation of the Miracles of St Julian and Saint Martin.

[121] De Nie, *Views from a Many-–Windowed Tower,* p. 80–135; 217; 229.

[122] W. Goffart, 'Conspicuously Absent: Martial Heroism in the Histories of Gregory of Tours and its Likes,' p. 365–93; J. A McNamara, 'Chastity as a Third Gender in the History and Hagiography of Gregory of Tours,' p. 119–209; C. Leyser, '"Divine Power flowed from His book": Ascetic Language and episcopal authority,' p. 281–94; D.Shanzer, 'History, Romance, Love, and Sex in Gregory of Tours' Decem Libri Historiarum,' p. 395–418; all above in K. Mitchell and I. N. Wood, *The World of Gregory of Tours,* Leiden 2005).

as well as his hagiography. Goffart provides insightful exposition on the motive and value of the work of Gregory. In his interpretation, he first examines the hagiographies and then the historical writing; stressing the religiosity of the narrative. He interprets the history as satire with the use of irony by Gregory as a method of moral commentary on the events of the era.[123] A valuable accompaniment to the above works is Hen's published thesis on the culture and religion of the period which utilises a variety of tools and differing approaches. His work investigates many of facets of life in Gaul at that time impacting on the culture and religion of the era.[124] Finally, a number of journal articles and books have been produced looking at different features of the church councils. [125]

My focus is on the connection between the authority of bishops and the canon law referring to episcopal appointment. While there has been some scholarship on this area, usually in more broad scholarly examinations of a different geographical areas or period of ecclesiastical history,[126] there is yet to be a comprehensive study of this issue in relation to sixth and seventh

[123] W. A. Goffart, The *Narrators of Barbarian History c.500–800. Jordanes, Gregory of Tours, Bede, Paul the Deacon* (Princeton 1988) p. 168–72; 197–203; 225–34.

[124] Y. Hen, *Culture and Religion in Merovingian Gaul A.D. 481–751* (New York 1995).

[125] Halfond, 'Cum Consensu Omnium,' p. 539–59; Limmer, *Konzilien und Synoden;* S. Wood, 'The Theological Foundation of Episcopal Conferences and Collegiality,' *Studio Canonica* 22 (1988) p. 327–38.

[126] B. Botte, *Les élections épiscopales sous les Mérovingiens* (Paris 1904); A. Boucharlat, *Élections épiscopales, sous les Mérovingiens* (Paris 1904); W.R.Frere, 'Notes and studies early ordination services,' *Journal of Theological Studies,* vol. XVI (1915); L. Gansof, 'Note sure l'élection des évèques,*' Revue internationale des droits de l'Antiquité* 4 (*Mélanges Visscher* 3 1950*) p.* 478–9, 497–98; B. Botte, 'L'Ordre d'après les prières d'ordination,' in J. Guyot (ed.), *Études sur le sacrement de l'ordre* (Paris 1957) p. 13–25; P. Fransen, 'Ordo ordinatio,' in J. Höfer and K. Rahner (eds.) *Lexikon für Theologie und Kirche,* 7 (Fribourg–en–Brisgau 1962) p. 1212–20, esp. p. 1215–17; D. Claude 'Die Bestellung der Bischofe im Merowingischen Reiche,' in *Zeitschrift der Savigny–Stiftung für Rechtsgeschichte,* vol. 49 (1964) p. 1–8; C. de Clercq, *La législation religieuse franque de Clovis à Charlemagne (507–814)* (Louvain 1936); R.L. Benson, *The Bishop–elect: A Study in Medieval Ecclesiastical Office* (Princeton 1968); H–M. Legrand, 'Theology and the Election of Bishops and the Early Church,' in G. Alberigo, A.Weiler (eds.), *Concilium Theology in the Age of Renewel: Election–Consensus–Reception* (London 1972) p. 33–4; J. E. Lynch, 'Co–responsibility in the First Five Centuries: Presbyterial Colleges and the Election of Bishops,' *The Jurist* 31 (1971) p. 39–41; K. Rahner,'Hierarchical Structure of the Church with special reference to the Episcopate,' in H. Vorgrimler (*ed.), Commentary on the Documents of Vatican II,* vol. 1 (New York 1967) p. 186–217; K. Rahner, 'Aspects of the Episcopal Office,' in *Theological Investigations* 14 (New York 1976) p. 191–2. More specifically articles or books with reference to ordination: A. Stewart–Sykes, 'Ordination Rites and Patronage Systems in Third–Century Africa Author(s),' *Vigiliae Christianae*, vol. 56, No. 2 (May 2002) p. 115–30. Studies that focus on episcopal election: Vacandard, 'Les élections épiscopales sous les Mérovingiens,' p.123–7; J. Gaudemet, J. Dubois, A. Duval and J. Champagne, *Les élections dans L 'Église Latine des origines au XVI$^e$ Siècle,*(Paris 1979); P. G. Caron, 'L'intervention de l'autorité impériale romaine dans l'élection des évêques,' *Revue de Droit Canonique Strasbourg,* 28, 2–4. (1978) p. 76–83; Gryson, 'Les élections épiscopales en Occident au IVe siècle,' p. 257–83; R. Gryson,' Les Elections Episcopales en Orient au IV$^e$ siècle,' *Revue d' histoire ecclésiatique* 74 (1979) p. 301–44; P. Stockmeier, 'The election of bishops by clergy and people in the early church,' in P. Huizing; K. Walf; M. Lefébure (eds.), *Electing our own bishops,* Concilium 137 (1980) p. 3–9; B. Basdevant, 'Les évêques' p. 471–94; L.

century Gaul. Additionally, many of studies dealing with this area appear to work backwards from today to ancient times in an attempt to compare ancient practices with the present day installation of bishops. Much of this scholarship was driven by the decrees issued from the council Vatican Two, held in 1963. Although they are of some interest, the various modern articles on this topic are more thus theological than historical in their approach. They have a different agenda which has clear connections to the establishment of present day leadership appointment in the Catholic Church.[127]

Although Gregory of Tours was the main narrator of the period 500–59 and all of his extant works are utilised by scholars, no one has yet provided an analysis of the terminology he utilised when speaking about the contemporary appointment of bishops. This is despite the fact that Gregory mentions these procedures frequently. Similarly there are no comprehensive studies of the terminology or appointment procedures mentioned at church councils. Nor is there an examination of the role of canonical procedures in establishing the legitimacy of the bishop's authority. Although studies of the evidence of episcopal installation in the narrative sources have been done, none have connected the procedure to its function as a catalyst in the construction of episcopal authority. Similarly there has been no detailed examination of the terminology and procedure found in narrative sources in comparison with the *acta* of the church councils of Gaul in the period 500–694. Thus my analysis of terminology and procedures seeks to elucidate the topic and advance the knowledge of the importance of the procedures to both the episcopate and the community in late antique Gaul.

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Pietri, Y. Duval, Ch. Pietri, 'Peuple Chrétien ou Plebs: Le rôle des läics dans les élections ecclésiastiques en Occident,' *Collections d'l''Ecole Française de Rome,* 234 (1997) p. 1059–81; Rapp, *Holy Bishops,* p. 29, 95–8, 104, 143–7; Norton, *Episcopal Elections, 250–600.* On consecration specifically see: S. Ryan,' Episcopal Consecration: Fullness of Order,' *Irish Theological Quarterly* 32 (1965) 295–324; S. Ryan, 'Episcopal Consecration: The Legacy of the Schoolmen,' *Irish Theological Quarterly* 33 (1966), 3–38.

[127] Rahner, 'The Hierarchical Structure of the Church,' p. 193; Y. Congar, 'Ministères et structuration de l'église,' *Ministères et communion ecclésiale* (Paris 1971) p. 31–49; Ryan, 'Episcopal Consecration: Fullness.' p. 295–324; S. Ryan, 'Episcopal Consecration: The Legacy,' p. 3–38; H–M. Legrand, 'Theology and the Election of Bishops and the Early Church,' in G. Alberigo and A. Weiler (eds.), *Concilium theology in the Age of Renewel: Election–Consensus–Reception* (London) 1972) p. 31–42; Lynch, 'Co–responsibility in the First Five Centuries: p. 14–53; J. Lécuyer, 'Orientations présentes de la théologie de l'épiscopat,' in Y. Congar, B. D. Dupuy (eds.), *L'Episcopat et l'église universell* (Paris 1962) p. 781–811; D. Power, 'The Basis for Official Ministry in the Church,' in *Official Ministry in a New Age* (ed.), J. H. Provost (Washington, D.C.1981) p. 151–67.

# Chapter 2. The role of church councils and their legislation: their function as the foundation and continuity of episcopal authority

## 2.1 Introduction

This chapter examines the significance of church councils held between 500 and 696 for understanding the construction of episcopal authority. The initial discussion focuses on the early councils in the fourth century that were formative in the development of episcopal authority, followed by a brief examination of significant early Gallo-Roman councils held prior to Frankish control of Gaul in 500.[1] In order to ascertain how the church developed its discipline as a way of forming legitimacy and authority through the canons I then look at the important first oecumenical councils held in the fifth century. What was the role of kings in the summoning of councils and how do we define royal agenda?

From the records of the councils we can gather information on the people who convened them as well as their purpose, agenda and any changes that resulted, which are displayed in the prefaces or *praefationes* of each meeting. Additionally, letters cited can provide the disciplinary context in terms of individual councils. This chapter will present a nuanced synthesis with the canonical evidence from the *acta* and any supplementary evidence from written source material. The aim is to develop a more accurate picture of the councils held in Gaul and to put the role of their legislation in the construction of episcopal authority into its historical and geographical context.

The church canons, letters and prefaces to the council provide an abundant yet rarely discussed historical source for the sixth and seventh centuries to set alongside other source material emerging from Gaul. The genre of ecclesiastical semi-legal writing, although it is

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[1] The date of this study was decided by the dating of the church councils in the collection of council texts and included councils before 511 when the first council was held in the successor kingdom by King Clovis in Gaul. From the context we can see the canons of the Council of Arles (314), as well as several other important councils held in Gaul in the fourth century, such as Arles (353), Paris (360/1), Valence (374), Bordeaux (384–385), Trier (386), Nimes (396), they set out to resolve the issue caused by the Pricillianist problem. As well as this Turin (398), and the first four ecumenical councils of Nicaea (325), Constantinople (381), Ephesus (431) and Chalcedon (449), the latter four promulgated canons connected to Christological differences and controversies.

prescriptive, allows us to understand and glimpse the mentality of the legislators and to observe some of the social developments and conditions emerging in the period.[2] An examination of canons, council prefaces and letters offers us evidence of the wishes and failures of contemporary society. While we must be mindful that these desires are certainly idealised, nevertheless they illustrate what the ecclesiastical leaders perceived as ideals and morals in church society, as well as what they considered inadequacies or failures.

The opening and closing statements and letters often indicate a social or political situation that required discussion or correction. For example, at the council held at Valence in (374) the opening statement suggests the purpose of the council was to develop canonical discipline to preclude the doctrinal influences of Arianism and Priscillianism.[3] As with secular legislation, canons do not always reflect the reality of their society. However, repetition of certain ideals indicates where the interests of the Christian community lay and what particular facets of society required discussion or correction.

Because the text of the canons does not always tell the whole story additional material is required which may be found in the prefaces, letters and contemporary narrative histories. These additional texts add to the understanding of a council agenda or the promulgation of a particular canon law. They also give an insight into the uses of church authority and how it was exercised in a variety of communities. Through the inclusion of the letters we can also see more clearly how the authority of bishops was at times diminished and at other times regained under various kings.

A number of scholars have studied these councils, although generally for purposes other than the examination of episcopal authority.[4] As discussed above, Hefele's extensive collection of evidence is an essential first point of reference for any study of the development of church

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[2] If I refer to 'normative' it is used in the sense of tending or attempting to establish such a norm, esp. by the prescription of rules or sanctions that enforce a corrective or normative conduct. As I have tried to eliminate the use of 'normative' should I delete this footnote?

[3] Munier, *Concilia Galliae A. 314–506*, *v*ol. 148, p. 35–8; J. Gaudemet, *Conciles Gaulois Du IV ᵉSiècle*, p. 101–4, Council of Valence (374), which included the preface of the council. See also M. E. Moore, *A Sacred Kingdom: bishops and the rise of Frankish kingship, 300–850* (Washington, D C. 2011) p. 60–1.

[4] See Chapter 1, section 1.8.

councils.[5] His work is most useful as a reference for an initial examination of the councils convened in Gaul over the almost 200-year period although his dates are occasionally different from those given in more recent editions of council texts.[6]

The prolific scholars Gaudemet and Basdevant have made a comprehensive examination of church councils in Gaul as well as translating them into French.[7] Champagne and Szramkiewicz's article analysing the council *acta* using a quantitative statistical methodology to research the numbers of bishops represented at each council from different provinces is also invaluable. The second part of their paper examines the preoccupation of bishops with the subject of election in canons. They locate specific councils where election was the topic for discussion and identify the numbers of bishops attending those councils from different areas of Gaul. The third part of their study examines the signatories of each council.[8]

In Halfond's recent study of church councils from an institutional viewpoint, also discussed above, there is greater emphasis on the councils held after the period of Frankish domination. He proposes that the Frankish churches were a foundation for later Carolingian councils and thus categorises them as inferior to the later councils. I would argue that if this indeed was the case why did many later councils repeat what earlier councils had promulgated? It seems more likely that the councils in the last quarter of the seventh century were inferior to previous councils due to contemporary political changes.[9] Halfond notes that his examination of

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[5] Hefele, *Consiliengeschichte*, Hefele and Leclerq, **Histoire des conciles;** Hefele *A History of the Councils*, vols. I–V.

[6] The inclusions and exclusions as well as the different dates in various editions are discussed in section 1.8. See also Chart B in Appendix 1.

[7] Gaudemet, *Conciles Gaulois Du IV siècle*; Gaudemet and Basdevant, *Les canons,* vols. 1–2; J. Gaudemet, J. Le Bras and C. Munier (eds.), *L'Église dans L'Empire Romain, II<sup>e</sup>–III<sup>e</sup> siècle Église et Cité* (Paris 1979); Gaudemet, Dubois, Duval, and Champagne, *Les élections*; J. Gaudemet, *Eglise et cité: histoire du droit canonique* (Paris 1994); Gaudemet, *Les sources du droit de l'église*; Gaudemet, and Basdevant, *Les Canons,* vols. 1–2; J. Gaudemet, *Les sources du droit canonique viii<sup>e</sup>–xx<sup>e</sup> siècle: Repères canoniques, sources occidentales* (Paris 1993); Basdevant and Gaudemet, 'Les évêques,' p. 471–94; B. Basdevant, 'Les évêques. Les papes les princes dans la vie conciliaire en France du iv<sup>e</sup> au xii<sup>e</sup> siècle,' in B. Basdevant, *Église et autorités. Études d'histoire du droit canonique médiéval* (Paris, Limoges 2006) p. 115–32; B. Basdevant, 'Articles Office ecclésiastique, repères pour une histoire d'un concept,' in *L'année canonique: Société internationale de droit canonique et de législations religieuses comparées*, vol 39 (Paris 1997) p. 7–20.

[8] Champagne, and Szramkiewicz, 'Recherches sur les conciles,' p. 5–49. Although it should be noted on page 37 at the Council of Orléans (533), canon 3 was mistaken for canon 4 at this council. Also at the Council of Orléans (538), canon 7 is mentioned but the wording applies more to canon 3.

[9] Heather, *Restoration of Rome*, p. 216–18

the Frankish councils aims to correct a gap in scholarship whereby the later councils from the early Carolingian period had not been included in any larger study.[10] In contrast to Halfond's categorisation I assess each individual council on its own merit rather than judging it against later councils.

Pontal has also made a study of the most of the councils in Gaul. However, certain councils and their canons are either omitted or given only a cursory mention. In addition, at times the discussion of historical context appears to lack knowledge of Byzantine church councils or earlier parallels. Pontal's discussion of the canons also seems somewhat arbitrary; she categorises the canons into topics such as 'political councils' rather than working chronologically through each council. While she does discuss important aspects of the subject matter of most of the councils, the omissions are frustratingly haphazard and she seems much more au fait with later periods of French church council history.[11]

### 2.1.1 Early assemblies, sources, models and terminology

The Book of Acts (Acts 15; Rev. 3.1)[12] notes that decisions made by the first the group of leaders, Paul and Barnabas, and the rules were to be written in texts and sent to the gentile Christians. These were subsequently to be read to other groups of Christians. This tradition of writing down decisions was inherited from Judaism which combined oral law with the written law of the Torah.[13] The writing down of decisions on ecclesiastical discipline by the early Christians thus reflects the Torah, a text which outlines the religious rules for living correctly within Judaism. In addition, the first written rules on ecclesiastical discipline also demonstrate understanding of the patterns of civil Roman law as well as specific canons of early church

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[10] Halfond, *Archaeology of the Frankish church*, p. 21; 24; 29.

[11] Pontal, *Die Synoden in Merowingerreich*, Pontal, *Les Conciles.* See section 1.8 above.

[12] This particular section of Acts refers specifically Paul and Barnabas, discussing with leaders and 'elders'. The discussion concerned circumcision and the decision to abandon this practice for new Christians who came from non-Jewish backgrounds. Peter also gave his interpretation of why gentiles did not require circumcision.

[13] Exodus 17.14; 24.4, 34, 28; Deuteronomy, 31. 9. See also H. Shanks (ed.), *Christianity and Rabbinic Judaism* (Washington; DC,. 1992) for a number of interesting discussions on the Jews and Early Christian traditions.

assemblies.[14] These meetings predate the recognition of Christianity as a legitimate religion by the Roman Empire in 311.[15]

The first assemblies established the theoretical principles by which to govern the Christian church and they were then subsequently written into canons.[16] These early assemblies were modelled on a combination of sources: the biblical description of the meeting between the, Roman senatorial councils and even local provincial councils. In senatorial councils specific rules were created by group consensus at meetings as a way to maintain discipline. These rules and procedures were adopted by the early church assemblies in order to also maintain structure and discipline within the various ranks of council leaders and lower orders. [17] They also adopted similar methods of voting on decisions and installation into the ranks of their hierarchy.[18]

The first Christian leaders also wrote letters to each other and to their communities in order to resolve problems. Gaudemet and Rapp both cite Clement of Rome's letter to the Corinthians, Polycarp of Smyrna's letter to the Philippians and Ignatius of Antioch's letters as important first communications to communities regarding discipline within the church.[19] Letters such as those written by Paul to various communities include suggested regulations which date to the first century.[20] The later literature of the pseudo-apostolic period is represented in the

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[14] Definition of those canons and laws: Council of Elvira (305/6), canons 3; 27. The ideals within the canons were repeated at many later meetings. Council of Arles (314) canons, 19, 20; Nicaea (325), canons 3, 4. The canons were issued afterwards in the civil law by Emperor Constantine. The Council of Chalcedon (451) canon 2, it was also the case with this council that the canons were issued as law by the Emperor Marcian in 452.

[15] L. D. Davies, *The Seven Ecumenical Councils: their History and Theology* (*375–787)* (Collegeville: Minn. 1990) p. 22. Some of the first meetings were held to deal with doctrinal controversies such as Montanism. Later meetings were held, such as those requested by Bishop of Rome Victor in 190. From this point on regular councils seem to have been held to resolve a variety of issues.

[16] Rousseau, *The Early Christian Centuries,* p. 164; 181; 192. 204.

[17] MacMullen, *Voting about God,* p. 20; A. H. M. Jones, *The Later Roman Empire: A Social, Administrative and Economic Study,* 2 vols. (Oxford 1964) p. 94–6, 880–1, see also Barnish, 'Transformation and Survival in the Western Senatorial Aristocracy, circa AD 400–700,' p. 12–125; H. A. Drake, 'Constantine and Consensus,' *Church History* 64 (1995), 1–15.

[18] R. MacMullen, *Voting about God in Early Church councils* (New Haven 2006) p. 18–19 and note 21; Mathisen, *Ruricius*, p. 42. This latter reference is to the Council of the seven provinces taking place during this period, which included bishops as well as secular administrators.

[19] Clement, *Ep.* 44. 2. See the Paul's Letter to the Corinthians (concerns apostolic succession and advice on leadership concerns). Gaudemet, *Les Sources du droit de l'église*, p. 16; Rapp, *Holy Bishops*, p. 24–55.

[20] J. Dauvillier, 'Les temps apostoliques,' *Histoire des droit et les institutions de l'église en Occident* (Paris 1970) p. 67–69.

liturgical and disciplinary canons that appeared from 275 AD onwards.[21] This type of literature often displays similar ideals to those which appeared in earlier letters (with additions and further discussions) and were often the basis for other later collections of documents. Together with the early letters they provide great understanding of the foundations of ecclesiastical discipline.[22]

Ecclesiastical writers also made use of the important texts of the early church as collected in the Bible when establishing rules for governing the church. The 'council of Jerusalem' (approximately 50 AD), as described in the Acts of the Apostles, was considered a model of what a council ought to be despite the distance in time. In contrast, meetings and synods of the second and third century were generally less admired, or even barely remembered.[23] The first councils were assemblies held to iron out some of the problems facing the early Christians as well as deciding policy such as setting the correct dates for the church calendar.[24] Councils in the second and third centuries addressed problems arising from Montanism,[25] Gnostic cults and subsequent rebaptism following persecution, together with schisms caused by Novationism and lapsed Christians.[26]

In terms of language, the Greek terms used by early Christians continued to be used. Presbyter (πρεσβύτερος), often referred to as an elder, was the preferred term for leader in the first centuries. The role of presbyter at this time was considered equal to a bishop.[27] Other Greek terms used were *episcopus* (ἐπίσκοπος) which originally meant overseer and *ekklesia* (ἐκκλησία)

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[21] Gaudemet, *Les Sources du droit de l'église*, p. 16–17; Faivre, ' Naissance d'une hiérarchie,' p. 37–41, 75–7, 97–9, 200–2. On Pseudo-apostolic letters see: R. Bauckham, 'Pseudo-apostolic letters,' *Journal of Biblical Literature* 107/3 (1988), 469–94.

[22] These early documents include the *Didache* (100–150 AD). W. Rordorf, 'La tradition apostolique dans la Didaché,' *L'Année canonique*, t. XXIII (1979), 105–14.

[23] Acts, 15, 6–10; 20–25; 27–29. Hefele, *A History of the Councils* vol I, p. 77; Gaudemet, *Les sources du droit de l'église,* p. 16. Gaudemet states that these texts were uppermost in the minds of the first ecclesiastical legislators. As Christianity was still considered by some to be a branch of Judaism, there was some need to differentiate the Christians from this other monotheistic cult.

[24] Galatians, 2/1.2; Acts, 15; Both mention the first meeting to resolve the question of Jews who were Christian and Gentiles who converted to Christianity. Questions included deciding what rules they must continue to follow in the Mosaic laws.

[25] Hefele, *A History of the Councils,* vol. I p. 79, Council of Hierapolis (date is tentative 140).

[26] Hefele, *A History of the Councils,* vol. I p. 77–80; 86–94. Hefele discusses various scholars' views of the date. Many of the councils and their topics are mentioned by Cyprian and Eusebius. See the Council of Carthage (251) on the question of Novationism.

[27] Acts, 1. 15.2; 20–25; 21.18. Here elders are referred to. Pet. 2.25; Here deacon is referred to. Rev. 4.4, 10; 5. 11, 14; 1; Clement, 44.1, 4; 63.3. Confusingly Clement uses the term bishop and presbyter together. See P. Rousseau, *The Early Christian Centuries* (Harlow 2002) p. 89.

which signified the congregation of Christians anywhere.[28] Previously *ekklesia* had not had any religious connotations but had been a Greek political term for a group who governed. It was adopted by the church as a term in relation to the congregation. Its use as a word to signify an actual building where Christians gathered came later because in the beginning Christians just met in private houses. The word 'synod' in Greek, meaning 'a meeting together' continued to be used in the East.[29] In contrast in the West the Latin term *concilium* was the most common term in all texts from 500–696 when referring to a church assembly where new canon law was promulgated. All of these terms contributed to the development of the language relating to gatherings of bishops for the purpose of making canon law.[30]

### 2.1.2 The first councils

The evidence for councils in early Christian writers is often fragmentary or ambiguous. We know councils took place in Arabia (229),[31] Antioch (268), Synnada,[32] Alexandria and Rome.[33] There are also references made to early councils in letters by Christian writers including Origen of Alexandria, Cyprian of Carthage and Eusebius of Caesarea.[34] However there is no firm evidence relating to councils believed to have been held the second and early third centuries at Hierapolis, Carthage, Alexandria, Rome, Iconium, Lambesitana or Bostra which all tackled topics of heretical cults.[35] For example, Eusebius refers to a council held specifically to discuss

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[28] (Χωρηβ τῇ ἡμέρᾳ τῆς ἐκκλησίας, ὅτε εἶπεν κύριος πρός με Ἐκκλη-) See the earlier use of *ekklesia* in the Septuagint when it refers to the assembly of the people of Israel. Deut. 4.10. 5.

[29] Danker, *A Greek–English Lexicon of the New Testament*, p. 299, 700, 240, 701 and 781 respectively. The word possibly stems from συνοδεύω meaning to travel with someone (figuratively used as 'travelling the same direction', literally from συν as 'with' and the noun ὁδός as the 'road or way').

[30] At the Council of Arles (314) there were canons promulgated which touched on a variety of topics including 'dissention', 'diocese', 'unity', as well as the title of *episcopus*. Additionally there were canons dealing with the question of heretics or bishops who had been forced at one time or another to deny their faith.

[31] Eusebius, *HE*. 6.8 Demetrius of Alexandria held a council to exclude Origen from the Alexandrian See. Hefele, *A History of the Councils,* vol. I p. 88. Hefele dates the council to 231.

[32] Eusebius, *HE*, 7.4; 7.11.

[33] Dionysius of Alexandria: Bishop 247–264, although his work is not extant except for one letter in canon law, See Eusebius *HE*.7. 28. Eusebius refers to him at length and mentions his death just after the council was held. B. Botte, 'La plus ancienne collection canonique,' *L'Orient syrien,* t. V (1960), 337; E. Ferguson, M. P. McHugh, F. W. Norris, D.M. Scholer (eds.), *Encyclopedia of Early Christianity* (New York, London 1990) p. 296.

[34] Cyprian, *Ep*, 55, 67.1. There is mention in the letters of one council where 87 bishops attended. MacMullen, *Voting about God,* p. 2. Councils held at Carthage (253, 255 and 256) are noted in MacMullen's incomplete list of councils.

[35] Hefele, *A History of the Councils,* vol. I p. 79; 87; 89; 90; 91; P. Schaff, *Nicene and Post–Nicene Fathers,* Series II (New York, Oxford, 1890–1900) vol. I – Eusebius: Church (Peabody, MA. 1994), Eusebius, *Oration in Praise of*

the topic of Montanism[36] although we have no other evidence that it was held. The lack of evidence or its fragmentary state points to later disinterest in their specific topics of concern, for example, dealing with the various heretical leaders and their followers. In the post-persecutionary period there was a need to show a unified front for the Christian church, rather than evidence of a disparate group of beliefs and believers. This may be one reason that it was considered better to believe that the councils did not occur.

Cyprian wrote letters concerning two councils held in 251. The first held at Carthage dealt with the problems of lapsed Christians.[37] This council was held to resolve the problems of Novatian, who set himself up as a rival 'pope'. During the persecution of Christians following the Edict of Decius, Novatian was said to have denied being a priest. The council confirmed the decrees of excommunication of Novatian and his followers.[38] The second council was convened in Rome under the guidance of Cornelius, bishop of Rome. Thus we can see how one council referred to the canons of a previous council often writing confirmation of the previous *acta*.[39] Attendees at early councils may have had at their disposal copies of the canons written in *The Apostolic Tradition* and early texts associated with these (discussed in Chapter 3). The reliance of councils on previous *acta* and the reiteration of various sections of canon law added further significance to the newer law because it rested on a long held tradition. The repetitive nature of canon law clearly indicates a concern for correct procedure in dealing with problems facing the church.[40]

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*Constantine*, XXIII, 2; 'The Letters of St. Cyprian of Carthage,' *Ancient Christian Writers*, Vols. 43, 44, 46, 48. (New York, 1984, 1986 1988); Hefele, *A History of the Councils,* vol. I, p. 82. Hefele refers to *Libellus Synodicus*, a later document which mentions many early councils including one held in Palestine.

[36] Eusebius, *HE.* 5. 16.

[37] A. Nobbs, 'Christians in a Pluralistic Society: Papyrus Evidence from the Roman Empire,' *International Journal of New Perspectives in Christianity*, vol. 1 (2009) p. 52–4. The Edict of Decius was issued in 250–251 and concerned all members of the Roman community. All Romans were required to hold a dated certificate or *libellus* that certified each person who held one had sacrificed to Roman gods. The Edict was most significant to Christians or other holders of monotheistic religions because they had to deny their Christian religion if they were forced to perform sacrifices to other gods in a variety of rituals. The Edict may not have been issued specifically to harm Christians but to return Romans to their ancestral religious practices and to strengthen their power.

[38] Cyprian, *Ep*. 51, 55; 52; 54. In the first letter the council had at least 60 bishops attending as well as other priests and deacons. In the latter letter, Cyprian refers to a second council held at Carthage a year later in 252. P. Schaff, *Nicene,* p. 286. Schaff notes that the first council was local to Rome although Cornelius did acquire opinions from other bishops of Italy. See Hefele *A History of the Councils,* vol. I, p. 95–7.

[39] For example the Council of Orléans (511) had several canons repeated at the Council of Epaone (511), canons 11=23; 13=32; 19=19; 22=10; 23=18; 29=20; respectively.

[40] In the Gallic councils attendees amalgamated earlier ideals to suit the contemporary circumstances.

Once persecutions of Christians ceased following Roman imperial acknowledgement of Christianity, additional definitions of control over the post-persecution situation were required. There was a need to deal with the so called *traditores*. They were previously members of the Christian church who had subsequently apostatised during the persecutions and afterwards returned to their Christian faith. These men, who were often leaders, denied their Christianity and were pressed to accept Roman cults during the turmoil of persecution. Church leaders were to make group decisions on how to deal with post–persecution problems. Councils were required to find consensus whether these individuals could maintain their episcopal authority following their apostasy during the persecutions. Both the unity and authority of the church were at stake. For example, canon 13(14) of the Council of Arles (314) deals with *traditores* who were bishops. They were required to prove they had been denounced by firm written evidence, rather than false accusers. With this question resolved any men they had already ordained as priests would be again accepted by the church, following renunciation of any other beliefs. Canon 14(15) also discusses false accusations against *traditores*, while canon 20 refers to the need to have at least three but possibly seven bishops in attendance at the ordination of another bishop. The Council of Arles thus dealt with many of the same problems that had already arisen at the Council of Elvira (304/5) one of the first councils to be thoroughly documented.[41]

After (313), the emperors of the Western and Eastern halves of the Roman Empire agreed to view Christianity as a recognised religion.[42] Prior to that time Lactantius provides evidence of letters issued separately by Galerius in 311 and the pagan emperor Licinius in 313, which refer to religious toleration and were aimed at the other pagan Eastern Emperor Maximinus Daia, who continued to persecute Christians. Following the death of Galerius, Maximinus resumed his previous persecution activities against Christians. In 313 Licinius eventually defeated Maximinus, who then issued his own letter of religious tolerance.[43]

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[41] *Codex Pithousensis,* this document holds 19 canons of the council.

[42] *Liber De Mortibus Persecutorum* (ed.), trans. by J.L. Creed (Oxford, New York 1984) p. xxiv; s 48.13 p. 69–73; Eusebius of Caesarea, *Ecclesiastical Histories,* trans. G. A. Williamson (ed.) (Harmsworth 1965); A. Louth, *Eusebius The History of the Church from Christ to Constantine* (London, New York 1989), IV.72; V.12; Rousseau, The Early Christian Centuries, p. 187–96; 214–16; A. Brent, *a Political History of Early Christianity,* London, New York 2009) p. 278, 286; W. H. C. Frend, *The Early Church* (London 1965) p. 137; T. D. Barnes, 'Was there an Edict of Milan?' *Constantine, Dynasty, Religion and Power in Late Antiquity* (Maldon, Oxford 2014), chapter 5.

[43] Eusebius, *HE.* X, 7–11.

Not long after this, Constantine convoked the council of Arles (314), mentioned above. Because this council came at the end of Christian persecution by the empire the emperor was intimately involved. This important council illustrates the changing situation of Christianity at the time. Constantine convened the council by sending out a letter to all the bishops in the empire. He also provided transport for attending bishops via the Roman postal service.[44] Gaudemet states, in his discussion on the question of the difficulty of ascertaining exact numbers, that different versions of the list indicate 44 sees were represented, 33 by their bishop himself and the others by priests or deacons.[45] The bishop of Rome also sent representatives. The main topic for discussion was the conflict between Bishop Caecilianus of Carthage and the Donatists in North Africa.[46]

This council was followed by one held at Nicaea (325) which attempted to resolve the problems of other schismatic Christian such as Meletius, as well as those whose doctrines competed with 'Orthodox' Christianity, as well as the question of Arianism. Decisions made at Nicaea at this time include questions of orthodoxy, heresies and the date of Easter.[47] It is important to note that only parts of the deliberations were translated, distributed and later collected in many areas of the Roman Empire. It appears that the creed was issued but the canons and discussions on other religious groups who were condemned were not issued at the time of the council. The date of their compilation is later.[48] The modern edition of this council's

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[44] Gaudemet, *Conciles Gaulois Du IV ᵉSiècle*, p. 35.

[45] Eusebius *HE,* VII 2–5, 7–9; Discussion of the problems of the heretics and rebaptism, X, 23; see also Gaudemet, *L'Église dans l'Empire*, p. 452–4; Gaudemet, *Conciles Du IVᵉ siècle,* p. 36. Problems lie mainly in the possible insertion date into the council text of the letter of Bishop of Rome, Silvester. For further discussion see Gaudemet, *Conciles Du IV ᵉ siècle,* p. 38; I. Mazzini, 'Lettera del Concilio di Arles (314) *a papa Silvestro tradita dal codex Parisinus Latinus 1711* (Dubbi intorno alla sua autenticità),' *Vigiliae Christianae* 27 (Dec 1973), p 282–300; C. Sessa, 'Exceptionality and invention: Silvester and the late antique papacy at Rome,' *Studia Patristica,* 47 (2010) p. 77–94.

[46] Davis, *The Seven Ecumenical Councils: Their History and Theology* (375–787) (Collegeville: Minnesota 1990),, p. 30; J. Gaudemet, *Conciles Gaulois Du IVᵉ siècle*, p. 35; P. L. Brown, *The Rise of Western Christianity* (Oxford 2003) p. 61. These books have general information on the instigation and summoning of the councils and their function as an institution. See the text below for a further understanding of the problems of Donatism for the fledgling Christian church. W. H. C. Frend, 'Donatismus', *Reallexikon für Antike und Christentum* (Stuttgart 1959) p. 128–47. W. H. C. Friend, The Donatist church: A movement of protest (Oxford 1985).

[47] Hefele, *A History of the Councils,* vol. I p. 282–5; 293–4; 298–332; G. M. Berndt and R. Steinacher, *Arianism: Roman Heresy and Barbarian Creed* (Farnham 2024) p. 144–8.

[48] G. Alberigo, A.M. Ritter, L. Ambramowski, E. Mühlenberg, P. Conte, H.-G. Thümmel, G. Nedingatt, S. Agristini, E. Lamberz, J. B. Uphus (eds.), *Conciliorum oecumenicorum generaliumque decreta: Editio critica. Corpus Christianorum,* Series Latina vol. I, *The Oecumenical councils from Nicaea I to Nicaea II (325–787)* (Turnhout 2006) p. 9–11. Hefele, *A History of the Councils,* vol. I. p. 262–447. The latter lists several spurious documents

text has both Greek and Latin content. Interestingly, the title 'oecumenical' was not used but referred to later and there are discussions of this council in a number of ecclesiastical historians including Eusebius as well as others.[49]

Councils following Arles and Nicaea often dealt with doctrinal differences or individual disciplinary measures.[50] Councils that followed include Constantinople (381), Ephesus (431) and the Council of Chalcedon in 451.[51] The canons of these early councils provide evidence of what bishops considered were the priorities of the period.

After the acceptance of Christianity as a legitimate religion in the Roman Empire, bishops and their emperors gathered openly to make decisions on questions of discipline, orthodoxy and doctrine. The emperors deemed this new religion, as with all previous religious matters, to be within their area of responsibility and important for the unity of the Roman Empire. Once he had adopted the Christian faith Constantine considered himself qualified to be involved in the decisions made by Christian leaders. Evidence from the first oecumenical (universal) council, demonstrates just how many of the problems of the developing Church were confronted and how many laws were formalised. The term oecumenical indicates the breadth of attendance as well as providing an image of consensus and authority for the decisions made. The fact that the first oecumenical council was called by the emperor also added weight to the decisions.[52] The council was able to document and resolve issues arising from the past century of persecutions.[53]

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relating to Nicaea. The minutes from Nicaea were never redacted however Eusebius of Caesarea, Anthanasius and Marcellinus of Ancyra all give testimonies. Scholarly discussion on the author of the creed of Nicaea is vast and only tangential to the topic of this thesis. The consensus to date is that it was Eusebius of Caesarea. Of the compilation, only some parts have been saved, some canons, part of the creed and some of the discussions.

[49] Eusebius, *Vita Constantine,* III. 6 ff; Socrates, *HE.* I.8; Theodoret, *HE*. 1. 13–16; Sozomen, *HE*. 1.21; see also Alberigo et al., *The Oecumenical Councils*, 7; H. Chadwick, 'The origin of the title Oecumenical Council,' *JTS* 23 (1972), 132–5; See also G. S. M. Walker, 'Ossius of Cordoba and the Nicene faith, *Studia Patristica* 9 (1966), 316–20 for a discussion on the way the text was brought to the Western church.

[50] R. Lane–Fox, *Pagans and Christians* (London 1986) p. 642; The Council of Antioch and Alexandria (525) also tried to oppose Arius.

[51] Alberigo. *The Oecumenical Councils*, p. 5–34; 24–70; 40–118; 77–151; 138; 153–88. Texts of the decreta are found in Greek and Latin in parallel columns with introductions in English. See also Davis, *The Seven Ecumenical Councils.*

[52] Eusebius, *Vita Constantini*, III. 17–19. Interestingly the bishop of Rome was not in attendance however he later accepted the terms of the council and Constantine was said to have issued imperial laws with some parts of the council text.

[53] Alberigo et al., *The Oecumenical councils*, p. 30, 37–50.

Other councils include those called 'patriarchal' rather than oecumenical. These meetings were convened at Rome, Carthage, Alexandria and Antioch.[54] Yet another was the 'provincial council', which was supposed to convene twice a year in Gaul in the area specified by the province.[55] Later relatively small councils such as 'diocesan councils' were required once the church had expanded, for example, when a number of priests and deacons were resident in one see, or in one of the many parishes within the see.[56] Councils were supposed to be called by the bishop a number of times a year however the evidence for this in actual practice is sparse and unreliable. Finally there were the 'endemic councils', which were directly related to the permanent synod established at Constantinople. This began in the fourth century once the senate, Roman civil administration and emperor's court were moved from Rome.[57]

When emperors did not attend later councils, they sent their representatives.[58] Often imperial letters were sent to senior bishops with suggested agenda for councils.[59] Gallic bishops did not participate at oecumenical councils (apart from possibly Nicaea), but were represented by delegates. Bishops sent their delegates to councils such as those held in Rome, Milan or Turin up to the fifth century.[60]

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[54] The title 'patriachal' appears in the eastern councils rather than the western councils especially Gaul where the councils were more localised with the prefered title 'provincial'.

[55] Hefele, *A History of the Councils,* vol. II, p. 72. See the Council of Antioch, canons 19–20. Ecclesiastical jurisdictions in the second century were developed using the same territories as civil provinces. Thus an ecclesiastical 'provincial' council would include bishops from one area of ecclesiastical jurisdiction. Moreover in most of the later sixth and seventh century canonical texts, the term *provincia* was used to designate an ecclesiastical territory. The term occasionally was used for a civil territory however there is a clear distinction between the two. By the sixth century in Gaul the civil territories had transformed into separate kingdoms. Ecclesiastical provinces originally remained as they had been in the third century, along the same lines as the older civil provinces, but gradually this changed. By the early sixth century there were 14 ecclesiastical provinces in Gaul and many dioceses within them. There is some controversy on whether the province of Besançon developed later. See Gaudemet and Basdevant, *Les canons,* p. 614 for the full list of provinces with dioceses. See also Stocking, *Bishops Councils and Consensus in the Visigothic Kingdom*, p. 43. Stocking notes that Martin of Braga defines the difference between a 'general' and a 'provincial' council.

[56] See discussion in Appendix 1 for the term *diocese* as used in the period 500–696.

[57] *Encyclopedia of Early Christianity*, p. 296.

[58] In the East the emperor's representative often particpated the conference and reported back to the emperor on the decisions that were made.

[59] Hefele, *A History of the Councils,* vol. I p. 6–15. The first eight oecumenical councils were summoned either by the emperor or called by the bishops of Rome at the behest of the emperors. Emperors at times were present at some of these councils. All later oecumenical councils were Western councils and often summoned by popes and kings. There were smaller councils also summoned by emperors in the East.

[60] Alberigo *The Oecumenical Councils,* p.74–5; certainly a Spanish bishop came to Nicaea, P. Schaff, *History of the Christian Church* (Grand Rapids: Mich. 1989) p. 33.

One of the main purposes of the early councils was to formulate a unified system of doctrine and discipline for the members of the church which eventually developed into the 'orthodox' view. The early councils posed questions to bishops who debated the issues and refined doctrine and practice. Conforming to doctrine is a thread that can be traced throughout the history of the councils and played a significant role in the establishment and then maintenance of orthodoxy and authority against heretical cults. Opposition to dissenting doctrines which emerged after the end of the persecution was a common theme in early councils. .

Finally, the early councils indicate a tradition of repeating specific canons from previous church councils. The concerns aired at consecutive councils were often the same, so the repetitive nature of the canons from previous councils is similar to reiterated civil law codes which thus enhanced their tradition and authority. In many cases the wording is exactly the same.[61] Another conclusion we can draw from this repetition is that the promulgated canons were ignored by the faithful or the specific prescriptions were still a matter of concern.

### 2.1.3 Gaul — Construction of episcopal authority

Collegial authority within the church was maintained by group attendance at councils. Metropolitans, their provincial bishops, plus a handful of other clerics and the occasional lay person all took part in these meetings of the ecclesiastical leadership. Canon law stipulated that all bishops should attend with only health concerns accepted as an excuse for absence.

Before Christianity was accepted as a legitimate religion in the Roman Empire, the authority of the episcopal group was used to counterbalance the power of pagan religion. When Christianity prevailed as the primary religion the canons promulgated started to exclude all cults except accepted orthodox doctrines. From this point onwards the councils were used to maintain Christian authority and religious identity against other non-orthodox Christian groups,

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[61]J. D. Harries, *Law and Empire in Late Antiquity* (Cambridge 1999) p. 56–7; 86. See also in reference to reiterated law codes J. F., Matthews, 'The making of the text,' in Haries and Wood, *The Theodosian Code,* p. 24–5; Matthews *Laying down the Law,* p. 94, 282.

schismatics, as well as other religions[62] Attendance at ecclesiastical meetings enhanced the authority of individual bishops as well as raising the power of the group as a whole. This can be seen in the fact that after the first four oecumenical councils established Christian orthodoxy the opposing religious cults diminished. Although small areas of oppositional cults remained, their persistence in following different doctrines merely made the church stronger in opposition.[63] At this point the ecclesiastical focus moved away from issues of non-orthodoxy as a primary concern and towards the problems of church discipline including: episcopal installation procedures, ecclesiastical property, episcopal succession and the difficulties between the jurisdictional authority of different bishops.[64]

Early councils held in Gaul were not regular nor did they follow any order (as had been the case with the previous civil administration). Nevertheless by the sixth and seventh centuries in Gaul we can observe greater consistency in meeting regularly and representing the group as a cohesive unit. Bishops in attendance consolidated their authority by the recording of canons and their endorsement by signature of council acts.[65] Episcopal consistency and cohesiveness was demonstrated by participants putting their signature at the end of council texts.[66] The signatures of attendees found in the majority of the Gallic council *acta* confirm their authority as a unified group. They indicate consensus and by this combined action they enhance the legitimacy and authority of the canon law and doctrinal ideals they promulgate. The final sentence of the preface of the Council of Orléans (541) indicates the way rulings both new and ancient were discussed and the importance of the written text in demonstrating final unanimous decisions:

> Since a holy assembly of bishops had unanimously met in Christ in the city of Orléans, and they gave a ruling on points relative to holy religion and corresponding to proper regular discipline in the government of the Church, through the mediation of God, it was decided that the taken decisions must be shown in writing, according to the ancient usage,

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[62] Hefele, *A History of the Councils,* vol. I, p. 282; Lane Fox, *Pagans and Christians*, p. 332; 358; 364; 404–10; 516. 492; 561–71. Councils took action against Montanists, Arians, Marcians and Manichaeans.

[63] R. MacMullen, *Christianity and Paganism in the Fourth to Eighth Centuries* (New Haven: Conn. 1997); D. Engels and P. van Nuffelin, *Religious Competition in Antiquity* (Brussels 2014) p. 10–44.

[64] Councils of Turin (398); Riez (439); Orange (441); Arles (445–452); Tours (461); Vannes (465) and Riez (439). All these councils discussed ordination or problems arising between different bishops, their churches or territories.

[65] Alberigo et al., *The Oecumenical Councils*, p. 12. As the evidence at this council indicates, the groups of bishops were in opposition to some of the decisions. Although this is not shown in councils in Gaul occasionally Gregory of Tours, or other writers, give us evidence of a discussion prior to the promulgation of canons.

[66] For example the five councils in Provence under Caesarius of Arles and the councils held at Orléans appear at regular intervals with similar attendees or bishops who succeeded previous bishops who had attended.

so that the fixed rules may be more firmly observed, it will instruct with the signatures of the united consent of everybody.[67]

While there is little if any evidence of the nature of the discussion, or lobbying prior to the decision making process, nevertheless the importance of consensus to underline unified group decisions was demonstrated as early as Nicaea. The written record indicates evidence of agreement to matters thoroughly discussed and significant decisions made which were later accepted by the apostolic see in Rome.[68]

In terms of unity in the Gallic councils there is generally only the evidence of signed consensus.[69] Unity was very important for the church to maintain its authority and power was created when there was group unity. The authority of the councils was laid down with the combined signatures of attending bishops, many otherwise unknown but for their signed names. These signatures represent a unified front[70] and the canon law that they jointly made represents their authority in governing the expected way of life of church members. Through this canon law episcopal authority was thus established and maintained. We do find however, some evidence of disagreement or perhaps debate when we look at the narrative historians such as Gregory of Tours, or the accompanying prefaces and letters to some church councils. For example, two canons from Orléans (549) express the authority of the unified group against individuals who may interfere in the process of episcopal appointments.[71] Gregory of Tours also writes of a letter

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[67] Council of Orléans (541) praefatio: *Cum in Aurelianensi urbe unianimiter in Christo sancta adfuisset congregatio sacerdotum et de his, quae ad sacrum propositum pertinent uel quae secundum ecclesiasticam moderationem regulariter conveniunt disciplinae, Deo medio tractata decernirent, placuit, ut, quae sunt definita, secundum antiquam consuetudinem scripta monstrentur, quo firmius statuta seruentur, cum consensum omnium docit unita subscriptio.*

[68] Davis, *Seven Ecumenical Councils,* p. 56–7, 60–2; Alberigo et al., *The Oecumenical Councils* p. 7–8; 12–13.

[69] Greg. Tur. *DLH.* V.18. Gregory here states the bishops conferred at the council held in Paris (577).

[70] Council of Orléans (511) in the preface before the canons begin it states, 'after deliberation of all, the confirmation was strengthened by the writing of testimonial what was decided orally.' The Council of Lyons (518–523), canon 1 states: '... we have decided unanimously and we have subscribed to the condemnation.' This was referring to a decision made at the previous council that condemned Stephen for his incestuous marriage. For council unity see also Barion, *Das fränkisch–deutsche* (1931) p. 98–102; MacMullen, *Voting about God,* p. 99, 117–1–8; Halfond, 'Cum Consensu Omnium. p. 539–59. This is not to say there was not serious discussion prior to a unanimous decision but the final decision was the vote of the majority. Gregory of Tours elucidates many council discussions that we have no evidence for in the *acta.*

[71] Council of Orléans (549), canons 10, 11. See Latin text, Appendix I Chart I, and later discussion of this canon in section 4.4.1.

arising from a council at Saintes (561–567),[72] indicating the nature of a decision made by an attending group of bishops. In this example, Eufronius who had not taken part but was a metropolitan, later refused to sign the letter, indicating there was a possibility for bishops to disagree and that consensus was not achieved unless all provincial bishops signed the decision.[73]

Gregory of Tours refers to the authority of canon law on a number of occasions. In one example he refers to a non-canonical marriage between Merovech and his aunt; 'it was against custom (and) canon law to marry his uncle's widow.' However he does support his fellow bishop Praetextatus of Rouen, who married the couple and was later judged at a council for this error.[74] In another episode concerning Burgundio, the chosen successor of Felix bishop of Nantes; Gregory notes that his age and lack of previous positions in the ecclesiastical hierarchy would contravene the canons if he were ordained a bishop. Furthermore, he also comments that the incumbent bishop, his uncle, is still living.[75] In his discussion on Burgundio, Gregory makes the points that Burgundio both needed to achieve a certain standard of ecclesiastical training and be more than 30 years of age before he should be considered suitable to be installed as a bishop. Canonical requirements were that candidates must first serve in several clerical positions including deacon, prior to their appointment. Gregory refuses to 'tonsure'[76] Burgundio because of his youth and lack of ecclesiastical positions and experience, upholding the ideals of canon law in terms of appointments within the ecclesiastical hierarchy.

This maintenance of succession through ecclesiastical hierarchy was another way to preserve and perpetuate episcopal authority as a whole. The safeguarding of apostolic succession was often achieved by numerous references to ancient statutes and traditions. These were maintained in church council canons by reiteration or reference to earlier conventions. References to ancient canons were most frequently found in the *praefationes* placed at the

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[72] There are no extant *acta* from this council. Eufronius was a relation of Gregory of Tours and spent a part of his ecclesiastical training with Eufronius. It is possible he was present when the letter was sent to Eufronius to sign as he was absent from the Council at Saintes. Throughout this work I have followed the spelling of Gregory of Tours for Eufronius rather than Eufronius apart from other authors whose extracts are quoted as written.

[73] Greg. Tur. *DLH.* IV 26.

[74] I.N.Wood, 'The secret histories of Gregory of Tours,' *Revue belge de philogie d'historie,* 71 (1991) p. 253–70.

[75] Greg. Tur. *DLH.* V 18; V1.15. See section 2.3.4 on Gregory's knowledge of canon law. See also section 4.5.1 on the subject of Burgundio.

[76] The term is used frequently in translations and refers to making a man a priest. In modern use it means to remove a circle of hair from a man's head to indicate he is a priest.

beginning of many documented councils that dealt with ecclesiastical regulation. [77] The ecclesiastical discipline of the bishops was in its own way a method of maintaining the legitimacy of episcopal authority. The above example relating to Burgundio shows that only by following the procedures set out by successive Church canons and strictly adhering to the canon law, could bishops be legitimately appointed. Legitimate episcopal appointment then enabled bishops to construct their own authority within their communities.

## 2.2 Councils in Gaul

### 2.2.1 Naming conventions

Bishops from the Western provinces of Gaul and Spain rarely participated in the early oecumenical councils. The dissolution of the Roman Empire in the West saw the formation of separate successor kingdoms within what had previously been territories of the Empire. For example, territory in the Roman provinces in the South of Gaul known as *Gallia Narbonensis Prima* and *Secunda* was ceded to the Franks in 536/7. Before that the Visigoths, then the Ostrogoths in Italy (ostensibly representing the Roman emperors) had authority over the area. Pockets of land remained in the hands of Visigoths in the West and along the coast including areas east of the Rhone. These included *civitates* of the old civil province (also named as *Septimania* in this period) including such cities as Narbonne, Beziers, and Nimes.[78]

During this time bishops in Gaul were mostly involved with ecclesiastical provincial and diocesan councils.[79] These ecclesiastical provincial councils did not always follow political territorial boundaries because the geographical areas of the successor kingdoms experienced shifting allegiances and dependencies near borders from the end of the third century onwards. In some areas, such as the Southern region, bishops convened provincial councils while the areas changed hands with political domination by the Ostrogoths, Visigoths and Franks at different

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[77] Reference to previous ancient canons are found at the Council of Epaone (517), preface ancient rules; Council of Orléans (538), preface – ancient statutes; and the Council of Lyons (518–523), canon 2 – ancient canons.
[78] A. L. F. Rivet, *Gallia Narbonensis,* p. 6; R. Collins, *Early Medieval Europe 300–1000,* (New York, 1999) p. 97–114.
[79] Bishops from Gaul are not found at councils outside Gaul, although occasionally priests are seen visiting Rome and carrying letters to and from Rome. Caesarius went to Italy initially under guard to answer accusations, however as far as the evidence shows he did not attend a council there.

times. For example the Council of Agde held in Visigothic territory in Gaul was an ecclesiastical provincial council. The four councils of Arles (524), Carpentras (527), Orange (529) and Vaison (529) were held under the leadership of Bishop Caesarius of Arles. They took place in the territory held by the Visigoths administered by Theoderic of the Goths for his young grandson. This ended in 531 when Childebert I took the territory for the Franks. Similarly in the Frankish kingdoms and initial Burgundian kingdom, councils did not always include all bishops from the area of the kingdom although they usually came from the ecclesiastical provincial area. Later council attendees came from a number of ecclesiastical provinces which were situated in one kingdom. Church councils were not municipal councils but they do reveal that the Gallo-Romans were still effective in the ecclesiastical world when there was no place for them in the civil world.

The convening and attending of councils demonstrated continuity and a united front which enabled bishops to retain some power to bargain with the various kings in the different kingdoms as they developed in the post-Roman world. Under the Visigoths, when Alaric II was still the king, he allowed one council at Agde (500), convened by Caesarius of Arles. Later Orthodox Christian councils were regularly held in Visigoth Spain once the kings converted to Catholic Christianity. As noted above, Bishop Caesarius of Arles convened councils at Arles (524) and Orange (529), during the period of Ostrogothic dominance. The latter council's focus was theological clarifications, whereas the three other councils held at this time under Caesarius had topics more disciplinary in nature.[80] Convening four councils under his ecclesiastical jurisdiction is a clear indication of the legitimacy and authority of Caesarius as bishop.

During this period there were occasionally smaller councils named as a 'diocese councils' and named by the town or church in which they were held. There was almost always a metropolitan bishop attending. The title 'metropolitan' was given to the bishop of the main city

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[80] At the Council of Orange, as well as the important doctrinal decisions, the signature of the praetorian prefect Liberius points to different civil areas of jurisdiction as well as the attendance and signatures of six other lay persons of some stature (the title after the signature of the lay attendee is *inlustris*). The inclusion of this title in the signature lists indicates a continuity of previous Roman practices whereas in other areas under the Franks the lack of this title, or persons attending councils using this title, indicates it was no longer in use.

of the Roman province or provincial metropolis. [81] However over time it came to indicate the bishop at the head of an ecclesiastical province such as Arles or Vienne or Tours. In the period under study the title 'metropolitan' was also used for this most senior rank of bishop in Gaul. Because the leading ecclesiastical provincial bishops were named as metropolitans rather than the Eastern term 'patriarch' there were no patriarchal councils held in Gaul. Other bishops in the group within one ecclesiastical province were named in the canons as *comprovincials* but not as they were understood in later history by the term *suffragan*.[82]

In Gaul, the two main types of councils seen in the sixth and seventh century were those held in individual ecclesiastical provinces and the so called 'national' councils. Use of the term 'national' indicates a plurality in the way that councils are described and a somewhat tendentious modern term is imposed on this area of scholarship. There is no evidence that 'nations'; or even 'states' were established by this time. When the successor kingdoms were formed they were not 'nations' in the modern sense although the term 'national' is used by some scholars. For example the Council of Mâcon (585) is sometimes called a 'national' council.[83] These 'states' are acknowledged at this stage of late antiquity as kingdoms whose territories later made up parts of the nations of Europe we know today, such as Germany or France. One possible reason for this is that the councils are viewed as important historical beginnings for church and also for the modern states of Europe.[84]

The so-called 'national' councils are sometimes defined by the attendance of bishops from more than one province. For example the Council of Orléans in 549 had bishops attending from as many as 13 of a possible 14 ecclesiastical provinces.[85] In addition, the term 'national' is

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[81] Murray, *From Roman to Merovingian Gaul,* p. 665–71; see also the maps in appendices of the ecclesiastical provinces, cities, dioceses and eventual civil kingdoms of Neustria, Austrasia, Burgundy and Aquitaine.

[82] See 'Metropolitan' in F. L. Cross (ed.), *The Oxford Dictionary of the Christian Church.* (New York 2005) p. 452. Interestingly, *suffragium* in Latin signifies vote.

[83] Gaudemet. Le*s canons* (1989), vol. II, p. 237.

[84] Barion, *Nationalsynode,* and his title *Das fränkisch–deutsche Synodalrecht des Frühmittelalters* (Bonn and Cologne 1931) p. 13, 19; A. Hauck, *Kirchengeschichte Deutschlands,* vol. 1 (Leipzig, 1911–1929) p. 116; 132; 164–5; Loening*, Gechichte des deutschen Kirchenrechts,* II, 204–5. For a different theory see: H.-W. Goetz, '*Gens*, kings and kingdoms: The Franks', H.–W. Goetz, J. Jamut and W. Pohl, *Regna gentes: the relationship between Late Antiquity and the Early Middle Ages* (Leiden 2003) p. 324–5. These scholars argue that there were no states and not even true kingdoms because they were frequently divided by brothers.

[85] Gaudemet and Basdevant, *Les Canons*, p. 614–615 The ecclesiastical provinces noted by these two scholars wereArles, Besançon,Bordeaux, Bourges, Cologne, Eauze, LLyons, Mayence, Narbonne, Reims, Rouen, Sens,

used when a council is considered to have been called by the head of the 'nation' (for example, the king in charge of the whole of Francia).[86] It is also used when several kings bring separate kingdoms' territories together under one roof to discuss church matters and decide on canons that affect multiple areas.[87] 'National' councils can thus also sometimes be defined by geographical territory.

Even when a so called 'national' council was called the bishops who participated might come from a number of overlapping civil provinces, although perhaps not all of the bishops from an individual ecclesiastical province would attend.[88] At different times Frankish leaders in opposition to each other and this impacted on the attendance rates of their local bishops. For example, when a council was called in Neustria only the bishops of that territorial area attended.[89] In contrast, when one king held authority over the territories of Austrasia, Neustria, Burgundy and Aquitaine, only a selection of bishops came to the council that was called. The signatures of attendees present at church councils between 500 and 696 clearly indicate that not all possible bishops were present at every council.

Finally, in terms of naming conventions, it is important to ask who bore the cost of holding a church council in this period. There has been to date little academic discussion regarding the costs involved in calling a church council in the sixth century in Gaul. We know that kings at times convoked councils but only at the Council of Berny Rivière do we have evidence of the king providing accommodation for bishops at his villa.[90] The cost appears to have been born by the church or city where the council was convened. For example in the case

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Tours and Vienne. There is still some discussion over whether Besançon was an ecclesiastical province by this time. See notes on the topic 440 page 426 and footnote

[86] J. N. Hilgarth, *Christianity and Paganism, 350–750: The Conversion of Western Europe* (Eaglewood Cliffs: N. J: 1968) p. 98–99; Barion, *Nationalsynode*, p. 201–2; Y. Hen, 'Paganism, Christianity and the conversion of Europe,' in C. Lansing and E.D. English (eds.), *A Companion to the Medieval World* (Oxford 2012) chapter 4 section 2 (no page numbers), online http://www.blackwellreference.com/.

[87] De Clercq, *Législation*, p. 4. De Clercq observes that the geographical divisions used for councils were often insufficient and different in value to the term 'national' council.

[88] For example, at the 'national' Council of Orléans (511) bishops of several provinces failed to attend although there were at least four ecclesiastical provinces represented. For example, neither Caesarius of Arles nor any of his provincial bishops participated.

[89] See the Council of Mâcon (585). Gaudemet and Basdevant, Le*s Canons* (1989), vol. II, p. 237. They state that Guntram was king of Burgundy and tutor to the Chlothar II, king of Paris, although he was the young king of Neustria. This was a very large council with 51 bishops and delegates from 12 sees as well as three other bishops with no cities. The attendees represented eight ecclesiastical provinces in total.

[90] Greg. Tur. *DLH*. V. 49

of the ecclesiastical province of Arles there were four consecutive councils. They were moved from one town to another in the province so as to share the cost between different churches.

## 2.2.2 Legitimacy and authority in Gaul

Gaudemet states that church law was developed in two stages. He argues that the first stage was the establishment of the organisation of the ecclesiastical boundaries by the primary group of Christians within the Roman Empire. He dates this from the period when Christians were free from persecution and their religion was recognised as legitimate after 313.[91] He proposes that the beginning of the second stage of development was when the various groups of Germans penetrated the Roman Empire and argues that there was no further development after 476. At this time distinct areas such as the previous Roman territories of the Hispanic peninsula, Italy and Gaul separated into independent kingdoms ruled by various leaders with different political and religious ideologies.[92]

Ecclesiastical leaders in different areas of Gaul established their legitimacy within these boundaries and maintained authority by attending councils and working under the established rules. They also composed canons that settled or removed ambiguities or practices that were no longer appropriate in contemporary circumstances. Evidence of this can be seen in the first council under the Franks when part of the agenda of the council was to allow the previous Arian churches and bishops to reconvert to being Catholic churches and bishops. Despite having a local context they also reused canons from previous councils to reassert authority. The pattern of reiteration of canons and ideals established from first church councils is demonstrated clearly in the *acta* of the first councils of the sixth century councils such as Orléans (511) and Epaone (517).[93]

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[91] Gaudemet, *Les Sources du droit de l'église*, p. 13. This ideal was first encompassed in the *CT.* XVI. 1. 2. In Gaul we have evidence of a large number of church councils which contained not often newly developed canons but interpretations or rewording of earlier works: the councils of Arles (314), Cologne (346), Arles (349), Beziers (356), Paris (360/1), Valence (374), Bordeaux (384/5), Trier (386), Nîmes (396), Riez (439), Orange (441), Arles (445–452), Angers (453), Tours (461), Vannes (465), Riez (439) and Agde (506).

[92] Gaudemet, *Les Sources du droit de l'église*, p. 14–15.

[93] Canons of the Council of Orléans were found to be equivalent to canons of the Council of Epaone. See canons 11 to 23; 13 to 32; 19 to 19; 22 to 10; 23 to 18; 29 to 20. The first one mentioned in the comparison is from Orléans while the second is from Epaone.

Large councils were held under the auspices of the metropolitan bishop although occasionally councils were called by kings and attended by their representatives. Evidence from the councils themselves indicates a body of episcopal authority representing a unified front. The councils helped to transfer and maintain Roman ideals in Gaul. By conciliating between the different civil, regal and ecclesiastic authorities they maintained Roman linguistic and cultural traditions. By the early sixth century, attendees at church councils may also be seen as the remaining group to represent the ideology of the Gallo-Roman community.[94] It was in the interests of Gallo–Roman bishops to agree on most matters to display a unified front to the kings.[95]

Emperors commonly convened oecumenical councils and other large councils. They set the agendas and were often in attendance. When we consider the tradition of councils convened under the authority of the emperor it is not surprising that we find the kings of the various post-Roman kingdoms also convening councils. No doubt they saw involvement in councils in their own geographical territories as their responsibility and prerogative, and their participation in turn conveyed authority and legitimacy on the bishops. For the ecclesiastical leaders living under various different military and political authorities it must be remembered that each individual area had its own specific problems. In the first three quarters of the sixth century the churches of Italy and the Iberian Peninsula had to contend with kings who were of Arian belief. Therefore the priorities of their resident Nicaean bishops at council would have been very different from those bishops of Gaul living under the administration Catholic kings.

Examination of the *praefatio* (or preface) of councils demonstrates that the agenda, characteristics and the reasons for convening councils were tailored to suit the needs of individual territories. Even though western bishops followed traditions already established in the

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[94] Almost all attendees at early councils in Gaul were Gallo-Romans if we go by their Roman name, for example Orléans (511) 28 out of 32; Epaone (517) 22 out of 24; Orléans (535) 28 out of 31. When we look at the next century for example Paris (614) we find that 45 of the 75 attendees have Frankish names.

[95] Stocking, *Bishops Councils, and Consensus in the Visigothic Kingdom,* p. 18–22. Stocking points out thatVisigothic councils were more repressive than Merovingian councils. This was clearly because of the difference in religions of the various kings. The bishops' aims remained the same though in that they were trying to maintain episcopal power. This does not seem to be the case in Theoderic's Italy until the end of his reign, although that may have had something to do with Rome being the centre of Western Church. The topic of consensus is central to Stocking's work on Iberian councils but the idea may be equally applied to the various parts of Gaul. R. MacMullen, *Voting about God*, p. 67–8, 70–1. In the East the emperors encouraged and received unified decisions.

Roman provinces, they held councils to determine specific rules for each area and developed their own church canons, reiterating and revising ancient rules to suit the circumstances of the territory and the individual political situation. Where necessary for the establishment of their own authority and legitimacy they included references to the king as their ruler in a variety of ways.

## 2.3 Sixth century traditions and innovations

The later councils in Gaul, held in the sixth century give an insight into the way the tradition was transformed in each individual area under different kings or other authority. Beginning in 506, the Council of Agde was held in the south-western region of Visigothic territory. Caesarius of Arles asked permission of the Arian king to hold a council consisting of Catholic bishops from 35 episcopal sees in this area.[96] The bishops attending wrote 47 canons, many of which referred back to previous councils.[97] One specific aim was to deal with the ecclesiastical discipline namely that of the episcopal installation and ordination of priests. In connection with this region Sidonius notes that many bishoprics remained empty due to the intolerance of the Arian kings for Orthodox bishops, a point confirmed at a later Visigothic church council.[98]

The initial council held in Frankish territory was the first council of Orléans (511). Clovis, king of the Franks, called the council and set an agenda but, like Alaric above, did not attend.[99] The recently converted Clovis' involvement is confirmed in a letter to the king which appeared in the preface written by the bishops attending. It states that all the bishops Clovis ordered to come to the council had come. The letter then goes on to explain that the purpose for calling the council was to consult and then define certain specific matters as requested by the king: 'you [the king] prescribed that the bishops should reunite to treat the certain questions you have posed and they have replied and defined in unison the questions that you have posed.' This

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[96] Council of Agde (506), preface states: 'In the name of God and with the permission of our glorious, most magnificent King we have met at the city of Agde.' The king is mentioned twice in connection with his approval of the council.

[97] Council of Agde (506) canons 7, 10, 17, p. 189–227. Many of the canons of Agde were repeated at later councils in Gaul. Berndt and Steinacher, *Arianism: Roman Heresy and Barbarian Creed,* p. 159–64. Council of Toledo, III. Canon 1, in J. Vives, trans. *Concilios hispano–romanus y visigodos* (Barcelona 1963).

[98] Sid. *Ep*., VII.6. 7–10; Council of Toledo, III. Canon 1, in J. Vives, trans. *Concilios hispano–romanus y visigodos*.

[99] Council of Orléans (511), the letter to the king suggests he was not present. See also Klingshirn, *The Making of a Christian Community,* p. 94–6.

addition of royal authority is clear evidence of the change taking place in terms of the bishops' own authority: 'therefore so if the things which we decide are also proved to be correct according to your judgement such agreement with kings and master may reinforce the judgement of so many priests, as it is to be observed with greater authority.'[100]

There are a number of reasons why the newly converted Catholic king Clovis would be involved in the first council convened in his territory. In terms of military power in Gaul, the Franks (like the Burgundians and Visigoths) were still in the minority and needed something substantial to mobilise the support and agreement of the local Gallo-Romans. By allowing the councils to take place under his aegis the king may be seen to be trying to emulate the Roman emperors who themselves had convened councils. In addition, by calling the council, he shows his enthusiasm for an already established Roman tradition. Thus the newly converted Clovis, identifies himself with the Christian church of the Gallo-Roman provincials while enhancing his own legitimacy. Like Alaric, who allowed the 'orthodox' Christian council at Agde, Clovis added his authority to the council for political as well as ecclesiastical purposes.[101] There were still many powerful aristocrats within these communities and their loyalty to the Visigoths or the Franks needed to be nurtured. By lending their authority to ecclesiastical councils, these kings may also be seen attempting to harness the power the Gallo-Roman ecclesiastical leaders had over their own communities.

Included in the first council of Orléans (511) were references to the recent defeat of the Arian Visigoths in 507. Since the bishops who had lived in Aquitaine now lived in the Frankish kingdom, Clovis set about establishing a relationship with those communities who had previously been under the authority of the Arian Visigothic kings. He communicated with the Catholic bishops who resided in Visigothic territory reiterating an earlier decree in which he

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[100] Council of Orléans (511), CCSL 148A, p. 4, line 1 *Epistola ad regem: Domno suo catholicae ecclesiae filio Chlothouecho gloriosissimo regi omnes sacerdotes, quos ad concilium venire iussistis. Quia tanta ad religionis catholicae cultum gloriosae fidei cura uos excitat, ut sacerdotalis mentis affectum sacerdotes de rebus necessariis tractaturos in unum collegi iusseritis, secundum uoluntates uestrae consultationem et titulos, quos dedistis, ea quae nobis uisum est definitione respondimus; ita ut, si ea quae nos statuimus etiam uestro recta esse iudicio conprobantur, tanti consensus Regis ac domini maiori auctoritate seruandam tantorum firmet sententiam sacerdotum.* A full translation is found in the Council survey, council no 3.
[101] G. Kurth, *Clovis*, 2nd ed., t. II (Paris 1901) p. 135–7. Alternate reasons have been put forward by other scholars but Kurth considers that the bishops were putting pressure on Clovis following his recent conversion, and that this may have been part of the reason.

stated that all those connected to churches in the territory that may have come to harm such as ecclesiastical captives, particularly widows or women in monasteries taken during the period of war would be released and that the authority of bishops in the area would be maintained. He further noted that any property including slaves should remain in the church and must not be removed. Captives, once released, were to be restored to their previous position.[102] This letter was found attached to one of the manuscripts containing decrees of the Franks.[103] Through his decree Clovis assured those bishops residing in Visigothic territory that all members of the community, the property and the goods of the church would be protected and anyone who was captured within the 'peace' would be allowed to make an appeal through episcopal letters.[104] There is evidence a number of the Gallo-Romans were involved in support of both sides in the war.[105]

During the period before the battle of Vouille, Clovis had occasion to stay at Bordeaux, so he was acquainted already with bishop Cyprien of Bordeaux. Cyprien and Caesarius of Arles were both together at Agde. Caesarius, with his ecclesiastical stature and influence well established, was central in his position as the presiding metropolitan at the previous council at Agde.[106]

Clovis reinforced the assurances given in the letter cited above by then calling the bishops to council. Their enthusiastic response is indicated by attendance of 32 men who were

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[102]A. Boretius (ed.), *Capitularia regum Francorum*, MGH t.1 (Hannover 1883) p. 1–2; Wood, *The Merovingian Kingdoms,* p. 106. Wood cites the, *Capitularia Merovingica* 1*;* Murray*, From Roman to Merovingian Gaul,* translates the letter, p. 267–8.

[103] Boretius, *Capitularia Merowingica* MGH t. I, Sect II, p. 29; Manuscripts, Paris Bibliothéque National, Latin 1454, fol. 234 v and Latin 1458, fol. 79. This manuscript was written in the ninth to the fifteenth century, the letter may have been added at any time in between the original writing of council *acta* and its reproduction in this manuscript.

[104] Sid. *Ep.*vii. 5.3; vii. 6.7–10. Sidonius confirms this when he reports in his letters to Agroecius and Basilius what occurred in the region at the time. The first letter of Sidonius discusses the separation of areas under the Visigoths of geographical parts of Gaul. The second letter relates more to destruction of bishoprics and their churches in these areas by the Visigoths but hints at the need for treaties.

[105] Mathisen, *Ruricius*, p. 44–8; There is some evidence of collaboration. For example Ruricius of Limoge used his relationship with the Visigoths to assist in the care or release of some exiled bishops accused by the Visigoths of assisting the Franks. Greg. Tur. *DLH,* II.24; Ecdicius, a family member of Sidonius, supported a group in opposition to the Visigoths when they invaded other areas of Gaul. Greg. Tur. *DLH.* II. 25; X. 31. Additionally bishops who were hostile to Visigoths were exiled by Alaric such as Sidonius, Caesarius of Arles, Verus of Tours, and Volusianus Bishop of Tours (491–498).

[106] Klingshirn, *Caesarius Life and Letters*, p. xv.

bishops from those areas. The bishops attending council included the metropolitan bishops Cyprian of Bordeaux, who presided, Tetradius of Bourges, Licinius of Tours, Leontius of Elusa (Eauze), and Gildard of Rouen. Some of the bishops had previously participated in the Council of Agde, including Cyprian, Tytradius, Eufrasius, Quintianus and Boetius. Caesarius did not attend but this may have been because he lived in an area which was still held by the Visigoths. Of the 31 canons written at Orléans many repeat canons of the past demonstrating yet again the need to reinforce some prescriptions. The new canons written at this council concerned work to do with buildings as well as dealing with clerics who had previously been Arian and the method required to convert them.[107]

It is notable that bishops from the northern part of France, which included the city of Reims, did not attend the first council of Orléans (511). Since Remigius, the metropolitan bishop of Reims was influential in the conversion of Clovis as well as performing his baptism his non-attendance is remarkable.[108] Previous scholars have suggested two possible reasons for the absence of bishops from that province and their metropolitan. Heuclin mentions that there was unrest in the area, and Kurth argues that since the conquest of Gaul by Clovis, the ecclesiastical succession had been extinguished. Kurth connects this extinguishment to the pagan population and their 'theoretical re-conversion'.[109] Somewhat surprisingly, he further comments that the topic of paganism and the mention of superstition did not come into the focus of any of the canonical regulations at this time. He notes that the bishops legislated for the existing well established sees of previous Roman Gaul and that the 'German' land of the Franks did not appear to exist for them. In referring to bishops in the previous Roman territory now under the Franks he states that 'the land and its residents had been engulfed in the waves of the ocean'. Ganshof also argues along the same lines when he proposes that a return to paganism and a 'dechristianisation' of the area had occurred since it was largely populated by Franks, Bauvarians and Alamanni.[110]

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[107] Councils of Orléans (511) canon 10; Epaone (517) canon 16.

[108] Remigius relationship with Clovis is clear as evidenced by the letter in which he congratulates Clovis on his victory. *Epistulae Austraisicae,* MGH t III 2, 3.

[109] This would occur if pagans had initially converted and then returned to their previous religious practices, following a missionary effort in the area they might then have reconverted to Christianity.

[110] Kurth, *Clovis,* vol. 2. p. 139–41, Heuclin, 'Le Concile d' Orléans, 511, p. 439 and B. Basdevant, 'Les évêques d'aprés la législation de quelques conciles' in M. Rouche, *Clovis* (ed.) (Paris 1996) p. 471–94; F.-L. Ganshof, *Le Moyen Age,* Histoire des relations Internationales, P. Renouvin (ed.) (Paris 1953), t. I, p. 13 Pontal, *Les Conciles,* p.

I believe these causes are not a satisfactory explanation and other causes may be suggested for the non-attendance of the bishops from areas close to the king.[111] Evidence from two canons of the council (mentioned below) and a letter sent previously to Aquitanian clergy refer to the repair of buildings and the conversion of the 'heretics who resided in the previous Visigothic territory.[112] To some extent I concur with Pontal, who suggests that some of the bishops did not attend because it would have reduced the importance of the contingent from Aquitaine and their metropolitan bishop, who had previously had some contact with Clovis when he was resident in Bordeaux in 506–7.[113] However Pontal's suggestion that Aquitanian bishops were asked to attend the council to integrate them 'in the participation of the Frankish nation' appears anachronistic and a little premature.[114]

As noted above, Cyprian the metropolitan bishop of Bordeaux was the senior bishop for the province of Aquitaine and had lived under the Visigothic king Alaric.[115] He was well acquainted with the influential Caesarius of Arles. Further, Cyprian and at least five of the bishops who came to Orléans had participated at Agde. Indeed, Cyprian was the next most senior bishop after Caesarius who convened that council. If yet another equally important bishop such as Remigius had participated in the council at Orléans, he may have damaged the important rapport that Clovis was trying to establish with bishops who had been living previously under the Visigoths.

One other group of bishops who did not attend were those closest to the territory near the Pyrenees. There were nine bishops from the previous area known as Novempopulanum who resided in the sees of the modern towns of Couserons, Comminges, Tarbes, Lescar, Dax,

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51. By the 'ecclesiastical succession' Kurth refers to the order of seniority between all the members of the episcopal hierarchy. This usually indicated in each council by the bishops' signatures who sign in the order of their seniority.

[111] See the discussion in section 4.1 on the reply of Remigius to the letter reprimanding the bishop for non–canonical ordination at the request of the king. The problems reported in the letter dated around 511 might indicate another reason for Remigius to avoid the council or for the king to prefer him not to attend.

[112] Council of Orléans (511) canons 5 and 10.

[113] Pontal, *Les Conciles,* p. 46–50.

[114] Pontal, *Les Conciles,* p. 51.

[115] See Murray, *From Roman to Merovingian Gaul,* p. 605–699.The Roman province of *Aquitania Prima* (one of the seven provinces) or *Provincia Burdigalensis* as it was named in the council was one of the ecclesiastical provinces that had been under Visigoth control.

Lectoure, Aire and Agen. These bishops were the closest to the border with Visigoth territory so perhaps there was still a residual Visigothic problem in this area.[116]

There were signatures of 32 bishops at the first council of Orléans. If one compares the attendees of the second council of Orléans (533) they came from a much broader distribution of sees including those close to Orléans. Additionally it is noted, that the northern bishops from Rouen, as well as bishops from as far away as Clermont and Vienne participated.

The canons made at the first council of Orléans are important for setting precedents within the regulations. They were canonical innovations because for the first time they included the wishes of the newly converted Catholic king in connection with episcopal appointments. They also refer to property donated to the church by the king. The king is additionally linked to the money set aside for repairs of churches damaged in fighting or fallen into disrepair under previous Visigoth rule.[117] To put these innovations in context we can compare another council held in the Burgundian kingdom which also had newly converted Catholic king. Canon 15 from this council is noteworthy: it states that should a cleric share a meal with another cleric considered a heretic he was to be punished. This prescription was necessary because the Burgundian king Sigismond had only just converted to Catholic Christianity.[118] In this case it is probable that as well as Catholic clergy there were still a number of Arian clergy at the court who accompanied the various autonomous members of this group.[119] Two influential church leaders, Avitus of Vienne and Viventiolus of Lyons lent their authority to the letters convoking the council of Epaone in 517 and both came to the council.[120]

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[116] Seven out of the nine bishops had attended the council at Agde. Certainly the Visigoths continued to remain and were influential in the Narbonne region.

[117] Council of Orléans (511) canon 5. The subject of this canon and canon 10 suggests that this may be one of the rules that the king included in his agenda. The second canon partly refers to the churches, now in Frankish territory being 'consecrated' because they were used by Arian Goths. Berndt and Steinacher, *Arianism: Roman Heresy and Barbarian Creed,* p. 158–68.

[118]The council does not state that the king was there and this canon would have been promulgated in order to maintain orthodoxy or prevent contamination of doctrines through clerics of different beliefs mixing socially at court. The canon reflects an ecclesiastical ideal of the bishops rather than a political one from the king's agenda.

[119]Shanzer, Wood, *Avitus of Vienne, Ep.* 8, p. 221; 29, p. 225; 45, p. 234; 92, p. 240. The letter of Avitus to Symachius, bishop of Rome dated, before 507, discusses Sigismond's conversion to Catholicism. At this point he had already been given the title king of the area of Geneva. See also Favrod, *La Chronique de Marius d'Avrenches,* p. 70; Favrod, *Histoire politique du Royaume Burgonde*, p. 377–82.

[120] De Clercq, *Concilia*, *CCSL* 148A, Council of Epaone (517) p. 22–4, Letters from bishops Avitus of Vienne and Viventiolus of Lyons who were metropolitans.

The church councils for the remainder of the sixth century provide evidence for a continuity of some previous Roman practices. Many Gallic bishops were descendants of Gallo-Roman aristocratic families. The church councils provided an opportunity for these Gallo-Romans to maintain contact and present a unified and influential force. The council lists indicate that numerous times members of the same family participated in councils.[121]

The collegial and spiritual authority, developed and maintained through group attendance and decision making at councils in Gaul, also enhanced individual episcopal authority. Bishops identified with particular groups that already had considerable authority through shared language and in many cases shared social status, unity and ecclesiastic ideals. The members of the episcopate were all appointed by their fellow members and succession was dependent on the support of other bishops. Once the various areas of Gaul came under the authority of different groups of non–Roman leaders, the church councils became even more important for Gallo-Roman ecclesiastical unity.

In this century the councils were relatively self-regulating and very few kings actually were present at councils. On the surface it appears that the kings were prepared to adapt the already established Gallo-Roman institutions. There seems to be no attempt to subvert the independence of councils filled with Gallo-Roman bishops with the exception of Orléans where the king proposed some aspects of the council agenda. Interestingly towards the end of the sixth century one obviously diocesan council in Auxerre (date is uncertain 561–605) shows a change in configuration of attendees. Of the one bishop and six abbots all but two were Frankish with the addition of 34 presbyters and three deacons with Frankish names. This council indicates the changing face of the church in Gaul as observed in just one see. Later royal participation in the election process and the increasing number of Franks in bishoprics demonstrates a gradual change. In the seventh century the change is seen when kings convened councils regularly. If you compare the councils from the end of the sixth century until the last council of the seventh century there is more evidence for royal participation. In the sixth century 15 out of a possible 17 councils were managed by the bishops alone.

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[121] For example Lyons (518–523) where a number of correspondents may also have been family members; Clermont (535) where four family members participated.

For the bishops residing within separate territories, councils provided an opportunity to maintain group identity. For example at the four councils held in the province of Arles — Arles, Carpentras (527), Orange (529) and Vaison (529) — seven bishops or their replacements are found attending at least three of the councils. Five of the seven bishops were also present at the last council. Of the remaining bishops attending these four councils there are another four groups who participated in one or the other of the councils over a period of five years. This suggests continuity in attendance as well as an interest in persisting to promulgate canon law. Through participation the remaining provincial Gallo-Romans were able to continue to hold some authority, meeting as a unified group at ecclesiastical councils. For the metropolitans the councils provided opportunities for men from many different areas of a territory to further their network of social and ecclesiastical acquaintances under sometimes difficult societal and political circumstances. For example, Caesarius of Arles convened or participated in all four councils mentioned above as well as the previous council of Agde and possibly influenced the holding of the first council of Orléans (511).[122] Thus in the first quarter of the sixth century, he fulfils a central position in what has been argued was the primacy of Arles over the whole of Gaul.[123]

In the first century of the autonomous kingdoms in Gaul the church councils provided the ecclesiastical Gallo-Roman community with networking opportunities that may not have been provided otherwise.[124] From a perusal of the signatures, we find the names of friends who corresponded and family members who participated in the same councils.[125] Attending councils was an occasion for interaction and exchange of ideals as well as for sustaining a specific Gallo-Roman identity. Smaller councils appear to be particularly important for providing an opportunity for social interaction for a small group of bishops from one area as shown above in the four councils held in the province of Arles. We also have evidence from Gregory of Tours

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[122] Pontal. *Les Conciles*, p. 45.

[123] See L. Duchesne, 'La primatie d'Arles,' *Bulletin de la Société nationale des antiquaires de France* 52 (1892) p. 55–238.

[124] J. H. W. G. Leibeschuetz, *The Decline and Fall of the Roman City* (Oxford 2001) p. 403, From this time onwards it was the Frankish kings and their counts who held power in the cities through military force and only very few Gallo-Roman residents were involved in managing civil institutions.

[125] For example at Clermont (535) we find the signatures of bishops Gallus of Clermont, and his relative Gregory of Langres.

and letters from Avitus of Vienne in which we hear of special food sent or consumed at councils demonstrating an intimacy that was not shown at the larger councils.[126]

Travel to and from councils in this period could be hazardous. Gregory describes the journey to a council at Metz in November; the bishops faced bitterly cold weather and constant rain which made the mud entrenched roads almost impassable. Furthermore, the banks of the rivers rose dangerously close to overflowing.[127] Yet the bishops obeyed letters from king Childebert ordering them to meet to make judgement on their fellow bishop Egidius. The majority of what might be called regular councils were held in the periods between May and September although there are some exceptions, notably in the south of France where the weather would still have been relatively clement for councils to be held in February, October and November.[128] Councils convened in the depths of winter were usually emergency councils. Consequently they concerned immediate problems. On occasion they were called specifically by kings to deal with civil matters that overlapped with ecclesiastical occurrences, for example at the Council of Berny-Rivière convened by King Chilperic bishops were asked to judge Gregory of Tours who was accused of treason.[129] This council was held as late as November. There is no evidence of councils held during the depths of winter (December to January) or the heights of summer (July to August). The infirmity of older bishops (many who were around 80 years of age) and the difficulties of long distance travel were also taken into consideration when convening councils. Evidence from the texts indicates that the convenors chose to call regular councils when the majority of bishops from one area could attend.

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[126] In one letter a correspondent sends regional food and drink to be enjoyed by all the participants in a council he misses through ill-health. D. Shanzer, 'Bishops letters, Fast Feast and feast,' in R.W. Mathisen and D. Shanzer, *Society and Culture in Late Antiquity* (Aldershot 2001) p. 218; 224.

[127] Greg. Tur. *DLH*. X. 19; VIII.14; 15. See also Venantius Fortunatus, *Venanti Honori Clementiani Fortunati presbyteri italici Opera pedestria,* B. Krusch (ed.), MGH t. 4, part 2 (Berlin 1961), VI. 8; VIII.19; X. 9.

[128] Of 30 councils where we have definitive dates, 18 were held between May and September in the northerly regions. Three which were held in November were in the southern regions where the weather would still have been pleasant for travel. Two examples are found where weather was a consideration. A letter sent by Avitus of Vienne inviting bishops to a council at Epaone (517) suggests a central location for the benefit of participants. Additionally he points out that the usual choice of September, when the weather would be most suitable, was in fact a difficult period due to harvesting requiring the presence of community members. See also Council of Mâcon (October, 585), *praefatio*. The convener writes that bishops asked to speed up proceedings because of the coming intemperate weather of winter.

[129] Greg. Tur. *DLH*.V. 49–50. Clerics, including bishops, were not allowed to be judged by civil courts. Under canon law they should be judged by a group of bishops and fellow clerics at council.

In the second century following the establishment of the autonomous kingdoms of the Franks we can observe changes in the makeup of the community.[130] Likewise, Frankish names occur more frequently in the lists of bishops and others who took part in councils.[131] These changes may indicate a growing trend for Frankish Christians to enter the church. Alternatively it may be that the Gallo-Roman residents began, through intermarriage with Franks, to give their children Frankish names. Amongst the non-Roman names we can observe Count Gundolf who was a relative (possible great-uncle) of Gregory and Burgundio, nephew of Bishop Felix of Bordeaux (although Burgundio might mean merely 'from Burgundy').[132] The trend towards Frankish names might be explained as unavoidable social change, political preference or something else. Scholars are divided on this issue.[133]

One noticeable change in this period was that later councils moved closer to the central areas held under an individual king's jurisdiction. Apart from the southern ecclesiastical provinces of Arles, Narbonne and some Aquitanian areas, the sees closer to the centre of the kings' courts gradually became more relevant to church council assemblies. The central cities, as administrative residences of different kings at different times, reflect this. For example there were a number of councils held at or near Paris, the original choice by Clovis I as a residence, and later by the kings of Neustria. Councils held in this vicinity, such as Orléans, Clichy and Sens were convened by kings.[134]

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[130] See the possible development in this area in J. Jarnot, 'Nomen and Gens: Political and Linguistic Aspects of Personal Names from the 3rd to the 8th Centuries A.D. Presentation of An Interdisciplinary from a Historical Viewpoint,' *Medieval Prosopography,* 16.2 (1995), 143–9.

[131] For example, at the Council of Orléans (538) only four names out of 29 signatories appear to be of Frankish origin), Council of Auxerre (561–605) of the lists of signatures, out of 44 names approximately ten could be designated as Frankish. At the Council of Chalon (647–653) out of the 45 signatories, 18 could be designated Frankish. All three councils were held in the Northern area of Gaul which was where the Franks were first settled and continued to reside.

[132] Greg. Tur. *DL H.* VI.11; 26; VI.15. When wring about Gundolf, Gregory states although of senatorial rank, he had held a somewhat subordinate position in the household of the king, but later he became a duke and was sent on several missions for Childebert.

[133] See Jarnot, 'Nomen and Gens', 143–9; I. N. Wood (ed.), *Franks and Allamaniin the Merovingian period: an Ethnographic Perspective* (Woodbridge 1998) p. 277 and 383, n.5. Fouracre and Green, in a round table discussion, failed to come to an agreement on Frankish name acquisition. As Fouracre points out usually the Franks were distinguished by their appearance rather than their name.

[134] Approximately 22 councils were held there or nearby at Orléans, Clichy, Sens, Chartres, Mâley Le Roi, Auxerre, Troyes and Rouen. In the seventh century Clichy became the residence of Dagobert as he was given by his father Chlothar II that part of Austrasia still under Frankish control. There was one council held there between 626 and 627 at the suggestion of Chlothar II. Forty bishops assembled from a large area from the South, East, West and North.

As various towns' administration was taken over by Frankish *duces* and *comes* there was increasing interference from a Frankish lay potentate.[135] Heather argues that the political change taking place was due to a rise in the influence of noble groups in separate kingdoms of Neustria and Austrasia who were seen fighting for positions as mayor of the palace.[136] In terms of their influence on councils we can observe Aega, tutor of the young King Clovis II and later mayor of the palace, convoking the council of Chalon (647–653) and Duke Lupo representing King Childeric II at the council held in Bordeaux (662–675).[137] Later in this century we can see the growing influence of groups of nobles and their supporters, possibly due to the youth of regnant kings. These were men who challenged each other for the position of mayor of the palace and included men such as Lupo, Erichnoald, Warnacher, Ebroin and Pippin who eventually diminished the power of the kings. Increasingly bishops were involved in these palace politics. These power struggles and takeovers would have thus had an impact on the authority of the bishops themselves. The change in the locations of councils points to the political changes taking place.[138]

In cities close to a king's court it is easy to see why a council would be important for a king. Having a council nearby gave a king access to ecclesiastical power by proximity, while also making it easier for him to participate without the necessity for travel. However, the cities themselves were also important in that as centres of royal power they may also have been centres of spiritual power. For example, Paris held a number of relics of famous saints including Saint Geneviève, as well as baptisteries, basilicas and churches plus the royal necropolis at the Church of St. Denis.[139] Reims remained for a long time the central administrative city for the kings of Austrasia and consequently a number of councils occurred near there: Reims, Soissons, Chalons–sur Marne and Berny–Rivière. Towards the end of the sixth century an important council was held at Metz which coincided with a court case in the same city called by Childebert

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[135] Greg. Tur. *DLH*. V. 4; 48–9.

[136] Heather, *The Restoration of Rome,* p. 216–18.

[137] Gaudemet and Basdevant, *Les Conciles*, p.548; 567. Interestingly the few councils from 650 onwards do not reflect the changes taking place in Francia with two regencies of young kings Chlothar III and Clovis II.

[138] E. Ewig, 'Résidence et capitale pendant le haut Moyen Age, ' *Revue Historique*, T. 230, Fasc. 1 (1963) p. 40–72, G. Ripoli, *Sedes regiae (ann. 400–800)*, J. M. Gurt (eds.), avec la colaboración de A. Chavarría (Barcelon 2000) p. 260–300, Champagne, and Szramkiewicz, 'Recerches sur les conciles,' p. 5–49. All the above scholars make these important distinctions between the cities. The final article cited above includes detailed discussions and maps of different attendees and sees of all provinces.

[139] B. Plongeron, *Histoire du Diocèse de Paris* (Paris 1987) p. 19–45.

II.[140] Lyons, as metropolis for both the ecclesiastical province as well as a central city for the late antique territory of Burgundy, was the venue for a number of important councils although councils were convened in other cities of that ecclesiastical province, such as Mâcon, Chalon-sur-Saône, Autun and Saint Jean de Losne.

In the territory of Aquitaine, councils were held at Bordeaux, Poitiers, Saintes, Eauze and Clermont. Some parts of the far southern region close to Spain remained at times under Visigoth power. However, the area around the city of Poitiers remained an ecclesiastical centre containing the monastery of Queen Radegund, the tomb of Saint Hilarius, various saints' relics and the baptistery of Saint Jean.[141] The province and its main city of Tours often fell between territories, belonging at different times to Neustria, Aquitaine and Burgundy. Although it was never a central city for a king's residence, with its cult site of Saint Martin and adjoining churches it was visited regularly by kings. One local count of Tours, Leudast who held the position of *comes* for king Charibert, appears at times to behave like a king.[142] The city at times was fought over by a number of kings, pretenders and other powerful figures who saw the saint's reputation and importance as worth supporting. Visiting the saints of particular cities was an area where kings and bishops intersected and certainly the bishops used their local saints when attempting to exert religious influence on kings. The city and the province of Tours, with its borders on the kingdoms of Brittany, Aquitaine and Burgundy, and its resident saint holds a central historical role in the narrative of Gregory of Tours. Charibert, Chilperic, Sigibert Fredegund and Guntram, together with the so-called 'pretenders' to the Frankish kingdoms, Merovech, Austrapius and Childeric, all either fled there seeking refuge or disputed the jurisdiction of the city, indicating its significance.

Despite gradual changes in Frankish authority and the growing influence of kings in the sixth century, demonstrated by the clustering of councils around royal centres of power, the Gallo-Roman nature of the councils remained strong. At this point the hierarchy of the church in

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[140] Council of Metz (590). Greg. Tur. *DLH*. X. 19.
[141] The baptistery was built in the seventh century in the Frankish period and a church was later built over the tomb (1049). See plates in Appendix I.
[142] Greg. Tur. *DLH*. V. 47–49.

Gaul was still dominated by Gallo-Romans with what might be described as a slow absorption of Frankish clerics into the church and monasteries.

### 2.3.1 Royal participation, episcopal independence and authority

In any analysis of sixth and seventh century episcopal authority it is worth examining how many church councils were truly independent of royal participation. It could be argued that where kings some authority of the attending bishops was diluted. When kings attended and set agenda for councils, bishops could not make decisions based purely on ecclesiastical priorities, having to take into account the civil and political consequences. However, before we can do this we need to understand how councils worked. Obviously our main sources are the records of the councils themselves with their attendant letters and canons. Although there are quite a large number of unsubstantiated councils where there is no evidence of canons, signatures or lists of attendees we can gather some information from reports in the narrative texts, letters or lives of saints.[143]

There were 65 documented councils between 500 and 696, with another nine to ten considered unsubstantiated. These latter councils were not included in the extant manuscript evidence of the *acta*, but are mentioned in manuscripts of alternative source material such as narrative histories or hagiographies. Occasionally they are mentioned in more than one source and are thus considered verifiable and included in the modern Latin edition of the *Concilia Galliae*.[144] Of the 65 confirmed councils, 15 were definitely convoked by kings.[145] The evidence of convocation comes from letters written in advance, either to metropolitans or to groups of bishops within a province or territory. Occasionally the date for the next council would be determined at the previous one.[146]

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[143] Pontal, *Les Conciles,* p. 235–43; Halfond, *The Archaology of the Frankish Church,* p. 18; 33; 243–61.

[144] In de Clercq, *Concilia Galliae*, 148A. There are a considerable number of councils, approximately 26, omitted in the edition by Gaudemet and Basdevant, *Les Canons*, vols I and II. See Appendix 1, Chart B for council references.

[145] These are confirmed by extant council canons.

[146] Council of Carpentras (November 6th 527); Hefele, *A History of the Councils,* vol. 6, p.143. The opening statement reveals the purpose of the council as well as noting the decision for the next council to be held a year later at Vaison (on November 8th). Interestingly, the Council of Vaison was not actually held until 529. Hefele argues against Mansi, who puts the date for the Council of Carpentras to 528 with the Council of Vaison (November 5th 529) in the following year. For dating of this council see also Gaudemet and Basdevant, *Les canons,* Council of Carpentras (527) p. 145; Pontal, *Histoire*, Carpentras (527) p. 80.

If we include the councils found in other sources there are 31 that were possibly regally convoked, of these only seven indicate actual participation by the king while for two of the councils the king's representatives are named in the signature lists. Of the tentative councils, unsubstantiated by extant canons, 13 mention royal convocation or involvement, usually in the preface. The king convened and suggested some agenda at Orléans (511) while the council of Orléans (533) was convened on the order of three kings. In 549, the king asked bishops to resolve an accusation against bishop Mark of Orléans. Kings were not in attendance at the latter three councils although a king gave consent for councils at: Clermont (535); Paris (552); Mâcon (581–583); Valence (583–585); Mâcon (585); Paris (614); Clichy (626); Chalon (647–653); Bordeaux (662–675); and Saint–John–de Losne (673–675).[147] Some council opening statements (*praefationes*) include suggested agendas sent by kings to council. Usually a letter was sent beforehand to the metropolitan bishop although occasionally it was sent to the bishops of the territory or ecclesiastical province. Additionally there were councils that were independently convoked but still sent letters or suggestions to the kings from the bishops.[148]

In contrast to the evidence of royal authority we also find evidence of royal conflict with the ecclesiastical councils. At the council of Lyons (518) the bishops promulgated only six canons, all closely related to matters discussed in the preface. Significantly four of these canons (3 subsections of canon 1 and canon 6), all refer to a deteriorating relationship between the ecclesiastical and secular power, while the other two relate to canon 30 of the previous council Epaone (511). The influential aristocratic bishops, Viventiolus of Lyons, Avitus of Vienne, his brother Apollinaris of Valence and Gregory of Langres all participated in the previous council at Epaone where Stephen, fiscal administrator to King Sigismund at the Burgundian court, was excommunicated. Bishops who then subscribed to the council at Lyons included Viventiolus of Lyons, Julian of Vienne (Avitus having died in the interim), Apollinaris of Valence and Gregory of Langres. The opening statement in canon 1 clarifies the reason for the council of Lyons (518). It states 'the affair of Stephen and defilement by his incestuous crime' which the bishops unanimously condemned: adding that 'the judgement they made will remain in undiminished

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[147] There also a number of councils reported that were convened by kings, noted in later sources such as *Vita Leudegari Episcopus Augustodunensis*, MGH SSRM V; Fredegar, *Chronica; Vita Desiderii* MGH SS SRM III.

[148] Council of Clermont (535); Council of Paris (573); Council of Lyons (518–523) canon s 1, mentions king Sigisbert and also a letter to Sigisbert on the same topic. Hefele, *A History of the Councils,* vol. IV, p.114. This was dated by Hefele as (517).

force.'[149] The discussion at Lyons concerned the previous judgement of excommunication at Epaone (511), including reiteration of canon 30 which clarified all categories of incestuous relationships.[150] Sigismund reacted strongly to the bishops' refusal of communion to Stephen after he married his dead wife's sister Palladia. The issue was resolved with some negotiation not documented in the council canons. Under pressure from the king the council attendees eventually gave authority for the couple to enter the church and stay until the prayer of the people which follows the Gospel. They were nevertheless not allowed to take communion. Stephen and Palladia appear to still have been living together as man and wife at this time.[151]

The conflict between episcopal independence and royal authority is clear. Canon 2 states that 'if any member of the church or fellow bishop experiences constraint or vexation on the part of authority (presumably the king's), all will suffer with him.'[152] Canon 1 section 3 notes that 'if the king separates himself from communion and the church because he is so angry with the bishops concerning this previous judgement, they consider he may have an opportunity to return'. However, it concludes that 'the bishops will go without delay to monasteries until the matter is resolved, and the king returns to the mother church by prayers and with the power of piety and equilibrium re-established.'[153]

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[149] Council of Lyons (518–523) canon 1. King Sigismund was angry with the judgement made on Stephen and supported his administrator, who had a canonically deemed incestuous marriage with his dead wife's sister. Stephen's repudiation of canon law enraged the bishops. Hefele, *A History of the Councils,* vol. IV, p. 114–1–5. Hefele mentions that Apollinaris was not present but he subscribed at the end of the council.

[150] These illegal unions included brothers who married widowed sisters of their dead wives, or brothers' widows, unions with stepsisters, stepbrothers and mothers-in-law, intermarriage between close or significantly related cousins, marriage of widows to their maternal or paternal uncles, and marriage or cohabitation with daughters-in-law following the death of a son. Adulterous or incestuous relationships or marriages were not able to be pardoned without complete separation of the parties. See P. Mikat, *De Inzestgesetzgebung der merowingisch–fränkischen konzilien (511–626/27)* (Paderborn 1994) p. 96–117.

[151] Council of Lyons (518–523) CCSL 148A, p. 41 line 55: *Domni quoque gloriosissimi regis sententia secuti id temperamenti praestitemus, ut Stephano praedicto uel Palladiae usque ad orationem plebis, quae post euangelia legitur, orandi in locis sanctis spatium praestarimus.*

[152] Council of Lyons (518–523), canon 1(1) *Id quoque adecimus, ut si quicumque nostrum tribulationem quamcumque uel amaritudinem aut commotionem fortasse potestates necesse habuerit tolerare, omnis uno cum eodem animo conpatiantur et, quidquid aerumnarum uel dispendiorum optentu causae huius unus susciperit, consolatio fraternae ancxietates releuit tribulantes.*

[153] Council of Lyons (518–523) p. 39, canons: 1(2): *In nomine trinitatis congregati iterato in unum in causa stephani incesti crimine polluti adque in Leudunensi urbe degentes decreuimus, ut hoc factum nostrum, quod in damnatione eius uel illius, quam sibi inlicite sociauit, uno consensu suscripsimus, inuiolabileter seruarimus…*1(3): *Quod si se rex praecellentissimus ab ecclesiae uel sacerdotum comunione ultra suspenderit, locum ei dantes ad sanctae matris gremium ueniendi, sancti antistetes se in monasteriis absque ulla dilatione, prout cuique fuerit oportunum, recipiant, donec pacem dominus integram ad caritatis plenitudinem conseruandam sanctorum flexus*

Four of the six canons promulgated at Lyons refer to the king and secular power. The language and tone of the canons indicate defiance against the king. The statement that bishops would go to monasteries until the king restore peace between them, gives a clear demonstration of the manner in which the bishops employed moral pressure and had authority over the king's spiritual sphere. Their physical presence in their sees and their pursuit of their authorised role were obviously of value to the king and could be used as a bargaining tool. Whether the king actually came to the council is unknown. The council of Lyons thus illustrates the contemporary nature of ecclesiastical problems. Almost all canons at this council relate to concrete, immediate dilemmas as well as indicating where bishops had independent authority.

Certain later councils in Frankish Gaul provide evidence that the context of a council was often inextricably connected to the actions of kings or the influence of kings on bishops. For example see canon 15 of the Council of Orléans (549). This canon discusses the *Xenodochium* founded in Lyons by Childebert and his Queen Ultragotha and confirms who holds the authority over the property and income of this building. The canon denies any right of authority over its goods by the present or later metropolitan or the bishop and priests of Lyons. In dealing with a secular matter it is the secular power that holds the authority.

In the *Concilia Galliae* there are 27 councils convoked by the metropolitan without deference to a king.[154] While four councils held at Orléans were convoked by kings, or at least an agenda was presented by the king to the council within the *praefatio* or the *acta* there is no mention made of the active involvement of the king in council proceedings. One council of Orléans (538) merely mentions that it was held in the time of King Childebert. This is stated within brackets and so may have been inserted later. The same occurs in relation to the council of Orléans (541). The addition of these two councils to the list above therefore increases the number of regally independent councils in the period to 29.

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*praecibus restituere pro sua potensia uel pietate dignetur, ita ut non unus quicunque prius de monasterio, in quo elegerit habitare, discedat, quam cunctis generaliter fratribus fuerit pax promissa uel reddita.*
[154] The list includes councils of: Lyons (516), Epaone (517), Lyons (518/523), Arles (524), Carpentras (527), Valence (528), Orange (529), Vaison (529), Marseilles (533), Eauze (551), possibly a council held in Brittany, either Rennes or Vannes (around 552), Arles (554), Paris ( 556/573), several councils at Saintes (558/61) (561/7, 579), Lyons (583), Clermont (584/573), Auxerre (585/605), Sorcy (589) and two councils of Auvergne (590) (584/591). A council was held at an unknown location (614), while others were held at Bourges (630/643), Arles (648/60), Paris (653), Nantes (655/8) and Autun (662/676).

In any discussion of conciliar independence from royal involvement it is impossible to avoid discussion of the role of Bishop Caesarius of Arles who was extremely influential in the south-eastern corner of Gaul. [155] Caesarius came up against the leaders of the successor kingdoms on a number of occasions. At one stage he was accused of handing over Arles to the Burgundians. He was exiled to Bordeaux by the Visigoths in 505 although he was eventually exonerated.[156] Caesarius was again under suspicion in 513 when he was called to Ravenna to be judged by Theoderic where he was exonerated and returned to Gaul.[157] When he visited Rome he was given the *pallium* by Symmachus Bishop of Rome who named him as Apostolic Vicar of the whole of Gaul.[158] This gave Caesarius superior power over other ecclesiastical provinces which became a source of resentment and ecclesiastical factionalism between Vienne and Arles as each sought to gain supreme authority over the whole of Gaul.

Ostrogoths under Theoderic exercised power within the civil province of Narbonne from 507. Caesarius did not have authority over some of the dioceses in the area situated east of Arles until 523. These sees had been under the authority of the Burgundian bishop of Vienne and they remained within the Burgundian kingdom.[159] In 523, Theoderic was able to recover territory that encompassed 14 dioceses north of the river Durance. Following this change in circumstances Caesarius convoked a number of consecutive councils at Arles (524), Carpentras (527), Orange (529), Vaison (529)[160] and Marseilles (533).

The appointment of bishops and clerics are dominant themes in three out of four canons as well as the *praefationes* and letters of at least the first two councils listed above. [161]

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[155] Klingshirn, *Caesarius Life and Letters*, p. 27; bk. I. 36.

[156] *Vita Caesari*. 1.21; Ruricius of Limoges. The letter 2.33 from Ruricius to Caesarius mentions meeting in Bordeaux.

[157] *Vita Caesari*, I, 42.

[158] W. E. Klingshirn, *Caesarius of Arles: the Making of a Christian Community in Late Antique Gaul* (Cambridge, New York 1994) p. 130; Mathisen, *Ecclesiastical Factionalism*, p. 50 n. 27.

[159] A list of those dioceses recovered has been composed through the list of subscribers at the council, see Maps and Appendix II. *Commentary and some Translation – Councils of Gaul.*

[160] Klingshirn, *Life and Letters, Ep*.1. 60; p. 40. There was one more independent council held in this ecclesiastical province at Valence (528). Julianus of Carpentras convened the council but Caesarius was unable to attend, although he sent his representative Cyprianus of Toulon.

[161] Council of Arles (524). Canon 1: The bishops state in the first canon that they have renewed the ancient laws in regard to ordination because these laws have not been fully observed through precipitous ordinations. Canon 2 refers to a recent hasty ordaining men where there was a need to augment the number of churches. The canon states that particularly laymen may not increase their rank until they have performed the year of 'conversio'. Attached to

Correspondence between Caesarius and the Bishop of Rome Felix IV refers to the same topic of clerical appointments as the council of Arles, canon 1 and 2.[162] Moreover, the location of these councils in the ecclesiastical province of Arles indicates continued links to, and the influence of, various bishops of Rome.[163] Additionally there was further outside influence at these councils from Liberius,[164] the praetorian prefect of the civil province of Gaul, as well as several other important members of the laity. That these people are mentioned indicates some continuity of Roman tradition perhaps permitted or inspired by the Arian Ostrogothic king Theoderic.[165] The five councils held in the ecclesiastical province of Arles, mentioned above, are different in a number of ways from those held in provinces closer to various king's courts and territories. Their subject matter focuses on doctrinal issues and disciplining members of the episcopate rather than civil matters that would be more of interest to secular powers. It appears here that where doctrinal matters were of primary concern there was greater exercise of episcopal independence.

There were a number of councils that dealt with only ecclesiastical affairs and were to some degree autonomous. The first is the council at Clermont (535), which despite mentioning the king's agreement to hold a council, issued canons insisting that episcopal elections should be free of powerful patronage. The council gives sole authority for overseeing the procedures to the metropolitans. Another canon from this council prescribes that kings ought not to hold power over clerics to the extent that they disobey their bishops. In addition, if any person receives anything belonging to a church through a king, he is to be excommunicated.[166]

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the Council of Carpentras (527) is a letter to Agroecius of Antibes which also concerns problems with ordination. The contents reveal that one of the motivations of the council was to judge and give punishment to Bishop Agroecius, who had transgressed canon 1 made at the previous Council of Arles. He ordained a priest who had not observed the probationary rule requiring one year of service prior to ordination.

[162] Klingshirn, *Life and Letters,* p. 100–1, letter, 11; p. 123–7, letter 20; Felix to Caesarius and the reply from Boniface.

[163] The councils of Carpentras, Orange and Marseilles all contain letters to or from bishops of Rome. They confirm canons or the demotion of bishops and subsequent penance. The Council of Vaison (529) mentions the introduction of practices used in Rome.

[164] J. J. O'Donnell, 'Liberius the Patrician,' *Traditio* 37 (1981), 31–72. Liberius was originally the pratorian prefect in Italy under Thoderic in 493 and retired in 500. He was later made pratorian prefect in Gaul.

[165] Liberius–: *Petrus Marcellinus Felis Liberius vir clarissumus et inlustris praefectus praetotii Galliarum atque consentiens subscripsi.*

[166] Council of Clermont (535), canons 2, p. 105, line 17: *Placuit etiam, ut sacrum quis pontificii honorem non uotis quaerat, sed meritis, nec diuinum uideatur munus rebus conparare, sed moribus, adque emenentissime dignitatis apicem electione conscendat omnium, non fauore paucorum. Sit in elegendis sacerdotibus cura praecipua, quia inrepraehensibilis esse conuenit, quos praeesse necesse est corrigendis; diligenter quisque inspiciat praecium*

### 2.3.2 *Praefationes*

The opening statements or *praefationes* (prefaces) are integral our understanding the topic of each council. They contain many of the real concerns of each particular council as well as providing us with evidence of various kings' attendance or participation in councils. They add to the historical context by informing us of the number of attendees, revealing who convoked the council and often the location. On occasions they give us the date of the council. The opening statements sometimes make suggestions for the agenda as well as giving the reasons for convening the council. They can also include matters or actions that attendees must complete prior to the council commencing. Finally, they can even contain entreaties for the community to return to the ancient canons making note of disciplinary actions required from the ecclesiastical hierarchy where this fails to occur. In several cases they are the sole source for elements of the abovementioned significant historical context.

If we look at the council of Paris (614), one of the first councils of the seventh century, we can see little has changed with regard to the concerns of the Frankish kings in residence in Gaul.[167] Much like the opening statements of several sixth century councils held at Orléans (533, 549) the preface refers to the role of a king.

> When in the name of God according to the constitutions of the former holy fathers we have convened in the city of Paris, summoned by our most glorious prince, our lord the King Chlothar in synodal council, as much for the purpose of renewing the statutes of the ancient canons, which the exigency of the present time has made it necessary to be reiterated, as well as these things which with the grounds for disputes which are arising from every quarter, an order of recent definition has required to be instituted, treating what may be suitable and advantageous, in some way to the benefit of the prince and also to the benefit of the people, or what may be properly observed by the ecclesiastical order.[168]

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*dominici gregis, ut sciat, quod meritum constituendi deceat esse pastores. Episcopatum ergo desiderans electione clericorum uel ciuium, consensu etiam metropoletani eiusdem prouinciae pontifex ordinetur; non patrocinia potentum adhibeat, non calleditate subdola ad conscribendum decretum alios ortetur praemiis, alios timore conpellat. Quod si quis fecerit, aeclesiae, cui indigne praeesse cupit, communione priuabitur.* Repeated with full translation in Appendix I Chart A.

[167] This council will be discussed in more detail in Chapters 4 and 5.

[168] Council of Paris (614), *praefatio: Cum in Dei nomine secundum priscorum sanctorum patrum constitutiones in orbem Parisius ex euocatione gloriosissimi principis domni Hlotharii regis synodali concilio conuenissemus tam pro renouandis antiquorum canonum statutis, quae praesentis temporis necessarium fecit oportunitas iterari, quam his, quae adsurgentibus undecumque querilarum materiis recentes definitionis ordo poposcit institui, tractantes, quid quomodo principis, quid saluti populi utillius conpeteret uel quid ecclesiasticus ordo salubriter obseruaret.* Note the spelling of *orbem, domni* and *utillius.*

This preface indicates the contemporary concerns which form the reasons for calling the council. Many of these are issues that are not new and indeed require 'reiteration': ancient canons are to be renewed and ecclesiastical discipline is a major focus of attention.

Clerical discipline, appointment of bishops and ordination of priests, deacons and lower orders were all important matters to be dealt with by councils and can all be found in prefaces. Another significant topic that dominated councils was the management and alienation of church property. This problem was specifically connected to new episcopal appointments when authority over ecclesiastical property and buildings changed hands. A new bishop claimed authority over all the church property, together with any added buildings or land from the previous bishop. The church accounts include donations made to the church by princes and other potentates. However, when property changed hands sometimes the relatives of the previous bishop might make a claim on specific property resulting in a dispute.

Another area of concern addressed in the prefaces is moral piety. This was also particularly relevant to unmarried men and women of the community. Clerics were necessarily restricted in terms of contact with former wives or, in the case of women in convents, husbands. Parallel topics of concern mentioned in the prefaces are echoed in the narratives and dominate many anecdotal episodes in Gregory of Tours' narrative and hagiography.

The evidence from opening statements of councils adds to our interpretation of the canons. Through the prefaces a clearer context emerges which points to specific agendas which are sometimes more difficult to extract from the prescriptive canons. The prefaces also reveal information relating to the role of kings in calling and participating in councils. After considering the context of the councils through an examination of the preface of councils I suggest that the evidence indicates that the kings did not play such a significant role in many of the councils despite what has previously been argued by a number of scholars.[169]

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[169] Wallace–Hadrill, *The Frankish Church*, p.105; **Pontal** *Histoire Des Conciles,* p. 44–5, 50; Norton, *Episcopal Elections,* p. 11, 115-16.

### 2.3.3 Letters

Considering the distances and difficulties of travel between localities, letters offer a significant method of communication.[170] Some of the letters included in the *Concilia Galliae* have already been treated separately by scholars. Individual letters have been examined previously in isolation for example by Basdevant, Shanzer and Wood, Halfond, and Klingshirn. Letters were included in the church council collections translated by Hefele, Pontal, and Gaudemet and Basdevant. However no modern scholarly systematic discussion of the epistolary collection from the councils as a whole yet is available.[171] Through textual, chronological and thematic analysis I will clarify the historical significance and reasons for their inclusion, offering a new perspective on both the specific council's purpose and the letter collection.

The insertion of letters at councils was not unique to the sixth and seventh centuries. We have examples from previous councils held in Gaul including the first Council of Valence (374), where a letter was sent to the Church of Fréjus. This letter informed the clergy in Fréjus of disciplinary canons that were promulgated at the council specifically connected to episcopal ordination.

Examination of the letters attached to councils from the beginning of the sixth century, reveals immediately that their style and context differ from the prescriptive canons. The letters often express the reality of a contemporary ecclesiastical disciplinary situation requiring immediate action. The purpose of the letters was public rather than private and they were often produced to announce an ideal or to publicise a problem. Their literary style appears formal. They often reveal a prolonged exchange of views, a continuous dialogue or discussion between correspondents.[172] In many cases we only have one side of the conversation but in some cases we also have the resolution.

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[170] M. Trapp, *Greek and Latin letters: An Anthology with Translation* (Cambridge 2003); J. L. White, *Light from Ancient Letters* (Philadelphia 1986).

[171] Basdevant, 'Les évêques, Les papes,' p. 115–32; Shanzer and Wood, *Avitus of Vienne*; Klinghirn, *Caesarius of Arles, Life and Letters*, p. 63; 129; Pontal, *Histoire Des Conciles,* p. 30; 60; 65; Halfond, *Archaeology of Frankish Church*, p. 42; 49; 69; A. K. Gillett, *Epistolae Austrasicae,* trans (forthcoming).

[172] See section 1.6.4 on the problems of letters as a source.

Approximately 19 letters are included in the councils under review here. The subject matter may be categorised into five areas. The transgression of canonical regulations is the topic of ten of the 19 letters, mainly addressed to bishops who had disregarded canons. Four decretals are from various bishops of Rome, confirming previous canons, requesting or suggesting discussion and then promulgation of certain disciplinary measures. Four are from the bishops at the council to other bishops, or the people of the province. Their topics include verification of the forthcoming council, the spiritual health of the community, freeing of slaves, alienation of ecclesiastical property and the collection of compulsory tithes. Other recipients of the letters are kings and abbesses. These letters often contain a reminder of certain canons, or are written to inform kings of decisions made at council. The dates of the letters indicate that replies to communications often took some time, for example from the dating of letters sent to the Bishop of Rome we can observe that sometimes replies came from his successor. Most of the letters appear random with little connection to each other. They reflect both the ecclesiastical milieu and that of the autonomous successor kingdoms of the period.

The most significant feature of the group of letters attached to councils is that they underpin the canons both referring in detail to specific characteristics of the law and providing significant historical context. Additionally they emphasise the importance of specific canons from the councils where they are found attached. Some letters were of such significance that they were quoted in later councils which indicates that the letters were archived in some way so they could be later read and referred to by bishops.

In terms of letters addressed directly to bishops representative examples include those from the Council of Epaone (511). The council begins with a letter from Bishop Avitus of Vienne and one from Bishop Viventiolus of Lyons. The first letter from Avitus reminds the bishops that they must meet twice a year. It also mentions that because of their neglect, the Bishop of Rome has become indignant, having written on the subject several times to Avitus. He continues with instructions noting that it is vital for bishops renew the custom of referring back to the previous statutes as well as joining new ones to the old laws. The letter also informs the recipients why he is asking them to convene a council and proposes a date.

The second letter concerns the same future council. The author, Viventiolus, again refers to the urgent need to re-establish convening of councils. He gives the reasons that it is necessary to discuss discipline and to denounce certain reprehensible actions of clergy. He goes on to write of their faults 'if any (sin) of that kind is committed by the higher clergy, which ought to be considered worthy of public reproach, let it be corrected by confrontation rather than being nourished in silence.'[173] These letters provide insight not only on how councils were decided or participants invited to convene but also inform us of the reality of how councils were called, who called them and the potential motivations and concerns.

Attached to the council of Carpentras (527), there is a letter written to Bishop Agroecius of Antibes from the bishops at council. It provides us with the date the council was held.[174] The letter reprimands Agroecius for the canonical transgression of non-attendance at the previous council at Arles held in 524. The context of the letter indicates that instead of attending personally he sent a representative and thus could not use the excuse that he was unaware of the canons promulgated at Arles.[175] The letter further reprimands Agroecius for non-attendance at this council of Carpentras (527), as he had been specifically requested to attend to explain why he ordained Protadius. The letter points out that his action was canonically incorrect and requiring of judgement by the other provincial bishops. Interestingly the letter then pronounces judgement on Agroecius and states that he is not permitted to celebrate mass for a year.

It is not clear which canons made at the previous council of Arles, Agroecius transgressed.[176] Hefele states it was canon 3, but Gaudemet and Basdevant state Agroecius had

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[173] Council of Epaone (517), *Epistola Viventioli episcopi: Disciplinam fratrum filiorumque nostrorum aequae a cunctis sacerdotibus oportet optari; sed si quid forte ab honoratioribus clerecis tale committetur, quod dignum increpatione publica censeatur, rectius castigationis arguatur, quam silentio nutriatur.* I am most grateful for the clearer translation by P. McKechnie.

[174] De Clercq, *Concilia,* 148A (1963) p. 47–8. It is unclear in De Clercq whether the date of the councils was in the letter or vice versa. See also Gaudemet and Basdevant, *Les canons*, p. 146–7. The latter only has the date in the title of the council. Klingshirn adds the date to his translation.

[175] Council of Arles (524); all the canons were very similar in content. Canon 1 discusses the age at which various orders may be ordained. Specifically it stated that no bishop may ordain a deacon prior to his twenty–fifth year, or ordain a layman as a priest or a bishop prior to conversion nor prior to his thirtieth year. Canon 2 states a metropolitan may not confer the dignity of the bishop on a layman, nor may other bishops appoint either a priest or deacon without having been converted for at least a year. Canon 3 discusses penitents who may not be ordained.

[176] De Clercq, *Concilia,* 148A (1963) p. 46. This text lists the various signatures from three different manuscripts. In codex K it states it was a presbyter who signed for Agroecius of Antibes and another bishop, Severus. We know

proceeded to ordain a priest without taking account of the year of probation. Klingshirn states in his translation of the letter that 'you violated the statutes (by ordaining) our son Protadius he should suffer the penalty', the text of the letter does not clarify whether Protadius was under age, from the laity or had been a penitent. [177]

At the council of Marseilles (533) several letters were included from two bishops of Rome, John II and Agapetus. It appears from the dates that they were conveyed after the council was held but were included in the later collection of council texts. [178] One of the letters is addressed to all the bishops of Gaul and dated the seventh of April. The second letter is addressed to the clergy of Riez and dated the sixth of April. A third letter addressed to Caesarius is undated. This letter includes a series of ancient canons that were connected to the abuses committed by Bishop Contumeliosus. All of the letters concern the transgression of canon law and indicate Rome's opinion of the council's judgement on Bishop Contumeliosus. As we no longer have the actual council proceedings we cannot be certain whether John II or Caesarius disagreed with the conclusion of the council. However, from the letters of John II we can see that he judged Contumeliosus should be deposed from the see and that an interim administrator should be placed in Riez until a new bishop could be nominated. [179]

Attached to the end of the text of the council of Clermont (535) is a letter addressed to King Theodebert. This letter requests a number of things including that any property found in another king's territory should not be lost, but instead returned to its owner. [180] Towards the end the letter notes that the king must be attentive to all bishops who come under other kings' territories who petition for his assistance. This was in order to prevent clerics trying to retain or recover church property or goods that may have been pillaged in those areas other than their own

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from the previous council and letter that he did not attend but sent a representative (Catafronius) possibly a presbyter who signature appears at the end of the council.

[177] Hefele, *A History of the Councils* (2007), vol. 4, p. 144; Gaudemet and Basdevant, *Les canons,* p. 144, 148–9; Kingshirn, *Life and Letters,* p. 122.

[178] There is one school of thought that considers the letters were sent before the council. This evidence cited by Hefele is from Freiburg *Zeitschrift für Theol.* (1844), Bd. Xi. 8. 471.

[179] See translation in Klingshirn, *Life and Letters,* p. 103–4.

[180] Council of Clermont (535), another part of the letter to king Theodebert. 'That by our intermediary (it) is suggested …., to allow that no–one is excluded from his goods and appropriate possessions, and that, when he finds (?his possessions) under power and the authority of one of kings, he does not lose, as by claiming of others, a property situated in the resort of another one.'

sees. The problem was created through the constant division of territories and upheavals as a result of civil wars and territorial battles between the kings in this period. In this particular case it seems the bishops are seeking royal authority in order to return church property to the church. Gregory of Tours himself was guilty of this action. He removed a saint's relics from their original cult site.[181] In that particular case, which involved the relics of Saint Benignus of Dijon, it is suggested that he was in fact attached to the saint's items through his family's close relationship in the past to the saint over several generations.

The council of Chalon (Chalon-sur-Saône) (647–653) includes a canon which announces the suspension of bishops Agapius and Bobo of Digne for transgressing the canons by sharing their episcopate.[182] At the same council there is a letter sent to Bishop Theodorius of Arles, again for transgressing the canons. He is castigated because firstly he ignored the prescriptions set down by Clovis that all bishops of a province attend council once called unless they are able to prove illness. An indisposed bishop was required to send a representative. Secondly, the bishops ask why he did not come to the council to be judged. While applauding his spirituality and noting his public profession of penance they add that he is still suspended until he appears before his peers in judgement:

> …whoever made a public profession of penitence can neither occupy nor rule an episcopal see. That is why in saluting your blessedness, we declare with respect, until the next council at Arles, you must abstain from ruling the see and you (are to receive) absolutely nothing of the goods of this church, when indeed you have occupied the episcopal (pontifical) chair, until you come to a judgement before your brethren …[183]

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[181] Greg. Tur. *DLH*. X. 3.

[182] Council of Chalon (647/653) canon 20. Only one bishop was allowed to hold an episcopate with the one exception, when a bishop was too sick to carry out his duties. Greg. Tur. *DLH*. V.5. When bishop Tetricus of Langres had a stroke and was unable to carry out his duties he was allowed to be assisted with a bishop but first the bishop had to be appointed to a different see.

[183] Council of Chalon (647–653) *Epistula synodi ad Theudorium Arelatensum episcopum….. Omnibus in ueredica relatione perpatuit, quod etiam uos credimus non ignorasse, quod gloriosus domnus Chlodoueus rex in supra scripta urbe Cabillonno octauo kal. Nouembris senodale precepit esse concilio.Ubi omnes nos in basilica domni Vincenti pariter resedentes uestrum aduentum, dum uos in propinquo, etiam in ipsa urbe esse audiuimus, omnimodis prestolauimus…. Unde uos credimus etiam legisse nec nos paenitus ignoramus, quod, qui publice penitentia profitetur, episcopale cathedra nec tenere nec regere potest. Propterea salutantis beatitudine uestre honorifice indecamus, ut usque ad alio sinodo de Arelatense sede, ubi uos constitit pontificale cathedra tenuisse, debeatis omnimodis abstenere nec de facultate ipsius ecclesiae nihil ad uestra dominatione, dum in audientia ante fratres conueniatis, penitus presumatis.*

They further add that a public display of penitence is not beneficial for maintaining the authority of the episcopate. He was then asked to come and be judged and to resign his episcopate at the next council. What is most interesting here is that the metropolitan of Arles was sanctioned by means of a letter, whereas the other two bishops of more minor sees were just removed for their transgressions. This letter exposes Theodorius' vulnerability. His authority was diminished by his non-canonical actions which then allowed the collective authority of bishops to act against him. Here again we can see the significance of the bishops' concern to adhere to canonical rulings.

Two letters are included in the council of Tours (567) one of which was sent in reply to a letter previously sent by Queen Radegund, abbess of Holy Cross nunnery at Poitiers, by the senior bishops attending council. This letter demonstrates that the records of the previous council of Tours were available for perusal and reference by later bishops, perhaps through the provincial church archives. It is quoted in full by Gregory in *DLH*, when he discusses how to deal with possible transgressions against canon rules by another nun and Clotilde the abbess in Poitiers at the time of his writing.

The letter answers questions posed by Radegund when she first founded the convent and requested a confirmation of the rules. Specifically Radegund wrote to ask how to deal with women who have committed their lives freely to God in the convent, then for some reason later wish to leave. The letter states that the woman must be cut off from the community and communion until she returns. Only after she has taken part in penance according to the offence, is it then possible for her to be accepted back into the convent. [184] Canon 17(16) of the council rules that where there had been similar problems in monasteries, men who had once entered the monastery were not permitted to leave. Similarly, canon 20 at the same council states that widows once dedicated to God may not leave to marry or they will be excommunicated. A special case was made for virgins. If they entered a nunnery through threat of violence they might later leave to marry. [185]

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[184] The rule that is referred to is that of Caesarius Bishop of Arles, who made certain stipulations for the running of nunneries. His rules continued to be used in this period.

[185] The canon quotes some sections of the letter sent by Innocent, Bishop of Rome in 404, to Victricius, Bishop of Rouen on the subject of women: 'who have dedicated themselves to God may not leave the establishment they

The topics of these canons are discussed in the letter to Radegund, thus revealing more detail of the rule in the context of the situation under discussion. The amount of detail dedicated in both the canons and the letter concerning the topic of widows and virgins dedicated to the church and living in nunneries, indicates this was an area that needed decisive rules. Taken together the texts also demonstrate there were exceptions to the church rules and that these were the concern of the abbess Radegund, the kings and the bishops. This is confirmed by Gregory of Tours in his accounts between 584 and 590, where he devotes a chapter to the subject.[186] According to Gregory there were a number of problems emerging at this time between local bishops, members of the nunnery at Poitiers and the abbess that had to be dealt with for the protection of those members. The contextual significance of these questions and the answers provided is seen in the letter sent to Radegund. Not only was the bishops' response included in a council but it was also quoted in full by Gregory, who wished to bring attention to the contents of the decision recorded in the letter.

The second letter at this same council is addressed to the people of Tours for the purpose of communicating certain correction behaviours. It stresses the importance of the spiritual health of the community. It deals with the question of 'donations', giving the example of Abraham and demanding the people give a tenth of their money as well as an equivalent number of their slaves to the church. The letter also states that for families with two or three sons a further donation of one third of a certain sum of money should be made to assist in ransoming prisoners.[187]

Councils where episcopal authority was removed or questioned are frequently mentioned in the evidence we have from Gregory of Tours. Several letters found in manuscripts of the councils which have been examined together advance this discussion on authority. For example, a letter from the council of Paris (573) indicates a conflict between kings as well as the

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entered.' (*PL*. 479A–480A). Canon 20 also mentions the law issued on subject by three kings, Childebert, Chlothar and Charibert, confirming that no virgin may be married against her will. If the virgin escapes to take refuge in a church or a nunnery because she is afraid, no violence will be used against her. Once the issue is resolved she may be rescued by the power of the prince, bishop or the church and may then marry. However, if she has already changed into a nun's clothing then she is considered to have chosen to enter the convent and must therefore remain on the path she has chosen.

[186] Greg. Tur. *DLH*. IX 39–43 X. 15–16.

[187] Council of Tours (567), CCSL 148A p. 197–9 specifically lines 68–81. *Epistula episcoporum prouinciae Turonensis ad Plebem.*

involvement of provincial bishops. Subsequently, bishops previously installed by orders of a king were removed from office. The bishop who was responsible for non-canonical ordination in Chateaudun was castigated by other bishops in a letter attached to the council that was also mentioned in Gregory's *DLH*. We have further evidence from the letter that Bishop Egidius of Reims was deposed and exiled for exactly this reason.[188]

The removal of Egidius is more complex than just an ecclesiastical judgement at council as he was accused of treason against King Childebert. In addition, he was accused of forgery and of having received money and land in exchange for services for King Chilperic against Childebert. He was involved in a number of political machinations, including plots that led to the death of King Guntram as well as a number of battles causing bloodshed and local devastation. Egidius was thus judged by both a civil and an ecclesiastical court. He was eventually deposed as bishop for ordaining another bishop non-canonically. At the same council of Paris (573) a third letter was sent to the King Sigisbert censoring the king for instigating the non-canonical appointment of the bishop.[189]

Both the letters and the evidence from *DLH* indicate the political context of the events in which Egidius was involved. While there was insufficient evidence to denounce him through the civil court he could be judged by the ecclesiastical court. Additionally, canon 8 of the council of Paris (556–573) promulgates the canon law on episcopal installation. It specifically stresses the importance of the metropolitan's authority as opposed to that of the king in final judgement. In particular, it notes that no-one should be audacious enough to persuade a king to prejudice the normal honour of the episcopal procedure. However, if this should occur, the installation should be designated as non-canonical and therefore invalid.[190] The context of this canon was exhorted by the bishops when judging both Egidius and reprimanding the king.

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[188] Council of Paris (573), Letter from Bishop Pappolus of Chartres to the bishops at the council, Letters to Egidius and to King Sigibert.

[189] Council of Metz (580), Greg. Tur. *DLH.* X19. In the narrative account Gregory provides details of both the council and the ecclesiastical court when the bishops were summoned to judge Egidius. He pleaded guilty and confessed all so we cannot specifically state that he was removed as a direct result of pressure from the king. However, he was involved in a number of civil conspiracies against King Childebert.

[190] As well as this any bishops whose installation was performed in this non–canonical procedure were often shunned by their colleagues.

The manuscript tradition of council collections is complex.[191] On some occasions parts of the council text are inserted much later than the date of the council, these later additions often include letters and some law codes.[192] We know that metropolitan bishops requested that letters from other councils be put into specific collections. Certainly there was a great interest in retaining texts for future reference and Gaul was not an exception in its collections.[193] We have an example in the *Statua Ecclesiae Antiqua* and in the next century the *Vetus Gallica*. However, Mordek and other scholars have established that the copying of council *acta* into collections of church council texts began in Gaul in a number of monasteries where individual *scriptoria* were established from the end of the sixth century.[194]

Detaching letters from their collection and specific council and treating them in isolation removes the context and reason why they were created. The letters included with canons from different councils add to our knowledge of how canon law was understood, functioned and adhered to or was transgressed. An examination of the letters conveys to us concrete examples of problems arising in the ecclesiastical community. It also demonstrates and provides example for how the different groups of bishops at council approached various problems. The letters reveal how judgements were made on recalcitrant bishops who deliberately ignored the canons. Collections of letters attached to specific councils, often confirm the date of a council where it may have previously been unclear. The letters demonstrate both the canon law in action and how the combined episcopal authority at council corrected those who contravened canons. Thus they expand our knowledge of the actions of councils, shedding light on details not found in prescriptive canon laws, added to our understanding of the way church councils functioned.

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[191] See section 1.7.

[192] Jasper and Fuhrmann, *Papal letters,* p. 24; 27. They describe how decretals were later incorporated into the relevant corpus and how they were often separated or placed in different manuscripts. This was also the case with certain canonical regulations.

[193] Collections were also made in Italy and Spain collections, e.g. Dionysius Exiguus (*Dionysiiana*), Rome (*Sanblasiana*), Spain (*Epitome of Hispana* or *Isadoriana*).

[194] Munier, *Les Statuta Ecclesiae Antiqua*, p. 29–48; 55–8; 209–10; Maassen, *Geschichte der Quellen*, p. 383–90; 536–42; 575–85; 821–8; Mordek, *'die Collectio Vetus Gallica*, p. 80–9; 267–301; McKitterick, 'Knowledge of Canon law,' p. 97–117; McKitterick, 'The Scriptoria of Merovingian Gaul,' p. 173–207.

## 2.3.4 Knowledge of canons

Evidence indicates that church council canons were distributed and read aloud to clergy in different sees other than the city where the council meeting itself was held. This involved the local clergy in the process and enabled them to maintain their knowledge of canon law. One letter demonstrating this process is addressed to the people of Tours for the purpose of communicating certain correction behaviours. It stresses the importance of the spiritual health of the community.[195] We also have evidence of metropolitan bishops who following attendance at larger councils subsequently made their bishops and clerics aware of the details of canonical or other disciplinary changes. Letters were also sent by the higher authorities such as the Bishop of Rome to metropolitan bishops indicating changes in canonical practice and doctrine.[196]

Occasionally a bishop would hold a council in his own see to introduce to his clergy to the canon law promulgated at previous ecclesiastical provincial church councils. One example was the Council of Lyons (517), held after the Council of Epaone in the same year. The metropolitan Viventiolus of Lyons presided and was joined by ten bishops (nine of whom had attended the previous council).[197] Similarly, the Council of Auvergne (549) assembled directly following the previous Council of Orléans (549). While only 15 canons were repeated from the previous council it is not unreasonable to suggest that the council was convened to introduce new regulations written into canons at the previous council. Perhaps the chosen canons were addressed to members of the ecclesiastical community who had been unable to attend the Council of Orléans. Alternatively, it could be argued that the reiteration of the 15 canons was particularly important because they reflected areas that had previously been disregarded.

Canon 6 from the Council of Orléans (541) states that when a bishop returns from council he must give the parish clergy a copy of the canons so they may read them. The opening statement of one council of Mâcon (581–583) mentions that bishops are supposed to read aloud

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[195] Council of Tours (567), CCSL vol. 148A p. 197.

[196] Letter to Caesarius from Felix, Bishop of Rome; Letter from Boniface to Caesarius. Letter 6 from Symmachus Bishop of Rome to the bishops of Gaul. Bishop Caesarius of Arles wrote on a number of occasions to the Bishop of Rome on matters of violations of canon law and other doctrinal and disciplinary matters, and the answers from Rome were included in the council text.

[197] Hefele, *A History of the Councils*, vol. IV p. 114; Council of Lyons (518–523), the other Council of Lyons (518–523) CCSL vol. 148A, p. 39–4. p. 438.

the canons during a certain period to avoid the excuse of ignorance by clergy. In the opening statement of the council of Mâcon (585) the idea is again demonstrated:

> We urge this upon all our brotherhood, they should make known those things we would have ratified, which the Holy Spirit pronouncing through the mouths should be known well throughout all the churches, so that each and every person, may learn carefully without any excuses, what they ought to observe.[198]

Thus we can observe that canon law was supposed to be known and understood by the wider church community. It was important for bishops, their people and to clergy. Therefore council participants were entreated to distribute the knowledge and to make sure it was heard.

### 2.3.5 Ordination, election and consecration

There were a large number of councils held in Gaul where the ordination of bishops was the main focus of a topic for discussion and in many cases for correction. There are approximately 47 examples where episcopal ordination was the main topic at a council. In addition, there are some 80 other references to ordination from councils in this period. There were a number overlapping discussions where the presbyters were included however the terms of the particular canon can be applied equally to bishops as well as presbyters.[199]

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[198] Council of Mâcon (585), *praefatio*; *Hoc uniuersae uestrae fraternitate suademus, ut ea, quae Spiritu sancto dictante per ora omniumnostrorum terminate fuerint, per omnes ecclesias innotiscant, ut unusquisque, quid obseruare debeat, sine aliqua excusatione condiscat…*

[199] References to 'ordination' found in *Concilia Galliae,* CCSL, vols. 148 and 148A. These particular canons and the other references to ordination will all be examined in detail in the course of Chapter 4. *Statuta Ecclesiae, Antiqua*, C.84. p. 179; C.90, p. 181; Council of Agde (506), *praefatio,* p. 192, C.1, p. 193; C. 17, p. 201; C.23, p. 203–4; C.35, p. 208; C.47, p. 212; Council of Orléans (511), C.4, p. 6 line 48; Council of Epaone (517), C.1, p. 24; Council of Lyons (518–523),C.2, p. 39–40, C.3, p. 40; Council of Arles (524), C. 1, p. 43; Council of Carpentras (527, Letter 1, p. 50, line 18; Letter 2, p. 51–2, lines 5, 32, 34; Council of Marseilles (533), *praefatio,* p. 85, line, 10, Letter, I, p. 86, line 6, line 12, p. 87, lines 13; reference to C. 4 at previous Council of Valence (374) p. 90, line 89; p. 91, line 115; p. 92, line 164; p. 93, line 202–3; Council of Orléans (533), C1, C.3, p. 99; C.7, p. 199; Council of Clermont (535), C. 2, p. 106; Council of Orléans (538), C.3, p. 115; C.6, p. 116–17; C.7, p. 117; Council of Orléans (541), C.5, p. 133; Council of Orléans (549), c. 6, p. 150; C.8, p. 151; C.9, C.10, p. 151; C.11, C.12, p. 152; Council of Elusa (Aspasia), C. 5, p. 164; Council of Auvergne (Clermont II) (549–550). Hefele, *A History of the Councils,* vol. 5 p. 271 mentions that the canons at Clermont repeated the same canons as the Council of Orléans (549), Council of Paris (552*), praefatio,* p. 167–168; Council of Arles (554), C.7, p. 172; Council of Saintes (561–567) p. 174. The topic is episcopal ordination. Greg. Tur. *DLH.* IV.26; Council of Tours (567), C. 9, p. 179; C. 28 (27) p. 194; Council of Paris (556–573), *praefatio,* p. 205, line 12, C. 8, p. 208–9; Council of Paris (573), reference Greg. Tur. *DLH.* IV.47; CCSL 148A, p. 211– 13, letter I. line 19, line 35; Letter II, p. 216, line 15; Council of Mâcon (585), C. 15, p. 246; Council of Auvergne (585), repeated the canons of Mâcon II, C. 21, Council of Narbonne (585) (Visigothic), C. 11; Council of Paris (614), C.2, C. 3 (2) p. 275–6; and *Edictum Clothar* II, 1. 2; Council of Clichy (626/7), C. 28, p. 296; (some canons were copied at the later 'contested' Council of Reims (626/7)); Council of

Election of bishops was a topic under consideration in canon law in at least 13 councils.[200] This is in addition to a number of councils where bishops were actually chosen at council, where the greatest number of local bishops had assembled, such as the council of Paris (552). A new bishop of Paris, Eusebius, was elected and appointed following the deposition of the previous Bishop Saffaricus. As will be discussed later, at the Council of Paris (614) bishops promulgated a canon that made episcopal elections independent of all interference. Subsequently a few days later King Chlothar II issued an edict which included sections concerning election and ordination.[201]

Episcopal consecration was rarely mentioned as it seems to be a term not yet commonly or continuously in use during the sixth century.[202] Other references to consecration, such as those relating to baptism, widows, virgins and altars are mentioned more frequently. The exceptions are two canons where 'consecration' is explicitly included in discussion of the procedure for episcopal appointments. [203] The term thus appears to be on the cusp of change in usage in these councils as will be discussed in detail in Chapter 6.

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Chalon (647–653), C.4, p. 304; C. 10, p. 305; Council of Saint Jean de Losnes (673–675), C. 5, p. 315 (the topic is legitimate instalment), C. 16, p. 581; C. 22, p. 317. Both canons refer to episcopal succession, in one case using the term (*subrogantur*). Council of Maslacense (Marly le Roi or Mâlay le Roi, Burgundy) (679–680), CCSL. vol. 148A, p. 322. This appears to be a decree (*charta*) of Theueric III rather than a true council but the topic is ecclesiastical and certainly pertains to episcopal ordination (spelling is *ordeacione, aepiscopum, aeclisiae* and *matropoli* indicating the changing language.)

[200] Council of Epaone (517), Letter I, p. 23, line 33; Council of Carpentras (527), Letter II., p. 51, line 17; Council of Orléans (533), C. 7, p. 100; Council of Clermont (535), C. 2. p. 106; Council of Orléans (538), C. 3, p. 115; C. 7, p. 117; Council of Orléans (541), C. 5, p. 133; Council of Orléans (549), C. 10, p. 151; Council of Paris (556–57), C. 8, p. 209; Council of Saintes (561–567), Greg. Tur. *DLH*. IV.26; Council of Mâcon (581–583), C. 11, p. 225; Council of Paris (614), C. 2, p. 275; *Edict of Chlothar,* C.1, p. 283; C. 1; Council of Clichy (626–627), C. 28, p. 296; Council of Reims (630), C. 25, Hefele, *A History of the Councils*, vol. IV, p. 447; Chalons–sur–Saône (647–653), C.10, C.12, p. 305; The latter canon discusses electing successors of abbots in monasteries. Saint Jean de Losnes (673–75), C.5. p. 315 (election of bishops), C.12, p. 316 (election of women), C16, C. 22, p. 315–17; Note the use of *subrogatur*.

[201] For a full discussion see Chapter 4 and 5.

[202] See Chapter 6 for a full discussion.

[203]C Munier, *Concilia Galliae A. 314–506,* CCSL vol. 148, *Statuta Ecclesiae Antiqua,* C92, p 181, deacons were the topic of this canon. Council of Agde (506), canon 43, p. 211, the terminology is applied only to deacons. Council of Orléans (541), canon 5, p. 133, the term in this case applies to bishops. Council of Orléans (549), canons 8, 10, p. 151–2, the first canon applies to altars and the second to bishops. Council of Paris (563), canon 5, reference to virgins. Council of Paris (573), Letter, II. p. 213, lines 15, 20; Council of Clichy (626–627), canon 26, p. 296, reference again applies to women, particularly the consecration of widows.

## 2.4 Conclusion

This chapter examines a number of early church councils which set the precedents for the tradition of ecclesiastical councils and the establishment of ecclesiastical rules. The examples provided illustrate how the traditions continued albeit with some innovations following the creation of the autonomous kingdoms. While the new authority of the successor kings is in evidence it is significant that there were a number of independent church councils, convoked by influential bishops. These councils promulgated canons in an effort to improve morals across the wider church community, to impose discipline and rules, to protect church property by making it sacrosanct, and to curb the power of kings over important ecclesiastical concerns. Specifically bishops promulgated canons that sought impartial episcopal appointment as the ideal.

Analysis of the opening statements of councils reveals that consideration of the *praefationes* is important for any study of the canons. The combined evidence provides a clearer context for the councils which points to the agendas not often exhibited in the prescriptive canons. Examination of the preface of individual councils reveals that the kings are mentioned in formulaic ways which is more suggestive of a requirement to acknowledge authority than an indication of actual active participation. It becomes clear that, after examining the prefaces of the councils, the evidence indicates the kings did not play such a significant role in as many of the councils as has previously been argued by a number of scholars.

Letters found attached to councils are important indicators of the success or failure of the implementation of canons. They augment the evidence found in both the canons themselves and the *praefationes*. They add a further layer to our knowledge on how councils functioned in this period as well as highlighting matters of concern.

In assessing whether canon law was just made by bishops for bishops alone and then disregarded by the rest of the ecclesiastical community, evidence points to the collection, archiving and formal reading of council records. Reiteration of topics at later councils as well as the information gleaned from the attached letters indicates a continued discussion following a council on certain, if not all, points of canon law.

While matters of ordination, election and consecration were not always the main motive for calling a council, they are topics that were important to ecclesiastical discussion in this period. Councils were held for many reasons other than consideration of episcopal appointments, yet the evidence suggests this topic was a central issue and one that will be investigated further in the chapters to follow.

# Chapter 3. The tradition of ordination, election and consecration

## 3.1 Introduction

Ordination, as opposed to consecration, was the means by which a priest, bishop or other person such as a deacon was first brought into the 'order' or hierarchy of the church. It was a process by which an ordained person became distinctly different from a layperson. The tradition and development of terminology and procedure of leadership appointment in the church up to the end of the fifth century is examined in this chapter. This includes investigation of the procedures of ordination, election and consecration. The term 'ordination' was the most frequently utilised and reiterated term in canon law relating to episcopal appointment in councils of the sixth and seventh centuries in Gaul.

I will first examine the terminology of leadership in early Christianity in order to place it in context with regard to subsequent developments and any semantic shift in the language of episcopal appointment. The elements that make up the procedure of episcopal appointment in the early tradition are also examined from the first to end of the fifth century. This chapter touches on the way later ecclesiastical language associated with episcopal installation inherited authority and symbolic value by its reiteration of traditional terminology in the performance of the ritual. The discussion looks at the continuance and development of early traditions relating to initiation rites of leaders and establishment of their authority. Following this I will explore how information on the procedure was documented, distributed and then passed down in both the early ecclesiastical canons and the civil law codes of the Roman Empire. A number of authorities such as imperial, legal and ecclesiastical that were connected to the establishment of episcopal appointments, their authority and legitimacy are examined. I finish with focus on episcopal appointment in Gaul and its emerging problems.

Alternate areas of authority, such as spiritual authority or ascetic authority, have already been discussed elsewhere.[1] Of particular note here are scholars who have focused on the topic of

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[1] See section 1.8.

first to third or fourth century Christian terminology for the procedure of ordination. Among these are Andrieu, Botte, Bradshaw, Ferguson, Fransen, Frere, Van Benedon, Macmillan, Reynolds, Santonani and Stewart-Sykes. All of these scholars examine the terminology or procedures through a variety of approaches in various periods. The focus of their studies falls into several categories. There are historians who look at the early period of the church and its practices, as well as theologians whose focus is more on doctrinal or liturgical issues. Andrieu, Frere, Santonani and Botte study the topic from an ecumenical and liturgical point of view,[2] while Bradshaw, Botte, Ferguson, Reynolds and Stewart-Sykes analyse the textual and canonistic traditions of episcopal installation.[3] Another group of scholars consists of philologists who are interested in the etymology of language. Van Benedon and Fransen investigate the terminology of ordination in canon law. They include derivations of the terms adapted from secular military or jurisdictional language.[4] Some theological scholars aim to establish the similarities between the current custom of ordination and the historical. This field of scholarship was stimulated by Vatican II. Scholars such as Macmillan, Puglisi and Rahner go back to the early history of ordination and liturgy in order to re-examine more closely the early practices.[5] Alternate areas of authority, such as spiritual authority or ascetic authority, have already been discussed elsewhere.[6] Finally, Bourdieu and Garipzanov have more recently examined the rites

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[2] M. Andrieu, *Les Ordines romani du haut moyen âge* (Louvain 1931), t. I, p. 467–90; M. Andrieu, 'Le sacre épiscopal d'après Hincmar de Reims,*' Review d'Histoire Ecclésiastique,* 48 (1953), 21–73. This considers the work of the bishop of the ninth century and his view of ordination. Frere, 'Notes and studies,' p. 323–71; A. Santantoni, *L'Ordinazione Episcopale: Storia e teologica dei riti dell'Ordinazione Nelle Antiche Liturgie Dell' Occidente. Studia Anselmania* 69, *Analecta Liturgica* 2 (Rome 1976); B. Botte, 'L'Ordre d'après,' p. 13–25; R.E. Reynolds, *Clerical Orders in the Early Middle Ages: Duties and Ordination* (Aldershot 1999) p. 238–52. Ecumenical used here is equivalent to the early spelling oecumenical used later in the thesis.

[3] P. F. Bradshaw, 'The participation of other bishops in the ordination of the bishop in the Apostolic Tradition of Hippolytus,' *Studia Patristica,* 18 (1989), 335–8; E. Ferguson, 'Ordination in the Ancient Church,' *Restoration Quarterly,* vol. 5, no 1 (1961), 17–32; A. Stewart– Sykes, 'The Integrity of the Hippolytean Ordination Rites,' *Augustinianum,* 39 (1999), 97–127; Stewart–Sykes, 'Ordination Rites, p. 115–30.

[4] P. van Beneden, *Aux origines d'une terminologie sacramentelle.* Ordo, Ordinare, Ordinatio *dans la littérature chrétienne avant 313,* Spicelegium Sacrum Lovaniense, Études et Documents, 38 (Louvain 1974); Fransen, 'Ordo ordinatio,' p. 1212–20.

[5] J. F. Puglisi, *The Process of Admission to Ordained Ministry: Epistemological principles and the Roman Catholic rites* (Collegeville, Minn. 1996); Rahner, 'The Hierarchical Structure of the Church,' p. 193–8; Rahner, 'Aspects of the Episcopal Office,' p. 191–2; S. Macmillan, Episcopal Ordination and Ecclesial Consensus (Collegeville, Minn. 2006).

[6] See Chapter 2.

of the institution through language, symbolic power, and authority using post-structuralist methodologies.[7]

## 3.2 Terminology, scripture and tradition

### 3.2.1 New Testament terminology and references to leadership

Bishops acquired authority in a number of ways.[8] One way was through ordination. Evidence for the terminology and procedures of episcopal appointment can be found in the earliest Christian writers, early church deliberations and connected civil law from the Roman Empire. The first appointments of leaders of the church are documented in the New Testament including texts claimed to be written by a number of followers of Jesus. However, little survives from the development of early Christianity to give further information on the ordination procedure except for the examples found in 1 Timothy and the *Didache* discussed below.[9] However, it is possible the ideals of leadership appointment were passed down verbally between presbyters.[10] The early fathers of the church do provide evidence though their correspondence with references to the requirements for appointing leaders and the procedure of ordination is first mentioned in the earliest canons of the newly organised church. Procedures for episcopal appointment are also recorded by the first oecumenical councils from the first quarter of the fourth century and promulgated into canon law.

The language used for the installation of the first Christian leaders was developed in the Semitic and Greek speaking areas of the Roman Empire.[11] The ideas and terms were absorbed into ecclesiastical language and at some point translated into Latin. However, in the early

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[7] P. Bourdieu, 'Authorized Language' in *Language and Symbolic Power,* trans. G. Raymond and M. Adamson (Cambridge 1991) p. 107–9; I. Garipzanov, *The Symbolic Language of Authority in the Carolingian World (c.751–877)* (Leiden, Boston 2008) p. 26–7. S. R. F. Price, *Rituals and Power: The Roman Imperial Cult in Asia Minor* (Cambridge 1996) p. 2, 248. Price examines the construction of the power connected to religion, politics and the imperial cult, he suggests 'a permanent institution created and organized by the subjects of a great empire in order to represent to themselves the ruling power'.

[8] Rapp, *Holy Bishops,* p. 3–55. Rapp has divided episcopal authority into three areas, pragmatic, spiritual and ascetic. See further discussion on top in chapter 5, p 159 footnote 16

[9] New Testament, Acts; Paul, Epistles; 1 Timothy; 2 Timothy; 1 Peter; 1 Clement.

[10] Chadwick, *The Church*, p. 220, 326.

[11] P. F. Bradshaw, *Ordination Rites of the Ancient Churches of the East and West* (New York 1990) p. x–xi.

Christian documents there are no precise definitions for appointment terminology. [12] The problems of translation cannot be disregarded. When a text is translated from a language such as Hebrew or Aramaic into Greek and then further translated into Latin it may become corrupted for a number of reasons. The first problem can be a poor initial translation. The second problem is palaeography; for example, the texts we have today are reliant on each amanuensis and the subsequent people employed to write or copy texts, plus those who translated them doing it correctly and then each person who copied the copy reproducing it correctly. [13] Further complications arise when we consider that in any period when a translation occurs it may be interpreted to suit contemporary doctrinal issues as well as the politics and culture of the receivers of those texts. The *apparatus criticus* of the critical edition of, for example, the *Concilia Galliae* therefore offers explanations of textual variants if there is a possible ambiguity, misunderstanding or confusion over a term. [14] In order to mitigate some of the problems associated with translation I have read as many versions of translations as possible and also personally translated some Latin texts which had not been previously translated.

Ancient terms and procedural traditions inherited from Judaism are found in the early writings of the Christian church. [15] As the Christian religion developed it absorbed certain religious customs from Judaic religious practices. For example, τάξις was used to denote 'arranging in order, 'appointed successor' or 'a fixed succession' in Jewish tradition while in Christian terms it was connected to the priesthood.[16] However, it was also used with regard to military rank. The Hebrew word *semikhah* (סמיכה) was used by Moses to ordain or give the leadership of his people to Joshua. Afterwards, with the addition of *smichut* (סמיכה) the same words were used when ordaining rabbis. It means 'leaning of the hands' and was used to give

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[12] This may be because the earliest Greek texts mentioned by Bradshaw and Congar are extant only in a fragmentary state.

[13] M. Graves and C. A. Hall (eds.), *Ancient Christian Texts: commentary on Jeremiah, Jerome*, trans. T. C. Oden and G. L. Bray (Madison 2011) p. xxiii; xxxii; xxv; xli. This book gives an insight into the problems of translation even in Jerome's time. After Jerome informed him of the many problems associated with the transmission of texts from the first Christians Damasus, Bishop of Rome (died 384), requested that Jerome correct the extant texts from the earliest Christian writers. To do this Jerome had to go back to the Hebrew text of the Septuagint, whereupon he even found that this was also faulty.

[14] C. Munier and C. de Clercq, *Concilia Galliae, A.314-A. 506* (Turnhout 1963); *Concilia Galliae A.511–A 695* (Turnhout 1963), Corpus christianorum series latina t. 148, 148A.

[15] Acts, 1.23–26; 13.3; 1 Timothy, 1.12; 4:14; 2 Timothy 1.6.

[16] Τάξις is found in Luke, 1.8; Corinthians 14.40. In the latter where it refers to priestly duties. Hebrews, 7.15. In this example, the terminology is tied to the sons who succeeded their fathers and received the office of priesthood. Psalms, 109.5. In the previous example we find the Greek much later translated into the Latin as *ordo*.

authority to Jewish leaders. [17] Its usage is also found in 'the placing of hands' for the appointment of Jewish leaders in the Old Testament [18] while the anointing of the hands denotes a symbolic change in office.[19] It is not surprising that the expressions and procedures connected with appointing elders were inherited from Judaism by the early Christians; Jesus and many of his followers were originally Jewish, indeed many of the first Christians originated from within the Jewish community. Terms taken and translated from the Old Testament range in meaning from 'to appoint', 'ordain', 'authorise' and designate', 'to give a blessing, elect and choose'.[20]

The Greek word χειροτονέω was used initially to indicate a vote in the process of electing or choosing someone for office. This word was used later by the church for the appointment, designation, nomination and election of candidates to office. In the church the tradition of 'laying of hands' (χειροτονέω) became part of the procedure as it was being established. The Greek verb (χειροτονέω) is found in 2 Corinthians when Titus is first appointed to accompany Paul on his journey.[21] Another Greek term used was καθίστημι or καθιστάνω,

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[17] D. J. A. Clines (ed.), *The Concise Dictionary of Classical Hebrew* (Sheffield 2009) p. 299; M. Jastrow, *Dictionary of the Targumim, the Talmud Babliand Yerushalmi and the Midrashic Literature* (Peabody: Mass. 2003) p. 1000–1. J. Newman: *Semikhah (ordination): A Study of its Origin, History, and Function in Rabbinic Literature* (Manchester 1950) p. 117–18. The word also has other meanings such as laying hands to signify an offering.

[18] See for the Jewish tradition in the Old Testament, Genesis, 48.13–18; Numbers, 27.18–23. In the first example Israel performs a blessing on the sons of Joseph by laying his hands on the heads of Ephraim and Manasseh. He eventually choses Ephraim with the placing of his right hand on his head. The ceremony of 'laying of hands' by Moses on Joshua appears to indicate the installation or appointment of a successor as Moses transfers his authority to Joshua. In 1 Samuel 11.32, again it used by Saul to pass on the leadership to David. In some of the references there is an element of the spirit being passed as part of the ceremony. In all occasions the procedure is concerned with the choice of a new person or indicates changing position for the person. See also Philo, *Praem.* 54 (βασιλεὺς ὑπὸ θεοῦ χειροτηθείς). Similar usage of the term is found in the New Testament in 1 Timothy 4.14; Acts 6.6.

[19] Exodus 28.41 'the hands were anointed and then they could minister in the priestly office'. In the Judaic tradition, anointing or pouring oil on the head was used when choosing a leader or successor to express the symbolic act of the person's changing position in society.

[20] LXX or the (Latin), *Septuagint*, the Old Testament translated from Hebrew into Greek (koine). T. Rajak, *Translation and Surrvival: the Greek Bible of the Ancient Jewish Diaspora* (Oxford; New York 2009); J. M. Dimes, *The Septuagint* (ed.), M. A. Knibb (London 2004); J. Joosten, *Collected Studies on the Septuagint: from Language to Interpretation* (Tübingen 2012).

[21] The Greek (χειροτονη\ειζ) is found in both *Septuagint*, 2 Corinthians, 8.19, and the *Latin Vulgate*. F. W. Danker, *A Greek–English Lexicon of the New Testament and Other Early Christian Literature* (3rd ed.), based on W. Bauer's *Griechisch–deutsches Wörterbuch du den Schriften des Neuen Testaments und der frühchristlichen Literatur* (5th ed.), K. Aland, B. A. V. Reichman (eds.). On the previous English see W. F. Arndt, E. W. Gringrich and F. W. Danker (eds.) (Chicago, London 2000); C. T. Lewis and C. Short, *Latin Dictionary* (Oxford 1966); S.-E. Brodd, 'Consecration' in *The Encyclopaedia of Christianity,* vol. III; E. Falbusch, J. M. Lochman, J. Mbeti, J. Perkins (eds.), trans. G. W. Bromiley (Leiden, Boston, Cambridge, Grand Rapids, Köln 2003) p. 840. This encyclopaedia has the progress and development of terminology connected to ordination in the most detail.

which has a number of meanings but was mostly used to express 'to authorise' or 'appoint' (specifically in relation to church elders or presbyters).[22]

The inherited terminology and procedural traditions from Judaism and the Greek language of early Christianity found in the first century were used in combination with the institutional language previously connected to Roman judicial, legal, senatorial and military administrative usages. These were adopted and absorbed into the language relating to the installation of leaders by the early Christians. The ideas encompassed in the words 'appoint', 'nominate', and 'a blessing by the laying of hands' are all compatible acts. However, what they symbolised varied and thus they can found expressing a number of different functions. This variable terminology found in the first texts for appointment of leaders points to a degree of confusion and requires some consideration in any investigation. For example, the term 'ordination' is used to indicate three different actions of appointment, election and blessing, by which a man such as a bishop was promoted.[23] I have thus separated the three terms and procedures into 'ordination' or 'to ordain', 'election' or 'to elect', and 'consecration' or 'to consecrate'. I aim to examine the differences in their meaning and context, their tradition and usage, in order to understand exactly what the different terms signified in the sixth and seventh centuries.

Legitimacy and authority are closely connected to institutional practices which govern the orders of ecclesiastical hierarchy. The language and symbolic procedure of ordination was a ritual through which the legitimacy of the candidate for each individual church was established. Christian doctrine, which includes the appointment of bishops who carry out the ordination of their clergy, was considered by Christian thinkers to be an unchanged transmission of the Christian principles received first by the apostles from Christ and by Christ ultimately from

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[22] Tit. 1. 5–6.

[23] *Ordinatio, ordinare*, or *electio, lego,* thus *adlectio* can also mean 'promoted' or 'elected' into a rank, or being between a rank in the Roman Empire in both administrative and military terms. Cicero *Philipic*. 4, 6.16; M. Anton. *Philipic*. VII.5.15: …*quantum dedicus, quanta labes dicere in hoc ordine sententium M. Antonium consulari locum….*; Pliny, *Epistles*, vol. II, 8.24.8; …*si ordinatio eueusione*, …; 9.28.4; …*cum certius de vitae nostrae ordinatione aliquid audieri*; *Pangyricus*, LXII.1 ...*ut illa ipsa ordinatio comitiorum bene ac feliciter eueniret Nobis Rei Publicae…*

God.[24] The sacred power attached to the procedure of episcopal appointment was written about and considered to be connected to apostolic succession.[25] Each time the ceremony of ordination and its accompanying liturgy was performed it was a reminder to the wider community of the church of the first emblematic procedure, namely the installation of the apostles into Christian ministry by Jesus. The first symbolic appointments were consequently connected to the discipline that guided the ecclesiastical hierarchy. Subsequent episcopal procedures which appointed bishops reproduced and signified apostolic succession. The ordination ceremony transformed that ideal of the first apostles, one that had been written about and practised over centuries, into a contemporary reality. By the end of the third century ordination had become an essential element of participation in the ecclesiastical hierarchy. When secular men entered into the ecclesiastical hierarchy they were transformed from laymen to the priesthood by the procedure of ordination. When these men became bishops they were also appointed by the ritual of ordination.

### 3.2.2 Language and ritual

The institutional language of the church, once established, was connected to symbolic rituals. It was then used to endow spiritual authority in the priestly hierarchy and episcopate. The procedure and its terminology held special significance for the institution, ranging from the lowest orders who are characterised in poststructural terms as 'the speakers' who say the words and 'the receivers' who have the rite performed over them. The words used throughout the history of the ecclesiastical hierarchy became the specialised terms that applied to the symbolic rituals of leadership installation.[26]

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[24] Tertullian, *De praescriptione haereticorum,* XXI.6, *Traité de la prescription contre les hérétiques,* 'It remains, then, that we demonstrate whether this doctrine of ours, of which we have now given the rule, has its origin in the tradition of the apostles, and whether all other *doctrines* do not *ipso facto* proceed from falsehood.' Tertullian, *De praescriptione haereticorum*, commentary R.F. Refoulé, trans. P. de Labriolle (Paris 1957); *Adv. Marcionem* (ed.), trans. E. Evans (Oxford 1972), IV, 2. Episcopal 'succession' is the tangible evidence of this tradition; it guarantees the authenticity of belief and the permanence of apostolic authority in the church.
[25] Eusebius *EH,* 1.1 (300 AD). 'It is my purpose to write an account of the successions of the holy apostles … and to mention those who have governed and presided over the Church in the most prominent parishes, and those who in each generation have proclaimed the divine word either orally or in writing'.
[26] P. Bourdieu, 'Authorized Language:*'* p. 107–9.

One model by which we may examine the construction of episcopal authority and its connection to the appointment of ecclesiastical leaders is the theoretical understanding of its language and religious rituals. These are open to analysis using linguistic and social approaches.[27] The symbolic rituals and their accompanying language were first passed down as examples of discipline that duplicated the language and procedures used by the earliest known Christians leaders, the apostles. The terminology of the procedures was established in texts by early ecclesiastical writers as well as the first prescriptive canon law and later liturgy. There are a number of ways to examine this terminology.

The terminology of episcopal appointment may be said to be of a 'performative' nature. The words 'I' or 'we' 'ordain' have the power not only to imply the act but also to perform the action required to carry out the procedure. Butler has considered 'performative' speech as 'the action echoes prior actions, and accumulates the force of authority through the repetition or citation of a prior or authoritative set of practices. It is not simply that the speech act takes place within a practice, but that the act itself is a ritualized practice.'[28] Bourdieu has argued against Austin's anthropological theory of 'performative' speech, on which Butler relies. He argues that within all organisations there is an inherent rhetorical discourse, and this is perceived as the authorised language that is used in formal and official situations and is connected with the boundary or scope of group representation within the institution. In the case of appointments to any office, it is the group authority of the acknowledged institution that instils the authority on the office-holder. Bourdieu adds that it may also be the sole driving force of the regulations of an institution to authorise, to bring about the action, and accomplish it in an acknowledged manner.[29]

Garipzanov examines the king's symbolic language in the Carolingian period. He argues that the repetition of royal institutional language was essential to the sovereign's power because

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[27] J. Butler, *Excitable Speech: A Politics of the Performative* (New York, London 1996) p. 7; 157–9; J. Butler, 'Performativity – Social Magic,' in R. Shusterman (ed.), *Bourdieu a Critical Reader* (Oxford 1999) p. 128. For Butler, 'performative' behaviour has at least two major dimensions. Butler asserts that 'the anticipation of an authoritative disclosure of meaning is the means by which the authority is attributed and installed: the anticipation conjures its object ... an expectation that ends up producing the very phenomenon that it anticipates. The anticipated (it may not be the real) audience shapes the performance.'

[28] Butler, *Excitable Speech,* p. 51.

[29] P. L. Austin, *How to Do Things with Words* (Oxford 1962); Bourdieu, **'**Authorized Language:' p. 107–26.

by its repetitive nature it became visible as customary or regular and thus made regal authority a fundamental 'part of the socio-political landscape'.[30] A similar argument has been propounded by Harries using the same theory with regard to Roman civil law. Harries argues that the repetitive issuing of edicts by consecutive emperors in a variety of places both enhances the authority of the Empire and further legitimises the Roman leaders.[31] If we apply these two theoretical models to the extant evidence, we can see that from the early church councils, each time the procedure was promulgated with the same terminology in the canon law its authority was enhanced.

### 3.2.3 The development of the terminology of ordination

My exploration into the use and the meaning of the words used for 'ordination' in both early Greek and Latin terminology will examine how the traditions were established through the specific terminology from its earliest usage up to the point when it was used in Gaul and other regions under Roman authority. This in turn will show how the procedure of ordination was developed and first structured into a rite of initiation that enhanced and ultimately established both ecclesiastical and spiritual authority.

The Latin term *ordo* (which is linked to τάξις) with the verbal forms *ordino, ordinare*, and the noun *ordinatio* was designated as 'rank' or 'rule' and was used previously in a number of contexts in the Roman Republic, Empire and later ecclesiastical tradition.[32] These were found

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[30] I. Garipzanov, *The Symbolic Language of Authority*, p .26–7. Garipzanov uses the theory of '*habitus*' as a basis for his argument on the repetitive enactments of royal liturgy and its frequent usage, especially for particular titles and signs within the liturgies, that unite the king's court with both the elites and the common (free) citizens. He argues that the symbolic language of regal authority is integrated by this repetitive use and is established by its relationship to the 'sociopolitical *habitus* as it 'dealt with the language of domination, submission and legitimation.'

[31] Harries, *Law and Empire* p. 56–7. See further discussion later in this chapter.

[32] This term *ordo* was used in both the Roman Republic and later pre-Christian Roman Empire, as an administrative and military term in respect of a specific order or rank such as *ordo senatorius, equester*, and *plebeius*. See P. Nixon. Plautus, *The Comedies of Plautus* (Cambridge, Mass., 1960–6), vol. 2, Plaut. *Aul.* 2, 2, 232: '*et te utar iniquiore et meus me ordo inrideat*'; Cic. *Clu.* 37, 104; *Cuius erat ordinis? Senatorii*; Cic. *Dom.* 28, 74: *Proximus est huic dignitati ordo equester…*; Cic. *Phil.* 2. 2: *qui ordo clarissimis civibus bene gestae rei publicae testimonium multis.*; J. C. Rolfe (ed.), Suetonius, *The Lives of the Caesars*, trans. (London, 1914, 1970) vols. I–II, Suet. *Aug.* 14: *Nam cum spectaculo ludorum gregarium militem in quattuordecim ordinibus sedentem excitari per apparitorem*; Vit. 11.2: *comitia in decem annos ordinavit seque perpetuum consulem*; Dom. IV.2: *cur sibi virum esset ordinatione proxima Aegypto praeficere Maecium Rufum*; Vesp. 23.2: *ipsum candidatum ad se vocavit; exactaque pecunia, quantam is cum suffragatore suo pepigerat, sine mora ordinavit; interpellanti mox ministro*.

commonly to be used in civil administration in a variety of fields where such language was connected to the authority of those institutions. The term *ordo* was also used to designate an institution such as the army or a legally formed group such as the senatorial order. This institution was ultimately to act as one unit able to perform an authoritarian function over the people of a lower social or military level.[33] It was also used to designate an 'order' or rank or class, and in a military context a band or troop of soldiers, command or captaincy. Similarly the same expression was used in connection with an order in society and rank in the senate (for example *splendissimus ordo*). When it was adopted for the later usage by the church, it referred to an order in the church or an ecclesiastical rank.[34] It is easy to see how this military or civil term for indicating a hierarchical structured group with direct imperial authority became the term chosen by the early church.

The Latin terminology so far discussed had a distinctly authoritarian and legal sense. The church through adopting the previous Latin terms used in senatorial, judicial and military administration attained a similar sense of authority. We find the usage of *ordo* for senatorial or equestrian rank attached in this way to the authority and legitimacy of appointment into a particular grade. The same terms were later absorbed into the ecclesiastical terminology for ordination into the ecclesiastical hierarchy, and the accompanying authority and legitimacy were thus attached to the practices. The same vocabulary appropriated by the early Christians was similarly closely connected to the ideas expressed in the Roman social strata and judicial usage. The identical terminology encompassing the same ideals was used to confirm the rank of the ecclesiastical leaders who had authority over a specific institution: the church and its community. The term *ordo* was first used in this particular way in reference to the ecclesiastical order by Tertullian. [35] Van Beneden argues that prior to this the word was not employed for an

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[33] Lewis and Short, *A Latin Dictionary*, p. 1277, *The Encyclopaedia of Christianity*, p. 840.

[34] Lewis and Short, *A Latin Dictionary*, p. 1277–8. There are examples in early religious usage in the *Vulgate,* 2 *Esdr.* 13, 30.

[35] *The Encyclopaedia of Christianity,* vol. III, p. 840; Clement, *Epistulae ad Corinthios,* G. F. Diercks. (ed.), CCSL, vol. 3B–D (Turnhout 1994), Clement, *Epistula ad Corinthios,* 44.2–4; M. Stamforth (ed.), *Early Christian Writings: The Apostolic Fathers*, trans. A. Louth (London 1987) p. 41. Certainly Clement discusses both episcopal and other ecclesiastical appointments using καθίστημι as well as ministry, λειτουργίν, and succession. See also, although only fragmentary Greek text is available, Irenaeus, *Adversus Haereses*, III, 2; IV 8.3, in The Latin Library (Turnhout 2010), at http://clt.brepolis.net/llta/pages/Toc.aspx?ctx=905260, Irenaeus of Lyons, *Against the heresies,* D. J. Unger trans. revised J. J. Dillon (New York 1992); T. D. Barnes, *Tertullian: A Literary and Historical Study* (Oxford 1971) p. 26; 68, 194–5. Tertullian, who was born in North Africa, wrote three works in Greek so he would have

ecclesiastical purpose and that Tertullian was the originator of this specific terminology. He notes Tertullian's occupation as a jurist and his ability to communicate in both Greek and Latin, and comments that the latter language was influenced by his first language, Greek. Noll however, argues that Tertullian's first language was Latin. Tertullian who lived in Carthage would have understood both Greek and Latin but chose to write in Latin. [36] It is worth noting that Augustine, who also resided there, was not considered to be strong in Greek.[37]

An analysis of early canon law reveals that the verb *ordinare* was used most often to refer to the action performed to install a bishop. Van Benedon states that the verb *ordinare* was used generally but *consecrare* was reserved for episcopal installation, however his article only examines the terminology up to 313. In the period after 500, when the terms *consecrare* or *consecratio* were examined in the *acta,* I found that the terms *ordinare* or *ordinatio* were more commonly used in episcopal installation. [38]

The ecclesiastical Latin vocabulary used most frequently to express episcopal appointment was either the noun *ordinatio* or the verb *ordino*. O*rdinatio* was also used and interpreted differently for other types of installation. For example, in the case of the ordination of bishops, many of these men had already gone through what was termed an ordination ceremony as priests (presbyters) some time prior to their ordination as bishops. A further confusion arises when we consider the terminology of admission to the priesthood or minor orders, which is also described in most cases as ordination. Deacons (considered a secular arm of the orders) were seen dealing with those elements of the bishop's matters not connected to liturgy, doctrine or other religious functions, although they too were termed ordained.[39]

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understood the use of τάξις as the same for the Latin *ordo*. He later became a lawyer in Rome where he would have also have had to understand the term. Similarly other earlier ecclesiastical writers apart from Tertullian, Clement of Rome and Irenaeus of Lyons, are quoted as using the terms τάξις and τάγμα in connection with the foundation of ecclesiastical institutions. Barnes writes that Tertullian may have had a Greek education in Carthage, and his theology may have been influenced by Greek philosophers as well as legal terminology.

[36] Van Beneden, *Aux origines d'une terminologie sacramentelle*, p. 15–17; M. A. Noll, *Turning Points: Decisive Moments in the History of Christianity* (Grand Rapids: MI. 2012) p. 61. T. Barnes, *Tertullian*.

[37] W. S. Babcock, 'Augustine's Interpretation of Romans (A.D. 394–396),' *Augustinian Studies* 10 (1979), 5–74.

[38] Van Beneden, '*Aux origines d'une terminologie sacramentelle,*' p. ix. See also chapter 4, 5 and 6 for a more detailed study and conclusion on the findings of this study for the sixth and seventh centuries.

[39] G. Dunn, 'Deacons in the early fifth century: Canonical developments under Innocent I,' in *Diakonia, Diaconiæ, Diaconato. Semantica e storia nei padri della Chiesa* (xxxviii Incontro di studiosi dell'antichità cristiana, Roma 7–9 maggio 2009), Studia Ephemeridis Augustinianum 117 (Rome 2010) p. 331–40;

The first writing concerned with appointments of leaders in the church, which is usually linked in the manuscripts to the name Hippolytus, contained disciplinary church orders and liturgy and was dated to before the middle of the third century.[40]As mentioned above the Greek terms χειροτονέω and χειροθεσία signify the 'laying on of hands' or in patristic terms 'a blessing'.[41] Bradshaw argues that in the first centuries it is possible only presbyters were responsible for the laying of hands since bishops were omitted from one of the texts of the prayer after the ordination.[42] This might be one reason for the omission or only cursory mention of bishops at the end of the text. The participation of bishops was later added and for the presbyters only their presence was then required. This was because the position of presbyters changed and they no longer acted as the primary leaders of the church. Several of the sources from the period state that the presbyters 'were to stand by quietly' while the bishop performed the procedure.[43] The process of clarification of disciplinary rules and the authority of bishops developed over the next two centuries.

To judge from the Greek term, χειροτονέω the other component of the process of appointment apart from ordination was the choosing or electing of the candidate which may be understood as 'election or a show of hands'. These two expressions indicate the way ordination and possibly election terminology progressed in the early church; that is, the show of hands perhaps as an act of nomination or voting on a particular candidate and then the laying of hands over the person about to be installed.[44] The election by the people and ordination took place

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G. Dunn,' The clerical *Cursus Honorum* in the Late Antique Roman Church,' in *Scrinium* 9 (2013), 122–3. Dunn argues that deacons were paid more than presbyters and that 'their role was administrative and financial.' His article also highlights the practice of sending deacons to carry letters and as representatives of bishops, p. 356.

[40] The connection with the man Hippolytus is complex and has extensive scholarship. In one source Hippolytus was said to be associated with the apostles. Palladius, *The Lausiac history Of Palladius,* trans. W. K. Lowther Clarke (London 1918), LXV. However, the reference to this association is found in this fourth century source.

[41] *The Encyclopaedia of Christianity,* p. 840.

[42] P. F. Bradshaw, 'The participation of other bishops in the ordination of a bishop in the *Apostolic* Tradition of Hippolytus,' *Studia. Patristica* 18, 2 (1989) p. 335–8; Phil. 1; Tim. 3; Ephes. 4; Cor. 3.5; *Clement letter to the Corinthians*. Certainly *co–episcopus* and bishops were mentioned in the New Testament but whether they had the same status within the church is debatable. The second century saw more related references to bishops as leaders of the church as mentioned by Eusebius, Chrysostom and Tertullian.

[43] See P. F. Bradshaw, M. E. Johnson and L. E. Phillips *The Apostolic Tradition: A Commentary,* P. Attridge (ed.) (Minneapolis 2002) p. 24–7 for translation and commentary; *the Apostolic Constitutions* and *Testamentum Domini* state 'the remaining bishops and presbyters pray silently' and 'the presbyters stand besides'. Only *The Canons of Hippolytus* states 'they are to choose one of the bishops or presbyters; he lays his hand on the head'.

[44] See Chapter 6 for further discussion on the early terminology and place of consecration in *The Canons of Hippolytus.* G. Dix and H. Chadwick, *Apostolike Paradosis*: *The Treatise on the Apostolic Tradition of St Hippolytus of Rome* (London 1992) p. 3. This translation is suggested, 'Let the bishops lay hands on him saying:

within the same week. The ordination occurred on the following Sunday when the community gathered together in the church.[45] This became the accepted process in both the Eastern ceremonies, particularly Syrian and Egyptian churches, and some Western churches.[46] However where there was only mention of ordination in the sources we have to assume this includes the election.

By the first quarter of the third century the Latin verb *ordinare* or the cognates of the noun *ordinatio* began to be used by Christians in the West to replace the Greek term χειροτονία, to indicate appointment or installation. *Cheirotonia* (χειροτονία) was still used in the Greek speaking areas of the empire.[47] The original significance of the terms used is evident. The word *ordo* in one sense indicates a process of moving upwards from one status to another and thus the terminology retained its secular or legal sense, that of moving from one rank to another. In an ecclesiastical context it signified the transformation from lay status into the priesthood. It was also used in the case of rising from the priesthood to the higher rank of the episcopate. As already discussed, the noun *ordinatio* and verb *ordinare* were previously in common use for Roman governmental administrative purposes and it seems a natural progression for the church to adopt this terminology for its own hierarchical administration. The term *ordinatio* at this time

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"we lay hands on the servant of god, who has been chosen in the spirit by the true and pious appointment of the Church, which alone has the principality….," After this period one bishop, commanded by the other bishops, shall lay his hands on him saying his calling of appointment thus.'

[45] Dix and Chadwick, *Apostolike,* p. 2–3. This footnote states within one week of his ordination. *1. Episcopus ordinetur electus ab omni populo; 2. Quique cum nominatus fuerit et placuerit omnibus convenient populum una cum praesbyterio et qui praesentes fuerint episcopi, die dominica.* See J. Black, 'Questions on Ordination, the Mass, and the Office in Guerric of Saint–Questin's' in K. G. Cushing and R. F. Gyug (eds.), *Ritual, Law and Text: Studies in Medieval Canon Law and Liturgy presented to Roger E.Reynolds* (Aldershot 2004) p. 67–81. Black argues that the procedure for later ordinations (13th century) took place on Saturdays.

[46] *Didasculae apostolorum, Canonum ecclesiasticorum*, *Traditionis apostolicae versiones Latinae, recensuit*, E. Tidner (Berlin 1963); Hippolytus; Bradshaw, *The Canons,* p. 7; 12; commentary. The tradition states that these 38 canons were dated 170–236 CE and occurred in Arabic but now it has been argued by R. Coquin that they were originally translated from the Coptic which was previously translated from the Greek. Commented on in the 'Canonical Collections,' C. Munier, 'Canons of Hippolytus,' P. Nautin, *Encyclopaedia of the Early Church* vol. I (New York 1992), A. di Beradino (ed.), trans. A. Watford, p. 141–3; R.–G. Coquin, *Les canons d'Hippolyte* (Paris 1996) p. 54–6. It is noted that there are difficulties with both the date and some additions from a later period in the newer translated text.

[47] In the work of Jerome the reference is found to a problem with an ordination. Jerome *Contra Ioannem*, 4: *Quando autem coeptum est de ordinatione Pauliniani, et aliorum qui cum eo sunt, ventilari, videntes se reprehendi, cum propter charitatem atque concordiam concederentur eis omnia; hoc autem solum expeteretur, ut licet ab aliis contra regulas ordinati essent, tamen subiicerentur Ecclesiae De;.* Adversus Iovinianum Hieronymus [electronic resource] Library of Latin Texts (Turnhout 2010), accessed on 21/08/2011 http://clt.brepolis.net/llta/pages/Toc.aspx?ctx=857869.

also signified a setting in order, arranging in order, or a regulation.[48] *Ordinatio* was also previously used in the context of the installation of magistrates and governors as well as in reference to a decree or edict promulgated by an emperor.[49]

As the church grew into an organised body, it appropriated some ideas from its early beginnings in Judaism. It also adopted concepts found in imperial institutions. It began to utilise the terminology appropriate to those religious, cultural and administrative institutions from which the terminology emerged. From the second century onwards the term 'ordination' or 'to ordain' began to have another connotation, a Christian one, in addition to that used in imperial administration. While the term was used in the installation of the hierarchy of the church, it still continued to be used for the installation of different members of the secular corps and in legal contexts. This adds weight to the theory that a more formal legal usage was developing in the establishment of the church as it became an accepted religion of the Roman Empire after Constantine.[50] In the East, the churches of Armenia, together with the Coptic, East Syrian and a variety of other Byzantine communities developed differently, adding or discarding various procedures and liturgical practices as they developed and changed from the simpler ancient traditions.[51]

## 3.3 Episcopal installation

### 3.3.1 Procedures for episcopal installation — second to fourth century

The Christians in different areas of the Roman Empire began to write about orthodoxy and the rites involved in the establishment of the church from the second century onwards. They sought to legitimise their own authority through rituals while at the same time defending Christianity

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[48] Lewis and Short, *A Latin Dictionary,* p. 1277; *The Encyclopaedia of Christianity*, p. 840. For references to earlier non-Christian usage of the noun *ordinatio* for an ordering, regulating, orderly arrangement see Suetonius, *Aug.* 17; 13: *donec desideria militum ordinarentur; in cuius ordinatione Sextilem mensem.* It could also denote an ordering of state of affairs. Pliny, *Epistles,* 9, 28,4, for reference to the orderly arrangement of state affairs.

[49] For references to an appointment to office or the installation of a magistrate see Suetonius, *Domitian*, 4. For a reference to its use to express the emperor's decree, regulation or edict see Pliny, *Epistles,* 10, 58.10: *Cum rerum omnium ordinatio, quae prioribus temporibus incohatae consummatae sunt, observanda sit, tum epistulis etiam Domitiani standum est.*

[50] At this time Latin was used for legal and military terminology.

[51] Gryson, 'Les Elections Episcopales en Orient,' p. 301–44; Bradshaw, *Ordination rites of the ancient churches of the East and West,* p. 5–14; 127–201.

first against pagan and then heretical practices. Early writers on the institution of the church institution were Clement of Alexandria (150–215), Tertullian (160–225), Origen (185–252), and later Ambrose (340–397). All these authors note that the ritual of ordination had a holy function that worked to transform a person. They perceived that a person who intended to enter office in church was an ordinary person with no special qualities before his benediction (ordination). However, once he was sanctified with the spirit of God he was different to a lay person. He became 'a guide, president, a teacher of righteousness, an instructor of mysteries' and although his outward appearance may have remained the same 'by some unseen power and grace the soul is transformed for the better.' [52]

Origen writes that the leaders of the church should not expect to designate leaders in a testimony who were their relatives. In choosing a successor they should not to use money or the acclaim of the crowd but instead select someone who was revealed by God to be equal to the task.[53] Cyprian (bishop from 249–258) asserts that this was regarded as a divine right.[54] John Chrysostom (347–407) explains how the procedure involved the laying of hands by which the Holy Spirit was conferred upon the candidate. The process allowed the bishop then to have the authority to pass that same Holy Spirit on to others. The symbolic act of the laying on hands indicates through its delivery that the recipient gains ecclesiastical authority, indicating specifically his agreement to spread the word of the gospel and to practise its tenets.[55]

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[52] Botte, *Hippolytus of Rome* (180–230), *La Tradition apostolique, après les anciennes versions de Hippolyte de Rome* (ed.) (Paris 1968) p. 7–20; Tertullian, *De baptismo* (197–230), 27; *CCL.* I, 291–292; E. Evans, *Homily on Baptism* (London 1964), cap. 7; Origen (203–250), *Homilies in Leviticus* trans. G.W. Barkley (Washington 1990), *Homilies in Leviticus,* VIII.4; *Homélies, sur le Lévitique,* Latin text, introduction and trans., M. Borret (Paris. 1981), Clement (182–202), *Adumbratio,* in I Pt., *PG* 9, 730, Ambrose (339–397), *Expos. In Luc,* V, 33; p. 195; VIII, 52–53, p. 417. All of these early Christian authors writing before the Council of Nicaea discuss the difference between the ordained and the layperson.

[53] Schek, Origen, *Homily in Numbe*rs (Downers Grove 2009), 13.4; Origen, *Homily in Numbers. PG.*13.4, Migne, 12.

[54] Cyprian, *Epistle,* IV.5, *PL.* vol. 50, 454–435.

[55] P. Schaff, *A Select Library of the Nicene and Post–Nicene Fathersof the Christian Church,* vol. XI (Michigan 1889), Saint John Chrysostomen, *Homilies On the Acts of the Apostles and the Epistle to the Romans, Homily* p. 171–3, *Homilies on the Acts of the Apostles,* 14.3. 14. V.34. Chrysostom refers to the descent of the spirit when the hands are imposed in baptism and other ceremonies. However for ordination the meaning of χειροτονία is explained as 'putting forth the hand,' or 'in ordination: the hand of the man is laid upon (him)'. *Homily* XIV on Acts 5.34. It is said that 'the whole work is of God, and it is His hand which toucheth the head of the one ordained, if he be duly ordained. And the word of God increased and the number of the disciples multiplied'. (5.7).

If we consider other terminology used for Church leadership appointment in the work of the early Christian writers, nowhere in his work does Tertullian mention the term 'consecration' in the context of episcopal consecration. Similarly, Cyprian uses the noun *ordinatio* or the verb *ordinare* rather than *consecratio* or *consecrare* when discussing episcopal appointment. Ambrose only refers to *consecratio* in connection with the sacraments, dedication of objects and the dedication of virgins to God in the church.[56] We surmise from this evidence that the idea of episcopal *consecratio* had not yet been developed in the sense that it came to have in later periods. It must be noted that in this early period the term *ordinare* or *ordinatio* was not only reserved for use with bishops; presbyters, deacons and other clerics were also ordained. There appears no reference to confirm that *consecratio* involved the imposition of the hands. Furthermore, there is no indication in the writings of the early church fathers or any discussion for that matter, that consecratio represented the imposition of hands. [57]

At the same time as the early Christian leaders were writing of the first installation of leaders of the church, certain groups of formalised texts that specifically set out the parameters for episcopal ordination appeared. The most important one, and the origin of many of the later texts, was the *Apostolic Constitutions*. This text includes an account of the ceremony of ordination.[58] As already noted, the procedure of 'ordination' was considered to continue the apostolic succession. The rite of ordination was transmitted from the first apostles to those men who were later made the first leaders of the church, and thus in adherence to the procedure the

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[56] *Library of Latin Texts Series A* (Turnhout 2010), http://www.brepols.net/publishers/pdf/Brepolis, accessed 16/05/2011; Tertullian, *Apology,* XVI. 36; V.1; A. Roberts and J. Donaldson (eds.), *The Ante–Nicene Fathers,* Tertullian, vol III (Edinburgh 1989) p. 22. 30, 62; Tertullian, *De idolatria*, III; Cyprian, *Epistulae*, 56.1; 67.2, 4, 5; Clarke, *The Letters* (1984–1989) p. 43–4, 46, 47; Ambrose *De spiritu sancto,*1.7.88; 2.14; *De Mysteriis*, 1.14; 5.26; 7.40; 9.50, 52,54; *Epistulae,*17.14;. B. Botte, Ambroise de Milan, *Des sacrements; Des mystères; Explication du symbole*, Source chrétiennes 25, trans. (Paris 1980). In several examples from Ambrose the term is used to indicate another usage although the term 'consecrate' serves to indicate a similar idea, with the descent of God during a rite where consecration is used: Ambrose *De Spiritu Sancta*, 1.7.88: *…quae nostris futura temporibus aquas sacerdotalibus inuocata precibus consecraret…,* translation 'and should consecrate the waters when invoked by the prayers of the priest'. Similarly found at Ambrose *De mysteriis,* 7.40. Botte, *Ambrose*, p. 110. In the case of Cyprian he is writing specifically about the appointment of bishops in the sections noted above but never refers to consecration. Augustine, *Epistles,* 138.2.10 in Schaff, *Nicene Fathers,* vol. I, Augustine, *Letters*, p. 481. Similarly, in the work of Augustine where the term consecration is found it was also used in a different context.
[57] I found only one reference to the imposition of hands. See Cyprian, *Epistles.* 67.5.
[58] Bradshaw, et al., *The Apostolic Tradition: A Commentary,* p. 1. Bradshaw comments that this text was previously called the Ethiopic version of the *Apostolic Constitutions,* later in 1891 it was named the Egyptian church order considering it to be derived from from the *Canons of Hippolytus* by H. Achelis, *Die ältesten Quellen de orientalischen Kirchenrechts* vol. 1 *Canones Hippolyti* (TU 6/4; Leipzig 1891) p. 26.

tradition was perpetuated. [59] However the establishment of a direct link between the first installation of leaders by the apostles and the contemporary bishops of Gaul in this period is tentative. [60] Duchesne, Davies, Botte, Coquin and Bradshaw state that the first installation of leaders of the church was mentioned in the several letters of the New Testament and later formalised and documented in the *Apostolic Traditions* thought to be the work of Hippolytus. [61] The work supposedly blended parts of the *Didascalia Apostolorum, Apostolic Canons,* [62] the *Apostolic Church Order,* the *Constitutions of Hippolytus* and the *Canons of Hippolytus.* [63] The latter text contains 38 canons translated into Latin from other languages. [64] The ideas being advanced were the first ideals of the ecclesiastical institution and its hierarchy. They were examined, written down and then established in church councils and texts.

The source that is now called the *Apostolic Traditions* has some parts which were transmitted from a source categorised as (Q). [65] The source (Q) was originally written in Greek and is not extant. It is a hypothesised text constructed from the remaining fragments that were thought to be the sayings of Jesus. [66] Later texts that were based on the *Apostolic Traditions* came

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[59] H. Campenhausen. *Ecclesiastical Authority and Spiritual Power in the Church of the First Three Centuries,* trans., J. A. Baker (London 1969) p. 77–84.

[60] A. von Harnack, *The Mission and Expansion of Christianity* (Gloucester, Mass., 1972, first published in Berlin 1906), trans., J. Moffat, p. 448; Campenhausen, *Ecclesiastical Authority,* p. 232; 241; See also the expansive scholarship with regard to this topic in F. L. Cross and E. A. Livingstone, *Dictionary of the Christian Church* (eds.), 3rd ed. (Peabody: Mass. 1997) p. 91; F. A. Sullivan, *From Apostles to Bishops: the Development of the Episcopy in the Early Church* (New York 2001) p. 223.

[61] L. Duchesne, *Early History of the Christian Church* (London 1965) p. 21–5; 54; 388; J. G. Davies, *The Early Christian Church,: A History of the First Five Centuries* (Grand Rapids: Mich. 1965) p. 53–7; 170–1; Coquin, *Les Canons d'Hippolyte,* p. 54–60; Botte, *'L'origine des Canons d'Hippolyte, in Mélange en l'honneur de Mgr. Michel Andrieu,* p. 53–63; P. F. Bradshaw, *The Canons of Hippolytus* (ed.) (Bramcote 1987), canon 2, p. 11–12; 1 Timothy 3. The first appointments were depicted in the church when St Paul sent Timothy to lead the Christians in Asia and Titus to lead Christians on Crete. They were called bishops and were able to appoint other clerics (leaders) of a province. A. Brent, *Hippolytus and the Roman Church in the Third Century,*(Leiden, New York, Cologne 1995), *Vigiliae Christianae* vol. XXXI, Ch. VII, p. 458–535. Brent systematically discusses the past and current arguments relating to the idea of direct succession from the apostles.

[62] Hefele, *A History of the Councils,* vol. I, p. 458. The text here states in the Greek: Canon 1. Ἐπίσκοπος χειροτονείσθω ὑπὸ ἐπισκύπων δύο ἢ τρῶν. The Latin translation is also short: '*Episcopus a duobus aut tribus episcopus ordinetur.'*

[63] *Dictionary of the Christian Church,* p. 91; B. Botte, *La Tradition apostolique,* p. 11–13; Bradshaw et al., *The Apostolic Tradition:* p. 2, 24; Bradshaw, *The Canons,* canon 2, p. 11–12.

[64] Bradshaw, *The Canons of Hippolytus,* p. 5. Coquin, *Les Canons d'Hippolyte*, p. 54–60; B Botte, *'L'origine des Canons*, p. 53–63.

[65] Bradshaw et al., *The Apostolic Tradition: A Commentary,* p. 1–3; E. Fergus 'Ordination in the Ancient Church,' *Restoration Quarterly* 5(1), (1961), 17–32.

[66] F. L. Cross (ed.), *The Oxford Dictionary of the Christian Church* (New York, Oxford. 2005), found in the document labelled 'q'.

from Egypt. They were translated into Coptic (Boharic and Sahidic dialect).[67] The later texts mentioned in a tentative chronological order of appearance are: *The Apostolic Constitutions* (probably originating in Syria, dated 375–380), *The Canons of Hippolytus* extant in the Arabic version, and *Testamentum Domini* (extant in Syriac, Arabic and Ethiopian versions, dated from second half of the fifth century).[68] All these versions originate in the East and indicate a growing interest in formalisation of the discipline and liturgy connected to the installation to office within the church.

Botte dates the writing of *The Canons of Hippolytus* between 350 and 400.[69] Bradshaw initially considers that this text was written in the late fourth century.[70] In the *Canons of Hippolytus* canon 4 states that the only differences between a bishop and priest on his ordination are that the bishop has the authority to ordain and also has the throne.[71] Since 2002, when Bradshaw, Johnson and Phillips re-examined the text of *The Apostolic Tradition*, the origins and dating of this source have been questioned.)[72] In their recent examination of all extant texts (found in a variety of manuscripts), they conclude that 'the question of identity, authorship, date and provenance cannot, however, be considered definitively.' This exemplary study with commentaries has resulted in a number of new tentative conclusions such as the dating, authorship and the geographical areas from which the corpus may have been developed. In short, the *Apostolic Tradition* is now considered to be the work of several authors, from the period 250–359 from a variety of areas. The final text known as *The Apostolic Tradition* was an amalgamation of diverse 'strata' of texts. For example sections such as the prayers for the ordination of presbyters and deacons were added to the original as the procedure developed at

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[67] Bradshaw et al, *The Apostolic Tradition: A Commentary,* p. 1.

[68] *Testamentum Domini* abbreviated to *TD*. Bradshaw et al, *The Apostolic Tradition*, p. 7–9 on the language and the origin of the texts.

[69] B. Botte, 'l'origine des Canons Hippolyte,' *Mélange en l'honneur de Mgr Michel Andrieu* (Strasbourg 1956). p. 53–63; Coquin, *Les Canons d' Hippolyte,* p. 54–61; see also for a more recent examination of dating, Bradshaw et al., *The Apostolic Tradition: A Commentary,* p. 14. There are editions in Greek and Latin of various groups of the texts however these are modern editions that have been translated from the fragments of what was known as the earliest editions. However, the debate continues on the provenance of several of the texts. See more recently, P. F. Bradshaw, *Reconstructing Early Christian Worship* (London 2009) p. 44–50; A. Faivre, *Ordonner la fraternité: Pouvoir d'innover et retour à l'ordre dans l'Église ancienne* (Paris 1992) p. 380–1 for a clearly possible transmission of the various versions and their language and discussion on the varied MSS.

[70] P. F. Bradshaw, *The Search for the Origins of Christian Worship: Sources and Methods for the Study of Early Christianity* (New York 1992) p. 85–7.

[71] Bradshaw, *The Canons of Hippolytus,* canon 4, p. 14.

[72] Bradshaw et al., *The Apostolic Tradition: A Commentary,* p. 16–17.

later dates. Similarly, where it mentions the imposition of hands by attending bishops, this would have been added to earlier texts where previously only presbyters performed the ordination of their leaders.[73]

The formalised written texts discussed above with instructions and liturgy for ordination indicate that, once ordained as a bishop, a man could perform special rites such as the giving of the Eucharist as well as ordaining priests and other members of the ecclesiastical hierarchy. The *Canons of Hippolytus* distinguish three different types of ordination: bishops, presbyters and deacons.[74] In contrast to the powers given with episcopal ordination, the presbyter is not given the power to ordain and the authority to ordain alone rests with the bishop after his ordination.[75] Further, it is noted that 'when the bishop offers the mysteries', indicating that this is another area that remained only in the bishop's authority at this time.[76] The deacon is ordained by the bishop's laying hands on him, but he is installed 'not into the presbyterate' but 'appointed for the *diaconate*'.[77] The prayer for the deacon also mentions the sign of the cross.

The later text of the *Canons of Hippolytus* has four extant canons mentioning ordination; canons 2, 3, 4 and 5.[78] This early placement of canons in the text referring to ordination indicates the importance of the questions and resolutions made on this topic.

> Canon 2: The canon is divided into three sections, the first is called the *election*, the second *the confirmation* and the third the laying of hands upon him and then ordination.
>
> Canon 2 section i: 'Let the bishop be chosen by all the people, let him be without reproach, as it is written concerning him in the apostle. The week when he is ordained all the people and the clergy state "We choose him." There shall be silence in the flock after the approbation and they are to pray for him and say "O God behold him

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[73] Bradshaw et al., *The Apostolic Tradition: A Commentary,* p. 26–7

[74] Bradshaw et al., *The Apostolic Tradition: A Commentary,* p. 27. Note 3–4 comments on the Arabic version (21) and its unusual form of a single person performing the imposition while reciting the prayer which followed the group laying of hands. Further comments note the lack of extant ordination rites from the third and fourth century to compare with, however the rites in the later period have laying of hands by one bishop as written in the *The Canons of Hippolytus.*

[75] Bradshaw, *The Canons of Hippolytus,* p. 11–14; 34

[76] In Hippolytus the mysteries were connected to processes such as confirmation.

[77] Bradshaw et al., *The Apostolic Tradition: A Commentary, Canons of Hippolytus* 5, p. 61–65.

[78] Bradshaw, *The Canons of Hippolytus*, p. 11–14; see also Bradshaw, *Reconstructing,* p. 44–55.

whom you have prepared." They are to choose one of the bishop's presbyters; he lays his hand on his head and prays.'[79]

Canon 3 is titled 'Prayer over him who becomes bishop, and the order of the liturgy.' This includes one section that is relevant to the topic of authority as well as binding this authority to the apostolic succession: 'O God… you who have fixed the boundaries of the church… who have established authorities and powers, look upon … with your power and mighty spirit, which you have given to the holy apostles by our Lord Jesus Christ, your only Son those who have founded the Church in every place, for the honour and glory of your name.'

Canon 3 section v states: 'Give him Lord, the episcopate a merciful spirit and the authority to forgive sins, "according to thy bidding… to loose every bond," according to the authority thou gavest your apostles.' The preceding text sets down the early rules connected to ordination, particularly the authority that is connected to the one who is appointed bishop. [80]

Canons 4 and 5 concern the Eucharist and the use of holy oil when available to be given by the ordaining bishop after his ordination

In the Latin translations of the *Canons of Hippolytus*, canon 2 which concerns the installation of bishops only mentions *consentientibus omnibus, imponant super eum manus*.[81] At no point are the Latin terms *consecratio* or cognates of the verb *consecro* used, although the opening of the different L and S(AE) texts (originally all different languages) states *ordinetur* and *ordinabitur* (in the Greek χειροτονεῖν) respectively. The opening statement in the available text uses the term *ordinare* to convey the general idea for installing a bishop. This is followed by instructions for the election, including the nomination announcement once a harmonious consensus has been achieved by all the assembled, people, presbyters and bishops. In addition it includes the deacon in S(AE).

All groups mentioned above should be present with the bishops, and must be unanimous in their decision on the choice of a bishop. This should occur on a Sunday when the final

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[79] It is interesting to note at this early stage of ordination ritual formation only a bishop was required for the ordination procedure.

[80] *Didascaliae apostolorum, Canonum ecclesiasticorum,* p. 117–21; Bradshaw, et al., *The Apostolic Tradition: A Commentary,* p. 31, canon 3 sections 1–6. Note that in the liturgy there is more information.

[81] Botte, *La Tradition apostolique*, p. 40. This version in Latin is named L while the other version named S(AE), from the Sahidic, Arab and Ethiopian, mentions *episcopus omnibus consentientibus (συνευδοχεῖν)qui imposuerunt manus super eum.*

'imposition of hands' should be made with the presbyters standing by quietly.[82] The 'imposition of hands' was a way of signifying a blessing or 'benediction' although the term 'consecration' is not used. The two available texts differ in the last sentence and there is a different statement on the final person to impose the hands. Botte first translates from the L text where there is no mention of 'bishops' but mentions 'with the consent of all, that these impose hands on him'. The text of S(AE) mentions bishops in the plural imposition of hands. Sullivan states, 'one of the bishops present, at the request of all, laying his hand on him', and Bradshaw translates this as 'they are to choose one of the bishops and presbyters, he lays his hand on the head praying'. [83]

The three examples above illustrate the first written concepts of episcopal appointment which included the involvement of the people in the choice of bishop, as well as the earliest tradition concerning the procedure for ordination of bishops. These excerpts all refer to choice: who should be ordained and who should make that choice. The ritual included an affirmation by the group attending who would shout the word *axios* (worthy) at the occasion of the ordination. The traditions of the procedure of ordination were continued in the canons, developed at the first official church councils. The compilers of the canons followed the concepts derived from the Gospels and various early church writings. As the *Apostolic Tradition* states: 'Let him be ordained as bishop who has been chosen by all the people … by the consent of all, let the bishops lay hands upon him.' The last statement is significant in that it indicates that it was not the bishops alone who should decide upon candidates for the episcopate. Interestingly, after the eighth century liturgical evidence indicates the use of holy oil when laying hands on the head of a candidate as an integral part of the ceremony of consecration although there is no evidence of this practice in earlier records.[84]

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[82] Botte, *La Tradition apostolique*, p. 40, Text L, '*De episcopis: episcopus ordinetur electus ab omni populo, quique cum nominatus fuerit et placuerit omnibus, conueniet populum una cum presbyterio et his qui praesentes fuerint episcopi, die dominica. Consentientibus omnibus, imponant super eum manus, et presbyterium adstet quiescens*'. In this text Botte includes the Greek terms beside the Latin terms. SAE: *Ordinabitur* (χειροτονεῖν) *episcopus secundum quod dictum est, electus ab omni populo, irreprehensibilis. Qui cum nominatus erit et placuerit eis, populus omnis conueniet et presbyteri et diaconi, die dominica* (κυριαχή), *episcopis omnibus consentientibus* (συνευδοχεῖν) *qui imposuerunt manus super eum. Presbyteri stabunt.*

[83] Botte, *La Tradition apostolique*, p. 40–4, see footnote above for full text; F. A. Sullivan, *From Apostles, to Bishops: The Development of the Episcopacy in the Early Church* (New York 2001) p. 174; Bradshaw. *The Canons,* p. 12.

[84] G. Ellard, *Ordination Anointings in the Western Church before 1000 A.D.,* p. 21 (Cambridge: Mass. 1933); M. Andrieu, 'Le sacre episcopal,' p. 40–1. Ellard mentions the practice which began in the third century of using oil for anointing the hands of priests when they were ordained. He finds no evidence of laying of hands with oil

**3.3.2 The fourth century — the Roman Emperor, Christianity and episcopal authority**

Christianity was accepted as a legitimate religion by the Roman Emperor Constantine in 313, after which it gradually became the chosen religion of the empire. Like all other recognised legal Roman religions it was then governed by imperial civil laws. Under the civil law codes, the authority of bishops was determined in a number of ways. One of these was the establishment of a code to distinguish ecclesiastical leaders from lay leaders, a development that ultimately enhanced episcopal authority.[85] The Theodosian Code contains a number of edicts issued by emperors from Constantine onwards which inscribed the legitimacy of Christianity into civil law.[86] These edicts were collected by Emperor Theodosius. *CTh.* XVI 2.10 includes a law which allowed Christian clerics henceforth to be exempt from, often financially onerous, public duties.[87] The distinction between orders was inextricably connected to correct requirements for appointment to clerical office and legitimate ordination of ecclesiastical leaders. Characteristics that formalised the various jurisdictions of ecclesiastical leaders can be observed in the first canons of the early councils held in the Roman Empire in Gaul and the East. For the early involvement of the emperors in the development of canon law in the West and particularly Gaul, we have the example of the church council of Arles held in 314, convoked by Constantine himself not long after his own acceptance of Christianity.[88]

The emperor and the secular body of law continued to act in favour of Christians and their involvement helped to maintain the authority of the bishops.[89] Canon 2 of the first provincial council at Arles (314) relates to the procedure of ordination.[90] In the letter attached to the council there are additional canons with references to various aspects of ordination, for

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specifically of bishops until after 700 in the West. This is confirmed by Andrieu who finds the innovative practice only from the ninth century onwards.

[85] *Codex Theodosianus*, Th. Mommsen and P. Krueger (eds.), 2 vols. (Berlin 1905), C. Pharr, trans. *Theodosian Code* (New York 1958) The Theodosian Code will be henceforth abbreviated to *CTh. CTh* XVI VII.I.

[86] *CTh.* XVI. 1 (365); 1.4 (313); 2,1 (313); 2.4 (321); 2.10 (355) to name a few. P. R. Coleman-Norton, trans. *Roman State and Christian Church. A Collection of Legal Documents to A.D. 535* (London 1966) vol.I, p. 18–33.

[87] Eusebius, *Ecclesiastical History,* trans., R. J. Deferrari (Washington, 1953–55), Bk. 10, Ch.7, Bk. 10, Ch. 6.

[88] Council Arles (314) CCSL 148, p. 4–6. Gaudemet, *Conciles Gaulois Du IV$^e$ Siècle*, p. 35–45. Gaudemet indicates that a letter was sent to convoke the council at Arles and this indicated bishops could use the postal imperial service to travel to the council.

[89] D. Hunt, 'Christianizing the Roman Empire,' in J. Harries and I.N. Wood (eds.), *The Theodosian Code: Studies in the Imperial Law of Late Antiquity* (London 1993) p.143–58.

[90] Council of Arles (314), canon 2: *De his quoque qui quibuscuque locis ordinati fuerint miniseri, in ipsis locis perseuerent.* Canon 14: …*Nam si idem aliquos ordinasse fuerint depraehensi, et de quos ordinauerunt ratio subsistit, non illis obsit ordinatio. ...*

example canon 14(13). Canon 20 designates the number of bishops required to ordain a bishop, judging it necessary for there to be at least seven bishops in attendance and noting the need for all the bishops of a province to attend the procedure. The slightly later first ecumenical council of Nicaea (325) was then also convened by the emperor. Canons 4 and 16 of this council are also concerned with the legitimacy and ideal procedures for ordination.[91]

Rapp discusses the two doctrines that emerged on defining episcopal authority during the post-persecution period. On one side were the rigorists (often Donatists) and on the other side the followers of the 'orthodox' church. They agreed on many things including 'ascetic authority' and 'moral integrity' as part of a cleric's character and necessary requirements for his job in the community. They did however disagree on the 'source of spiritual authority'.[92] Opponents of this view considered that the spiritual authority was present in the person because of his life and actions which must be praiseworthy. Rapp has titled this authority as 'ascetic authority'. The orthodox Christians considered that spiritual authority was encompassed in the office of bishop when it was passed to the bishop on his ordination by means of the apostolic succession. The ordination of a bishop made him different to other holy men because he was able to forgive sins and later accept the sinners back into the church through an act of contrition. This was done by the 'imposition of hands, thus communicating the Holy Spirit.'[93] As seen in the canons of the councils of Arles (314) and Nicaea (325) discussed above, the ordination process is important in creating the episcopal authority which gives the bishop this power.

The earliest tradition considering the suitability of a person to be a religious leader is documented in the New Testament in 1 Timothy (probably late first to mid-second century). In 1 Timothy, the type of man who should be a bishop is described, with a focus on his moral character and temperament. For example, the type of man considered suitable was one who had only had one wife, who had the capabilities to be hospitable, who was able to teach and look after his own household affairs, and who was able to keep a certain authority within his home.

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[91] Council of Nicaea, canon 4: this canon includes the normal procedure for episcopal ordination designating at least three bishops in attendance. In each province the authorisation for what is done rests with its metropolitan. Canon 16 is concerned with usury and also the disallowance of ordination of men by bishops from other sees.
[92] Rapp, *Holy Bishops*, p. 98–9. Friend, *The Donatist church*, p. 141–5.
[93] Rapp, *Holy Bishops,* p. 198. Rapp notes this process is *anadesthai* (possibly ἀναδέσθαι which is connected to the verb to appoint).

Additionally, he should not be inexperienced or a novice in the faith, he should have a good reputation among others, and finally not be given to gluttony or drinking wine.[94] In the second century we have a further example from the *Didache* (50–150 AD)[95] which states the same distinct qualities when appointing bishops, namely that they should be 'worthy of the Lord, meek men and not lovers of money and truthful and approved.'[96] It thus became a custom that men who were to be leaders in the church were examined for their religious and suitable moral characteristics prior to their installation. These ideals were eventually developed into a set of rules that included governing the sort of man who was appropriate to take up ecclesiastical office. The preparation and suitability of candidates for the position of religious leader was a major concern prior to the ceremony of ordination.

Both secular legislation and the church canons of the later centuries built on the early Christian texts, as noted above. They attempted to define and refine the ideas first proposed by the early church leaders. They revisited rules in an effort to remain consistent. For example the first council of Arles (314), notes in canon 2: 'For those to be ordained to the ministry, they must be attached to the church where they reside'.[97] Later canon law continually reiterated that a candidate must come from the area where he was to hold authority, which indicates not only that there was an effort to remain true to the early ideals but also perhaps that this was one rule that it was regularly transgressed.[98] Included in the canons are references excluding bishops from ordaining men from other parishes. Canon 2 of the council of Nicaea, further notes that those who were about to be raised to the priesthood who had only recently been baptised must

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[94] 1 Timothy, 1–13.

[95] The dating of this text continues to be considered by many New Testament, Philological and Manuscript scholars, in the past it was argued that it was written between the years: 50–100 AD. Although some scholars still argue for its composition at a later date. The scholarship is enormous on this topic but many agree that it was a text written for the gentile members of the first Christian communities so they would understand the Judaic laws practiced by the first Christian apostles.

[96] 1 Timothy 3.1–13 II; Kirsopp Lake, *Didache* (50–120AD), in *The Apostolic Fathers,* trans. vols. 1–2 (London 1912), Ch. 15.

[97] Council of Arles (314), canon 2; Hefele, *The History of the Councils,* vol. 1, p. 185. Hefele defines the quoted *ministry* who are to be ordained as the priests and deacons.

[98] Council of Epaone (517), canons 5; 14; Orléans (533), canon 3; Clermont (535), canons 10; 11. Many later councils repeat this same ideal of bishops keeping to the jurisdiction of their own see and not taking priests from other sees and ordaining them through authorities which were not their own.

demonstrate understanding the doctrines of the church. In a later council the specific time of one year was given for assimilation of Christian doctrines and learning.[99]

In the first formal oecumenical church councils the different procedures for episcopal installation were discussed and written down. Analysis of some of these early texts allows us to see what the preoccupations of the church leaders were in choosing and ordaining bishops. For example, canon 3 of Nicaea (325) states that the man about to be ordained bishop or priest may have no woman in his residence other than his mother, sister or aunt. This is an example of a rule that continued to be refined and adapted because leaders in the early church had often been married prior to entering the church.[100] In these situations the ideal was for the married couple to reside in separate residences.

There were also canons concerned with those who had lapsed or sinned and who were thus prohibited from ordination. Canons 9, 10 and 11 from Nicaea (325) include rules on how men were allowed to re-enter the church after they had been considered contaminated by heresy. The context of these canons is connected to the 'post-persecution period', when a number of heretical cults such as Donatism flourished. The bishops at council realised the importance of defining legitimacy and authority of orthodox Christians to hold up against all other Christian groups at this time. We can also see here the problems arising with regard to those men who had lapsed from the Christian faith for fear of persecution.

In terms of the actual mechanics of ordination we need to return to discussion of the imposition of hands. Canon 4 of the council of Nicaea (325), convened by the emperor, was recorded in both Greek and Latin:

> ἐπίσκοπον προσήκει μάλιστα μὲν ὑπὸ πάντων τῶν τῆς ἐπαρχίας ἐπίσκοπων καθίστασθαι· εἰ δέ δυσχερὲς εἴη τοῦτο, ἢ διὰ κατεπείγουσαν ἀνάγκην ἢ διὰ μῆκος ὁδοῦ, ἐξαπαντος. τρεῖς ἐπὶ τό αὐτὸ συναγομένους, συμψήφων γινομένων καὶ τῶν ἀπόντων καί συντιθεμένων διὰ γραμμάτων τότε τῶν χειροτονίαν ποιεῖσθαι· τὸ κῦρος δέ τῶν γινομένων δίδοσθαι καθ᾽ἑκάστην ἐπαρχίαν τῷ μητροπολίτῃ ἐπίσκοπῳ.

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[99] Council of Epaone (517), canon 37. This was connected to his 'conversio' from lay status to clerical which should take a year. This is discussed in more detail in section 4.5.4.

[100] Alberigo et al., *The Oecumenical councils.* Council of Nicaea (325), canons, 2; 3; 16.

By how many should it be fitting for a bishop to be appointed — by all in the *eparchia* (province)? If this should be difficult, through pressing need or distance, three of each of the same should be gathered when consensus has occurred and those absent send agreement through letters. It is proper to make the appointment (stretching forth the hands); the confirmation of the whole is given to the provincial metropolitan. (Council of Nicaea, Canon 4, Translation from the Greek)[101]

Latin text of Council of Nicæa (325), Canon 4: *Episcopum convenit maxime quidem ab omnibus qui sunt in prouincia episcopis ordinari. Si autem hoc difficile fuerit, aut propter instantem necesssitatem aut propter iteneris longitudinem: modis omnibus tamen tribus in id ipsum et absentibus episcopis pariter decernentibus et per scripta consentientibus tunc ordinatio celebretur. Firmitas autem eorem, quae gerentur per unum quamque provinciam, metropolitano tribuatur episcopo.*

To ordain the bishop, it is agreed certainly with all the provincial bishops present, if however, it should be difficult through urgent necessity or on account of length of journey, with at least three (bishops), having all decided with even absent bishops, their consensus having been written, together the ordination is to be celebrated. But, that confirmation being managed and bestowed by the metropolitan in every province. (Translated from Latin)

From these examples above, we can see that certain parts of the procedure were omitted and others added or changed in meaning in the different versions. The Greek uses the term καθίστασθαι which may be translated as 'to appoint'. Yet there is no mention of 'consecration'. In the Greek, τῇ ἐπαρχίᾳ καθίστασθαι and συντιθεμένων διὰ γραμμάτων τότε τὴν χειροτονίαν ποιεῖσθαι are used together with the words καθίστασθαι and τὴν χειροτονίαν ποιεῖσθαι which indicate the appointment and voting or 'election' by raising the hands. In contrast, in the Latin version the term *episcopis ordinari* is used. Although everyone in the province and the metropolitan are required to act unanimously there is no reference to the laying or raising of hands as a method of appointment.[102] Thus while ordination is discussed, neither the election process nor consecration are mentioned.

In canon 16 of the council of Nicaea, the noun χειροτονία and the verb χειροτονῆσα are used in connection with the ordination of presbyters and deacons. These terms also signify 'ordination' rather than 'consecration'.[103] Danker's *Greek Lexicon* defines χειροτονία as 'the choice', or 'the election' of someone to office by the raising of the hands'. However Danker's

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[101] Greek text found in Alberigo, et al. *The Oecumenical councils,* p. 21 with some variations to the *Early Church Texts* http://www.earlychurchtexts.com/public/nicaea_canons.htm accessed on 5/11/14.
[102] Alberigo, *The Oecumenical Councils*, p. 21.
[103] Alberigo, *The Oecumenical Councils*, p. 26–8.

*Lexicon* notes that when χειροτονία was first used in 2 Timothy the idea of choice was not involved.[104] Thus at the time of this evidence from 2 Timothy, χειροτονία conveyed only the meaning of 'the appointment' in Christian terms, as in the case of the Apostles.[105] The Greek verb καθίστασθαι signifying 'to appoint, make a ruler, to ordain' is included with the expression 'to choose, or to elect' in the first sentence of the Greek text. The Greek text of the Council of Nicaea, with its references to the joint choice, followed by ordination with the imposition of hands, thus holds the key to our understanding of the development of the installation procedure.

Later councils also make reference to appointment to the episcopacy and we can observe attempts to further clarify the terminology. For example in the text of the Council of Antioch (341) canon 19 states:

> A bishop shall not be ordained without a synod and the presence of the metropolitan of the province. And when he is present, it is by all means better that all his brethren in the ministry of the province should assemble together with him; and these the metropolitan ought to invite by letter, and it were better that all should meet; but if this be difficult, it is indispensable that a majority should either be present or take part by letter in the election, and that thus the appointment should be made in the presence, or with the consent, of the majority; but if it should be done contrary to these decrees, the ordination shall be of no force. And if the appointment shall be made according to the prescribed canon, and any should object through natural love of contradiction, the decision of the majority shall prevail. [106]

This council indicates development of a more formal procedure, defined by the terminology. By time of the Council of Chalcedon (451)[107] the Greek word used for episcopal installation is χειροτονία and the terminology of choice in the Latin is *ordinare* or *ordinatio* (canons 2 and 25). When referring to bishops and their installation the term 'consecration' is not mentioned in any of the original works cited above, although it is used in some modern translations. [108] At this point in time the term 'ordination' was understood to indicate 'appointment'.

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[104] Danker, *A Greek–English Lexicon*, p. 881.

[105] Danker, *A Greek–English Lexicon,* p. 581. Nowhere in this text of the canons of the Council of Nicaea is the term ἐγκαινίζω (to dedicate or to consecrate) mentioned in the Greek.

[106] Council of Antioch (341), canon 19; Council of Laodicea (363), canon 12: Bishops are to be appointed to the ecclesiastical government by the judgment of the metropolitans and neighbouring bishops, after having been long proved both in the foundation of their faith and in the conversation of an honest life. Translations from www.newAdvent.org (accessed 31/11/11).

[107] W. Bright, *The Canons of The First four General Councils of Nicaea, Constantinople, Ephesus, and Chalcedon* (Oxford 1892) p. 144–9, 213–15.

[108] Alberigo, *The Oecumenical Councils,* Council of Chalcedon (451) canon 2, p. 138. Here both the original Greek and Latin texts are shown. Hefele, *A History of the Councils,* vol. III, p. 386.

In the fourth century, councils set about defining the character of the appointee as well as the terminology of appointment. Basing their rules on the ideals of the early church writers, they defined the spiritual and moral nature of potential candidates, outlined rules for behaviour and adapted the Greek and Latin terminology.

### 3.3.3 Episcopal election prior to 500

On the basis of earlier evidence of the procedure for election, the formula appears to have remained consistent with its early church and Roman origins. When a bishop died, several men were nominated as candidates; one of them was then formally elected by representatives of three groups in the community. These included clerics from the diocese, clerics representing the local people, and at least three provincial bishops. Following the election the nominated candidate was taken to the church over which he was to have authority and was ordained by his metropolitan bishop.[109] On only a few occasions, a third part of the installation process is included, titled 'consecration' and involving the imposition of hands, being blessed or enthroned by the metropolitan bishop.

The recognised formula for the election of bishops in the Roman Empire stems from the earliest Christian traditions established between the second and third centuries and further developed from the fourth century onwards. Elections were political events. In simple terms communities chose bishops they thought would do the best job for their community. However, episcopal elections also mirrored previous civil elections in the Roman Empire with the influence of various factions supporting one candidate or another. In the case of the fifth century election of Germanus of Auxerre, there were different two groups; *plebs rustica* and *plebs urbana* named as involved in the election which was carried with universal consensus.[110]

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[109] Bradshaw, *The Canons of Hippolytus*, p. 7; Alberigo, *The Oecumenical Councils*, *Epistula Nicaeni concilii ad Aegyptios,* lines 479–99; Regarding the voting in and ordination of bishops of Cyprus, see lines 1142–85; Munier, CCSL vol. 148, Council of Arles, 314, canons 2, 20, 21 *Statuta Ecclesiae Antiqua*, 475, canon 84; *Recapulatio Ordinationis Officialium Ecclesiae*, canons; 90, 91, 92, 93, 94, 95, 96, 97; Council of Arles II (442–506), canons. 13, 54; Conc. Agde, 506, canons 1, 9, 198.
[110] Constance of Lyons, *Vie de Saint Germani,* 2 in R. Borius Source chrétiennes 112 (Paris 1965) p. 124.

Caron, with a focus on elections in the Roman Empire prior to the establishment of the autonomous successor kingdoms in the West, notes the vigilance of emperors in overseeing ecclesiastical affairs and involvement in episcopal elections. For example, emperors sometimes intervened in elections. Prior to the advent of Christianity emperors had considered themselves as spiritual leaders of the religion in the empire  and once Christianity was established as the religion of the empire they saw a role for themselves in terms of both religious and civil authority.[111] Caron argues that when emperors intervened in episcopal elections they were in fact acting as intermediaries of the 'notable laity' and their intervention should be viewed as a state action. He argues that then bishops simultaneously exercised an important civil position and represented their city.[112]

As leaders of the Roman Empire emperors were *Pater Patriae*, holding a divine position given by the gods. They were also often deified by official edicts.[113] Constantine declared he was 'the *episcopos ton ektos*, the bishop of those outside' at the council of Nicaea. It is therefore not surprising that emperors thought they had a special position in connection with Christianity[114] despite the fact that in this period the canons state that the lay community had a choice in the selection of bishops. Indeed imperial intervention was sometimes connected to serious civil agitation in the district of the election.[115]

Once such oecumenical and decisive councils as Nicaea (325) and Chalcedon (451) had been convened, the pattern was set for imperial involvement in Christian councils and canon law. Instances of this involvement are further underlined in imperial legislation. For example, see the edict issued by Gratian, Valentinian and Theodosius I, which discusses the doctrine and discipline of Catholic Church and is addressed to the people of Constantinople.[116]

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[111] P. G. Caron, 'L'intervention de l'autorité impériale romaine dans l'élection des évêques,' *Revue de Droit Canonique Strasbourg*, 28 (1978) p. 2–4, 28, 76–83.
[112] Caron, *'L'intervention de l'autorité,'* p. 78–9.
[113] P. Heather, *The Restoration of Rome*, chapter 5; K. Hopkins, *Conquerors and Slaves* (Cambridge 1978) p. 197–8; H. Fairfeld Burton, 'The Worship of the Roman Emperors,' *The Biblical World,* 40 (1912), 80–91.
[114] Caron, *'L'intervention de l'autorité,'* p. 77.
[115] Caron, *'L'intervention de l'autorité,'* p. 79; 82.
[116] *CTh*. XVI. 1.2; (An Edict on the Profession of the Catholic Faith (380); Pharr, *The Theodosian Code*, p. 440.

Imperial intervention was specifically seen in terms of the choice of candidate. We have evidence from the installation of Bishop Ambrose of Milan, which includes a reference to emperor Valentinian I making the final decision in choosing Ambrose and indeed issuing a rescript or a certificate of legitimacy.[117]

Frankish kings are at times seen to emulate the actions of Roman emperors and indeed attempted to adopt their civil authority in the successor kingdoms. Many kings such as Clovis and his descendants embraced the ideals of the Christian religion and saw themselves as leaders of the church in their own kingdoms. Interestingly, Gryson, examining episcopal elections in the West prior to fifth century, concludes that once the diminution of imperial power in West occurred, the ecclesiastical traditions which had been fairly 'democratic' in the earlier period, ceased to be so in the West.[118] This suggests that churches were perhaps more democratic in strong and stable regimes, and that they have to be managed more autocratically in weaker ones. It raises the question of whether the authority of the church, particularly that of its bishops, was greater where civil authority was lacking. Use of the term democratic here infers there was equality between the players in election, that is, the people, clerics and bishops, which was not always the case in this period.

## 3.4 Early civil law that privileged Christians

Mention should be made of the number of legal experts who continued to assist in the interpretation of laws in Gaul, despite the interruption to Roman administration. This indicates an interest in the continuity of Roman law under the autonomous kingdoms.[119] Wood notes

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[117] N. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital* (Berkeley 1994) p. 44–51.

[118] R. Gryson, 'Les élections épiscopales en Occident,' p. 257–8.

[119] Sid., *Ep. Carm.* XXIII; There were known to be a number of Roman men under one Leo of Narbonne who compiled some of the laws of Euric included in the *Breviarium* under Alaric II. Sid. *Ep.* V.5; Sidonius writes to Syagrius who he mentions is a lawmaker for the Burgundians. See L. Kéry, *Canonical collections of the Early Middle Ages, (ca 400–1140),* (Washington 1999) p. 1–51. Kéry lists all the manuscript collections that contain different sections of the council texts made in the fifth to seventh century, in Gaul. Some collections are placed as having originated in in Lyons, Vienne, Auxerre and Arles and many are cited as emerging from southern Gaul. See also D. Jasper and H. Fuhrmann, *Papal Letters in the Early Middle Ages,* (Washington, D.C. 2001) p. 32. Jasper presents the view of Duchesne, 'La primatie de'Arles,' p. 159 ff. L. Duchesne, *Fastes épiscopaux de l'ancienne Gaul,* vol 1 (Paris, 1894–1915) p. 142 ff. Duchesne argues that the first manuscript collections were made in Arles during the period of Caesarius of Arles (503–543). Note opposing theory and arguments meticulously put forth by H. Wurm, *Studien und Texte zur Dekretalensammlung des Dionysius Exiguus,* Kanonisten Studien und Texte, 16 (Bonn 1939) p. 143–5; H. Steinacker, 'Die Deusdedithandschrift,'(Cod. Vat. 3833), und die älttesten gallischen

Leudegar, Gimmellus and Asclepius (the *referendarius* of Childebert and named as attending the Council of Vaison) as churchmen in this period who were interested in various aspects of Roman law.[120] The *Brevarium* of Alaric II was a collection of law codes stemming from the *CTh*. The writing of the *Breviarium* was an attempt to simplify the original laws by providing an explanation.[121] However, the *Breviarium* was not a complete collection of the *CTh*. Only certain laws were selected, particularly those which were relevant to the peoples of Gaul living under the Visigoths, rather than specific to the East.[122] Evidence exists for the use of parts of the *CTh*. following the cessation of Roman administration in the West.[123] The usage of Roman law that occurred was directly related to the *Breviarium*,[124] probably originating in Gaul as early as the fifth century, but existing in its extant form in the Lyons collection or *Codex Lugdunensis* by 580–585.[125] It is possible that all the available laws in their entirety from the *Cth* were found in later use in some parts of Gaul.[126]

Proscriptions with regard to bishops, derived from council *acta,* were commonly included with specific details within civil law. From the time of the Council of Nicaea (325) to the later *Theodosian Code* (438) (*CTh.*) evidence shows an increase in the formalisation of both secular

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Libri canonum,' *MIÖG Ergänzungsband* 6 (1901) p. 113–44; Wood, 'The Code in Merovingian Gaul,' in Harries and Wood, *The Theodosian Code,* p.195. Wood indicates that Lyons certainly was a centre of canon law and possibly there may have been a school of law there during the Merovingian period. R. McKitterick, 'The Scriptoria of Merovingian Gaul: A Survey of the Evidence,' H. B. Clarke and M. Brennan (eds.), *Columbanus and Merovingian Monasticism,* p. 173; 178. McKitterick is more tentative with regard to the place of the production of the *Codex Lugdunensis*.

[120] Wood, 'The Theosdosian Code,' p. 168–9; 171; 173.

[121] Mathisen, 'D'Aire–sur l'ardour a Agde,' p. 45.

[122] Pharr, *Theodosian Code*; Wood, 'The Theodosian Code', p. 161–77. This was issued as a collection of laws in 437, but many of the individual laws were promulgated originally all over the Empire at different times by many different emperors to deal with many particular circumstances.

[123] Wood, 'The Theodosian Code', p. 162–3. Wood examines the case for the definitive use of *CT,* but could not conclude that this was the case.

[124] Or the *Collectio Sirmondiana*.

[125] M. Vessey, 'The Origins of the *Collectio Sirmondiana,*' in Harries and Wood, *The Theodosian Code*, p. 178–199, specifically, p. 199.

[126] Wood, 'The Theodosian Code', p. 163. Wood specifically argues that in the *Lex Romana Burgundionum*, certain passages have been identified as coming directly from the *CTh;* however Wood warns that from that point on other references to the *CTh*. may actually have stemmed from the *LRB*. Similarly at p. 171, Wood gives another example from this area of Gaul when in 516 King Sigismund issued an edict derived directly from the *CTh*. 5.9.

and ecclesiastical law which established the limits and process of ordination and the authority of bishops.[127] This included the rules governing the sort of person who attained the episcopate.

The subject of ordination was legislated in ecclesiastical law in church synods through reference to ancient and new canons.[128] In Gaul later canon laws referring to the installation of bishops were often partly derived from previous council decisions originating in the East and West. This is illustrated by the frequent referral to certain disciplinary matters already well established by the early church leaders in the later councils of Gaul, as well as references to previous councils.[129] For example, at the council of Riez (439) an issue of non-canonical ordination arose and the council record reminded those attending of the previous ecclesiastical councils' rules. Participants are requested to respect and follow the rules set down at Nicaea by the early church fathers.[130] In addition to seeking the authority of earlier councils at this time in Gaul bishops continued the custom of accepting the primacy and authority of the see of Rome. They followed advice and instructions contained in letters from Rome and sought the authority of Rome to reinforce their decisions. For example, we have the *Epistula ad Silvestram*.[131] This letter was sent to Silvester Bishop of Rome, with all the canons included, requesting these

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[127] The code includes a collection of laws made by emperors from 312 onwards. The collection and copying of these laws was instigated by Emperor Theodosius II in 429 but it was not formally issued until 438. J. F. Matthews, *Laying Down the Law: A Study of the Theodosian Code* (New York 2000) p. 7–18

[128] L. D. Davis, *The Seven Ecumenical Councils: their History and Theology* (375–787) (Collegeville, Minnesota 1990) p. 64.

[129] Councils of the fifth century referred back to the early fathers of the church and to canons made at councils held in the previous century. Council of Arles (445/452), canon 5, the canon refers back to Arles (314), canon 20 and Nicaea (325), canon 4; canon 6 of Arles (445/452) also refers to Nicaea, canon 6.

[130] Council of Riez (439), CCSL 148, p. 63–4, lines 3–7; 20; p. 71, line 2. In the opening statement reference is made to: .., *qua sacris ecclesiae canonibus ac reuerendis partum constitutionibus omni parti neglectis, absque trium praesentia, absque comprovincialium litteris, sine metropolitan auctoritate, irritam ordinationis speciem a duobus temere conuenientibus praesumptam esse clarebat: ...* and it continued in the final statement *...quia etsi inueniabile crederetur sacerdotem sacerdotali statua nescisse, ...* In the final section of *subscriptions*, the metropolitan bishop Hilarius of Arles who convened the council states: *... statuta Patrum secutus*.

[131] Council of Arles (314), CCSL 148, *Epistula ad Silvestram*. There is some question as to when the letter was inserted into the manuscript of the council. I am grateful to Dr Geoffrey Dunn and Dr Bronwyn Neil for alerting me to the problems of this letter. The letter was included in both editions in the Latin. It was included in both editions of Munier, *Concilia Galliae A. 314–506*, CCSL 148 p. 4, and Gaudemet, *Conciles Gaulois du IVe S*iècle, p. 38, 41. Gaudemet discusses the problems with transmission and possibly the authenticity and dating of the text of the letter inlcuding the timing of its insertion into the manuscript. Gaudemet reproduces it as it was found in the edition of Munier. Both the authors below however, go one step further. Mazzini looks at the language and rhythm of all three manuscripts and concludes there may have been more than one author. Seessa concludes it may have been a later bishop of Rome, in an attempt to bolster his own political agenda, who invented the letter. See I. Mazzini, I., 'Lettera del Concilio di Arles (314) a papa Silvestro tradita dal codex Parisinus Latinus 1711 (Dubbi intorno alla sua autenticità),' *Vigiliae Christianae* 27 (Dec 1973), 282–300; Sessa, K., 'Exceptionality and Invention Silvester and the Late antique Papacy in Rome,' in *Studia Patristica,* XLVI (2010), 77–94.

canons be observed by other bishops. This letter enhanced the authority of the bishops in attendance the council by reference to Rome as well as giving the authority to the texts themselves. Letters sent earlier to Gaul from bishops of Rome were referred to or included in later councils as reminders of the same ideals.

Canons 2, 6, and 25 of the council of Chalcedon (451) canons display additional ideals relating to the process of episcopal installation. The same canons were issued later in civil law as a confirmation of the ecclesiastical conciliar procedure.[132] This legislation further emphasised the importance of episcopal appointments. A series of legates sent by the bishop of Rome participated in the council,[133] as well as a number of legal experts and imperial commissioners representing the senate. The council met over a number of weeks. Evidence from all the sessions indicates how the larger councils discussed matters before the canons were promulgated. It also demonstrates how bishops made petitions for specific questions to be examined and voted on before being written into the *acta*.[134]

As noted above, in the earliest civil laws, promulgated after Christianity was legally accepted, the major focus was on heretical problems however the suitability of candidates for the priesthood and episcopate was also a matter for concern. Moral behaviour and educational standards were stipulated. This reflects a similar attention to standards for candidates in many other positions in the imperial administration. For example, the contemporary law states that both physicians and grammarians need to have an exemplary character. Like clerics they were exempt from compulsory public or military service and tax.[135] When Constantine issued decrees with regard to Christian clerics he made also them exempt from compulsory public service and

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[132] Who convoked this important and controversial council is still under debate. It has been suggested in various scholarly articles that Emperor Marcian called the council, that bishop Anatolius of Constantinople, or that the bishop of Rome Leo did not attend but finally agreed to the council to deal with the questions of the teachings of Dioscurus and Eutyches. While the topic is beyond the scope of this thesis, for current discussion see http://www.papalencyclicals.net/Councils/ecum04.htm; http://www.fordham.edu/halsall/basis/chalcedon.asp, accessed 14/02/14.

[133] Hefele, *A History of the Councils,* vol. III. p. 288; 386. Hefele considers that the letters from Leo Bishop of Rome document the actions and canons promulgated. Later Justinian approved the canons and made them into law.

[134] P. R. Coleman–Norton, *Roman State & Christian Church: a collection of Legal Documents to A.D. 535,* vol. 1 and 2 (London 1966), vol. 2. p. 794, number 472, section III, p. 799, number 473, p. 801, number 475, p. 804, number 476.

[135] Constantine issued this edict, see *CTh.* XIII. 3. 2, 3 and 5.

tax as long as they continued to hold good morals.[136] Regulations containing particular privileges with regard to the bishops and the church continued to appear in the civil law. In the fourth and fifth century these laws would prove useful as bishops strove to define their position and their authority, and to emphasise their difference from secular powers in the new Christian Roman Empire. In addition, the privileges bestowed by civil law on Christian leaders further enhanced their authority over lay members of the community.

From 381 onwards the civil law clarified that all but Nicaean Christians were to be considered heretics and that people other than the preferred Christians were to be condemned.[137] The *CTh* also includes details of the things required before a man could become a bishop. Anyone who was considered to follow a heretical cult was not allowed to be ordained as a Christian bishop. [138] Further the code states that only those following and promoting the Catholic faith shall be endowed with privileges.[139] These gave Christians authority over others who lacked the privileges, as demonstrated clearly in a decree issued by Honorius and Arcadius. This decree exiled Donatist clerics and transferred their property to Catholics.[140] Yet another privilege confirmed in the civil legislation was that only those who were followers of Christianity had the right to make wills or testaments.[141]

As discussed earlier, Garipzanov argues, using eighth century evidence, that reiterating an ideal in several forms not only establishes a tradition, but points to its significance and imbues it with authority.[142] Both the civil and ecclesiastical laws were written instruments that enhanced the authority of the church and the standing of Christian leaders. The differentiation of laity from 'clerics' is found in the first canons of the early councils in Gaul and in the Eastern

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[136] *CTh*. XVI. 1. 2, 6, 10.

[137] Emperor Theodosius continued the bans on sacrifices and other pagan practices which had been instigated. Eventually these were included in the Theodosian Code. CTh. XVI. 10.11.

[138] *CTh*. XVI. 1, 1 2, 4.

[139] *CTh*. XVI.V.1. Constantine Augustus: It is necessary that the privileges which are bestowed for the cultivation of religion should be given only to followers of the Catholic faith. We desire that heretics and schismatics be not only kept from these privileges, but be subjected to various fines.

[140] *CTh*. XVI.V. 54. 54. Murray, *From Roman to Merovingian Gaul,* p. 175. Murray dates this decree to 415 and notes that the edict was addressed to the proconsul of Africa concerning heretics in the church there.

[141] *CTh*. XVI. VII.1. Gratian, Valentinian, and Valens Augusti: The ability and right of making wills shall be taken from those who turn from Christians to pagans, and the testament of such a one, if he made any, shall be abrogated after his death.

[142] Garipzanov, *The Symbolic Language of Authority*.

'provinces' of the Roman Empire. This created a boundary between other Roman citizens, particularly the non-Christians. The civil laws issued from Constantine through to Theodosius II, found in the *Theodosian Code*, focus particularly on clerics and their new status.[143] The same demarcation of laity and clerical class is repeated in later laws issued by Justinian.[144] An array of Roman law and decrees set out the rules by which the ecclesiastical body and its leaders could function within the Roman imperial state. Simultaneously, these laws gave privileges to Christian Roman citizens and in particular empowered the leaders of the accepted Christian Church above all others, thus creating a special legal category with higher authority.

Legislation issued after Constantine gave the Nicaean Christian church the position of chosen or orthodox group amongst all religious cults practised in the empire. The laws forced other previously permitted religious cults to be considered thereafter as a *superstitiones.* Other forms of Christological beliefs such as Arianism, Nestorianism and Donatism were then designated as heretical.[145] In this way the *Theodosian Codex* constructed the authority of the Nicaean Christians, their leaders and their church at the expense of other religious groups. Members of the schismatic groups, especially their leaders, were forced into exile. The legislative support offered to one religion over all other religions and alternative doctrines in the empire resulted in increased authority for orthodox bishops. At the same time regulations governing the different doctrines of schismatic Christian and their followers became a separate legal category.[146]

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[143] Pharr, *Theodosian Code*.

[144] Faivre, A., *Naissance d'une hiérarchie: les première étapes du cursus clérical* (Paris 1977) p. 147–8; 279–90. This scholar examines the way the different orders of lay and ecclesiastical were established and differentiated in a variety of normative texts.

[145] *CTh*. XVI. 1, 1 2, 4.

[146] Noted in the later laws compiled by Justianian. 1.1.1., although referring to the earlier Bishop of Rome Damasus and Peter of Alexandria. *Cunctos populos, quos clementiae nostrae regit temperamentum, in tali volumus religione versari, quam divinum petrum apostulum tradidisse romanis religio usque ad nunc ab ipso insinuata declarat quamque pontificem damasum sequi claret et petrum alexandriae episcopum virum apostolicae sanctitatis, hoc est ut secundum apostolicam disciplinam evangelicamque doctrinam patris et filii et spiritus sancti unam deitatem sub pari maiestate et sub pia trinitate credamus. ….*the religion which is clear that Pope Damasus follows, and so does Peter, bishop of Alexandria, a man of apostolic sanctity. I am grateful to Paul McKechnie for alerting me to this reference and translation.

As previously noted, civil legislation concerning bishops was connected to specific privileges.[147] Under civil law a bishop was also allowed to control and hold his own property, although it was still taxed.[148] If someone who had previously been a *decurion* became a priest he was required to surrender his position and property to his heirs.[149] Roman civil law also confirmed the canon law in certain cases, for instance in the case of the moral behaviour of clerics.[150] The civil legislation repeated the ideas contained in the ecclesiastical canons. For example, it emphasised that persons who served in the churches must not have extraneous relationships with women.[151] Imperial legislative codes connected to episcopal and other ecclesiastical matters thus served to assist in the establishment and the 'construction' of episcopal authority.

## 3.5. Gaul

### 3.5.1 Episcopal appointment in the fourth century

In the preface of the council of Valence (374), there is an announcement to all the bishops of Gaul; attached to it is a letter admonishing the clergy at Fréjus. The letter, together with canon 4, indicates concern with correct procedure for ordination.[152] This council explicitly examines the question of legitimate episcopal ordination and shows the council in action explaining their rulings. One letter to the bishops of Gaul contains a summary of what the council set out to promulgate. The other letter to the church of Fréjus explains why a certain priest Acceptus, who

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[147] *CTh*. XVI.2.8; and 2.2; 2.10. These laws were often repeated.
[148] *CTh*. XVI. 2.15. 2.
[149] *CTh*. XII.1. 49; XVI. 2. 3, 6. If however the priest has no direct heirs then his kinsmen took over his responsibilities, if no near kinsmen then the municipal council should receive two thirds of his property. This law was often repeated indicating concern that many men at this time chose to enter the church in an effort to avoid either tax or municipal duty, especially in the case of the *decurions*. *CTh*. XVI. 2.32. A civil law of possibly 398 refined the law and forbade the ordination of any person who was committed to due duty for the public or private purpose. *CT. Nov. Val.* 35.1.5; indicates the problem continued.
[150] Coleman–Norton, *Roman State*, vol. 2. *Edict of Theodosius* II, *on the confirmation of the Ephesian Council* (449 or 450) (P 364–70; M7; 495–8. 250–1; p. 761 *Mandate of Marcian on Conciliar Procedure* (451) (M.7, 103–6) p. 791–2; Oration *and Decrees of Marcian on Conciliar Procedure* (451) (M 7, 129–30, 169–78) p. 792–800. Coleman–Norton notes this last 'mandate became known as the 'Definition of the Council of Chalcedon,' it subsequently proved to be the impetus required to resolve any problems that arose at that council.
[151] *CTh. Sirm.*10.
[152] Council of Valence (374). The letter concerns a decision made at the council. The addressees all claim the honour of the bishopric.

was considered suitable and despite having the desired qualities to be a bishop, could not be ordained a bishop since he had in some way been tainted.

> The Council had already decided, that it would rule out such ordinations, which were not possible without causing a scandal, we were not able to give to one what was denied to others.[153]

The first canon makes it clear that anyone married or who had turned to pagan practices could not become a cleric. However it further notes that the council decided to not condemn those men who had committed errors through ignorance or naiveté or who had previously been ordained. Canon 3 goes on to discuss those legitimate (*personas*), members of the Christian church, who have polluted themselves through profane sacrifices and how they shall be treated.

While the matters under consideration are the treatment of those who need to be disciplined the canons and the letters also reveal a great concern for correct procedure. The use of specific terminology clearly demonstrated. Only the noun 'ordination' or the verb 'to ordain' are used to express the installation of the bishops and priests in question. The council of Valence (374), canon 4 states:

> We think, brothers, to write anything that was contrary to the usefulness of the Church, so that you know indeed we will declare that whoever is guilty, either by confession of the truth or deceit polluted by mortal sin, should be excluded from the above referred to ordination to the diaconate or presbyterium or episcopate as guilty. [154]

In both the terminology and the procedure in this example, the force of the discussion is one of justifying legitimacy of episcopal or priestly installations. It is also one of safeguarding the sanctity of the ministry and the church. This is also indicative of a further development in wider church in the treatment of men who may have lapsed or somehow been contaminated by sin or heresy.

There is evidence from the decretals of January 386 from Bishop Siricius of Rome indicating there were irregular episcopal ordination practices occurring in Gaul during the late

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[153] Council of Valence (374), CCSL, 148, p. 44: The letter to the clerics of Fréjus states: *quia in synodo iam sederat ordinationes huiusmodi submouendes, quae sine scandalo esse non possint, non potuimus praestare uni quod ceteris negabatur.*

[154] Council of Valence (374), canon 4: *Nec illud fratres, scribere alienum ab ecclesiae utilitate censuimus, ut sciretis quicumque se sub ordinatione uel diaconatus uel presbyterii uel episcopatus mortali crimine mortali dixerint esse pollutos, a supradictis ordinationibus submouendos, reos scilicet uel ueri confessione uel nendacio falsitatis....*

fourth century.[155] The choice and suitability of candidates for ordination appears to be the major focus of concern. In the decretal the order is given that henceforth bishops must only be ordained with the consultation of the apostolic see. This may have been in reaction to a crisis similar to that which prompted the concerns of the council of Valence (374) with regard to unsuitable candidates being preferred. Also noted in the letter of Siricius is a reference to the fourth canon of the council of Nicaea, discussed above.[156] At the last council of the fourth century held in Gaul, a request was sent for the bishops of Gaul to attend Turin. The evidence does not mention the letter or the edict but there are references to a dispute with the bishops of Gaul and a judgement of them. This is seen in the opening statement and the first canon which refer to discordance over ordinations in the parish of Marseilles under the civil control of the province of *Narbonensis Secunda*. Canon 2 discusses the primacy of Arles versus Vienne, also in connection with power over ordinations. Canon 3 refers to further abuses in forcing the ordination of certain men unwilling to be bishops.[157]

Marseilles continued to be a problem area in terms of jurisdiction. Both Arles and Vienne at one time had included the see of Marseilles in their individual ecclesiastical jurisdictions. From the early fifth century onwards the political situation suggests that problems continued. Marseilles and the civil province of *Narbonensis Secunda* were first under the administration of the Visigoths and later the Ostrogoths, following the end of Roman administration. During this time Nicaean bishops there would have been left to their own devices in an area dominated by Arian military. Later the Arian Ostrogoths held the territory as guardians for the Visigothic grandchild of Theoderic, Amalric until he came of age.

### 3.5.2 Fifth century continuity and developments

In the mid-fifth century the Bishop of Rome, Celestine (died 432) stated 'no-one should be given as a bishop to a community that does not want him'. Repeating these same sentiments Leo, Bishop of Rome (440–461) went further, saying 'Let not a person be

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[155] G. Dunn, 'Canonical legislation on the ordination of bishops, Innocent I's letter to Victricius of Rouen,' in J. Leemans, S. Keough, P. Van Nuffelin, C. Nicolaye (eds.), *Episcopal Elections in Late Antiquity* (*250–600 CE*) Series: Arbeiten zur Kirchengeschichte 119 (Berlin 2011) p. 151–2. Jasper, Fuhrmann, *Papal Letters,* p. 22; 24;

[156] H. Chadwick, *The Church in Ancient Society from Galilee to Gregory the Great* (Oxford 2001) p. 326.

[157] Gaudemet, *Conciles Gaulois Du IV ͤ Siècle*, p. 137–43, canons 1, 2, 3.

ordained against the wish of the Christians and whom they have not asked for explicitly'.[158] Celestine and Leo issued recommendations to this effect. All three statements clearly indicate that episcopal appointment was ideally to be a joint decision between the bishops and the lay Christian community.[159]

A number of different matters connected to episcopal election emerge in fifth century Gaul. The bishops of Rome appear to resolve or intervene in a number of elections, for example Boniface I wrote to Hilarius the bishop of Narbonne in February 422 regarding the inappropriate installation of bishops.[160] The letter refers to 'the clergy, people and *curiales*' asking the pope for assistance in the case of the see of Lodève. It states: 'our brother the bishop Patroclius of Arles had not taken account of their demands, having ordained an unknown bishop in another province without the intervention of the metropolitan bishop and in violation of the rules of the fathers'.[161]

Of additional interest is the use of the term *curiales* in this excerpt. Dunn examines the question of *curiales* who were denied the opportunity to be elected as bishops or enter into the church as clerics in this period.[162] Contemporary laws and letters prohibited *curiales* from becoming clerics because of men who entered the church seeking to evade the burden of their commitments to the administration.[163]

Other inconsistencies in the procedure of episcopal installation can be found throughout the fifth century in Gaul, some connected to instances in which bishops exceeded their authority. For example, Pope Leo, supported by edicts of the emperor Valentinian III, reprimanded Bishop Hilarius of Arles for just such a thing. The justification for both the pope and the emperor's involvement in this case was Bishop Hilarius's supposed disregard for canon law. He deposed a

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[158] Saint Celestine, *Epistles* (PL. 50, col. 434), Leo (440–461): *Teneatur subscription clericorum, honoratum testimodium, ordinis consensus et plebis. Qui praefuturus est omnibus, ab omnibus eligatur.* (*PL.* 54, col. 634); see also H.–M. Legrand, 'Theology and the Election of Bishops and the Early Church,' found in Alberigo and Weiler, *Concilium Theology*, p. 33–4.

[159] MacMullen, *Voting about God,* p. 21, 125, note 34; Philostorgius, *HE.* 9. 10. 9.13.

[160] Letter from Boniface to Hilarius, *Ep*. 12. *PL.* 20, p. 772–3.

[161] Gaudemet et al., *Les élections dans L 'Église Latine,* p. 44–8.

[162] Dunn, 'Canonical legislation on the ordination of bishops,' p. 159–62.

[163] *CTh*.II.10.6.' Siricius, *epistle,* 5.3; Innocent, I *epistle* 2, 3, 4 (PL. 20. 472); Jones, *The Later Roman Empire*, p. 739–52.

bishop, Chelidonius, already ordained and elected to the see of Besançon (Visoul). Hilarius had been informed by a group of locals that Bishop Chelidonius had married a second time prior to his ordination which was against canon law. This prompted Hilarius to depose him, arguing later he believed he had authority through the primacy of Arles all over the provinces of Gaul. Because of this assumed authority he believed he had the right to go into another metropolitan's province, remove a bishop and install another person in his place. [164] Hilarius also used excessive military force to resolve an election procedure following his removal of Bishop Proiectus. He ignored the required involvement by clerics and the people of a community to resolve the election.[165] Bishop Mamertus of Vienne was similarly later reprimanded by Pope Hilarius for his unlawful involvement in the episcopal election at Die.[166]

Several detailed letters of Sidonius Apollinaris, who adjudicated over episcopal elections, inform us of similar problems from the 470s onwards.[167] In the first letter to Eufronius, Sidonius enunciates all the problems with the election and choice of the candidate Simplicius by the people of Bourges. He raises the important points of canon law that determine his choice of Simplicius as the most suitable candidate.[168] Sidonius discusses Simplicius' suitability by naming his qualifications as a previous government administrator as well as noting his local community position and status. Simplicius had survived imprisonment by barbarians, been a diplomat in alien lands, was an upstanding member of his community, was well known by the people of Bourges, had good family connections and had only been married once.[169] In terms of character and canonical requirements he was thus the best man to be elected to the metropolitan see of Bourges.

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[164] Hil. *Ep.* XXI, *Ennodius Vitae Epiphanii,* 7–8, CSEL VI, p. 340; R. W. Mathisen, 'Hilarius, Germanus, and Lupus: The Aristocratic Background of the Chelidonius Affair,' *Phoenix,* vol. 33, No. 2 (1979), 160–9. This latter work gives a detailed discussion in both Latin and English of the relevant texts on the topic. See further discussion on the primacy of Arles in Chapter 4.

[165] Afterwards Proiectus was restored to his unknown see.

[166] Mathisen, 'Hilarius, Germanus, and Lupus.' See also references to the same topic all cited in Norton. *Elections*, p. 157–8.

[167] Sid. *Ep.,* VII 8, 9.

[168] See also section 4.5 for further discussion.

[169] Sid. *Ep.* VII. 9.17. Sidonius mentions two other candidates who had both been married twice and thus under canon law were deemed unsuitable.

In the second letter Sidonius replies to a request by bishop Perpetuus for the oration he gave to the people at Bourges.[170] Sidonius gives a clear description of the electoral procedure and makes reference to non-canonical procedures in Gaul. The letter details the additional problems manifested at this election: the large number of episcopal candidates, the various passionate parties, a disturbed crowd that was originally not compliant, and clerics who were afraid of other members of the clerical order and thus did not speak out against or in defence of candidates. Sidonius was requested by mandate to choose the best candidate. He appears to resolve the many problems presented, undoubtedly partly because of his influence and social position as a former prefect of Rome, who also hailed from a famous senatorial family. Sidonius mentions the attendance of a bishop Agroecus, the metropolitan bishop of Sens at the election. As the more senior and metropolitan bishop Agroecus would normally have had the final say in the election, yet it is left to Sidonius to persuade the crowd and other clerics to choose, Simplicius, a lay-person. Importantly, when Sidonius speaks of the mandate and the choice he uses the verb *elego*.[171]

In a third letter Sidonius makes reference to an episcopal election at Chalons,[172] where once again there were factions and problems with the choice of candidate. Sidonius mentions three candidates who were all vying for popularity in different ways. The senior bishops eventually nominated a different, more canonically suitable, man despite the wishes of the crowd.

These three letters give us a clear picture of the problems emerging in connection with the election of bishops in Gaul when the transition to kingdoms began to take place. Elections had become increasingly politicised due to the greater influence of bishops in this transitional period and were often unstable situations. This was in some part due to the precarious character of the times. Following the diminution of Roman administration each episcopal election became more important as the local community had to rely more on the bishop of the area in order to deal with important affairs of the town. There was a need for strong men as bishops. Men who could

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[170] Sid. *Ep*. VII. 9.
[171] Sid. *Ep*. VII. 9.6.
[172] Sid. *Ep*. IV. 25.

resolve local problems and assert authority. The letters of Sidonius show the sensitive interventions required to resolve these situations.

In the mid fifth-century, when Visigoths governed the area, Rusticus the metropolitan bishop of Narbonne ordained his archdeacon Hermes to the episcopate of Béziers. However the local people would not accept Hermes as their bishop. A number of reasons emerge. Hermes was deemed anti–Visigothic and part of an aristocratic clique in Narbonne.[173] Fredericus may have been involved in the conflict. He was the brother of Theoderic II, king of the Arian Visigoths, and he controlled the territory around Narbonne at the time. Rusticus suggested Hermes should be his successor in Narbonne [174] and on the death of Rusticus, Hermes eventually succeeded to the see. Several bishops of the ecclesiastical province of Arles were despatched to Rome in 462 with John, who gave a version of the events, including the view of Visigoths.[175] A council was held in Rome, participated in by Faustus and Auxanius.[176] The council confirmed Hermes in his position as bishop of Narbonne, but removed his authority to ordain other bishops. A number of letters were then sent from consecutive bishops of Rome, Leo and Hilarus, to successive metropolitans of Arles.[177] These letters were in connection with a number of irregular ordinations and requested the bishops to hold a council to deal with these matters. Further irregular ordinations documented around this period may well have been the impetus for the first letter sent from Rome to Leontius of Arles and a later one in 463.[178]

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[173] Sid. *Carm*.7; *Ep*.1.23–59.

[174]Hefele, *A History of the Councils,* vol. 4, p. 11–13; Mathisen, *Ecclesiastical Factionalism*, p. 206–11. Mathisen points to a further complication of the above Rusticus of Narbonne and possibly his archdeacon Hermes, who were seen in the past as the most influential antagonists to the Lérinian faction of Hilarius of Arles and additionally both may well have been the Gallo–Roman partisans who strongly opposed the Visigoths.

[175] Hilarus, *Ep*.3. *PL* 22–23; 3.25–28, 29–30; MGH *Epistulae*, t 3. 137–155; Hefele, *The History of the Councils*, vol. 4. p. 12–14. Leontius of Arles, had not consulted Hilarus Bishop of Rome with regard to the installation of Hermes in 462, Hilarus of Rome wrote complaining of the circumstances of his 'usurpation', of the see of Narbonne. See the Council of Rome (462) shortly after the letter of Hilarus was sent to Leontius, Hilarus attended as well as a number of Gallic bishops, canons were promulgated that were related to matters of this sort in the Gallic church.

[176]Mathisen, *Ecclesiastical Factionalism*, p 208. Both Faustus and Auxianus were from Lérins, possibly abbots, Auxianus and Faustus became bishops, the latter held the see of Riez (after 455).

[177] Leo, *Ep*. X, *PL*. 54. The letter to the bishops at Vienne explains the removal of certain sees, thus giving metropolitan of Vienne more authority than that of Arles.

[178] Leo, *Ep. Ad Ravennius*, xl, xli (449); Munier, CCSL, vol. 148, p.107, *Ep*. Ad Leo (451), *PL*, 54, col. 996–970; . …, *qua in unum celeriter non potuimus conuenire, uel spatia, quibus a nobis displati sumus, longa terrarium uel aurarum, quae in regionibus nostris praeter, consuetuedinem fuit, intemperies attulusset*. Part of the letter from

This episode underlines the shifting areas of episcopal jurisdiction and authority. It demonstrates the difficulties of the period with different authorities involved in religious affairs. It also illustrates the various authorities participating and how they went about emphasising their jurisdiction over church matters. The Franks, Visigoths and Burgundians were all jostling for authority, while the primacy of Rome, as well as the provincial metropolitan bishops, were all being constructed anew in this period of political and military transformation. In this case all the protagonists made an effort to control the outcome. When Rome denied the authority of Hermes to ordain future priests, it took away his episcopal authority. At the same time Rome was shown to support the Ostrogothic/Visigothic cause, demonstrating a political element to their policy and actions. This is not surprising when we consider that the orthodox bishop of Rome was dependant on the good will of the Arian Ostrogothic rulers of Italy.

In the example above, the different authorities were emphasised as well their connection to the tradition of ordination. In the period 450–463 a number of other incidents were brought to light concerning the ecclesiastical jurisdiction of Rome over the church of Gaul.[179] During this period, a powerful faction of bishops, many of whose members had trained in the monastery of Lérins, was active in Southern Gaul in the ecclesiastical province of Arles. Simultaneously a number of autonomous military groups were active in different parts of Gaul.[180] Visigoths held parts of southern Gaul including Narbonne; Burgundians held territory that included the ecclesiastical provinces of Lyons and Vienne. Both the leading civil representatives, Fredericus of the Visigoths and Gundioc of the Burgundians, saw fit to interfere in ecclesiastical affairs and complain to Rome about bishops in their territories.[181] At this time the canonical rule prescribing

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the Gallic bishops at council including the new bishop of Arles, Ravennius, requesting the return of the parishes (sees) now held by metropolitan of Vienne previously held by Arles, and taken away when Hilarius was bishop in Arles.

[179] Boniface, *Ep ad Hilarius*, 12. PL 20, 772–773; Ennodius *Vitae Epiphanii,* 7–8, CSEL. VI 340; R Mathisen, *Ecclesiastical Factionalism*, p. xiii; 10; 46; 48; 50; 67–8; 85–6;116; 145–88; 201–17; 220–34.

[180] *PL* 54; 633–635; *Nov. Val.* 17.101–3. M. Heinzelmann, 'The affair of Hilarius of Arles (445) and Gallo-Roman identity in the fifth century,' in Drinkwater and Elton, *Fifth century crisis*, p. 239–51; Mathisen, 'Hilarius, Germanus, and Lupus' p. 197, 160–9. Mamertius of Vienne ordained a bishop to Die, thus ignoring the previous ruling made by Leo Bishop of Rome on the jurisdiction over certain sees in the territory of Arles and Vienne. See Chapter 5 for further discussion.

[181] Reference to provinces signifies ecclesiastical provinces. Where the term is used to signify the administrative provinces of Gaul the difference will be pointed out so as to avoid confusion. In the period of the sixth and seventh century the canon law on a number of occasions refers to 'province' signifying the ecclesiastical province under the metropolitan. A number of scholars such as Duchesne, *Fastes épiscopaux de l'ancienne Gaul,* Gaudemet, *Les Canons des Conciles*; Pontal, *Histoire Des Conciles* and Halfond, *The Archaeology of the Frankish church*, when

that the nomination of a successor was not allowed had not yet been promulgated in the West. Nevertheless, the nominating of a successor by Rusticus mentioned above appears to be disapproved of by Rome. This is verified by the fact that Hermes, while retaining his see, was no longer allowed to ordain other clerics.

The church made its own canon laws for discipline of its priests and bishops. However bishops and clerics were still subject to Roman law.[182] While Gaul was still under imperial hegemony the churches and their leaders would have been subject to this law and we have evidence that they knew well its religious application. Matthews indicates that there were both provincial and central collections of laws in the East and the West before the compilation of *CTh.*[183] After the collation and the publication of *CTh.* in the East it became readily available in the West. Gaudemet contends that even when the autonomous kingdoms came into existence the influence of the Church was important in the maintenance of Roman law.[184] This is found in Alaric's Visigothic kingdom of Toulouse, where the *Breviarium* was produced around the time of the promulgation of the *acta* of the council of Agde (506). [185]

In 456 or 458 a letter was sent to Gaul by Leo, Bishop of Rome, clarifying the rules for episcopal installation in answer to a number of questions posed by Rusticus of Narbonne. The incident discussed above with regard to Rusticus may well have been connected to this question. Leo wrote:

> Concerning the priests and deacons who have pretended to be bishops, there is no rule that
> permits you to admit to the rank of bishops those who had neither been elected by clerics or

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using the the term 'province' in their studies on bishops, canon law or church institution of the period refer to territory of the administrative jurisdiction of the metropolitan bishop.

[182] I. N. Wood, 'The Code in Merovingian Gaul,' in 'Harries and Wood, *The Theodosian Code,* p. 167, gives the reference from *Lex Ribuaria,* 61.1, *Laws of the Salian and Ripuarian Franks,* trans. T. J. Rivers (New York 1986).

[183] J. F. Mathews, 'The making of the text,' in Haries and Wood, *The Theodosian Code,* p. 31–3; 167–8. Wood also gives references to a number of men involved in the making of Roman law, but there is no certainty whether it was the *CT* or the *Breviarium* that was utilised.

[184] J. Gaudemet, ' Survivances romaines dans le droit de la monarchie franque du Vᵉ au Xᵉ Siècle,' in *La formation du droit canonique medieval* (London 1980) p. 149–206. Although moving forward in time out of the period under discussion, Gaudemet states that as well as the church, the maintenance of the tradition of Roman law was also known in the monasteries. He notes the influence of Roman law for example in secular laws in Burgundian law, in sections 13, 11.

[185] R. W. Mathisen, 'D'Aire–sur l'ardour à Agde: les relations entre la lois séculière et la loi canonique à la fin du royaume de Toulouse,' in M. Rouche, and B. Dumézil, *Le Brévaire d'Alaric Aux Origines de Code Civil* (Paris 2009) p. 45. Mathisen argues that the writing of the *Breviarium* and the holding of the Council of Agde were carried out in the same year. It was seen as a political transformation following the liberation of the influential bishop Caesarius of Arles.

sought out by the people, nor consecrated by provincial bishops with the metropolitan's consent....Such an ordination will be regarded as invalid... [186]

This letter uses 'ordination' as a general term and states the procedure which must include the election of clerics, due regard for the wishes of the people, and the participation of the provincial bishops in the consecration, all overseen by a metropolitan. All three terms for ordination, election and consecration are mentioned as part of the normal procedure expected and ruled on at this time. Consecration is differentiated from ordination or benediction. [187] Interestingly, while it is clear 'consecration' is known in this period, elsewhere in the *acta* there is very little reference to 'consecration' or its connection to episcopal appointment.

### 3.5.3 *Statuta Ecclesiae Antiquae* (*SEA*)

Chadwick informs us that the Latin version of church orders, known as the *Statuta Ecclesiae Antiquae* (*SEA*), was in circulation in Gaul at the beginning of the fifth century.[188] It probably originated in south-eastern Gaul in the last 20 years of the fifth century, although previously it was thought to have originated in North Africa and initially it was categorised as coming from Carthage. Since Munier's 1960 work this text is now considered to be the work of Gennadius of Marseilles or possibly even influenced by Caesarius of Arles,[189] although there is still scholarly debate on this point.[190] Dix and Chadwick suggest there is 'clear use of the Apostolic Tradition IX in the *SEA*'. However there is no further trace of its influence in the West.[191] Gaudemet

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[186] Epistle 167 from Leo, Bishop of Rome to Rusticus of Narbonne, PL 54. 1199–1205; B. Neil, *Leo the Great* (Abingdon, New York 2009) p. 138–40; Mathisen, *Ecclesiastical Factionalism,* p. 202–4 with translation. *de presbytero, vel diacono, qui se episcopos esse mentiti sunt … nulla ratio sinit, ut inter episcopus habeantur, qui nec a clericus sunt electi, nec a plebibus expetiti, nec a provincialibus episcopis cum metropolitani iudicio consacrati… vana habenda est ordinatio….*

[187] 'Consecration,' Drössler, *The Encyclopaedia of Christianity, v*ol. I (1999) p. 666; Hippolytus, *Didasculum apostolorum, Canonum ecclesiasticorum*, *Traditions apostolicae versions Latinae, recensuit*, E. Tidner (Berlin 1963).

[188] *Statuta Ecclesiae Antiquae,* in C. Munier, *Concilia Galliae A. 314–506,* CCSL vol. 148, p. 162–88.

[189] C. Munier, *Les Statuta Ecclesiae Antiquae* (Strasburg 1960), and text in Munier, *Concilia Galliae, A314–A506,* CCSL vol. 148*,* p. 162–88. di Beradino, Watford, *Encyclopaedia of the Early Church*, Vol. II, p. 793; this extract on the topic agrees with Munier that the work was compared to *De ecclesiasticis dogmatibus,* which was also written by Gennadius and the two works have many similarities of language and ideas and that both emerged in the West.

[190] Munier, *Les Statuta,* p. 107–24; 209–36. See for a discussion on the dating of the source. Hefele, considers the text to be identified with the *acta* from the previous African councils, but other scholars have argued that it originated in Gaul.

[191] Dix and Chadwick, *Apostolike,* p. xvi, 15. Number IX is the prayer of the deacons and part of this relates to their appointment it states 'the same as been said before, the bishop [alone] laying hands on him [in the same manner].'

argues that in the extant *SEA* there is evidence of influence from both the oriental tradition and the *Canons of Hippolytus*.[192] The contents of the *SEA* indicate that it was developed to try to clarify procedures for the bishops in Gaul. I suggest that the extant document *SEA,* thought to be written in Gaul, was actually written as a direct result of the problems occurring. Indeed the examples given above as well as others that occurred in connection with non-canonical procedures relating to ordination may well have prompted the writing of the *SEA.*

Whoever the original author was, he sought to reiterate and clarify the prescriptions connected to ordination and election. The development of the *SEA* at this time indicates it was written to control the ordinations carried out by the now powerful, often aristocratic, episcopate in Gaul. It is also possible the text was written with the purpose of making certain elements of the ritual available to the provincial and diocesan synods in Gaul, in order to prevent the often claimed ignorance on the part of participants in the procedure. The elements connected to ordination and election sanctioned and validated the regulation and development of episcopal authority through the process of episcopal appointment. [193]

The work is divided into three distinct parts. The first part contains canons that distinguish the different qualities required in a bishop and other ordinants. The central part of the *SEA* confirms matters of discipline directly connected to the hierarchy of the church. The last section contains 102 canons entitled *Recapitulatio Ordinationis Officalium Ecclesiae.* As the name suggests this section is the summing up or recapitulation of the official rules for all varieties of ordination in the church.

The process outlined in *SEA* appears a little different from the earlier processes mentioned in a variety of early traditional texts including the *Canons of Hippolytus*. Specifically it introduces the practice of the 'laying of hands' and refers to 'the book held over the neck'. A further tradition was later added. Found in a collection of writings in the *SEA* canon 90 (II) in the late fifth or early sixth century in Gaul, this further tradition involves the laying of the book *The*

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This section includes the function of the deacon, who was not ordained but was there for the service of the bishop including to take charge of property (presumably of the church). Numbered 7 and 8 in Bradshaw.
[192] J. Gaudemet, 'Liberté Constantinienne,' *L'Eglise et société en Occident au Moyen Age* (London 1984), I p. 61.
[193] *SEA* (around 475) Cl. 1776, SL 148 p. 181, ff.

*Gospel*s on the bishop's head. This is the only example of the inclusion such a practice in early Gallic *acta* and was not demonstrated again in the sixth century.[194]

These practices were rarely mentioned in later canons from Gaul. The question arises, was this specific ritual considered to be the 'ordination' or the 'consecration' procedure? The *SEA* additionally proposes that two bishops held the book over the head as one bishop laid his hand on the head; the text appears to exclude other ecclesiastical orders such as presbyters from the ceremony. Canon 90 from the *SEA* thus demonstrates the way that bishops had begun to increase their own authority by excluding priests from involvement over the last process of episcopal installation. This work may well have been developed in response to a crisis and particularly to the problems that arose in Southern Gaul in connection with ordination in the late fifth century.

On the question of episcopal election in the period just prior to the establishment of the successor kingdoms in the Western province of Gaul, canons from the fifth century council of Arles clearly state the order to be observed for the election procedure. Once all obstacles have been removed**,** 'three men were nominated by the bishops, who with the clerics and local people would have the power to elect one'. [195] These canons clarify that for the election of an episcopal candidate the responsibility was divided between three groups: provincial bishops, clerics and local people. Not until consensus between them was achieved could they proceed.[196] This is reiterated in the *SEA,* which states that after all the examinations for the suitability of a candidate have been completed, there must be a consensus between the clerics, laypeople and the provincial bishops.[197] McMullen discusses the procedure of voting in church councils in the light of the history and local tradition of local Roman municipal councils from which the process of

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[194] Munier, *Concilia Galliae 314–506*, CCSL vol. 148, p. 181, *SEA,* canon 90 (II), *… duo episcopi ponant et teneant euangeliorum codicem super ceruicem eius.* See full text in Appendix I, Chart A.

[195] Munier, CCSL, vol. 148, Council of Arles (442–506) canon 5 and canon 54: *Placuit in ordinatione episcopi hunc ordinem custodiri, ut primo loco uenalitate uel ambitione submota tres ab episcopis nominentur, de quibus clerici uel ciues erga unum eligendi habeant potestatem.* It was decided in the ordination of the bishop having first watched over any obstacles such as once the action of going around canvassing voters or through venality (once these were excluded) then three men were nominated by the bishops, about/of whom the clerics and people had the power to elect one.

[196] MacMullen, *Voting about God,* p. 18–22.

[197] Munier, CCSL, vol. 148, p. 165–6, *SEA* canon 1. *Cum in his omnibus examinatus inuentus fuerit plene instructus, tunc consensu clericorum et laicorum et conuentu totius prouinciae episcoporum, maximeque metropolitani uel auctoritate uel praesentia ordinetur episcopus.*

ecclesiastical voting and election stemmed. He emphasises the importance of consensus and notes that discussion of the opposing views would have taken place before the actual vote.[198]

## 3.6. Conclusion

In this chapter, I examine the early connections of the terminology of episcopal appointment. I argue that the first leaders in the church demonstrated the importance of the suitability and the correct procedure for the appointment of leaders by writing about it. In these first writings on the topic of 'election' and 'ordination' we see continuity of terminology and procedure, while the term 'consecration' or its cognate verb is rarely found in relation to episcopal installation. Early Christians appropriated the terminology from a number of traditions including Judaism as well as Roman military and civil institutions. As the establishment of early church orders and canon law developed, the traditions continued and were amended. Episcopal authority increased as various appointment procedures were refined.

Presbyters as the first Christian leaders were later replaced by bishops. The leadership advanced to include metropolitan bishops and other bishops in councils of the established church.[199] Concern for correct episcopal installation grew and was connected to ecclesiastical succession and its authority, confirmed by the reiteration of concepts for episcopal appointments in a number of texts. Examples can be found involving types of ordination that were considered irregular and as such appear to bypass or undermine a bishop's authority, indeed perhaps damage the unity and reputation of the church as whole. Roman emperors and Roman law also played a part in defining the authority of bishops through ordination. Laws were issued in connection with ecclesiastical privileges and the specific position of ecclesiastical authority under a number of Christian emperors, which bears witness the growing influence of the church and its leadership.

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[198] MacMullen, *Voting about God*, 48.

[199] Council of Elvira (306–12, the date is uncertain), canon 51; Council of Arles (314), canon 20; Council of Nicaea (325), canon 4; Council of Antioch (341), canons 19; 22; Council of Sardica (?347), canons 3; 7, part 1; Hefele, *A History,* vol. II, p. 130–135. There are varied translations of Greek and Latin texts but the canon was connected to ordination. See also Council of Valence (374), canon 4; Council of Turin (401), canon 3; Council of Arles (444/5), canon 5.

Ordination was one of the necessary legal steps taken on the path to the episcopate. The evidence indicates that without taking these steps, a bishop's authority was not legitimate. Once the formal canon law disciplinary rules governing these processes were followed a bishop could act with the authority laid down in such law. This process was first mentioned in the writings of the patristic fathers, and later repeated in ecclesiastical canons. The reiteration of the early symbolic traditions of ordination procedures in the canon law, and the use of the same terminology, established the authority of the sacred rites in canon law and its institution. Similarly, in civil law relating to specific requirements for the appointment of bishops, the repetition of ideals first constructed and then reinforced their authority. Therefore, these laws and procedures were most significant for the development and maintenance of the authority of the leaders of the church, who had sole power over the procedures in their individual areas of the Roman Empire.

An examination of the terms used in the procedures of installation from the early Latin period up to the end of the fifth century reveals certain consistencies. O*rdinatio* or *ordinare* was commonly used for the procedure as a whole, while *electio* or *eligo* was usually reserved for the procedure of election. *Consecratio* or *consecro* was only occasionally found when referring to the final procedure of installation by a metropolitan bishop. Further work is required to address the current lack of adequate critical distinction between the criteria for election and the other procedures in the formula for appointment of bishops.

Confusion emerges in the terminology in relation to the procedure of consecration. For instance in a few occasions in later narrative texts, we find mention of bishops being consecrated after election, while no mention is made of ordination. These terms need to be defined more clearly, particularly in the way they were first used, so that we may understand their usage or absence in the later period in the West.[200] Consecration, in contrast to ordination, appears to encompass the inclusion of a divine element in the process and is considered to elevate a person into a different, more sacred realm. The symbolism incorporated into this act bears a

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[200] The two words often appear in a modern context to be interchangeable. One further difficulty arising in the modern context of the word is in terms of translation. Some languages, for example French, use the expression consecration when translating the word ordination. This may be because 'ordination' in French has the same sense as in English or Latin as does the French 'ordonner' to ordain but in many cases it is translated *consécration* or *consecrer*. 'Consecration,' Drössler, *The Encyclopaedia of Christianity,* p. 839.

resemblance to the Judaic act of pouring oil on the hands. The process of episcopal ordination was believed to convey divine authority on the recipient from the bishops who performed the procedure. This divine authority gave the person a spiritual connection with God; the consecrated person was imbued with sacred authority.[201] However, in the early church ordination appears to represent the same ideals as consecration.

The words of the Gelasius, Bishop of Rome (492–496), on the topic of episcopal authority were to resonate over the next few centuries as Gallic bishops endeavoured to maintain their authority over episcopal ordination:

> There are two powers, august Emperor, by which this world is chiefly ruled, namely, the sacred authority of the priests and the royal power. Of these, that of the priests is the more weighty, since they have to render an account for even the kings of men in the divine judgment. [202]

Episcopal appointments were of great importance and concern to the early ecclesiastical leaders and fathers of the church. For the early Christian leaders and bishops who came to the first important church councils the procedure of 'ordination' was thus central. It was at these councils that they refined and defined their own authority over ordination and election. The appointment practices that were spoken of and written about by early church leaders and the first canon law makers were directly connected to the authority of ordained leaders. Their continued concern with the maintenance of ecclesiastical discipline over ordination and election clearly indicates that effective power depended on the assertion of the legitimacy of bishops. By constantly affirming these canon laws through the records of the councils, the ecclesiastical participants confirmed and laid down proof of their authority and legitimacy and its connection to the first Apostles.[203] It was essential for bishops to reiterate their own part in the rituals which

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[201] J. Gaudemet, *Les elections dans l'église Latine des origines au XVI siècle* (Paris 1979) p. 83–104. Gaudemet considers divine intervention in 23 installation ceremonies most which were in the sixth and seventh centuries. It was often referred to in the choice of the man for episcopate.

[202] Gelasius, *Epistle to Emperor Anastasius*, ep. VIII, PL. vol. 59, p. 42. *Duae quippe sunt, imperator Auguste, quibus principaliter mundus hic regitur: auctoritas sacra pontificum et regalis, potestas, in quibus tanto gravius est pondus sacerdotium quanto pro ipsis regibus Domino in divino reddituri sunt examine rationem*. The English translation is found in J. H. Robinson, *Readings in European History* (Boston; 1905) p. 72–3. This translated version was copied from the Internet Medieval Source Book. The original e–text is © P. Halsall August 1996.

[203] Harries, *Law and Empire,* p. 56–7. Harries discusses how imperial authority was constructed through records of law, meetings and procedures that legitimated the authority of emperor. These techniques were utilised by other groups including the ecclesiastical hierarchy particularly through obsessive attention to the creation of the record.

asserted their authority and their link to older traditions as indicated through the texts found in a variety of councils held from the second century through to the late fifth century. [204]

In the following chapter I will examine the process of episcopal ordination in the sixth and seventh centuries. The main sources are the *Concilia Galliae* and the various texts of bishop Gregory of Tours, other chronicles by Fredegar and his continuators, as well as a number of hagiographical texts. Gregory together with his fellow bishops situated in Gaul, had access to ecclesiastical archives. This enabled them to look back to those traditions which were set out in the important oecumenical councils of the early Christian church.[205]

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[204] These include a list of repeated canons in Council of Elvira (306–12, the date is uncertain), canon 51; Council of Arles (314), canon 20; Council of Nicaea (325), canon 4; Council of Antioch (341), canons 19; 22; Council of Sardica (?347), canons 3; 7, in part 1; Hefele, *A History,* vol. II, p. 130–5. See also Council of Valence (374), canon 4; Council of Turin (401), canon 3; Council of Arles (444/5), canon 5.

[205] Council of Elvira (306–12); Council of Arles (314); Council of Nicaea (325) and the Council of Chalcedon (451).

# Chapter 4. Episcopal ordination in Gaul 500–696: terminology and procedure

## 4.1 Introduction

The previous chapter contained an examination of the importance of traditions connected both to the procedure and terminology used for episcopal appointments in the church. This chapter concentrates on the conferral of episcopal authority through the process of ordination in sixth and seventh century Gaul. As discussed in Chapter 3 the authority owed its tradition to the early church and the Apostles. By the early sixth century, the confirmation, consolidation and legitimisation of the authority of bishops were usually achieved through the performance of a specific canonical procedure for installation. Two procedures were required to gain the episcopate; referred to in the traditional terminology as *ordinatio* or *electio* and, on rare occasions, as *consecratio*. Election and consecration will be treated in Chapters 5 and 6. Ordination was performed on deacons, priests and bishops. Through receiving episcopal ordination, a bishop attained the leadership and authority of a specific church for his lifetime. Once he was ordained his position in the community was changed. Thus it is argued that ordination defined his position.

Through examination and analysis of the language used in contemporary we can gain a clearer picture of the procedure of ordination. I will investigate the meaning of ordination, and the connection between episcopal installation and legitimacy. I will also look at the specific terminology of ordination with evidence for ordination procedures gathered from contemporary accounts.[1] This will be followed by an examination of additional typologies for ordination, such as suitability for ordination and criteria required.

As a starting point it is necessary to examine the topic of 'ordination' separately from 'election' and to determine what place the term 'consecration' had in this period because the

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[1] CCSL 148, 148A *Concilia Galliae, 314–506*; *Concilia Galliae 511–695*. See also Goffart, *Barbarian Tides* Goffart, p. 9, 199; Goffart has warned against the indiscriminate selection of words from random texts without the full context of the terminology.

terms varied so much when analysed quantitatively. It is crucial therefore to define the terminology and practices of 'ordination' in isolation so as to consider whether they were the same or different to what we understand the terms to signify today. Because there appears to be a divergence of meaning, there is a need for clarification. It is essential that ordination, its terminology and the procedure connected to it, should be examined separately to prevent confusion with the process of election or the use of the term consecration. In modern translations of ancient texts the term 'consecration' is often substituted when the original word used was 'ordination'.[2] A clarification of all aspects of the process of ordination will thus demonstrate that in the period under examination the actual term 'ordination' and not 'consecration' was used most frequently used for the ceremony of episcopal installation.

This chapter involves analysis of the terminology and its context with regard to the procedure of ordination found in the *Concilia Galliae* from AD 500 to 696, as well as hagiographical works, poems and letters written in Gaul in the same period. By the seventh century, evidence from canon law proves to be less predictable. There are several reasons why we have less abundant and regular evidence from the seventh century. It appears that councils were held less frequently; only 18 were held in the seventh century compared to 35 held in the sixth century. Additionally, the *acta* were not documented in the same way for posterity. Possibly the focus of the compilers of the canons became narrower in this period or perhaps their educational skills diminished. An alternative explanation may be that the various kingdoms were more centralised and so fewer church councils were required. However, these questions fall outside the scope of this study.

Seventh century church sources were also somewhat formulaic and written in a chronicle style. There was also a difference in what was documented. Sixth century council texts include letters, prefaces, canons and subscriber lists, while seventh century texts have only canons, report only the names of subscribers or else give only brief reports on the councils. Only six of the seventh century councils we know about include a preface with some context or history of the council. The contrast between the sixth and the seventh century evidence is also noticeable in

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[2] For example, Thorpe, L. (trans.) *The History of the Franks* (Harmondsworth 1974)*,* where Gregory of Tours explicitly states ordination it was routinely translated as 'consecration'.

the changing language and spellings used and the less abundant definitions. However, the increased volume of hagiographical material and number of bishops' letters found in the seventh century does offer a more fruitful area to research.[3] This study will pay particular attention to the language of the texts and genre as well as the disparity between the sources to try to tease out a more complete picture.

There were specific changes of style in the way history was recorded between the sixth and seventh centuries. For example the few available works follow each year with a small reference to events in one place,[4] often written a long time after the events themselves.[5] Scholars consider that the histories written in the seventh century are less precise in their chronology, and omit events deemed unsuitable for inclusion. The focus of works such as the *Liber Historiae Francorum (LHF)* was on secular matters, the relationship between kings and nobles and not bishops, unless they were at court or involved in political matters.[6] There was also little investigation or discussion into how or why events occurred.

This chapter examines the ecclesiastical initiation procedures more closely. As previously mentioned, there were a number of clerical ranks such as deacons or priests, other than bishops, who went through an ordination in addition to the minor orders.[7] The term

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[3] *Epistolae Merowingici et Karolini aevi* 1, E. Dümmler et al. (eds.) MGH Ep.t. 3 (Berlin 1892) p. 191–214; *Epistulae S. Desiderii Cadurcensis*, D. Norbert (Stockholm 1961); R. W. Mathisen, 'Desiderius of Cahors: Last of the Romans' in S. Deifenbach and G. W. Müller (eds.), *Gallien in Spätantike und Frümittelalter.Kulturgeschichte einer Region,* Millenium Studies 43 (Berlin 2012) p. 130–42. This Desiderius of Cahors (bishop from 636–655) had a position at court during the reigns of Chlothar II and Dagobert I and later became a bishop. During that time he wrote letters to his friends from the court who also held positions as *referendaria* and then became bishops. Included in his correspondents were his brothers Rusticus, a previous bishop of Cahors and Syagrius, Sulpicius of Bourges, Abbo of Metz, Paulus of Verdun, Audoinus of of Rouen and Eligius of Noyen.

[4] R. W. Burgess and M. Kulikowski, *Mosaics of Time: The Latin Chronicle Traditions from the First Century BC to the Sixth Century AD* (Turnhout 2013) p. 17–20; 240–53. These scholars argue that Fredegar's work and that of his contemporaries were not chronicles but were 'extensive historical epitomes' and lacked any 'chronological framework'. These texts were structured by recording the various events in different reigns rather than by an annalistic framework. See also R. McKitterick, *History and Memory in the Carolingian World* (Cambridge 2004) p. 97–119.

[5] Fouracre and Gerbeding, *Late Merovingian France,* p. 332–3.

[6] Fouracre and Gerbeding, *Late Merovingian France,* p. 79–80.

[7] *SEA, Recapitulatio Oridninatione Officialum Ecclesiae*, canons 90. (II), bishops; 91. (III) presbyters; 92. (IV) deacons; 93. (V) subdeacons. Celebration of the mass was reserved for the bishop, see Councils of Orléans (511), canon 26, 31; (538) canon 15; Mâcon (581–583) canons 6, 10.

'ordination' or to 'ordain', was used primarily in the case of the procedure of ordination. [8] In the *acta* it is also found in references from other procedural typologies specifically connected to 'ordination', which sought to regulate matters including place of ordination, age of candidates for ordination, whether ordinands might be married, and what moral failings ought to rule a man out as a candidate for ordination. Once ordained as a cleric in the ecclesiastical hierarchy, a man had the ability to rise through the ranks to become a bishop. Not all men who were ordained later became bishops. 'Ordination' had a dual purpose in the church. Laymen, deacons, priests and subdeacons were all ordained, and if they were nominated for the episcopate then they were ordained again. If they were ordained bishops they still remained priests, deacons or subdeacons.

When only the procedure of 'ordination' was mentioned in a source we have to assume that election has also taken place. The final procedure of episcopal appointment is termed in other periods as 'consecration' although in this period it is found described as 'ordination' in most of the sources. In this period ordination is usually the only term referring to the procedure that, once completed, allowed the bishop to hold office.

The most frequently mentioned canonical terminology connected to episcopal appointment was *ordinatio* or *ordinare*. We get a strong sense of the significance of 'ordination' when an analysis of the evidence from more than 70 councils' *acta* (between 511 and 696) reveals that in 22 councils there were as many as 100 examples of canon law connected to the regulation for 'ordination'. Because of the overwhelming amount of evidence dealing with issues involving *ordinatio* and the preference for the use of *ordinatio* or *ordinare*, we can conclude this was a concern both to the compilers of the canons and those who used them. Further consideration of the context of each reference to 'ordination' reveals more than 50 instances in the canons where 'ordination' is found in connection to episcopal ordination. In this specific context we can therefore assume that the term and the procedure were frequently referred to in canons because of their importance to the ecclesiastical community. Additionally

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[8] See the analysis of several sets of data from the *acta* in the Appendices, Chart I shows 'ordination' in canon terminology from 500; Chart III shows 'election' terminology in the same period and Chart V shows 'consecration' terminology; Chart II shows references to 'ordination' in Gregory's *DLH* and Chart IV shows references to election in the same genre.

in the narrative histories and other evidence there are many other instances of the use of 'ordination' found in connection with the appointment of bishops.

As discussed in Chapter 1, many questions of canon law have already been thoroughly examined by scholars from large monumental studies of canon law to some recent articles reconsidering a variety of themes. These studies have examined such topics as: manuscript sources of the *acta*; the structural synthesis of councils; the geographical spread of attendees at councils in Gaul.[9] Specific aspects relating to ordination in the hierarchy of the church has been the subject of previous scholarship however the emphasis so far has concentrated on the practices in the early church and the liturgy of ordination, rather than constructions of episcopal authority.[10] Interest in the topic of 'ordination' in the twentieth century arises when the Catholic Church wishes to clarify current episcopal appointments. Perspectives on episcopal and other types of 'ordination' have been re-examined extensively by a number of scholars since the second Vatican council convened in 1963.[11]

Some scholars touch on the topics of ordination, election and consecration when discussing canons.[12] For example, Van Beneden has studied the topic of ordination up to the

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[9] Hefele, *A History of the Councils*; Fournier and le Bras*, Histoire des collections*; Maassen, *Geschichte der quellen*; Champagne, and Szramkiewicz, 'Recherches sur les conciles, p. 5–49; Mordek, *'Kirchenrecht und Reform*'; McKitterick,' Knowledge of Canon,' p. 97–117; Pontal, *Histoire Des Conciles*; Gaudemet and Basdevant, *Les Canons des Conciles*; Gaudemet and Basdevant, *'Les évêques d'apres la léglislation de quelques conciles mérovingiens,'*p. 471–94; Kéry, *Canonical collections*; M. De Jong, 'Transformation of penance,' *Rituals of Power from Late Antiquity to the Early Middle Ages* (eds.)*,* F. Theuws and J. L. Nelson (Leiden, Boston, Köln (2000) p. 185–224; Halfond, '*Cum Consensum Omnium.'* p. 546. In his article, Halford highlights the relative lack of research into church councils as an institution.

[10] Some further examples of attention to the topic are: W. H. Frere, 'Notes and studies,' p. 323–71; E. Ferguson, 'Ordination in the Ancient Church,' p. 17–32; H. P. Porter, *The Ordination Prayers in the Ancient Western Church* (London 1967); E. Ferguson, 'Selection, and Installation to Office in Roman, Greek, Jewish, and Christian Antiquity, ' *Th.Z* 30 (1974), 273–84; Van Benedon, *Aux origines d'une terminologie sacramentelle*; Congar, 'Note sur une valeur,' p. 7–14; Santonini, *L' ordinationazione episcopale,* SA 69 (Rome 1976); Bradshaw, 'The Participation of other Bishops,' p. 335–9; J. Lécuyer, *Le Sacrement de l'ordination; recherché historique et théologique* (Paris 1983); Stewart–Sykes, 'The integrity of the Hippolytean ordination rites', p. 97–127; Stewart–Sykes, 'Ordination rites and patronage', p. 115–30. Many scholars have examined the period up to the fourth century, have looked briefly at the sixth century or have concentrated on the period after the end of the ninth century. Others have only examined the eastern rituals of ordination as well as the liturgy.

[11] Lynch, 'Co–responsibility,' p. 39–41; Y. Congar, 'Note sur une valeur des termes 'ordinare, ordinatio,' *Revue des sciences religieuses* 58 (1984), 7–14; Puglisi, *The Process of Admission*; Reynolds, *Clerical Orders*; Macmillan, *Episcopal Ordination*.

[12] Pontal, *Histoire Des Conciles*, p. 52; 258–60; 298; Gaudemet, Basdevant, *Les Canons,* p. 74–5; 102–3; 197; 199; 203; 215; 233; 235; 237; 239; 245; 268–9; 307–9; 355; 509–11; 557. All of the references are connected to canons promulgated on aspects of ordination. B. Basdevant, *'Les évêques d'apres la léglislation de quelques conciles'*

fourth century, from a linguistic, theological and doctrinal viewpoint. Through his approach of the semantic examination of the terminology of ordination in the literature prior to the fourth century, he suggests that the both the canon and the theological terminology create a Christian reality which was both sacramental and spiritual in nature.[13] In contrast, Congar examines the early terminology and compares it to procedures from the tenth century onwards. His conclusion omits the period in between the early church and the tenth century although he considers 'ordination' as the most important and dominant procedure in the early church.[14] There has been no recent analysis of the topic of the provisions for ordination and its frequent occurrence in the canons nor has there yet been a parallel study of the numerous references to episcopal ordination made in historical narratives and other genres in Gaul, particularly in the sixth century and seventh centuries.

Because of the important changes taking place in Gaul in this period there were a number of reasons why the topic of episcopal appointment is significant. Underpinning the history of the period in the late fifth and early sixth century is the appearance and recognition of the new autonomous successor kingdoms. A number of their kings converted to the Catholic faith either from Arian Christianity or other religious practices in the first quarter of the sixth century. From the beginning of the sixth century onwards, occasions are documented in the narrative sources, in which kings are said to have been involved in the process of 'ordination', of clerics and bishops in towns outside their diocese. However, the evidence is often ambiguous. Canon 4 of the council of Orléans (511), which was concerned with clerical appointments, includes the terms *cum regis iussione*. Yet canon 8 of the council of Paris (556–573) states that if an ordination occurred *regiam honoris istius* or in any other way against the will of the metropolitan, that it was non–canonical and thus invalid.[15]

Kings are also recorded as accepting gifts or money at the time of the appointment of specific men as bishops. This was done openly and might be explained as a ritual such as when

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p. 471–94; Heinzelmann, *Bischofsherrchaft in Gallien*; De Clercq, *La législation religieuse,* p. 18; 22; 28; 33; 34; 40; 44; 69; 73; 75; 90–1.

[13] Van Beneden*, Au Origines d'une terminologie sacramentelle.* p. 164.

[14] Congar, 'Note sur une valeur,' p. 9–10.

[15] Councils of Orléans (511) canon 4; and Paris (556–573) canon 8. See Appendix I for the full Latin text.

visiting a king gifts would be offered.[16] However, Gregory of Tours suggests one king denied accepting money or bribes for giving permission for the ordination of a candidate. In the case of the appointment of Bishop Sulpicius of Bourges, who nevertheless appears to be the best man for the job because O*rdinare* or *ordinatio* were commonly 'he had the support of King Guntrum.' Guntrum is reported to have said:

> It has not been my custom since I became king to put up bishoprics for sale, nor should you yourselves expect to purchase them with bribes. I have no intention of incurring the shame to accept filthy lucre, nor do I want you to be compared to Simon Magus. As God has always intended, Sulpicius shall be your bishop.[17]

On many occasions bishops were ordained canonically in their own churches and there is no mention of royal participation in the narrative sources, hagiography and poetry. However, because of the nature of the texts, and the potential distance between the author and the actual procedure, we have to consider the accounts as a constructed reality and not an absolute truth. There are also many ordinations of which we have no record. When we consider the large number of sees in each ecclesiastical province and the number of bishops who were placed in succession in each of these sees, we have to admit we only have records for a small fraction of all the episcopal ordinations that must have occurred.[18] Both Duchesne and Stroheker have examined the extant evidence for men who held bishoprics in Gaul. Duchesne lists each separate

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[16] Greg. Tur. *DLH.*, Thorpe, *HF.*; Krusch, *Gregorii Miracula et Opera Minora;* Greg. Tur. *GM;* Van Dam, *Glory of the Martyrs*; Greg. Tur. *VP.* James, *Life of the Fathers*; Greg. Tur. *GC;* Van Dam, *The Glory of the Confessors*; Greg. Tur. *DLH,* II.41. Clovis ordered that his family members be ordained in order to humiliate them and as a strategy of war. *DLH.* VI 39. 26. *Post haec Sulpicius in ipsa urbe ad sacerdotium, Guntchramno rege favente, praeelegitur. Nam cum multi munera offerrent, haec rex episcopatum quaerentibus respondisse fertur: 'Non est principatus nostri consuetudo sacerdotium venumdare sub pretio, sed nec vestrum eum praemiis comparare, ne et nos turpis lucri infamio notemur et vos mago Simoni comparamini. Sed iuxta Dei praescientia Sulpicius vobis erit episcopus.' Et sic ad clericatum deductus, episcopatum ecclesiae supradictae suscepit.* Greg. Tur. *VP,* VI.3. Gregory gives two examples of gifts taken to the king for the bishopric as well as commenting on the king's influence and expected gifts for the induction of Gallus as a bishop. Greg. Tur. *VSM* 1.32. Gregory at age 25 was made a deacon. Venantius Fortunatus, *Carm.* 5.3.II, 13–6; implies that Gregory of Tours was chosen by King Sigibert and Queen Brunhild. We know he was ordained out of his diocese and province in Reims by Bishop Egidius by order of the king.
[17] Greg. Tur. *DLH.* V1.39. Translation found in Thorpe, *HF.,* p. 371. Gregory concludes 'He was admitted to the priesthood, and then he was elected to the bishopric.' This may have been a problem, because the council of Arles (524), canon 2, confirms that a layman may not be ordained either as a priest or a bishop until after the year of his *conversio*. One assumes by this time that many laymen were Christians so this prohibition has more to do with the testament of celibacy and the year following.
[18] Duchesne, *Fastes épiscopaux*, t. 1. Provinces du Sud–est. t. 2. L'Aquitaine et les Lyonnaises .t. 3. Les provinces du Nord et de l'Est; .Stroheker, *Der senatorische Adel im spätantiken Gallien* (Tubingen 1948); M. Heinzelmann, 'Prospographie et rechereche de continuité historique: example des Vᵉ – VIIᵉ siècles,' *Mélanges de l'Ecole Française de Rome Moyen âge,* 100 (1988). More recently Heinzelmann's focus is on a more contextually nuanced synthesis of bishops with the use of epigraphic and other evidence.

ecclesiastical province of a particular area such as Aquitaine and then lists the known bishops. Stroheker makes a prosopographical study of all Gallic bishops and lists them alphabetically. Both these studies indicate there are hundreds of bishops for whom we have no further evidence but their name.

We do however know that there were occasions where bishops were appointed without following the necessary steps set out in canon law and subsequently they faced difficulties in establishing their authority. Often what is recorded is that a bishop was appointed then much later someone claimed the necessary steps had not been followed, or perhaps followed partially or incorrectly. In a number of cases bishops who performed ordinations of other bishops without due regard for the canon law regulations were judged by their ecclesiastical colleagues and fined or deposed for participating in these non-canonical appointments.[19] While the allegation itself is not proof, what it does indicate is that the bishop concerned had enemies and was vulnerable. Accusations like this also serve to show us that attacks on a bishop's authority could be made by raising doubts as to the validity of his appointment. Thus the role of appointment procedures was necessarily a matter of serious concern. We have records of occasions when royal participation accompanied ordination and subsequently the bishop was deposed or had difficulty initiating his full authority, suggesting perhaps that the royal influence was not welcome.

For example, we have a reply to a letter sent to Bishop Remigius of Reims by the bishops Heraclius, Leo and Theodosius. The original letter accuses Remigius of following the orders of a king instead of asserting his own authority and that of the church: 'What he (King Clovis) ordered was not canonical; it is you who carry out the duties of the high-priesthood.' Remigius defends his actions by replying that 'the head of the regions, the guardian of our homeland, the conqueror of peoples ordered it.'[20] Bishop Remigius had been a bishop at this point for 53 years. He had already made adjustments when necessary under the Frankish leaders who dominated the

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[19] A number of letters concerning the removal of bishops for non–canonical ordination were attached to the councils. These were discussed in Chapter 2. Greg. Tur. *DLH,* IV.2 (After 567).

[20] *Epistulae Austrasicae*, Remigius of Reims (dated 511 or 512), 3: To bishops Heraclius, Leo and Theodosius. 3. Ln. 4: *Dicitis: melius uos fuisse non natos. Hoc mihi fuerat oportunum, ne audissem transgressoris obproprium.Ego claudium presbyterum feci, non corruptus praemio, sed praecellentissimi regis testimonium, qui erat non solum praedicator fidei catholicae, sed defensor. Scribitis: canonicum non fuisse, quod iussit. Summo fungamini sacerdotio; regionum praesum, custus patriae, gentium triumphator iniunxit.Tanto in me prorupistis felle commoti, ut nec episcopatus uestri detuleritis auctori.*

previous Roman region. In this case Remigius promoted Claudius to the priesthood on the testimony of the king. His position was later rescinded by the other bishops and it appears that his behaviour was negative even towards Remigius.[21]

Another instance of a struggle between bishops and kings to control church matters is found in book four of Gregory of Tours' *Decem Libri Historiarum* (*DLH*). This is a reference to the ordination of Emerius of Saintes who was supported by the King Lothar I. It was not carried out by the local metropolitan bishop. Afterwards Leontius, the metropolitan bishop, deemed the 'ordination' non-canonical and tried to depose Emerius. Gregory also considers the original appointment illegal. Nevertheless, he reports that Leontius was chastised by the current king Charibert.[22] The king did not want the appointment overturned because it had been granted by his father. As well as returning Emerius to his original see, King Charibert extracted a thousand gold pieces from Leontius as a penalty. He also fined the other bishops who had deposed Emerius and replaced him with Heraclius.[23]

These two episodes indicate the sort of dilemma that faced the bishops and the way the participation of kings changed the situation. However, we do have to question why Gregory includes this episode in his narrative. He appears to be satisfying several agendas. It seems to elevate the morals of bishop Eufronius of Tours (a relative of Gregory) by stating that Eufronius refused to sign the letter deposing Emerius. Perhaps it was written to denigrate either the king or the bishop who ordained Emerius in the first place? Perhaps it was written to show Bishop Leontius in a positive or negative light? While Leontius was fined and forced to revoke his decision he did keep his position. There is evidence, already discussed in Chapter 2, of Bishop Egidius of Reims who was deposed when the king instigated a non-canonical appointment procedure. King Sigibert, who was involved in this episcopal installation, was also reprimanded.[24]

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[21] A. Gillett, *Epistolae Austrasicae,* trans. (forthcoming), 3. I am most grateful to Assoc. Professor Andrew Gillett for allowing me access to his translation of this letter. Claudius was only known as a priest. See Henzelmann, *Prosopographie* (*260–527) p.* 385. Remigius does not deny that Claudius behaved inappropriately.

[22] Greg. Tur. *DLH.* IV. 26.

[23] Greg. Tur. *DLH.* IV. 26.

[24] Council of Paris (573), Bishop Egidius of Reims was deposed and King Sigibert was reprimanded for his part in the ordination procedure of Bishop Promotus of Chateaudun, although it was in another king's territory and came

## 4.2 Episcopal ordination

### 4.2.1 What does 'ordination' or 'to ordain' mean?

In some churches today the term 'to ordain' signifies 'to confer holy orders on' or to put someone into an order such as the ministry of the church. Likewise the ceremony of 'ordination' is the procedure that accomplishes this. We also use the term 'consecration': bishops receive 'consecration when they are ordained to a bishopric'.[25]

In the fifth, sixth and seventh centuries in Gaul, no organised system existed to clarify the terminology of the Christian church. Although church councils were active in developing a system for the correct installation of bishops there was no parallel attempt at specific clarification of terminology. Nevertheless the frequent promulgation of canons connected to 'ordination' in this period indicates a distinct interest in amplification of the procedure and its requirements. Ordination and its cognate terms were also frequently used in connection with leadership installation in other source material from a variety of genres written in this period in Gaul. This is in comparison to the other terminology connected to episcopal installation, such as 'election' or 'consecration'. Overwhelmingly the most frequently referred to words connected to episcopal appointment found in the canons of the sixth and seventh centuries were *ordinatio* or *ordinare*.

The bishops of Gaul inherited many traditions that originated in the Eastern areas of the Roman Empire. The traditional terminology, liturgy and procedures for the installation of bishops were established in the early Christian church. They were initially transmitted in the translation of texts from different languages into Latin.

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under the authority of the metropolitan Pappolus of Chartres. By canon regulation the action of Egidius was incorrect as he had encroached on another metropolitan's jurisdiction.
[25] 'Ordination' is dated to 1300 in *Oxford English Dictionary,* while the first usage of 'consecration' dates to 1387. See also modern process of bishops in the churches, before Vatican II there was confusion between ordination and consecration, previously bishops were consecrated, since then the word used is ordination. See
https://www.churchofengland.org/prayerworship/worship/texts/ordinal/bishops.aspx;
http://www.anglican.org.au/governance/documents/greenbook2014_120215.pdf;
http://www.mostholyfamilymonastery.com/catholicchurch/new-rite-consecration-bishops/#.VaX5yPmqpBc.

As noted previously, the terminology of episcopal appointment may be said to be of a 'performative' nature. The words 'I' or 'we' 'ordain' have the power not only to imply the act but also to perform the action. Using the same argument as Butler I would argue that the verbal forms of the 'ordination' and its cognates may be seen to be connected through the meaning of the ritual of installation itself. [26] As performative terms they work to imply or 'anticipate' the action that creates the performance of that procedure. In addition, through the repetition of these procedural actions as well as their replication in a written form in the sources over a period that spans hundreds of years the authority of particular words is increased. Through language the authority of the actual symbolic ritual of installation is also enhanced.

My examination of the procedure for episcopal appointment, as recorded in the council *acta* for the period 500–696, found that 'ordination' and not 'consecration' is the more commonly used term.[27] 'Consecration' or 'to consecrate' were rarely used in connection with the installation of bishops in this period. To try to understand the differences between these terms it was necessary to analyse the procedural context of each recorded ordination, election and consecration.[28] The survey and analysis of terminology from the available canonical evidence confirms that terms consistent with 'ordination' were the most frequently mentioned when compared to the terminology connected to 'election' or 'consecration' and their cognates.

O*rdinare* or *ordinatio* were commonly used in all genres for the installation of a man into a different rank, either in secular life or in an ecclesiastical situation. The term is used to indicate when a man moved from one social status or ecclesiastical rank to another. This could involve moving from the laity to ecclesiastical status or from a lower level of ecclesiastical status to a higher one. While later authors and scholars use the terms 'to consecrate' or 'consecration' in translation the terms in the original Latin were usually *ordinatio* or *ordinare*.[29]

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[26] See Chapter 3, section 3.2.2. Butler, *Excitable Speech*, p. 7; 157–9; J. Butler, 'Performativity — Social Magic,' p. 128.

[27] This is apart from the two examples given where 'consecration' was the third part of the installation procedure from the councils of Orléans (541), canon 5; (549) canon 10.

[28] See Chapter 7 for further discussion.

[29] Thorpe, *HF.,* book X, where Gregory uses the term 'ordination', specifically related to bishops, Thorpe consistently translates this as consecration. Rapp, *Holy Bishops,* similarly uses 'consecration' as the final step in the appointment of bishops. Breukelaar, *Historiography,* p. 37; 41; G. Halsall, 'Nero and Herod, the death of Chilperic and Gregory's writing of history,' in Mitchell and Wood, *The World,* p. 344.

The authors of the sixth and seventh century texts do not specifically reveal whether they intend *ordinatio* or *ordinare* to have a spiritual character or even whether they understand this concept. The term is used to refer to what was essentially an institutional procedure. While it is certainly a religious rite we cannot assume automatically the writers believed it also had a sacramental characteristic. Aubert states, when posing the same question in regard to ordination of deaconesses in this period, 'the concept of a true sacramental ordination did not exist then.'[30] Although Aubert's analysis is of the ordination of women in the early medieval period, the same question may be applied to men ordained to ecclesiastical orders. In the extant records connected to the procedure of episcopal ordination in this period there is little mention made of the passing on or receiving of the Holy Spirit through ordination.

A further question worth considering is whether the same terms were used and had the same meaning for the ordination of the so called 'major orders' of deacon, deaconess, priest and bishop in this period. If there was a distinction in the procedures no one has yet discerned what it was. One significant difference so far identified is that at least three bishops were required for episcopal ordination, whereas only one bishop was required for priestly ordination. Aubert refers to specific liturgy at the ceremony of ordination which would differentiate the grade of the person about to be ordained.[31] However, reference to any kind of liturgy as we understand it was rare in this period it is 'only from the seventeenth century onward was the Latin term *liturgia* used in the West to mean a religious service'.[32]

Repetition of the terms 'ordination' or 'to ordain' in connection to the procedure is clear in the canons. This act of reiteration or constantly repeating laws is a reflection of Roman imperial law. This technique was not only used for validating previous legislation, but also for enhancing the authority of later law. In terms of canon law, the same hold true. Where a

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[30] M.–J. Aubert, *Des Femmes diacres: un nouveau chemin pour l'église* (Paris 1987) p. 122; 127. Aubert states, 'for the ordination of the sub–deacon the bishop pronounced only the single prayer, for the ordination of the deaconess as for that of the deacon, the priest and the bishop, he pronounces two, separated by one diaconal litany and during each he holds the hand put down on the head of the ordinand. Citing R. Gryson, 'un diaconat féminine pour aujourd'hui,' *La libre Belgique* (May 1981). See also G. Macy, *The Hidden History of Women's Ordination* (Oxford 2008) p. 15.

[31] J. Moudry, 'Bishop and Priest in the Sacrament of the Holy Orders,' *Jurist* 31 (1971), 166–71

[32] G. W. Bowersock, P. R. L. Brown and O. Grabar, *Interpreting Late Antiquity, Essays on the Postclassical World* (eds.) (Cambridge, Mass., London 2001) p. 553–6.

precedent has been set in law its repetition adds strength to its authority.[33] Other justifications and reasons for repetition, including reworking or rewording references indicate a desire to remind participants of the correct procedure for ordination. We cannot ignore the fact that this repetition may also suggest that the procedures were not always carried out in the way the canons required. The frequency of referral to the terms may indicate a need to clarify or reinforce certain aspects of the procedure.

However, the repetition is most likely a device to stress the significance and validity of the terms to the church. Garipzanov implies that the reiteration of certain words in ceremonial symbolic language immerses them into the language and increases the authority of the terms themselves. The same theory might also be applied to a particular rite that has specific words and formulae frequently repeated.[34] If we examine the language embedded in the institution of the church, specifically in relation to the appointment of leaders, 'ordination' is one of the terms that appears most frequently in the canons. Thus the significance of this particular aspect of language and its consequent authority are revealed.

Ordination in modern terms signifies a process by which a man is elevated and set apart as a priest or minister in the church. The specific title depends on the particular church. Through the ritual the person changes from being an ordinary man to one who holds clerical or holy orders. For an example of a description of an ideal ordination from the sixth century see the council of Orléans (538) canon 3:

> Indeed the decision was made with regard to the ordinations of metropolitan bishops, certainly all of the metropolitan bishops should be ordained by the metropolitan with everyone present if possible, so that the privilege of ordaining rests with the metropolitan bishop himself, however he is to be chosen, in the presence with their provincial bishops, thus when someone is about to be ordained, just in the same way as the decree of the apostolic see holds, when the agreement is declared he may be elected with the consent of the clerics or laity …with regard to the provincial bishops, it is required together with the consent of the metropolitan, equally with clerics and the free election of the laity, of those who are about to be ordained just the same as the purpose of the canon of earlier times.[35]

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[33] Harries, *Law and Empire,* p. 56–67; 86. See also discussion in Chapters 2 and 3.
[34] Garipzanov, *The Symbolic Language*, p. 62–4. See also section 3.2.2 above.
[35] Council of Orléams (538) canon 3: *De metropolitanorum uero ordinationibus id placuit, ut metropolitani a metropolitano omnibus, si fieri potest, praesentibus comprouincialibus ordinentur, ita ut ipsi metropolitano ordinandi priuilegium maneat, quem ordinationis consuitudo requirit. Ipse tamen metropolitanus a*

The preferred method of ordination and the role played by the different groups appears more important than any description of the actual procedure itself. As has been noted above, the focus is on ordination, and while the procedure of election is included consecration is not mentioned at all. The text determines who has the authority to ordain the candidate while stressing their legitimacy and collective group authority. Regal authority or participation is not mentioned in the process, which excludes any reference to any other kind of authority other than that of the bishops. Ordination and its cognates are mentioned some five times in a short space of time while election is only mentioned once and consecration not at all.

## 4.2.2 Ordination and the construction of episcopal authority

In Chapter 2 we saw a number of ordination related problems which emerged in the fourth and fifth centuries where bishops were seen to overstep their authority. The establishment and maintenance of a bishop's authority was never secure, and depended on his actions in the community and the public recognition of his authority over his see. The bishop's ordination gave him jurisdiction over a local church and its community, as well as the opportunity to engage in actions that enhanced his authoritative standing including acts of charity, building churches or enhancing cult sites. Additionally a legitimately ordained bishop could resolve disputes and convert non–Christians. He was also expected to serve the community in a variety of quasi–secular capacities. Once he was installed in his see his authority, initially a somewhat intangible power, was gradually built up through his ability to administer the church and manage all aspects of the community. The aristocratic men who entered the church possessed many of the necessary attributes required to do this not the least of which were and established community position and personal wealth.

A number of scholars have examined the question of episcopal authority from different perspectives. Rapp discusses in great detail the nature of Christian leadership and argues that a

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*comprovincialibus episcopis, sicut decreta sedis apostolicae continent, cum consensu clerus uel ciuium elegatur, quia aequum est, sicut ipsa sedes apostolica dixit: 'Qui praeponendus est omnibus, ab omnibus elegatur'. De prouincialibus uero ordinandis cum consensu metropolitani clerus et ciuium iuxta priorum canonum uolumtas et electio requiratur.* Note; spelling of *uolumtas* is irregular.

bishop's authority was divided into three areas: pragmatic, spiritual and ascetic.[36] Pragmatic authority concerns the 'moral' qualities and 'virtuous' conduct shown to the public and touches on ordination as the final authority.[37] However, Rapp, who principally examines examples from the Greek Eastern churches and their bishops, does not connect authority to episcopal installation in this period. She argues that although a number of studies have been done on bishops' power, the judgement of scholars remains the same — namely that the political position accompanied by wealth and social status were where a bishop's power rested.[38] Rapp's discussion on authority also includes spiritual authority, which a bishop receives as a sacred gift, although she does not connect the process of ordination to the reception of that spirit.[39]

Campenhausen, who examines ecclesiastical authority up to the third century, prioritises penance and ultimate salvation as well as acquiring and displaying charisma as the most important elements for authoritative actions made by a bishop. His view is that authority connected to ordination is secondary to the topic of a bishop's authority over penance.[40] In sixth century Gaul, however the topic of penance and its corresponding salvation do not appear largely in the *acta* or other sources apart from hagiography. Breukelaar has looked specifically at historiography and episcopal authority in the text of Gregory of Tours. He argues that through the writings of Gregory of Tours, episcopal authority was promoted. Gregory communicates the ideals and specific priorities appropriate to both bishops and the aristocracy. I concur with this assessment.[41] Leyser looks at the language of asceticism used in Gregory of Tours and its connection to episcopal authority.[42] However, none of these scholars have connected the episcopal installation procedure to the legitimacy and authority of the bishops. Halfond touches

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[36] Rapp, *Holy Bishops,* p. 6–26.
[37] Rapp, *Holy Bishops,* p. 17–22; 23–55; 29–30. Rapp mentions 'imposition of hands' in the procedure of 'consecration.' As I argue in Chapter 6, terms denoting 'consecration', 'imposition of hands', or the use of oil for a blessing following or connected to ordination, were rarely found in the context of installing bishops in Gaul in this period.
[38] See also P. R. L. Brown, 'The rise and function of the Holy Man in Late Antiquity,' *Journal of Religious Studies*, 61 (1971), 87 for a discussion on the power of holy men and their miracles. The same ideals may also be applied to Gregory's saints and their miracles.
[39] Rapp, *Holy Bishops,* p. 56–7.
[40] Campenhausen, *Ecclesiastical Authority*, p. 234; 278–85; 294; Certainly in the period up to 300 that was under investigation by Campenhausen, the various heresies that required the giving of penance and reacceptance back into the Christian church was most important for the whole church.
[41] Breukelaar, *Historiography*, p. 12; 16; 227–9; 240–5. Breukelaar also states that holiness was the manner in which bishops confined the ecclesiastical community shown through judgements on behaviour of the individual bishops and ecclesiastical members.
[42] Leyser, 'Divine power Flowed From this Book.' p. 281–94.

on the difficulty of conciliar enforcement or disregard for canon law however he does not discuss the regulations or participation of kings associated with elections or ordination.[43]

Saints' sites were also important in the construction of episcopal authority in this period and thus have been examined in detail by a number of scholars.[44] Episcopal authority was enhanced by many bishops in this period through an increase in ecclesiastical building in individual sees. Many of the churches that were built or renovated by bishops and basilicas where saints' remains were held were often enhanced or converted to larger sites each time a new bishop was installed. Today, many of these buildings still contain certain parts of the churches that remain from the fifth, sixth, and seventh centuries.[45]

As discussed above 'ordination' is the most regularly used term in connection with episcopal installation in the canons of the Gallic Councils, particularly when compared to the two other procedures of election and consecration. Only occasionally do the canons refer to all three: ordination, election and consecration.[46] Likewise when the context of each example of ordination is scrutinised in the narrative texts we find that 'ordination' is rarely accompanied by the other procedures including the imposition of hands, the blessing or consecration.[47] We could argue that when someone is described as having been ordained we know he must have been previously elected. Thus when only 'ordination' is used it implicitly includes the other requirements of episcopal installation such as election. However, we must also remember that ordination was also a necessary procedure for those wishing to become a priest, deacon or deaconess,[48] as well as a bishop. In terms of conferring authority 'ordination' was, in the case of all ranks, the only step and therefore the most important.

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[43] Halfond, *The Archaeology of Frankish Church Councils,* p. 145–6;

[44] P. R. L. Brown, *Relics and Social Status in the Age of Gregory of Tours, Stenton Lecture* (1976); p. 223–5; 245; P. R. L. Brown, *The Cult of Saints,* p. 6; 8; 41; 97; Van Dam, *Saints and their miracles.* p. 129–35; É. Rebillard and C. Sotinel, *L'Évêque dans la Cité du IVᵉ au Vᵉ Siècle: Image et Autorité,* Collection de l'École française de Rome 248. Rome: École française de Rome (1998) p. 115–17; C. Sotinel, *Church and Society in Late Antique Italy and Beyond* (Farnham 2010), VII. p. 11–13.

[45] See the comments on buildings and the various plates of baptisteries built in Gaul in this period in Appendix I.

[46] See Terminology Charts reference I and II.

[47] In the statistical data collected in the terminology charts, each isolated procedure includes the specific context and any accompanying other procedures mentioned.

[48] In Chapter 6 I make reference to the possibility that a deaconess might be consecrated because one statement found in the canons stated that 'no deaconesses may be consecrated in our area', indicating at some point deaconesses may have been 'consecrated' or 'ordained' in other areas.

When Gregory of Tours wrote his *DLH* he significantly situates the process of episcopal appointment, including ordination, uppermost in his readers' minds. For example, at the end of book X, he recounts the progress to the episcopate of the previous 18 bishops of Tours, as well as many other bishops, distinguished, ordinary and infamous.[49] In contrast, neither the fifth century Bishop Sidonius Apollinaris nor the sixth century poet and later bishop, Venantius Fortunatus make the subject of episcopal ordination a *topos* in their works, despite the fact they also discuss the appointment of bishops.[50] Perhaps this may be connected to the genre of poetry and letters which were often concerned with many and diverse topics. Gregory, as a bishop writing a narrative history, had only one viewpoint — how circumstances of the period impacted on the church and its bishops — and therefore he has a more focused viewpoint and narrower range of topics.

As noted above ordination appears in canons from many of the early councils and can trace its history back to the tenets of the Nicene Church from its earliest development.[51] It appears, from descriptions in church councils of the sixth and seventh centuries in Gaul, to be an important requirement in the legitimate installation of a bishop. Ordinations that did not follow canonical procedures were frequently dealt with at councils and there are similar documented records found in the narrative sources and hagiography of the period.

Sidonius Apollinaris pronounces in a late fifth century letter to Basilius: 'no bishops have been appointed to succeed the departed'.[52] Indicating that under the Visigoths the Nicene churches had been left without ordained bishops. He asks the remaining bishops including Basilius, who were managing a treaty between the Gallo-Romans and autonomous leaders, to: 'Work, therefore, that this may be the chief article of peace that, episcopal ordinations may be

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[49] Greg. Tur. *DLH*. X.31.

[50] Ven. Fort. Fortunatus writes poems about many bishops but does not mention ordination. Sid. *Ep.* IV. 25.1; VII. 8.2; IX. 7.4.

[51] See Chapter 2. Alberigo et al., *The Oecumenical Councils,* lines 479–499, this included a reference to the naming and to election of clerics; Council of Constantinople I (381), lines 226–268, C. IV, *De inlicita Maximi ordinatione*; Council of Ephesus (431); regarding voting and ordination of the bishops of Cyprus, lines 1142–1185; Council of Chalcedon (451) canons 2; 6; 10; 25. Examples from early councils in Gaul include Council of Arles (314) canons 20; 21; 26; *SEA.* (475) canon 84; and *Recapulatio Ordinattionis Officialium Ecclesiae,* canons 90, 91; 92; 93; 94; 95; 96; 97; Council of Arles (442–506) canons 13; 54, Council of Agde (506) p. 192 lines 1–7; canon. I; canon 9; p. 198, lines 121–124.

[52] Sid. *Ep.* Vii. 5. 7. *... nec deinceps episcopis in deffunctorum officia suffectis,...* Cassiod. *Hist.Eccl.* 9.36;

permitted'. [53] This statement connects the importance of episcopal ordination to both the churches and the Orthodox Christian faithful population of Gaul. [54] The absence of church leaders was a preoccupation of Sidonius highlighting the importance of these appointments to the daily functioning of the church. For instance, without an ordained bishop the community were no longer able to hold communion[55] or any other services in church such as baptism or confession. [56]

Caesarius in his sermons discusses the salvation and the penitence of the community which he too connects to ordination and thus a bishop's authority. He considers that a properly appointed and ordained bishop should not be ignorant of the laws. Knowledge and understanding of the laws thus gave bishops their rights and their authority in accordance with the regulations of the fathers. Caesarius thus clearly connects legitimacy and authority with canon law.[57]

## 4.3 Terminology

### 4.3.1 Terminology in the canons

In sixth and seventh centuries ecclesiastical Latin the sense of the term *ordo,* which is related to the verb *ordino,* is better understood by an examination of *ordino, ordinare,* which signifies to ordain, to decree, to appoint into an office and to admit to a clerical office.[58] The noun *ordinatio,*

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[53] Sid *Ep.* Vii. 5. 7… *agite, quatenus haec sit amicitiae concordia principalis, ut episcopali ordinatione permissa populos Galliarum, quos limes Gothicae sortis incluserot teneamus ex fide,…*Both translations are by W. B. Anderson.

[54] 'Nicæan population' or 'orthodox' is used in to contrast the Arian Christian Visigothic people who resided in the same area. The words 'orthodox', 'Catholic', and 'Nicæan' are used to refer to those who followed the creed decided on at the Council of Nicaea.

[55] *Concilia Galliae,* CCSL 148, Councils of Orléans (511) canons 26; 31; Lyons (518–523) canon 3; Orléans (538) 15; Mâcon (518–583) canons 6; 10. It is not clearly stated in this period in any canons that only the bishop performed the communion. However we have no explicit mention of priests performing it. It appears that it was deemed essential that the bishop went to his church on Sundays, presumably to make the communion.

[56] In emergencies, such as the case of a near to death infant, any baptised Christian could perform a baptism.

[57] Caesarius of Arles, *Sermons* (3 vols.). M. M. Mueller, trans. *The Fathers of the Church series*, nos. 31, 47 and 66 (Washington DC 1956-73), sermons no. 119, 120, 230.

[58] Van Beneden, *Aux origines d'une terminologie sacramentelle*, p. 92–4; 104; 111; Congar, 'Note sur une valeur', p. 7–14; Fransen, 'Ordo, ordinatio,' p. 1212–20; The above scholars take a philological approach to the terminology of ordination in the period prior to 313, up to 450 and finally the tenth and eleventh centuries. They follow the practice in Rome as demonstrated by the bishops of Rome and later popes.

when used in an ecclesiastical sense, may be translated as the procedure of 'ordination' or appointment to office of the bishop or a cleric.[59]

To enhance our understanding of ordination terminology and procedure we need to analyse the frequency of the terms and their context. The council *acta* and contemporary narrative histories provide the most abundant material. I therefore collected examples of all the different grammatical variations of the terms through a search for the specific terms of 'ordination' or to 'ordain' in the sources. I then examined each usage in terms of its accompanying context, recording this material in the tables in Appendix I. The accompanying context includes other linked terms and procedures such as 'election or 'consecration'. Examining the context of each usage thus further clarifies our understanding of the procedure including any outside involvement. This close examination of the terminology will increase our knowledge of the procedures of ordination and help us to determining the importance of the procedure to the bishops who promulgated the ecclesiastical law.

The words most frequently used in the *acta*, when referring to episcopal appointments, are the verb *ordino* and the noun *ordinatio* and their cognates. The terms most used are for instance, the present passive third person singular form of the verb *ordino* 'to order, arrange, adjust, regulate, appoint or ordain'. Usually this signifies a particular regulation or a connection to clerical or episcopal installation. Both *ordinanda,* the nominative or accusative plural neuter gerundive, and *ordinandus,* the gerundive in the singular masculine form, are frequently used when the writers of the *acta* wish to express 'for him or those about to be ordained'. Their use is similar to the gerundive form (*ordinandus*) which is used to express 'he or the one who is about to be ordained' or 'he who should be ordained'. The other form of the verb which is used on many occasions is *ordinentur,* which is the present, passive, subjunctive, third person, plural form and may be used to express 'they who may be ordained'. *Ordinatus* is the nominative, singular perfect, passive, participle form of the verb which is used to express 'having been ordained'. Other forms used include *ordinationis* as the genitive singular form of the noun *ordinatio,* and also *ordinationibus* the plural dative or ablative form of the noun which often signifies 'with, by or in the ordinations' or 'in the ranks'. *Ordinationem*, the noun in the

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[59] Sid. *Ep.* VII 6; *… per quos utique minorum ordinum ministerial subrogantur,'* Cassiod. *HE*. 9.36.

accusative feminine singular form, usually refers to the procedure of 'ordination'. The term *ordo* was once commonly used as a military or secular term such as *senatorus ordo*, *equester ordo* or *curiales ordo*, which denoted the jurisdiction of the person who acquired an office. In the ecclesiastical terminology shown in Chart I the term *ordo* was also used in connection with regulation, grade or rank within the church. It is connected to the authority of each individual who was granted a different ecclesiastical rank although in some cases this may have been in contravention of the actual regulations of that rank.[60]

An examination of all the *acta* reveals that certain councils make use of the terms of 'ordination' or 'to ordain' more frequently than others. For example, at the council of Orléans (538) there were 27 different occasions when the terms 'ordination', or 'to ordain' and their cognates were found within 12 separate canons.[61] In contrast, the following council of Orléans (541) only one reference to episcopal ordination is found within 38 canons.[62] It is significant that the canons of the council of Orléans (538) range over many topics relating to the procedure of ordination, from the most senior levels to the lower ranks: prohibiting ordination in someone else's see or of clerics from other sees; ordination of laymen or slaves; the basic requirements for an ordination such as legal age; permission from the person to be ordained; commitment to celibacy; and marital status. They offer many examples of situations where ordination would be considered irregular and therefore non-canonical. Many different nouns and verbal forms are used, sometimes within the same sentence and/or canon.[63] One might add that looking at the subscription lists of the council of 538 there were at least six metropolitans present out of 18 bishops, plus six presbyters representing bishops. Perhaps this group of bishops took the opportunity to revise the laws concerning appointment while the absent kings were otherwise occupied with other issues.[64]

Different spelling forms for *ordino* are also sometimes found in canons. For example, if we look again at the council of Orléans (538) we can see that canon 16 uses both *ordenauerit*

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[60] See Councils of Orléans (549) canons 6; 14; 15; Arles (554) canon 4; Paris (614) canon 4.
[61] Council of Orléans (538) canons, 3, 6, 7, 9 (8), 10 (9), 16 (15), 21 (18), 22 (19), 24 (21), 26 (23), 25 (22), 29 (26).
[62] Councils of Orléans (541), canon 5.
[63] See the analysis of several sets of data from the *acta,* Appendix I Chart 1, and Council of Orléans (538) lines 40–67 for terminology and usage.
[64] Greg. Tur. *DLH*. III. 29; 31. 32. Between 534 and 548 we know, for example, that the kings Childebert and Lothar were involved in supporting their sister in Spain, and that Theudebert had left for Italy.

and *ordenauerint*. These spelling inconsistencies are noted by de Clercq and may reflect a problem with changing pronunciation or perhaps were introduced during copying of the script. Towards the end of seventh century, such terms as *aepiscopatum* were paired with *ordenacione* to imply the irregular ordination of a bishop, which indicates a change in language usage. [65]

When we analyse the terminology of a council text, we find that specific councils often focus more attention on questions connected with ordination. For example, at the council of Marseilles (533) a number of canons and three different letters from the bishops of Rome all deal with the topic of ordination. This council obviously had a focus on the correction of problems arising with respect to ordination. Indeed, at the same council a senior bishop was judged for a number of offences concerning canon law. At the council of Orléans (538) (discussed above) ten out of the 12 uses of 'ordination' and its cognates are in connection to the procedure of ordination itself. [66] Other councils echoed this same concern for the procedure. At the council of Orléans (549) there were 23 uses of the term 'ordination', eight of which were specifically connected to episcopal ordination.

Likewise, the term is found at the council of Paris (573), where three letters are the only texts available. They discuss the reality of a non-canonical episcopal ordination made previously by the influential Bishop Egidius of Reims. When he ordained Promotus to become bishop of Chateaudun his actions encroached on another metropolitan's provincial authority, although he was following orders from the king who had captured the city.[67] The three letters put the case from different perspectives. The first one was sent from Bishop Pappolus of Chartres, whose territory was encroached upon. The second letter is addressed to Bishop Egidius of Reims, who performed the ordination, and the third is addressed to the king who instructed Egidius to perform the ordination.[68] In these letters there is less ambiguity in regard to terminology and we can see that 'ordination' is clearly connected to episcopal authority, as conceived through the

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[65] Council of Marly (679–680), CCSL 148 A, p. 322 line 10.
[66] Council of Orléans (538), CCSL vol. 148A, in 11 canons, p. 115–25.
[67] See Chapter 2, section 2.3.3.
[68] Council of Paris (573), CCSL vol. 148A, in two letters, p. 211–17. This case of encroachment on another king's territory or placing a bishop of the king's choice in a city close to a border as in this case and that of the participation of Sigibert in similar circumstances in the election in Clermont discussed below. These actions of the king were certainly done for strategic purposes either to garner support from a bishop and his community or to place a bishop in a city where he needed a man of his choice.

appropriate procedure for installation. While examples of usage are mostly found in the canons, we can see here that letters or prefaces also contain references to actions taken at church councils to deal with problem arising in relation to the ordination of bishops.

### 4.3.2 Terminology in the narratives

When we turn to look at the terminology of 'ordination' found in the narrative history and other genres of this period there is no mistaking the meaning. Gregory of Tours generally uses the term *ordenati* — a slightly different spelling to the usual *ordinati* used as a nominative perfect passive participle in the plural form. In the canonical evidence the alternative spelling is also found in the council of Orléans (538) when both unusual spellings of *ordenatione* and *ordene* are found.[69] Interestingly Gregory only uses the form *ordenati* or *ordenatur* in his first two books. It would seem therefore that these were either optional spellings, or that he intentionally uses them to emphasise the difference between the earliest past he reports in the first two books, when compared with the immediate past recorded in the remainder of his books. I believe that Gregory only uses these forms in the first two books when he writing of the distant past because this relates to a period of which he has no direct personal knowledge or evidence. His meaning however is clear. When he uses the term ordination he is writing about clerics who have been ordained into the episcopate.

In his first reference to ordination in book I, Gregory refers to the first Christians and their clerics: 'seven men who were ordained bishops who were sent to Gaul and went out preaching in the neighbourhood of Bourges'.[70] His next reference is in the second book when he writes about several bishops, including Bricius, bishop of Tours, whom he mentions in several episodes. When Bricius succeeds to the episcopate, it is revealed that he was a deacon before being made a priest. However, it is only when Gregory refers to Bricius' appointment to the episcopate that he uses the term 'ordination': 'In the thirty-third year after his ordination, a lamentable charge was levelled against him.'[71] In this case Gregory uses the genitive form of the noun *ordinationis*. Again when he writes of another bishop after Bricius he notes that Perpetuus

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[69] Council of Orléans (538), CCSL 148A, canons 21, 22, 24, 20, 29.
[70] Greg. Tur. *DLH*. I. 30.
[71] Greg. Tur. *DLH*, II. 1.

was 'ordained' in his place. The festival inaugurated by Perpetuus in turn celebrated the 'ordination' of Saint Martin as a bishop.[72] Then Verus 'was ordained' as the seventh bishop after Saint Martin. As we can see, in all the instances when Gregory writes of the procedure he refers only to ordination.[73]

In book X he writes collectively of the 19 bishops prior to himself who held the episcopate of Tours. In connection with all but five of these bishops he uses the term *ordinatur*. He notes that Difinius and Licinius were elected (the latter had already been appointed an abbot).[74] He reports that Dinifius's election was at the wish of the queen. In this case, he uses the terms *ascendit* and *accessit* when referring to Dinifius.[75] The most likely explanation for this different terminology is that Gregory was uncertain of the complete procedure in the distant past, except for the election. Thus he merely notes that Dinifius ascended later adding him to the list of past bishops. In the case of the two further bishops Gregory tells us that the first bishop Gatianus was sent from Rome, while the appointment of Iniuriosus is only mentioned in the context of noting that he was the fifteenth bishop. In the case of all the bishops of Tours, Gregory does not tie the term 'ordination' to that of 'election' or indeed refer to other parts of the procedure.

While Gregory does use cognates of the verb *ordino* in reference to the civil appointments of the period,[76] even a cursory examination of his works points to his use of 'ordination' or 'to ordain' as a favoured term to signify episcopal ordination. Some scholars have suggested that Gregory's terminology is inconsistent.[77] However I would argue that in the case of ordination the evidence points to his understanding of and consistent use of the same terminology within an impressive number of texts. Gregory refers to episcopal ordination or the

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[72] Greg. Tur. *DLH*, II. 14.
[73] Greg. Tur. *DLH*. II.1; 14, X. 2; 26; 39.
[74] Greg. Tur. *DLH*.III. 2.
[75] Greg. Tur. *DLH*.III.2; X. 3.
[76] Greg. Tur. *DLH*.VIII, 18; 43. A different Nicetius was made Duke. Nicetius was appointed governor of the province.
[77] E. T. Daley, *Queens, Consorts,Concubines: Gregory of Tours,and the Women of the Merovingian Elite* (Leiden 2015) p. 103; for an older view of his language see M. Bonnet, *Le latine de Gregoire de Tours* (Paris 1890) p. 11-12, 20-22; Auerbach, *Mimesis*, p. 71–7; on a more positive view see de Nie, *Views from a Many–Windowed Tower,* p. 23–82; D. Shanza, 'Gregory of Tours and poetry, prose into verse and poetry into prose,' in T. Reinhardt, M. Lapidge, J. N. Adama (eds.), *Aspects of the Language of Latin Prose* (2005) p. 301–19.

ordaining of a bishop, using the 'ordination' and its cognates more than 54 times out of a total of 90 references.[78]

Turning to the seventh century and the author of the Chronicle of Fredegar (with its anonymous continuations), as well as other narrative sources that cover the period 585–641, we also find that *ordinatur* is used when discussing the appointing of bishops.[79] In a variety of later texts from the seventh century, the terms used to refer to ordination remain the same. For example, Leudegar the bishop of Autun was ordained in 662 with the term, *ordinare*.[80] For Bishop Audoin of Rouen, the same verb 'to ordain' is used in an abstract sense. The author points to his belief in the canonical law that men chosen from the laity must not be directly ordained bishop.[81]

## 4.4 Ordination procedure

### 4.4.1 Ordination procedure in the canons

As discussed above, in the late fifth century text of the *SEA,* probably written in Arles, we find a full description of the ordination procedure. Canon 90 states:

> When the bishop is being ordained, let two bishops place the book of the Gospels above his neck, and a single (bishop) pour the token of blessing; let all the rest of the bishops who are present touch the head of the person.[82]

These three different parts of the procedure — placing the book of Gospels, the token of the blessing (pouring of oil) and finally the touching of the head — are not found anywhere in the

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[78] See the chart of the 'ordination' or 'to ordain' in Gregory of Tours. In almost all the uses of either word it is connected to bishops who are named. The chart includes ordination of deacons and other clerics.

[79] *Chronicarum quae dicunter Fredegarii scholastici librum iv cum Continuationibus,* B. Krusch (ed.), MGH SSRM., t. 2 (Hannover 1984) p. 129, IV. 22.

[80] *Passio Leudegarii 1,* B. Krusch (ed.), MGH SSRM t. 5 (Hannover 1997) p. 284 (2): *Incubit interim causa necessitatis, ut Agustudunnense urbe eum ordinare deberent episcopum.*

[81] *Vita Audoini Episcopi Rotomagensis,* W. Levison (ed.), MGH, SRM tome 5 (Hannover 1997) p. 558 (7): *Ita demum, dum ipse sanctus Die ex laico iuxta apostoli sententiam, ubi prohibuit, ut neque neophitus ordinetur ...* In the case of Audoin, he was elected first and his ordination to the office of bishop followed, although he remained out of his see for more than three years.

[82] See Chapter 3, section 3.5.3. *Recapitulatio ordinationis officialium ecclesiae,* canon 90 (II): *Episcopus cum ordinatur, duo episcopi ponant et teneant euangeliorum codicem super cervicem eius, et uno super eum fundente benedictionem, reliqui omnes episcopi qui adsunt, manibus suis caput eius tangant.*

sixth and seventh century *acta*, narrative histories or other genres. This may indicate that the author of the *SEA* (possibly Caesarius of Arles or Genadius of Marseilles) consulted a text from Rome or one with an Eastern origin.[83] In earlier texts of the fifth century there are references to the imposition of hands included in the ordination procedure. Again, such references are not found in sixth and seventh century texts in connection with the procedure of ordination of bishops.

In terms of royal participation in the ordination procedure we can be sure that a number of kings of the Franks convened councils, in one case sending a specific agenda for the council to discuss. We also know that on occasion kings even attended councils. Nevertheless, an analysis of all the various references to procedures of ordination in the canonical evidence reveals considerably few references to royal participation into ordination procedures. Out of more than 70 councils examined (see Chart B) there are only 18 councils which discuss ordination procedure in a variety of ways. Of those 18 there are only six that directly refer to the king's wishes or authority required for the ordination of a bishop or cleric.[84] Two councils of Paris are worth comparing here. From the council of Paris (552) *praefatio* we have reference to the consent of the king followed by later reference to the assent of the king for ordination. In contrast the council of Paris (573) canon 8 refers to royal intervention making the ordination non–canonical.

There are other councils where the canons state that royal participation in the procedure in some way made an episcopal ordination irregular and thus it should be judged null and void.[85] Nevertheless, the council of Orléans (549) canon 10 includes the assent of the king for ordination to take place.[86] The next canon (11), however, states that there should be no influence

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[83] See Chapter 3, section 3.5.3. The early texts on church constitutions and liturgy originated in the East. It is possible the author of *SEA* consulted these texts which may have included the imposition of hands and the holding of the Gospel over the neck.

[84] Councils of Orléans (511) canon 4; Orléans (549) canon 10. Paris (552) *praefatio*; Paris (573) canon 8; Paris (614) canon 2, Edict of Chlothar following the same council; St Jean de Losne (673–675) canon 8.

[85] Councils of Clermont (535) canon 2; Paris (556–573) canon 8. This canon indicates that if powerful people were involved through persuasion in the procedure then the ordination should be considered irregular; Paris (573) one letter indicates that the king intervened in an ordination. The bishop was later deposed and the bishop who ordained him exiled while the king was reprimanded for his part in the irregular ordination.

[86] Gaudemet and Basdevant, *Les canons*, p. 308, note 1. Gaudemet states that this was the first instance of recognition of official royal intervention in this period.

of powerful personages on the decisions of the people or the clerics.[87] Thus we can see that while external powers giving assent was fine any attempt to influence the outcome was not.

Bishops are often recorded as calling upon divine power for the decisions they make at councils, which can be interpreted as appealing to a higher authority than king. For example, at the council of Orléans (533) canon 7:

> For the ordination of metropolitan bishops, we renew the ancient formula of the institution, which we see has fallen into abeyance through negligence. So, that the metropolitan is elected by the provincial bishops, the clerics and the people, he must be ordained after the gathering of all the provincial bishops, so that with the favour of so great a God, he may accede to this position of honour, through which he may be able to improve and increase the regulations of the church so that it may flourish.[88]

It appears from the above canon that the expected gain lies in a large number of bishops participating in a meeting before a decision be made for choice of a metropolitan. This might be expected to provide a counterweight against the possibility of the king making an unsatisfactory or random appointment. Putting things on a formal footing such as the council, in this kind of conflict, favours the less powerful. According to the above quote it was the provincial bishops with the clerics and local people who elected their own bishop and the bishops who then ordained him.

The procedure demonstrated in the example above indicates the standard way for a bishop in this period, including the provincial metropolitan, to be installed. Canon law required that the candidate was known in his own Christian community, and he was installed in the church in the city where he would hold his authority. The canons often repeat the ideal that the candidate must come from the diocese where he is to hold office. Thus the clerics and people from the town who elected him would be familiar with their candidate, his characteristics and suitability for office. All the bishops from a province are obliged to come to the ordination of a

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[87] Council of Orléans (549) canon 11: … *sed nec oppressionem potentium personarum af consensum faciendum ciues aut clerici, ipse dici nefas est, inclinentur.*

[88] Council of Orléans (533) canon 7: *In **ordinandis** metropolitanis episcopis antiquam institutionis furmulam renouamus, quam per incuriam omnimodis uidemus amissam. Itaque metropolitanus episcopus a comprouincialibus, clericus uel populis electus, congregatis in unum omnibus comprouincialibus episcopis, **ordinetur**, ut talus Deo propitio ad gradum huius dignititatis accedat, per quem regula ecclesiae in melius aucta plus floreat.* Note the spelling of *formulam.*

fellow bishop from the same province. Interestingly they are also required to attend for the election.[89] Then the metropolitan and all his provincial bishops are given the power to ordain him. The spiritual force of canon law passes to the candidate in the rite when he is touched — he receives the spirit and authority to hold the office of bishop. Ordination is thus connected to continuation of the apostolic tradition and ecclesiastical discipline. The bishop is the vehicle through which the church is maintained and retains its order. There are a number of canons from other councils that repeat this procedure in much the same way, including the council of Orléans (538), canon 3.[90]

At the council of Clermont (535) canon 2 goes a step further in defining the procedure for the installation of a bishop. Again there is explicit reference to the exclusion of any interference in the procedure by the powerful:

> Resolved further, that no one should seek the honour of episcopal rank (*pontificii*) by campaigning (*votis*), but by his merits, and that he should not appear to be gaining the divine gift by means of property (*rebus*), but by his personal qualities (*moribus*); and that he should ascend to the height of a most eminent position by the choice of all, not by the favour of a few. Let the first priority in choice of bishops be the principle that those who have to be the leaders of people who need to be corrected, should [themselves] be above reproach. And let each person give attention to the value of the Lord's flock, that he may know what the moral quality ought to be of a person who is to be put in place as a pastor. Therefore he who desires appointment as a bishop (*episcopatum*) via election by clergy or citizens, let him also be ordained bishop (*pontifex*) by the agreement of the metropolitan of the same province. Let him not bring to bear the patronage of the powerful, nor let him by fraudulent shrewdness encourage some by rewards, or compel others by fear, towards the writing of the decree [of appointment].Whosoever has done this shall be excommunicated (*communione privabitur*) from the church in which he unjustly desires to preside.[91]

There is significantly more information in this canon on the procedure for election and ordination. The text makes it clear that certain reprehensible acts will interfere with correct

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[89] Council of Orléans (533) canon 1. It was arguably equally important for the bishops who chose the metroplitan to trust him as it was for him to be a person who could deal effectively with the king and the local count.

[90] Council of Orléans (538) canon 3, *CCSL* 148A, p. 115, line 27.

[91] Council of Clermont (535) canon 2: *Placuit etiam, ut sacrum quis pontificii honorem non uotis quaerat, sed meritis, nec diuinum uideatur munus rebus comparare, sed moribus, atque eminentissime dignitatis apicem* **electione** *conscendat omnium, non fauore paucorum. Sit in* **elegendis** *sacerdotibus cura praecipua, quia inrepraehensibilis esse conuenit, quos praesse necesse est corrrigendis; diligenter quisque inspiciat praecium dominici gregis, ut sciat, quod meritum constituendi deceat esse pastoris. Episcopatum ergo desiderans* **electione** *clericorum uel ciuium, consensu etiam metropolitani eiusdem prouincinciae pontifex* **ordinetur***; non patrocinia potentum adhibeat, non calliditate subdola ad conscribendum decretum alios ortetur praemiis, alios timore conpellat. Quod si quis fecerit, aeclesiae, cui indigne praesse cupit, communion priuabitur.* Note several spelling variences. I am most grateful for help with a much improved translation from Associate Professor P. McKechnie.

election and ordination. A strong metropolitan with the skills to oversee the ordination is necessary. For the election it is imperative that there is no influence by the candidate and his supporting unnamed powerful persons so that the people freely sign the document of appointment. Yet, there is no information how this was actually achieved or who signed it. Perhaps the process was overseen by the senior cleric of the town.

The reference to a decree documenting the election indicates that by this time this was a common practice. Certainly the seventh century evidence indicates some kind of formal written testament was necessary. Whether we find the people signing an agreement or the metropolitan signing a decree of appointment, any form of written document necessarily adds to the legitimacy of the appointment. This significant addition to the procedure has not been discussed previously by scholars, and will be addressed in the next chapter. However, in simple terms we currently have insufficient evidence to come to a conclusion on whether it was issued by the court or the group of ordaining bishops. Perhaps it was used to prove certain parts of the validity of the procedure.[92]

The qualities of the man to be chosen are also stressed in the above quote. We can also see evidence of the usual formula of election including participation by the local clerics and people as well as all the provincial bishops. Interestingly there is no reference to the permission or wishes of the king, although the powerful men mentioned could easily be from the royal court. Somewhat tactfully these shadowy 'powerful' people are not named explicitly, nor do we know who they were connected to.

While we have evidence that the procedures of election and ordination were both known at this time we find significantly that election was not always mentioned in the context of ordination. Election is paired with ordination on only eight occasions in the canons over a 200 year period. Some of these examples are references to episcopal installation. Felix, Bishop of Rome, refers to the procedure noting that election is prior to ordination, in a letter to Caesarius.[93] In other canons promulgated at Orleans (533, 541 and 549) as well as Carpentras (533) and Paris

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[92] For evidence for a written document at ordination or election see Greg. Tur. *DLH*. IV.15.
[93] Letter from Felix IV to Caesarius, 3rd February 538, *Concilia Galliae*, CCSL `48, p. 51; trans. Klingshirn, *Caesarius, Life Letters,* p 101.

(614) election comes before ordination. In contrast, at Orleans (538) ordination was more prominently referred to four times with the required election only mentioned in the last sentence.[94] More commonly 'ordination' or to 'ordain' are seen on their own and only occasionally accompanied by the term 'election or 'to elect.'

On a number of other occasions the terms 'election' or 'to elect' are referred to after the terms 'ordination' or 'to ordain'. In some cases, when ordination is referred to first it is usually in the context of a general discussion regarding ordination. This placement of the terms is where the ambiguity of the procedure can occur. Ordination is the legal part of the procedure and gives the bishop a mandate to lead his church. Some scholars have argued that this should be reflected in the positioning of the terms in order of significance.[95] From an examination of the evidence it seems that in canons where 'election' was pronounced prior to any the reference to the final ordination the procedure also includes a blessing in the church by either one or all of the provincial bishops.[96] In other canons where reference to 'ordination' precedes reference to 'election', there is often a further subsequent reference to 'ordination' as the culmination of the procedure. Although multiple references can be found to ordination in canons of the council of Orléans (538), used in a wide range of connotations, no one canon mentions all three sections of the procedure: 'ordination', 'election' and 'consecration'. In almost all cases over the two hundred year period 'ordination' and not 'election' or even 'consecration' is evidenced as the correct and proper culmination of procedure.

The topics in the canons concerned with installation range from addressing the correct procedure for ordination of metropolitan and provincial bishops, including who carries out the ordination, to the procedure for the ordination of laymen, slaves or the son of a concubine. They even make reference to the procedure for the ordination of a man who has had a sexual union with another woman following the death of his wife.[97] Yet despite reference to episcopal

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[94] Orleans (533), canon 7; (541) canon 5; (549) canon 10; Carpentras (535) letter; Paris (614) canon 2.

[95] Congar, 'Note sur une valeur,' p. 14; Van Beneden, *Aux Origines d'une terminologie sacramentelle*, p. 75. Congar examines a later period and while Van Beneden is concerned with the practice of ordination before 313.

[96] Councils of Clermont (535) canon 2; Orléans (533) canon 7; Paris (614) canon 2. All the canons mention election before ordination or if they mention ordination in the beginning after election they again refer ordination.

[97] Council of Orléans (538) canon 3 sets out the procedure for ordination of both the metropolitans and bishops including who ordains each; canon 6 concerns periods between ordination (*conversion*) of a layperson to be a cleric

ordination, and the part played by bishops, at least ten times, there is no clear description of the actual procedure in these canons. Further clarification of appointment procedure may be seen at the next council of Orléans in 541. On this occasion we find all three terms 'election', 'consecration' and 'ordination' are mentioned. This is one of only two examples where all three terms are brought together in the mid–sixth century:

> Indeed we have envisaged that it should be decided that a bishop is consecrated in the city, in which by a decree he is chosen as fit to be ordained in his own church, over which he is to preside. However, if a sudden necessity of the time does not permit to complete this, it would be better it is allowed to take place in his church, nevertheless, he should be ordained bishop in the presence of the metropolitan or if he doesn't have time to get to the city, with his authority within the province by all the provincial bishops. [98]

The procedure where the three terms occur together indicates that in certain circumstances ordination may take place elsewhere. This was to be followed by another form of the procedure once the bishop returned to his see from wherever he had been ordained. In his own church a blessing, possibly the 'consecration', would be performed. What is conceivable here is that the ordination may have occurred in the king's city thereby increasing the honour or authority of the candidate. The evidence adds a new element to our understanding of the procedure for installation. It is also worth noting here that the modification of the place of ordination may have has something to do with royal participation in church matters. [99]

The above example however also gives rise to ambiguity, as there is no clear division of meaning between 'ordination' and 'consecration'. Although 'consecration' is mentioned first, the context indicates that it follows 'election'. There is also a rare reference to the place of consecration which directly connects the procedure to the city in which a bishop is first elected. The first time 'ordination' is mentioned it signifies that, once elected, the bishop is 'fit to be ordained'. The second and final time 'ordination' is mentioned is in reference to the final ritual, when the metropolitan bishop is present or his provincial bishops. The presence of all the

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[98] Council of Orléans (541) canon 5: *It etiam regulare esse praespeximus decernendum, ut episcopus in ciuitate, in qua per decretum elegitur ordinandus, in sua ecclesiae, cui praefuturus est, consecratur. Sane si subito necessitas temporis hoc implere non patitur, licit melius esset in sua ecclesia fieri, tamen aut sub praesentia metropolitani aut certe cum eius auctoritate intra prouinciam omnino a comprouincialibus ordinetur.*

[99] Bishops known to have been ordained away from their see include Gregory of Tours (Reims); Gallus of Clermont (unknown city); Cautinus of Clermont (Metz); and Avitus of Ckermont (Metz), which were cities where kings had their courts.

provincial bishops attests to the importance of the ritual in episcopal appointment where the bishop's authority is created and enhanced by the group authority of the provincial episcopate. There is no place for the king in this ceremony.

On the opposite side of the coin there is evidence from the sixth century of bishops residing in cities away from the see over which they have authority, mostly as a result of being required to attend their kings and take part in political life at court.[100] This is yet more evidence of the influence of royalty in episcopal installation. We also have evidence of direct intervention by kings in terms of requests for royal assent prior to ordination. Gregory of Tours mentions a decree made by Chilperic agreeing to the tonsure of Nicetius, a count of the city.[101] The decree here is connected to royal permission for the change in status of a layman who was previously concerned with administration of a city and who later was to become a priest. Royal service placed men in personal contact with the king with all the obligations that entailed. Removal of that status prior to ordination offered a clear signal to the king, the church and the people that the candidate's loyalty and obligations were now to be aimed at the advancement of the church rather than secular power. We also find reference to this in the *Vita Audoini,* where the candidate was a layman, who also held a court position. He left court before his ordination and returned later to be ordained first as priest, and then as bishop.[102]

On occasion the procedure of ordination may signify the broader concept of the whole process of episcopal appointment, including election and the final installation into the church where the bishop will have authority. In modern terms this is known as 'consecration' and will be discussed in more detail in Chapter 6. Evidence indicates that there is a problem with applying this term indiscriminately in this period. There are indeed only two separate canons amongst all the canon law from councils in this period where all three terms of the procedure are referred to together. Canon 10 from the council of Orléans (549) states:

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[100] See Chapter 7 for a bishop Gregorius Attalus living away from his see in the early sixth century and the suggested possible reasons.

[101] Greg. Tur. *DLH.*, VII. 31. *...,et Nicetius comes loci illius, germanus Rustici Vici Iuliensis episcopi, praeceptionem ab Chilperico elicuerat, ut tonsoratus ciuitati illi sacerdus daretur. Sed Gundovaldus distruere nitens eius decreta,...*

[102] *Vita Audoini Episcopi Rotomagensis* (ed.), W. Levison (ed.), *Passiones vitaeque sanctorum aevi Merovingici* (III), MGH, SSRM, t .5. p. 554–5, p. 538; Fouracre and Gerberding, *Late Merovingian,* p. 154. *Vita Audoeni,* 1–2; 13; 16.

So that no-one is permitted to obtain the episcopate through gifts or money, but together with the assent of the king, through the equal election by clerics and people, as represented and written in the ancient canons, the bishop should be consecrated by the metropolitan, or in his absence his delegate with the provincial bishops. But if anyone, through monetary leverage, violates the rules of this sacred constitution, we will depose anyone whose ordination was achieved through gifts.[103]

The example clearly states the terms of all three stages in the process and notes who is responsible for each. The assent of the king is attached to the election by the people and local clerics.[104] Of significance here is also the comment that those who achieve the episcopate through simony should be deposed, indicating that while the secular powers are permitted to be involved they are not allowed to exert pressure or influence through access to wealth. Canon 11 from the same council further expands on this point. It notes that where there is pressure put on the citizens in their choice of a man by more powerful persons, or ordination is made by a bishop under threat of violence rather than legitimate process, then the honour of the episcopate must be removed from the person in question in perpetuity.[105]

We find many other council canons that state only 'ordination' as the form of the investment procedure. There is no mention of consecration, imposition of hands or blessing, or even the connection of these rituals to ordination or election. For example:

Those who would desire the episcopate should be ordained by the high priest after the election by the clerics and people of the city, with the consent of the provincial metropolitan. …[106]

Once again the term 'to ordain' is connected to the last process of the episcopal appointment. Following the correct form of election by the clerics and people of the city, the chosen candidate

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[103] The council or Orléans (549) canon 10: *Vt nulli episcopatum praemiis aut conparatione liceat adipisci, sed cum uoluntate regis iuxta* **electionem** *cleri ac plebis, sicut in antiquis canonibus tenetur scriptum, a metropolitano uel, quem in uice sua praemiserit, cum conprouincialibus pontifex* **consecretur***. Quod si quis per coemtionem hanc regulam huius sanctae constitutionis excesserit, eum, qui per praemia* **ordinatus** *fuerit, statuimus remouendum.* See also Council of Orléans (541) canon 5.

[104] See the discussion on this point in Chapter 5 and an alternate interpretation of the statement.

[105] Council of Orléans (549) canon 11: *Item, sicut antiqui canones decreuerunt, nullus inuitis detur episcopus, sed nec per oppressionem potentium personarum ad consensum faciendum ciues aut clirici, quod dici nefas est, inclinentur. Quod si factum fuerit, ipse episcopus, qui magis per violentiam quam per decretum legitimum ordinatur, ab indepto pontificates honore in perpetuo deponatur.*

[106] Council of Clermont (535) canon 2: *... Episcopatum ergo desiderans* **electione** *clericorum uel ciuium, consensu etiam metropoletani eiusdem prouinciae pontifex* **ordinetur…**

is ordained by the high priest, with the metropolitan from the province giving his consent as 'high priest'.

Across the 200 year period under analysis there are only 15 examples in the canons, where election and ordination are paired, reflecting what we know of the standard procedure: that is the election followed by the ordination.[107] Canon 2 from the council of Paris (614) is a perfect example.

> That on the death of a bishop, one must be ordained in his place, with the favour of Christ, it is the metropolitan who ordains him with his provincial bishops, the clerics and the people of the city having elected him without the intervention or payment of money. If he has been admitted into the church with the deception of another authority whatever or with negligence, without the election of the metropolitan, nor the consent of the clerics and the people, the ordination must be held invalid, according to the statutes of the fathers. [108]

The above statement confirms who has the ultimate authority over ordination and who should take part in the election. Interestingly the following canon from this council discusses the consequences of a living bishop choosing his own successor, adding the warning that no other person may be ordained to replace the still living bishop for any reason other than that he is unable to carry out his normal duties.[109]

Both of these canons are repeated in an edict issued just eight days after the council by King Chlothar II. However, some further wording is added to the previous canon law, stating:

> So that the canonical statutes might be maintained, and that through time from that having been overlooked, even from this time hence it must be kept intact perpetually, when a bishop dies in that place, he ought to be ordained by the metropolitan with the provincial bishops, after he was elected by clerics and people, if the person is considered deserving, let him be ordained through

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[107] Councils of Carpentras (527) a letter from Felix to Bishop Caesarius; Orléans (533) canon 7; Clermont (535) canon 2; Orléans (538) canons 3, 7; Orléans (541), canon 5; Orléans (549) canon 10; Tours (567) canon 1; Paris (556–573) canon 8; Paris (573) letter to Egidius; Narbonne (589) canon 6; Paris (614) canons 2, 3 (2); Edict of Chlothar II, 1; Clichy (626–627) canon 28.

[108] Council of Paris (614), canon 2, CCSL 148A, p. 275: *Hoc est: ut decedente episcopo in loco ipsius ille Christo propitio debeat **ordinari**, quem metropolitanus, a quo ordinandus est, cum conprouincialibus suis, clerus uel populus ciuitatis illius absque ullo quommodo uel datione pecuniae elegerint. Quod si aliter aut potestatis subreptione aut quacumque neglegentia absque **electione** metropolitani, cleri consensu uel ciuium fuerit in ecclesia intromissus, ordinatio ipsius secundum statuta patrum irrita habeatur.*

[109] Discussed again in Chapter 6.

the king, at least certainly if he is chosen from the palace, let him be ordained through the virtue of his person and doctrine. [110]

There has been much scholarly consideration of the *Edict of Chlothar* II.[111] As noted above, Chlothar further defines the second canon of the council, adding to and altering the text where necessary to include his own authority. He changed the numbering of the canon from 2 to 1, making it the first canon of his edict and thus signifying the importance of his decree.[112] He also omitted the phrase 'they should be elected without any intervention or pecuniary disbursement'. The first section of the edict states that an episcopal candidate once chosen by provincial bishops, local clerics and people is then to be ordained by the metropolitan. The king's agreement is necessary if the man is a layman in the court and is considered personally and doctrinally meritorious. Thorough his Edict Chlothar anticipates that if members of the palace are to be elected, their ordination should bear the stamp of the king's authority. In this example both the church and the king are involved in the selection of the bishop. The second part of the edict repeated the concerns of the canons in referring to elections of bishops.[113]

When we examine the altered wording from the original prescribed church canon, we can see that Chlothar II's innovation includes the royal authority for the order of ordination. While the edict make particular reference to the maintenance of canonical statutes it also clearly indicates that the king considered the final decision for a man's ordination to bishop, particularly a man who had been in his employ, to be a matter for royal control. We must remember that, as a courtier, the candidate would have taken an oath of loyalty to the king. Therefore he was not free

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[110] *Edictum Clotarii II,* CCSL 148A, p. 283, lines 16–19, 1. *Ideoque definitionis nostrae est, ut canonum statuta in omnibus conseruentur, et quod per tempore ex hoc praetermissum est uel dehaec perpetualiter conseruetur; ita ut episcopo decedent in loco ipsius, qui a metropolitan* **ordinari** *debeat cum prouincialibus, a clero et populo* **eligatur;** *si persona condigna fuerit, per* **ordinationem** *pricipis* **ordinetur;** *certe si de palatio eligitur, per meritum personae et doctrinae* **ordinetur**.

[111] Wallace–Hadrill, *The Frankish Church*, p. 105; Wood, *The Merovingian Kingdoms*, p. 154; P. Wormwald, *Legal Culture in the Early Medieval West* (London, Rio Grande, Ohio 1999) p. 3–6; B. Dumézil, 'La royauté mérovingienne et les élections épiscopales au VI ͤ siècle,'and S. Loftus, 'Examination of Episcopal Elections: the Normative View of the Concilia Galliae versus the Narrative Accounts,' in J. Leemans, S. Keough, P. Van Nuffelin, C. Nicolaye, *Episcopal Elections in Late Antiquity* (*250–600 CE*) (eds.) (Berlin 2011) p. 126–43; p. 431–2; B. Dumézil, *Les Racines Chrétiennes, de Europe* (Paris 2005) p. 23.

[112] Council of Paris (614), canon 2; Edict, canon 1: *...ita ut episcopo decedente in loco ipsius, qui a metropolitano ordinari debeat cum prouincialibus, a clero et populo eligatur; si persona condigna fuerit, per ordinationem principis ordinetur; certe si de palatio eligitur, per meritum personae et doctrinae ordinetur.*

[113] See an extended discussion on sections of the edict in Chapter 5.

to become a bishop and could only do so only if the king agreed to the request or if it was the king's idea in the first place.

Those attributes which suggest a candidate's suitability for the episcopate were usually considered prior to his 'election', being carried out even before the nomination, and most certainly before the 'ordination'. Where the candidate man was a man previously intimately associated with the palace it makes sense that the king should be involved. The king may well have been protecting himself in the civil law in sections of his *Edict*. [114] Nevertheless, canon 2 of Paris (614), above, makes it clear that no authority other that of the metropolitan and his bishops could ordain a man. The divergence in the wording of the two sources may be interpreted in two ways, either that the king's *Edict* makes clear the importance of the conservation of the canonical statutes on this question of ordination and election, or that the king wished to put his own interpretation on 'ordination' or 'election' procedures. The increasing contest between ecclesiastical and royal authority over the choice of men for the episcopate may be seen here, nevertheless the emphasis remains on the normal procedure for ordination which came solely under the authority of the metropolitan and his provincial bishops.

On rare occasions the term 'ordination' was accompanied by a term other than 'election' or 'consecration': *benediction*. However, this term is more commonly used in connection with widows or virgins entering a monastery, rather than episcopal installation.[115] When we turn to further evidence from the seventh century we find once again that the preference is for the term 'ordination'. From 14 documented councils with extant *acta* (or details found in another source),

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[114] Council of Paris (614) canon 5: *Vt, si quis clericus quolibet honore monitus contempto episcopo suo ad principe uel ad potentiores homines uel ubi aut ubi ambulare uel sibi patronum* **elegerit**, *non recipiatur, preter ut ueniam debeat promereri. Quod si fecerit, hii, qui ipsum post admonitionem pontificis sui retenere presumpserint, nouerint se utrumque priorum canonum sententia esse damnandos.* Almost identical to this was Chlothar II edict canon 3: *Si quis clerecus, quolibet honore monitus, in contimtu episcopo suo uel praetermisso, ad principem aut ad potentioris quasque personas ambulare uel sibi patrocinia elegerit expetendum, non recipiatur, praeter preces si pro ueniam uedetur expetere. Et si pro qualebit causa ad principem expetierit et cum ipsius principis epistola ad episcopo suo fueritreuersus, excusatus recipiatur. His qui ipsum post admonitionem pontefici suo retenere praesumpserit, a sancto communion priuetur.* In his *Edict* Chlothar adds a sentence following the statement that if a cleric, electing to ask a prince or other powerful persons for their patronage, goes against his bishop's wishes, he may not be accepted back, except if he seeks to obtain a pardon. However, the final judgement is left in: 'let those who still retain him even after a bishop's warning, be excommunicated'.
[115] Council of Epaone (517) canon 21.

only four councils of the period up to 696 refer to episcopal 'ordination'.[116] The canons repeat previous regulations connected to episcopal appointment that had in the past been a concern and documented in sixth century canons.

In terms of the timing of appointment and installation we can again find examples in the canons demonstrating a desire to regulate the procedure. Canon 2 of the council of Paris (614) refers to the normal procedure for replacing a bishop, 'that once a bishop has died in a see, the ordination of a new bishop was required'. This seems obvious, but on occasions we find that there are gaps of time between the death of a bishop and a new appointment. Canon 3 from the same council further states that 'While a bishop is still living no successor to a bishop may be chosen, usurp his place nor ought to be ordained to that see before the bishop has died....'[117]

In the next council of the seventh century at Clichy (626–627) canon 28 makes further reference to the customary formula for the procedure of episcopal ordination stating:

> On the death of a bishop, no other one may be substituted in his place, if he is not somebody native to the place, or who was not elected by the vote of all the whole people and accepted by other bishops of the province. That anyone who has presumed in such a manner is deposed from the see he usurped rather than receive it. Moreover, we announce that the '*ordinatores*' will be suspended from the administration of their office in their city.[118]

It is notable that the canon above repeats in essence the standard canonical procedure for ordination, and yet in the opening statement of the council, the attending bishops request that the

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[116] For example a number of the councils were documented in the Fredegar, *Chronica*, IV 24, Council of Chalon–sur Saone (602–4), *Vitae Betharii episcope Carnoteni*, Council of Sens (594–614); *Vitae S. Elligii*, Council of Orléans (639–641); *Vita Eusthasii*, Council of Mãcon (626–627); Fredegar, *Chronica*. IV; *Gestorun episcoporum Autissiodorensium*, Cap 24, Couincil of Auxerre (692–696).

[117] Council of Paris (614) canon 3: *Ut nullus episcoporum se uiuente alium in loco suo non elegat nec qualiscumque persona illo superstite locum ipsius sub quocumque argumentum uel ingenium adoptare presumat nec a quemquam debeat ordinare, nisi certe conditionis extiterint, ut ecclesiam suam nec regere ualeat aut ecclesiastica regula, ut ordo exposcit, conseruare. Quod si quis contemptor constitutionis huius hoc adtemtare presumserit, canonica se noveri excepturum sententia.* The *Edict* is less precise in its ruling regarding the substitution of a bishop. *Edict* of Chlothar II (614) section 2: *Vt nullus episcoporum se uiuente eligat successorem, sed tunc alius ei substituatur, cum taliter afficeretur, ut ecclesiam suam nec clerum regere possit. Idem que ut nullus uiuente episcopo adoptare locum eius praesumat; quod si petierit, ei menime tribuatur*

[118] Council of Clichy (626–627) canon 28, *Ut decedente episcopo in loco eius non alius subrogetur nisi loci illius indegena, quem uniuersalis totius populi elegerit uotus hac conprouincialium uoluntas adsenserit. Aliter qui presumpserit abiciatur a sede, quam iniasit potius quam accipit. Ordinatores autem ab officio administrationis suae sedes cessare decernimus.*

king conserve all the various points of the regulations promulgated at Paris (614).[119] Of note after this statement is the reference to transcribing the records into one collection, indicating the importance and manner of preserving them for the future. We need to consider this request of the bishops in light of the fact that the king had already rewritten some of the canons, promoting and supporting them while at the same time not conserving the exact or original meaning

References in canon law to the procedure of ordination from the council of Châlon (647–653) canons 4, 10, and 14 provide further evidence for canonical procedure. Canon 10 states that 'an episcopal appointment made by anyone other than the metropolitan, or without the election by the clerics and people the ordination is to be considered invalid'. Canon 20 was promulgated to remove the bishops Agapius and Bobo of Digne. They are said to have committed a number of errors. Gaudemet notes that de Clercq suggests that one was no doubt the successor of the other bishop, and was ordained before his death as a successor.[120] As previously mentioned, this was not permitted under canon law. Canon 4 of this same council reiterates that no two bishops may hold one see.[121]

The irregular ordination of Bishop Chramlin of Embrum is mentioned in relation to the late seventh century council of Marly (679–680). The only evidence for this council is a short extract recorded in a diploma of King Theuderic III: 'Chramlin who was bishop of Embrum was discovered to have taken charge through his use of a false written record or paper of some sort and a presumptuous act — he received the dignity of office, not through our actual

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[119] Council of Clichy (626–627) *praefatio*: *Ergo quando nobis uestrae bonitatis gratiam fiduciam contulit suggerendi, supplices speramus, ut eam constitutionis regulam nobis per omnia conseruetis, quam Parisius actenus uobis presentibus in uniuersali Gallearum et magna synodum iuxta prisca canonum institutionem constitui precepistis. Est nobis ualde gratissimum, ut ea, quae uestro sunt imperio generaliter promulgata atque tantis sacerdotibus sunt edita uel digesta, in omnibus conseruentur. Ex quia nonnulla eccapitula per diversos Canonum scripsimus libros, in unum corpus colecta congessimus, huis predictaeconstitutioni iudicamus adnecteda, obsecramus obnixe, ut, quae regulis eleferit esse subdenda, auctoritis uestrae oraculo confirmentur perpetua Domino presule adstipulatione mansura.Canon 4.Edictum uel capitula canonum, quod parisius in generali illa synodo in basilica domni petri constitutum est et a gloriosissimo domno hlothario rege firmatum, sub omni firmitatem censuemus custodire.*

[120] Council of Chalon (647–653) canon 20: *Agapium uero et Bobonem Diniensis urbis episcopoa pro eo, quod ipsos contra statuta canonum in multis conditionibus errasse uel deliquisse cognouimus, ipsos iuxta ipso tenore canonum ab omni episcopatus eorum ordine decreuimus regradere.* Gaudemet and Basdevant, *Les Canons,* p. 560, footnote 1. There is no reference for this in Gaudemet.

[121] Council of Chalon (647–653) canon 4: *Ut duo in una civitate penitus una tempore nec ordinentur nec habeantur episcopi nec res ecclesiae saeua diuisione debeant partire.* Note this canon also concerns the savage division of the goods of the church.

ordination.'[122] There is a suggestion here that the error in Chramlin's installation refers a falsification of a document that somehow relates to the king. The king was said to have convened the council and he issued the *charta* during the period of the council.[123] Since there are no extant *acta* it is difficult to be certain that the diploma was identical to the canons promulgated.

In the seventh century there appear to be fewer references in the council *acta* to ordination. However, this may have more to do with the fact that the *acta* of known councils are less frequently documented in this period. The last council *acta* of this century were accompanied by different material not seen before in council records, such as the addition of calendars.[124] Canons do show that there was an increased interest in control over church property and episcopal authority over the alienation of property and monasteries. There was a sudden growth in monasteries in the sixth and seventh centuries and increased connection of many members of royal families to these monasteries. Conflict over authority arose in relation to issues such as patronage, control of monastery land, as kings and queens donated land and buildings and took more interest in founding such institutions, and the involvement of various residents. One possible reason for this conflict is the issue of produce or income from specific donated lands or buildings which became more important to kings as taxes diminished in this period. This is more evident in the canons. For example, the council of Orleans (549) canon 13 states that 'No one should keep back or alienate what has been given to the churches, monasteries, *xenodochia,* or the poor. If anyone does he shall, in accordance with the old canons, as a murderer of the poor be excommunicated until he gives back what he has withdrawn'.[125]

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[122] Council of Mâlay–le–Roi (Maslaco) (675–680) Charta of Theuderic III: *Chramlinus ... qui aepiscopatum Aebreduno civitate habuit: inuentum est, quod sua praesumcione uel per falsa carta seu per reuellacionis audacia, sed non per nostra ordenacione ipsum aepiscopatum reciperat, eciam nec, sicut eorum cannonis contenent, ad ipsum benedicendum solemneter episcope non adfuirent*. Note the different spellings in this canon.

[123] Council of Mâlay–le–Roi (675–680) Beginning of the king's Charta: *Dum et episcopos de rigna nostra, tam de Nuister quam et Burgundia, pro sttu aeclisiae uel confirmacione pacis ad nostro palacio. Masslaco uilla iussemus aduenire et aliqui ex ipsis,...*

[124] Council of Autun (692–696).

[125] Council of Orléans (549) canons 13 (translation from Hefele, *A History of the Councils,* vol. IV, p. 369,) 14 and 15, which refers to the the *xenodochian* given to the church by Childebert and his wife and specifically notes that the bishop of Lyons may not claim any of its good for himself or his church; Greg. Tur. *VP*. VI.5; *DLH.* III.36; IX.30. For reference to the land or property being returned or seized by the family of a monk or nun see R. le Jan, 'Convents, violence and competition for power in 7th centuryFrancia,' in M. De Jong and F. Theuws, *Topographies of Power in the Early Middle Ages,*(Leiden 2001) ,p. 243–70.

This situation had its beginnings in the sixth century. At the Council of Mâcon (585) we can see that bishops were concerned with their own status and the continuity of canon law:

> Therefore it is right for us to recall to their pristine condition the remaining features of the holy Catholic faith, which we know, to have deteriorated owing to the passage of time: in order that we should not be acting against ourselves, either by not putting right those things which we know are relevant to the prestige of our episcopal order, or by passing over them in silence, which would be a sin.[126]

At this same council or shortly thereafter, Guntram who called the council issued his own edict, which gives further evidence of the close relationship between the kings and the bishops. Included in his edict is his support for the bishops in their aspiration to compel the people to follow the canons.[127]

However, the councils of the seventh century after 620 reflect a different style of transgression, as well as different concerns. At the council of Reims (626–627) topics such as ecclesiastical conspiracies, seizure of ecclesiastical property and missionary expeditions against heresies are more prominent than concern for ordination procedures.[128] The council of Bordeaux, for example, devotes attention in two out of four canons to appropriate standards of clerical dress.[129] One of the minority that do concern themselves with ordination, the council of Saint-Jean-de Losne (673–675), returns to the topic of correct canonical ordination procedure in four of its canons. This includes prescriptions that note only one bishop in a city might serve at once, canons reiterating the legal age for installation procedures, and canons stating that there is to be no nomination or ordination of a successor permitted by a standing bishop. Similarly members of the laity are prohibited from becoming presbyters, a return to earlier precedents which stated that episcopal candidates must go through the various other ranks before being ordained bishop.[130]

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[126] Council of Mâcon (585) canon 5: *Omnes igitur religuas fidei sanctae catholicae causas, quas temporis longitudine cognouimus deteriorates fuisse, oportet nos ad statum pristinum reuocare, ne nos nouis simus aduersarii, dum ea, quae cognuscimus ad nostri ordines qualitatem pertinere, aut non corregimus aut, quod nefas est, silentio praeterimus.* The remainder of the canon concerns ancient tithes paid by all attendees at the church for the needs of the poor, the redemption of prisoners and the health and peace of the people.

[127] Capitularia Merovingica, 5.

[128] Council of Reims (626–627) canons 2, 10, 13, 16, 20, 21, 22 are concerned with alienation of church property or property that belonging to the bishop. Canon 4 is concerned with heretics and the necessary missionary activity to resolve this problem.

[129] Council of Bordeaux (662–675) canons 1 and 4.

[130] Council of Saint-Jean-de-Losne (673–675) canons 2, 5, 6, 9, 22.

**4.4.2 Ordination procedure in the narrative history and other genres**

In his narrative history, Gregory writes of the ecclesiastical world in late antique Gaul. His perspective is based on the Frankish church and all its members. He includes in his discussions not only the moral worth of kings and queens, but many of its bishops, while also offering condemnation of those he feels are not commendable. It is significant that when Gregory discusses the bishops he considers it important to include details of their appointment to the office of the episcopate as a focus of his narrative. In a style reminiscent of the earlier historians who reported and commented on the way emperors, military leaders or provincial praetors were appointed to office, Gregory brings to our attention many contemporary episcopal installation procedures. This includes reporting how bishops were legally entitled to the position or, in contrast, how they usurped the office from each other. By quoting or referring to various earlier historians, Gregory demonstrates his knowledge of their works and their methodology. In the case of Christian writers Gregory quotes historians who wrote about the character and morals of individual emperors and the effect that they had on the unity of the church. [131] He chronicles both those whom he considers moral with the merits suitable to attain bishoprics, and those he thinks of as unprincipled and unworthy of the office. In his writing, Gregory often ties morals and authority to canonically correct (or incorrect) ordination procedures.

There are several problems with placing excessive reliance on the evidence we can ascertain from Gregory.[132] Firstly there is his own clear agenda: Gregory demonstrates bias towards particular bishops he considers unsuitable. For example, he outlines negative characteristics in the bishops whose appointments were directly influenced by kings. Additionally, we have to consider the distance between the events he chronicles. Some of the ordinations he documents stretch back more than a hundred years, while others occurred in his own lifetime. Then there is the limit to his geographical focus. With a few notable exceptions his work centres on the areas where he had family or had spent time training as a priest, such as Tours, Clermont, Lyons, Langres, Poitiers and or places where councils were convened such as Paris.

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[131] Greg. Tur. *DLH*. I. 1 Gregory refers to earlier authors: Orosius; I.36, IX.15; Eusebius 1.7; Supicius Severus; I.39, II.9; Jerome and Orosius, II.
[132] See the source discussion with regard to modern scholarship in Chapter 1 section 1.8.

Yet, for all this Gregory is a worthy source church history of the period. While providing us with much detail about the things most familiar to him he also offers us a wider perspective. He was in correspondence with a number of other bishops from Nantes and Bordeaux. His reporting on the councils is also useful because he includes details omitted in the council records and on occasions alerts us to councils not recorded elsewhere. As his focus is history, he offers readers insights into earlier Christian events then quickly brings them to the more recent history of Christians in Gaul. Importantly, he includes the ordination of the first clerics and how they were instructed to sing psalms, build churches and celebrate Christian rites.[133]

Gregory begins his narrative of the bishops of Tours by commencing with a comparison of the 'incomparable' Saint Martin and the not so worthy next bishop Bricius. Some 33 years after his ordination Bricius was the victim of several false accusations and eventually expelled from his position.[134] The contrast between the incomparable Saint Martin and the unworthy bishop provides us with a clear example of Gregory's moralistic style and agenda. According to Gregory, the fourth and fifth bishops of Tours were ordained and were both worthy men. The later appointment of Rusticus was accompanied by some factional discord at his election; Rusticus cemented his position both physically and spiritually.[135] According to Gregory, the fifth bishop Perpetuus, recognising the miracles of St. Martin, built a church over the Saint's simple chapel. Gregory notes that one of most important events in the church was the annual celebration of the ordination of the saint.[136]

Gregory uses the ordinations of successive bishops to episcopates as a structural method marking sections of each book and its chronicled events. He frames of his work with frequent references to the appointments of bishops. For example in section 26 of book II he mentions three bishops, Perpetuus, Volusianus and Verus: one died, and two were successively ordained.

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[133] Greg. Tur. *DLH.* I.31 *…clerici ordinati, ritum psallendi suscipiunt, et qualiter ecclesiam construant uel omnipotenti Deo sollemnia caelebrare debeant, inbuuntur.*
[134] Greg. Tur. *DLH.* I. 1. *Tricesimo tertio vero ordinationis suae anno oritur contra eum lamentabilis causa pro crimine.*
[135] Greg. Tur. *DLH.* II. 13–14. *Hic ordenetur episcopus!* And ... *quintus post beatum Martinum Perpetuus ordinatur.*
[136] Greg. Tur. *DLH.* II. 14. *Sollemnitas enim ipsius basilicae triplici uirtute pollet: id est dedicatione templi, translatione corporis sancti uel ordinatione eius episcopati.*

[137] Similarly at section 39 of book II he marks the death of Eustochius of Tours followed by the ordination of his successor.[138] Structural sequences such as these continue throughout the work, interspersing bishops' lives, ordination and death with the narrative of the kings and their actions. Often moral comparisons are made between individual bishops and kings.

Yet it is in Gregory of Tours' hagiography where he most lauds the various sainted bishops and men, fathers of the church, holy men, martyrs and confessors. He also provides evidence of the miracles they performed. His purpose here is not dissimilar to his narratives, for his expects the various participants to be judged on their morals and held up as examples for all to follow. He comments on the ordination of these men as a significant element of their sainthood. He considers that acquiring leadership in the church was a central theme and an important point for discussion, even a paradigm for his audience to emulate. Interestingly Gregory writes of the men of his family in great detail in his hagiography. His concern appears to be for their suitability for office and how they gain their reputation by the miracles they perform once they are ordained.[139]

If we turn to the evidence found in other later chronicles that details the history of the Franks, we find little discussion of episcopal appointments. Indeed, this may be because the court and royalty are the central focus of the chronicles rather than the church. However, the hagiography of the seventh century does provide more information on the ordination procedure and its correct application, with all that that entails including authority and power held by the bishops. However, like the work of Gregory of Tours, we have to be careful and consider the agenda of these later hagiographical authors. Their role was to document the saints of the church, to show these saintly men in the best light for the moral edification of their audience.

In terms of using hagiography as a source for information on canonically accepted ordination procedures we can examine the life of the secular man, named Aunemund, who was appointed to the see of Lyons. His biography states that he came from a Roman family. This

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[137] Greg. Tur. *DLH*. II. 26. *… cuius loco Virus succedens, septimus post beatum Martinum ordinatur episcopus. Denique migrante ...*
[138] Greg. Tur. *DLH*. II. 39. *Eustochio Turonorum episcopo, VIII. post sanctum Martinum Licinius Turonicis episcopus ordinatur…*
[139] See further in Chapter 7.

interesting qualifier draws attention to the fact that by the seventh century the differentiation between senatorial Gallo-Romans and Franks was not as obvious, due to integration and intermarriage between the residents of Gaul. Aunemund was chosen to succeed to the episcopate and was ordained by the previous bishop Viventiolus, who held the position of bishop at that time.[140] While this form of choice and appointment of a successor is not a canonical procedure, and was in fact condemned by the church,[141] it still appears evident in the seventh century.[142] Interestingly by this time, the metropolitan bishops are occasionally named as *archiepiscopi*, not common terminology used in the sixth century. Another bishop, Leudegar, is mentioned as having been appointed by Queen Balthild (although in the opinion of the author of his *Passio* it was by the inspiration of God that he was appointed).[143]

A further example of contemporary ordination procedure is found in the *Passio Praeiecti*. The author takes 13 chapters to build up to the eventual ordination of Praeiectus to the episcopate of Clermont (died 676). According to the text five senior clerics of the town met, including Praeiectus, who were said to hold authority over the other clerics. They made a pact and wrote down the choice of one Garivald, the deacon, as the successor to Felix, Bishop of Clermont. This choice was binding in law and Garivald was thus named as archdeacon: 'the custom of succession among his predecessors was that the person serving in the deacon's post took over the pastoral care if the opportunity arose.'[144] While this sentence still leaves the final appointment choice open by reason of the phrase 'if the opportunity arose' it nevertheless demonstrates the procedure of several local bishops and their role in the ordination procedure. Once the men who made the pact changed their minds and supported Praeiectus in the election, Garivald sought the help of the local people influencing them with gifts of money. He was

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[140] Fouracre and Gerberding, *Late Merovingian,* p. 181. The translators noted the incorrect spelling of this bishop, and that it was Viventius who preceded him as bishop.

[141] See Chapter 3.

[142] Council of Lyons (518–523) canon 3(5); Council of Paris (614) canon 2. Both of the canons discuss this law. The *Acta Aunemundi alias Dalfini episcopi,* P. Perrier, *AASS,* Sept. VII (Antwerp 1760), 2, p. 744: … *ut a Viventiolo Lugdunensi episcopo eligeretur in loco: quem, adhue se inibi stante, Christi gratia consecrauit pontificem.* Another reference in *The Will of Aunemund*, mentioned and translated in in Fouracre and Gerberding *Late Merovingian,* p.180, footnote 45, states*: Viventiolus eiusdem ecclesiae archiepiscopus, qui me praefate ecclesiae se vivent archiepiscopaum ordinauit.*

[143] *Passio Leudegarii 1,* B. Krusch (ed.), MGH SSRM, t.5 (Hannover 1910) (2) p. 284.

[144] *Passio Praeiecti episcope et martyris Aruerni,* B. Krusch (ed.), MGH. SRM. t. 5: *Passiones uitaeque sanctorum aevi Merovingici* (Hannover 1997), 13, p. 232–3; for the translation see Chapter 13 in Fouracre and Gerberding, *Late Merovingian*, p. 28.

successful and it was said the people used force against the clerics. He died 40 days after leaving the see empty.

The author continues in the next chapter on the topic of the installation procedure. In this case he mentions the requirement for discussion with local clergy, and notes that another man Genesius was raised up by *regibus edictis*. No further information is given to indicate whether this was the normal procedure in this time. It appears in this instance that there was a dispute amongst the laity and the clergy, and a form of royal injunction was necessary to force the issue. After using gifts to persuade the lay voters, Genesius was afraid that he might have acted against canon law. In the other story, the citizens appear to have asked for the election of Praeiectus, a priest of the town. His election was agreed upon by the ordinary people. The local clerics and the laity, once they heard of the decision, agreed with one voice that he was worthy. Then according to the author of the text, by the Lord's will he was ordained. [145]

Significantly, this excerpt mentions three ranks of people involved in the election: the *vulgi* are distinctly different to the *laicorum* and the *clericorum*. Perhaps 'laity' in this case refers to the upper echelons of lay people, who were the group that Genesius had tried to influence with simony.[146] Although there is no explicit mention of any canon law with regard to ordination, the reference to using gifts for persuasion might be considered simony. This detailed episode therefore gives some insight into the continued problem of episcopal appointments and the need for outside intervention as well as the issues involved in simony.

Another source from the seventh century, *Vita Domnae Balthildis,* confirms the difficulty of maintaining canon law concerned with episcopal appointments, again pointing to simony as the problem.[147] According to the source, Queen Bathild tried to prevent this happening while she

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[145] *Passio Praeiecti,* 14, Lines 12–14, p. 234; trans. Fouracre and Gerberding, *Late Merovingian*, p. 284–5.

[146] Fouracre suggests as well as the political and economic growth of the church, the increased influence of local magnates began to occur in the mid seventh century. See P. Fouracre, 'The nature of Frankish political institutions in the seventh century,' in I. N. Wood (ed.), *Franks and Alamanni in the Merovingian Period an Ethnographic Perspective* (San Marino 1988) p. 292–3; 295; See also Heather, *The Restoration of Rome*, p. 216–18.

[147] *Vita Domnae Balthildis,* W. Levison (ed.), MGH SSRM, t. 3 (1984), Chapter 6; trans. Fouracre and Gerberding, *Late Merovingian*, p.123.

had the regency.[148] However, we then have the problem of conflicting sources, for another author from the same period gives us a different picture of this queen and her role in episcopal appointment. This source suggests the Queen had as many as nine bishops murdered so she could appoint her own choice of candidate.[149] We do have evidence of her involvement in the appointment of four bishops: Genesius of Lyons, Erembert of Toulouse, Leudegar of Autun and possibly Sigobrand of Paris.[150]

In the *Vita Audoini Episcopi Rotomagensis,* we find reference to an occasion where a layman succeeded to the episcopate after serving the requisite year of clerical service. Audoin Bishop of Rouen, who was previously called Dado, when he was appointed to the *cathedra* (episcopal see) 'had the royal approval'. As he was a layman from the court at Paris, the author states 'he was aware of the Apostle's sentiment that forbids a neophyte to be ordained' and knew he must spend a year in training. He therefore went away from his see before his ordination and returned much later to be ordained priest, then bishop.[151] Interestingly, when he died he was carried back to Rouen, indicating he was not resident in his see at the time of his death. He originated from near Soissons, his family moved later to their property near Mieux.[152] Audoin

[148] *Vita Domnae Balthildis,* Ch. 6: *Factumque est tunc per cam nutu Dei, et exortantibus bonis sacerdotibus, ut heresis Symoniaca, quae pravo usu maculabat tunc Deia ecclesiam. Ita ut dando praemia contra ordinem episcopatus accipiebant, ut prefata domna Balthildis hoc impium nefas prohiberet, ut nullus premium pro percipiendis sacris gradibus omnino intercurreret.*

[149] *Vita Wilfridi*, W. Levison, MGH SSRM, t. 5. ch. 6. Presumably the author, who was the hagiographer, was in the faction connected to one of the executed bishops, Aunemund of Lyons.

[150] *Vita Domnae Balthildis,* Ch. 4; *Quae ipse Christi famulus domnus Genesius postea, Christo, iubente. Lugduno Galliae ordinatus est episcopus.*10; *Vita Eremberti Episcopi Tolosani*, W. Levison (ed.), MGH SSRM t. 5, Ch. 1; *Passio Leudegarii*, 1 Ch. 2.

[151] *Vita Audoini,* 1–2; 13; 16. Fouracre and Gerberding, *Late Merovingian,* p. 133–64, for full translation of all sections and commentary. MGH SS Rer. Merov. 5 Passiones vitaeque sanctorum aevi Merovingici (III) p.538, lines 22–30: 'Not long after the death of [King] Dagobert [19 January 639], Dado [a.k.a. Audoin] resigned from the palace service. For after the death of Romanus, bishop of Rouen, Dado replaced him [sc. Romanus], by the command of the king, at the same time when Eligius took up the bishopric of Noyon. Like several other cabinet ministers [*referendarii*] belonging to the kings of the Franks, so he also, when he had obtained the episcopal rank, and because it had been established by canon law that no lay person should be ordained as a bishop "without a year's qualifying period [*conversio*] being served first", left his homeland behind and went to the lands beyond the Loire ― and it is said that he went as far as Spain. When he came back, he was consecrated by Deodatus, bishop of Mâcon, as a priest, and when the year of clerical service demanded by the canon had gone by, Dado and Eligius were ordained as bishops at Rouen on 13 May 641'. As it was the case with Bishop Audoin of Rouen, who had previously been in the court prior to his entry into episcopal office, he continued to play an important role in the court of Chlothar II and Dagobert II. Translated by P. McKechnie (2015).

[152] Jonas of Bobbio, *Vita Columbani Abbatis Discipulorumque eius Libri Duo auctore Iona,* I ch. 26 (ed.), B. Krushch, MGH SSRM t.4 (Hanover 1902). Fouracre and Gerberding, *Late Merovingian,* p. 146–50. Audoin also had two other brothers Rado and Ado, the latter was influential in the court of Dagobert, leaving there to found the

was said to have used his authority for the good of his community because he strove for peace.
[153]

Audoin attended the council in Châlon (647–653) and it is noteworthy that he put his signature to the canons of that council, some of which deal with ordination and the removal of men incorrectly ordained or holding their authority in an illegitimate manner.[154] There is no mention here of the previously common canons proscribing royal or other powers from interfering with the ordination of bishops. Bishops such as Audoin had become more politically powerful, wielding authority over their churches. They controlled large tracts of donated ecclesiastical land, and their connection to the many newly established monasteries increased their power base. As well as that, almost all the influential bishops at this time appear to be connected to the royal courts. Their power was often tied to the monarch himself and therefore when one king died the bishops who had supported him at court were sometimes replaced with new ones who were loyal to the next monarch.[155] In this period we find men such as Ebroin, who came from influential nobility of Neustria, at one point acting as regent. He was also at various times: mayor of the palace, tonsured or at least exiled to a monastery and supporter of a usurper king.[156]

Although Audoin received his appointment by royal command we also find reference to his 'appointment through the divine authority'. As a legitimate 'soldier of the Lord' he attained the *cathedra* in Rouen.[157] The term *cathedra,* found in several episodes from the seventh century hagiographical sources, indicates 'the seat' or 'the throne' of the bishop in a particular city. Gregory of Tours uses the term in the sense of a bishop's see it also applied to a regal throne.[158] Gregory writes of *cathedra* in terms of an episcopal throne although a king is actually described as being seated there.[159] He also tells us of a certain see in which a bishop was first displaced,

monastery of Juarre, Rado is referred to by Audoin as a treasury custodian of the king, who later became Bishop of Cahors (630). All three brothers founded or were active in the foundation of the building of the monastery of Rebais.
[153] *Vita Audoini,* Fouracre and Gerberding, *Late Merovingian,* p. 163.
[154] Council of Chalon (647–653), canons 1, 2 4, 10, 20.
[155] *Passio Leudegarii.* Ch. 9–12.
[156] *Vita Domnae Bathildis*, Ch. 5; *Liber Historiae Francorum,* Ch 45.
[157] *Vita Audoini,* MGH, t.5. (4) p. 556; *Vita Audoini,* Fouracre and Gerberding, *Late Merovingian,* p. 156.
[158] Greg. Tur. *DLH*. IV. 5; 14; 22; V. 14; 17; IX. 18; X. 26, 28.
[159] Greg. Tur. *DLH*. VIII. 5.

but returned and again took up the *cathedra*.[160] At one point, Gregory states 'Avitus ascended the episcopal throne', indicating his understanding and use of the term.[161] As can be seen in the narrative history above, the importance of royal power in the appointment of bishops cannot be understated. The above examples of episcopal appointment also point to continued knowledge and understanding of canon law concerning the procedure, although they do not necessarily adhere to it.

## 4.5 Canonical requirements for ordination[162]

We do know that when it came to choosing a suitable candidate as bishop, towns had access to diocesan archival collections containing canons that describe the required attributes,[163] although in most cases we do not know exactly how the choice was made. In his narrative history Gregory tells us about the 19 men who were ordained as bishops before him in Tours, many of them he also claimed as relatives. He includes in his description a number of virtues that made these men suitable to be chosen and ordained as bishops. Interestingly, the bishops of Tours were often outsiders, not native to the city. This particular transgression was usually connected to the participation of kings in episcopal appointment. They sometimes selected outsiders, perhaps because these candidates were less likely to be part of a local faction and so were easier to manipulate, perhaps because they wished to elevate someone close to themselves.

Piety is a major theme for Gregory in his descriptions of the appointments. He identifies piety by giving a number of examples, they: made pilgrimages, donated land to the church, built churches or founded monasteries, converted pagans and heretics, and performed miracles. When he writes of own his predecessor, his uncle Eufronius, he states directly that he was pious, and already a cleric for a long time before he was appointed.

As well as piety, Gregory provides us with further details with regard to suitability of candidates. He stresses the need to be born free. He also notes that these men were usually

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[160] Greg. Tur. *DLH*. X 31 section 4.
[161] Greg. Tur. *DLH*. IV. 35.
[162] Part of this section was published as a journal article 'Suitable men to enter the episcopate in late antique Gaul: ideal and reality,' *JAEMA* 10 (2014), 23–46.
[163] See section 2.3.4 for discussion of the collection, knowledge of canon law and reading of it in each diocese.

descendants of an aristocratic family, as well as being related to previous holders of episcopal office. They were close to the king and his court. For example, Baudinus is described as previously a *referendarius* of king Lothar, who donated generously to the poor by giving away church money accumulated by his predecessors. In contrast, Gregory also gives us an indication of what he views as the less than desirable candidates. He tells us about men who behaved badly, including those who were formerly discreet but later took to drink.[164]

In general terms, a man who was considered suitable for ecclesiastical office also ideally should be known by the lay people and clerics of the diocese where he would be bishop.[165] Further to this, canon law states that no bishop may remove a man from another diocese and put him forward as a candidate in a different diocese. Bishops were therefore theoretically not allowed to interfere within another man's diocese[166] Gregory reiterates this idea in his narrative history. However, it must be noted that the ideals of canon law were occasionally circumvented by royal participation and particular factions within the church. For example, several successive bishops in the fifth century hailed from particular monasteries, such as Lérins, and thus were outsiders and not local candidates.[167]

Particular kings promoted men who came from outside the area of a diocese, either because they had a favourite person they wished to endorse, or because they wanted to place their own man in an area controlled by an alternative faction. We also have evidence of kings choosing to place their own men in distant cities such as Clermont that were strategically

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[164] Greg. Tur. *DLH*. IV. 12; V.30, 40; X.31 For example, Gunther, previous abbot and 17th bishop of Tours.
[165] Council of Lyons (518–523) canon 2 (4), *…ut nullus frater uanitatis uel cupiditatis stimolis incetatus eclesia alterius agredi uel parrocias praesumere absque eius, ad quem pertinere nuscuntur, cessione uel permissione praesumat nec quisquam sub hac necissitate absentante episcopo in eius qui afuerit loco aut sacrificiorum aut ordinationum audeat ministeria caelebrare…..*This was an ancient canon and states a priest or a bishop was unable to appoint someone in another bishop's see, or intervene and ordain a man in another parish.
[166] Council of Clermont (535) canon 11: *Nullus episcopus alterius clericum contra voluntatem episcope sui suscipere audeat aut sacerdotium prorogare.* Council of Lyons (518–523) canon 2 (4): *…ut nullus frater uanitatis uel cupiditatis stimolis incetatus eclesia alterius agredi uel parrocias praesumere absque eius, ad quem pertinere nuscuntur, cessione uel permissione praesumat nec quisquam sub hac necissitate absentante episcopo in eius qui afuerit loco aut sacrificiorum aut ordinationum audeat ministeria caelebrare…* Council of Orléans (511) canon 17. This latter canon references the same ideal but ties it to the goods and buildings of a specific church being under the authority of the specific bishop who holds the see. No other bishop or priest from outside the see may remove any goods or take over property or claim a church. See also Council of Epaone (517) canon 5.
[167] See Mathisen, *Ecclesiastical Factionalism*, p. 69–85; 93–116.

important towns in their kingdoms.[168] Thus while the question of the residency of a candidate was supposedly rigid, the canon law appears to have been circumvented frequently. For example Gregory himself was not from Tours, although his uncle was the previous bishop. Gregory may have been known by the local people when he was in the lower ranks of the clergy, serving the community in the church of his uncle, Bishop Eufronius of Tours. He was probably installed by order of the king, outside his province and not in the diocese of Tours. Additionally he was installed in the metropolitan city Reims, by the metropolitan of another see. All of these factors contributed to problems he later encountered when maintaining his authority in the region following his arrival in the city of Tours.[169]

Returning to the topic of piety as a necessary requirement we need to first consider the genre in which we find a lot of our evidence. Hagiographies are one major source of our information on the details of a bishop's character. As a genre which sought to praise the style and structure of hagiography it is formulaic. It was supposed to show the virtuous nature of each saint who achieved his sainthood through miracles.[170] Therefore no man who was made a bishop and a saint could be anything but virtuous and pious. Thus we can see, at first glance, potential problems emerging with this evidence. An additional problem arises when we consider that many of the men who Gregory wrote about in the hagiographies were also his relatives.

We can clearly see this type of formulaic description when we read Gregory's account of Saint Quintianus before he took up the episcopate. Quintianus had performed a miracle, and displayed all the relevant episcopal values of sanctity, virtue, charity and chastity. Once he was appointed his virtues increased. 'He was well instructed in ecclesiastical writings and magnificent in his alms.'[171] In considering the worth of this formulaic description as historical

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[168] *VP*. VI. One example was Gallus who was appointed bishop of Clermont in a city some distance away from the court in Trier, where he spent some time. See also Greg. Tur. *DLH*. IV. 30; and discussion on the appointment of Praejectus to the see of Clermont and its importance. Participation of the king in the appointment of the next bishop after Gallus points to the significance of the city.

[169] Greg. Tur. *DLH*. V. 47; 48; 49. Gregory's position and authority was also questioned by the local Duke Leudast. Note, both the archdeacon Riculf and the priest Riculf appear to have attempted to usurp the authority of Gregory in a number of ways.

[170] Gregory of Tours, *VP*. James, *Life of the Fathers*.

[171] Greg. Tur. *VP*. IV.

evidence we must first take into account the genre and then look at what else Gregory adds that was characteristic of his hagiographies.

In terms of formulaic descriptions we need look no further than Gregory's great-uncle, Gallus. He is described as virtuous in all the aspects expected of the episcopal candidate, but as the first born son of a wealthy aristocratic family there were expectations he would follow his father's career. Gallus is said to have disdained possessions or riches and refused an arranged marriage. As a very young man he entered a monastery to devote his life to God. He later became a priest and deacon and is noted for being assiduous in performing prayer. Eventually, when he is an ordained bishop his prayers are said to have saved the town of Clermont from the plague, adding a miracle to his already numerous qualifications.[172]

Gregory is effusive with regard to information concerning his great-grandfather, who once widowed before being ordained as a bishop. He is described as educated, rigorous and severe in the pursuit of criminals, just as he had been when a civilian judge. His abstinence once widowed is praised. He is charitable and it is said of his prayers that he was 'so thoroughly devout that he shone like a hermit, although in the midst of the world'.[173] Of other family members who became bishops, such as Nicetius, Gregory sticks to the formula. Nicetius was aged 30 when he became a priest. He is noted for being chaste and instructing others in ecclesiastical matters and prayers. Gregory tells us he encouraged many to abstain from impurities, as well as working with his hands, which was also considered a virtue.[174] In all of these examples Gregory does not stray too far from the path laid out in the hagiographical tradition.

It is in his descriptions in his narrative of the men he considers to be unsuitable to become bishops, that we see differences between Gregory's writing and that of others in the genre in that appears to be more honest and straightforward. Gregory tells us that they were never to hold the episcopate despite being the correct age and marital status. In contrast to the

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[172] Greg. Tur. *VP*. VI.
[173] Greg. Tur. *VP*. VII. See section 7.3 for further description of the life of Gallus.
[174] Greg. Tur. *VP*. VIII.

virtuous men above, Gregory denotes these men as impious and self-serving.[175] He tells us they alienated church property and did not care for the poor, widowed or orphaned of the community.[176] Gregory often portrays this type of man as having been chosen by the king rather than the people or other bishops. He also frequently goes on to tell us that these men were usually found out and later deposed or exiled for their crimes. In Gregory's moralistic narrative history we see a number of occasions where this is the case. He clearly holds that certain values are necessary for a man to be ordained to episcopal office and serve the church and community successfully.[177] These virtues are necessary in the first place in order that a man be elected by the local population and after ordination to enter the episcopal office. They are also required to maintain episcopal authority. Any question or suggestion of a candidate lacking merit or morality undermines this authority. For Gregory this belief is essential for the stability of the institution of the church.

Much of the varied evidence from both the sixth and seventh centuries describes the suitable attributes for men who were ordained as bishops and leaders of their church. In some cases it may be seen that their personal qualities concur with the regulations prescribed in canon law. However, there were many discrepancies where the practices themselves deviated from the canons. In the sections below the pre-requisites for ordination are examined in terms of canon law, narrative history and hagiography. It must be remembered that canons referring to the requirements were often reworded and repeated at later councils indicating both the importance of the prescription and perhaps also concern that such specificities are being disregarded.

From the late fifth century we can get a clear picture of some of the suitable attributes for episcopal installation. Sidonius Apollinaris writes in detail in Gaul about the most suitable men to be made bishops and fathers in the church. His discussion and portrayal of the perfect candidate in his rhetorical epistles, is echoed in the normative canons and other written evidence from the period. While the poetry and hagiography of this period display the ideal man to become a father in the church, the narrative history and letters provide a more realistic picture.

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[175] Greg. Tur. *DLH*. IV. 11, 12. For example, see his description of Bishop Cautinus of Clermont.
[176] In the canons when this offence was mentioned it used the term of the offenders as 'murderers of the poor'.
[177] Greg. Tur. *VP*. V. VI.

They offer us descriptions of the qualities preferred in successful appointments and those objected to in failed candidates or deposed bishops.

Sidonius writes about the two occasions when he attended the installation of a bishop. In the first he offers his view of the suitability of particular men who were to be elected and ordained as bishops in the towns of Bourges and Châlon-sur-Saône. Sidonius states in the first case, regarding the chosen candidate, he was 'eminent in virtue, kindliness and gentleness, he was already reader or lector and as such a servant of the altar, as indeed he had been since infancy; then with the passing of laborious years he became an archdeacon.'[178] In the second case Sidonius tells us he was given a 'mandate' to resolve a difficult situation, because there were multiple candidates all served by different factional supporters. Sidonius states 'with the help of Christ I will seek out for you as bishop a wise man uniting in his person many virtues'. He then lists suitable characteristics when choosing a bishop and he anticipates the possible negative, 'clamouring' responses to his suggestions. He notes that he could not recommend 'a monk because he is more suitable to be an abbot, and 'he is more able to intercede with the heavenly Judge than with an earthly Judge for our bodies'. Secondly:

> …if we choose a humble man he is termed spiritless, if we bring forth a self-reliant man he is deemed arrogant; a man with small education, he is considered a laughing stock, because of his ignorance, but if a man of learning, he is declared conceited on account of his knowledge; if he is strict, he is abhorred as cruel, if indulgent he is blamed for laxity; if guileless, he is scorned as stupid, if energetic, he is avoided as a hot-head; if he is careful he is regarded as finicking; if placid, he is considered negligent; if resourceful, he is thought self-seeking; if quiet, he is declared to be listless; if we present an abstemious person, he is made out to be greedy; if a kind person who enjoys food and hospitably entertaining, he is taxed with gluttony but if he fasts, he is charged with ostentation. Outspokenness is condemned as effrontery and reserve scorned as rusticity; the strict are disliked for their austerity, and genial are belittled for their good-fellowship. In these circumstances the laity in their obstinacy and the clergy in their unruliness will alike object to being under monastic control. If I nominate a cleric, his inferiors will be jealous of him, and his superiors will disparage him; … others will say that only long service and not merits should be taken into consideration, and so they would have us, in instituting a bishop, choose not usefulness but age … [179]

We can see here the difficulties Sidonius encountered in his choice of a suitable candidate for ordination to the position of bishop. Often when it came to the choice of an episcopal successor there were a number of candidates. There was also a tradition in some areas

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[178] Sid. *Ep*. Bk. IV, 25.
[179] Sid. *Ep*. Bk.VII, 9.

of sending a suitable man from the monastery from which the previous bishops had come. In some areas 'old boys' from a particular monastery, dominated the local episcopate.[180]

Sidonius finally choses one Simplicius, who is described as occupying a leading place among the eminent (*invenimus cam tenere istic inter spectabilis principem locum*).[181] He does nevertheless bring two other men to our attention. These men who were not to be considered for the promotion because 'but for the present purpose they are not wanted, according to the canon, they have both married a second time'. The man he chooses instead has 'the energy of youth and wisdom of years'. On the question of whether he is cultured and talented, Sidonius, 'found his natural ability rivals his learning'. [182]

> On his human kindness — he is at the service of the citizen, cleric, and alien, the least as well as the greatest, even giving more than sufficiency, and often it was rather the man from whom no repayment could be expected that acknowledged the gift of sustenance. Time and again, when the necessity of undertaking an urgent embassy, was laid upon him, he stood as spokesman of this city before skin-clad monarchs or purple clad-princes.

On the question of his initiation 'into the rudiments of faith', he is said to have had a clerical family member under whom he studied. It is implied that both his father and grandfather had been previous bishops.[183] He had, as a young man, built a church for the community, even though he was married and had the responsibility and expense of a young family. He is stated to 'abhor self-advertisement, and hunting for popular favour'. Finally, his wife's ecclesiastical connections are stated as an additional qualification to aid him in his ascension to the episcopate — for she is descended from a famous family. It is evident from this letter that the bishop was still married at the time of his installation.[184]

In another letter, Sidonius writing to the more senior bishop of Autun, Eufronius, states 'the people of Bourges demand that the eminent Simplicius be ordained as their bishop'.[185] He then repeats his praise of Simplicius adding that he initially had not believed that the man was

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[180] For example at the Council of Orléans (549): bishops Sacerdos, Gallus and Tetricus, three related bishops attended.
[181] Translated as 'Emminents' in Anderson, *Sidonius Poems and Letters*, II. p. 351.
[182] Sid. *Ep.*VII.9, 18.
[183] Sid. *Ep.* VII.9.20.
[184] See section 4.5.4 below with reference to marital status.
[185] Sid. *Ep.* VII. 8,1; … *Quia Simplicium, spectabiliem virum, episcopum sibi flagitat populous Biturix ordinary, … .* See the previous discussion of the letters in section 3.5.2.

such a good choice. He tells us it was only on further examination of the problem that he found the bad men of the city had no negative views on Simplicius' character and the good citizens could not give him enough praise. Thus Sidonius' two epistles, thus encapsulate not only the characteristics required of a potential episcopal candidate but also provide a glimpse of the procedure for appointment we have already seen in the canon law. In the remaining sections of this chapter we will therefore examine if the ideas connected to the suitability of men for the episcopate, noted above, were similar to, or different from, the canon law.

### 4.5.1 Age requirements

According to the canons, bishops must be aged more than 30 prior to their ordination. Canon 1 from the council of Arles (524) refers to the ancient canons of the fathers on the topic of ordination of clerics. It notes that the church fathers ruled on this matter in response to repeated requests for ordination by unsuitable candidates. They stated that no one was to be ordained a bishop's deacon before he reached the age of 25 and that no priest was to be ordained a bishop until he was at least 30. Additionally no layman was to become a bishop until after his transformation from lay status, known also as a vow of continence, had proceeded for a year.[186] Similarly canon 2 of the same council stresses the same age requirement as well as the same time required to attain the desired spiritual development and ecclesiastical qualification.[187] Of particular interest here is the additional comment that it had been necessary to ordain a larger number of priests at this time, possibly because of a need to augment numbers in a particular diocese. The canon stresses, even despite the above reason, that it was still necessary not to ordain a layman without his first undertaking the entire year of *conversio* (changing of life). Caesarius of Arles, who convened the council at Arles, received a letter from the bishop of Rome, Felix II, on this specific topic after the council in 528. Felix quotes 1 Timothy 5.22, 'You

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[186] Council of Arles (524) canon 1; *….hoc inter se obseruandum esse definiunt, ut nullus episcoporum diaconum, antequam uiginti et quinque annus impleat, ordinare praesumat, episcopatus uero uel presbyterii honorem nullus laicus ante preamissa conuersatione uel ante triginta aetatis annus accipiat.* See also Council of Agde (506) canon 17: *Presbyterum uero uel episcopum ante triginta annos, id est antequam ad uiri perfecti aetatem ueniant, nullus metropolitanorum ordinare praesumat: ne per aetatem, quod aliquoties euenit, aliquo errore culpentur.*

187 Council of Arles (524) canon 2. *Et licet de laicis prolixiora tempora antiqui patris ordinauerint obseruanda, tamen quia crescente ecclesiarum numiro necesse est nobis plures clericos ordinare, hoc inter nos sine praeiudicio dumtaxat canonum constitit antiquorum, ut nullus metropolitanorum cuicumque laico dignitatem episcopatus tribuat, sed nec reliqui pontifices presbyterii uel diaconatus honorem conferre praesumant, nisi anno intigro fuerit ab eis praemissa conuersio.*

should not impose hands on anyone quickly ….'[188] He also reinforces the idea that the choice of a man must be preceded by considerable debate and consensus from all concerned. In addition he alludes to the nature of the procedure of installation to office — this is not a temporary appointment and therefore great care has been taken to choose a suitable man. This man must have the qualifications to uphold the tenets of the church, as well as a good reputation. Finally, he notes that those who chose candidates should observe the ancient canons.

Gregory too addresses this question of appropriate age for an episcopal appointment. He writes of the case involving Burgundio. This man was a nephew of Felix the contemporary Bishop of Nantes. Gregory makes the point that he could not ordain Burgundio because of his age (he was only 25 at the time) and his lack of progression through all the required ranks in the ecclesiastical hierarchy. Both of circumstances contravened canons.[189] Additionally, he writes rather ironically, that it is also necessary for a current bishop to have died before a new candidate be considered. Although Gregory does not often specifically mention the ages of men in connection with their appointment, he does usually give us their age at the time of their death and notes the number of years they held episcopal office. From these two facts we can make an approximation of their age at the time of their installation to office. Many men were in their eighties when they died and were apparently appointed later in life. Gregory's family member Eufronius was aged approximately 53 when ordained. We also have evidence of the age of another bishop, his uncle, Gallus of Clermont who was 38 when ordained.[190]

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[188] Letter of Felix II to Caesarius Bishop of Arles, Translation from Klinghirn, *Life,* p. 101.

[189] Greg. Tur. *DLH.* V. 4–5; VI. 15; Council of Lyons (518–523) canon 3(5): *Id quoque, licet iam antiquissima uel celeberrima obseruatione decretum sit, nihilominus iteramus, ut nullus in locum uiuentes ad ambiendum sacerdotii gradum audeat adspirare. Quod si quilibit impia uel timeraria uolumtate praesumpserit, simul et ipse, qui fuerit ordinatus, et hi fratres, quos ordinationi eius interfuisse constiterit, perpetuae excumunicationis sententia feriantur.* This canon states specifically, a successor to a see may not be put in place while the current bishop of the see is still living. What is not mentioned in the above extract from Gregory is that Felix of Nantes had sent a letter accusing the brother of Gregory, Peter, of the murder of Silvester, the current bishop of Langres. Gregory refers to it earlier in his book. That episode may have lead Gregory to become acrimonious towards Felix and thus he may be observed as using the proposal of his successor as a chance to retaliate against Felix. See Chapter 7 for further discussion of Peter.

[190] Greg. Tur. *VP*.VI.7.

### 4.5.2 Education and training

A commitment to the religious life and one year of instruction were considered essential prior to the ordination of any man, particularly a layman.[191] This was because it was necessary to prepare for an ascetic life and one which required sexual abstinence. It was understood that this was very different from the normal lay life and thus could not be undertaken lightly or swiftly. However we do nonetheless have many examples of bishops being taken directly from lay status into the episcopate.[192]

Amongst the most obvious qualifications necessary for holding the office of bishop was the ability to read and write. Bishops were responsible for writing many letters and for reading a variety of writings to their parishioners. The requirement for writing is specifically noted in the council of Orléans (541) canon 6. [193] Bishops at council were asked to carry back to their churches the details of all that was determined so the information would be known to all in the community.

One reason why aristocrats were suitable candidates for the episcopate was their education another was their training in land management from a young age. Land-owning provincial aristocrats gained experience managing land and distant properties connected to the family. Churches held property in large tracts of land, often donated by men as they entered the church. Land was used by the church in a variety of ways. Some sections of church land were offered to parish tenants who in turn paid rent or made payment in kind. On other land, vines and other crops were cultivated, the products of which were used by members of a church. Excess produce was sold to pay the clerics, help restore and maintain buildings, and for distribution to the poor, orphaned and widowed of the community. Management of all of this required competent education and skills.

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[191] Council of Epaone (517) canon 37.
[192] Nicetius of Dax; Ursicinus of Cahors; Flavius of Châlon sur Saône; Gregorius of Langres; Sidonius of Clermont.
[193] Council of Orléans (541) canon 6, *Ut parrochiani clerici a pontificibus suis necessaria sibi statuta canonum legenda percipiant, ne se ipsi uel populi, quae pro salute eorum decreta sunt, excusint postmodum ignorasse.* In the opening statement of Council of Mâcon (585), this idea is again evident. See discussion Chapter 2, sections 2.3.3 and 2.3.4.

But it was not only education and land management experience that made aristocrats desirable as episcopal candidates. Their duties to the secular community, possibly as municipal council members, could also be considered one of the reasons that many provincial aristocrats took on positions in the ecclesiastical hierarchy. In addition, because of the expectations of their families, many had careers in political or military fields, or spent time in administration in a variety of offices in their cities prior to their ascension to the episcopacy. The accomplishments gained during these experiences were required or expected when entering the church.[194]

There is evidence of some confusion in the sources over the appointment of laymen and slaves to the priesthood and even to the episcopate in this period. The council of Orléans (511) canon 8 discusses slaves who have been ordained as deacons or priests without the permission of their owners, and proceeded to function in some way as clerics. The bishop responsible for this is said to be required to doubly compensate the owner. Where the bishop is unaware that the man is a slave, anyone else who is in possession of the truth is to be held responsible and asked to pay the double indemnity to the owner.

As mentioned above, laymen were required to spend a year of training prior to even being considered as a candidate. However the council of Orléans (511) canon 4 raises the possibility for laymen to be promoted through the ranks. This preferential treatment was reserved for those laymen who were sons, grandsons or great-grandsons of previous clerics:

> Concerning the ordinations of the clerics, we have thought that no one of the laity should be thrust into the clerical office, except it is not through the orders of the king or the will of the count: so that is reserved for the sons of the clerics, father, ancestor or grandfather, so who it is agreed that they are obviously conjoined with the previous order of the parent (this privilege is reserved) they should remain under the authority and also subject to the discipline of the bishops of the district. 195

We have ample evidence of such laymen being appointed. A layman who had a family connection to another bishop was considered suitable as long as there were no marital,

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[194] Discussed in Chapter 7.
195 Council of Orléans (511) canon 4. *De ordinationibus clericorum id obseruandum esse censuimus, ut nullus saecularium ad clericatus officium praesumatur nisi aut cum regis iussione aut cum iudicis uoluntate; ita ut filii clericorum, id est partum, auorum ac proauorum, quos spradicto ordine parentum constat obseruatione subiunctos, in episcoporum poteste ac districtione consistant.*

educational, moral, age restrictions or other impediments to his promotion. For example the great-grandfather of Gregory of Tours, Gregorius Attalus, was a senator and had the title of count. He was a layman at the time he was made bishop, Sidonius himself was also a layman chosen as bishop (469–470). He had been an urban prefect of the city of Rome (468) and held other positions of civilian office prior to his ordination between 460–461.[196]

While canon law generally did not permit the naming of a successor except if he was a son or nephew, this was not always the case and some families went to great trouble to maintain their hold over certain sees. We can see this in the family of Gregory of Tours. At least seven close family members entered the church and almost all of them became bishops. Several of the family members dominated one particular church, for example, in the case of the bishopric of Langres. Heinzelmann argues that in the majority of epitaphs from the fifth century we can observe specific family connections. In many examples the family connection to a bishopric can be traced for over a century. He concludes in his examination of successive bishops that in many cases they were indeed related.[197] While it was not permitted under cannon law to name a successor some bishops ignored the established canons and indicated their choice of a successor in their wills or named them in some other way.

### 4.5.3 Moral and spiritual status

The council of Epaone (517) canon 3 states 'no man who has made a declaration of penance may become a priest'.[198] A bishop who had knowingly committed a sin was usually judged by his fellow bishops as unsuitable to continue as a leader in the church and deposed. The type of action that merited penance included: any priest found to be living surreptitiously with his wife[199] or associating with other women; any priest taking part in ordination ceremonies or

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[196] Sidonius, *Poems and Letters*, Introduction and translation by Anderson, p. xxxviii; xl.

[197] M. Heinzelamnn, *Bischofsherrchaft in Gallien: Zur Kontinuität römischer Führungschichten vom 4. bis zum7.Jahrhundert soziale, prosopographische und bildungsgeschichtliche Aspekte*. (Munich 1976) p. 230–2. Particularly in the ecclesiastical sees of Lyons and Vienne, where Heinzelmann cites the Claudii, Aviti and Apollinares families, adding that on the same supposition that this was the same for the sees of Limoges, Poitiers, Tours, Nantes and Bordeaux.

[198] Council of Epaone (517) canon 3. *Paenitentiam professi ad clerici penitus non uocentur.*

[199] Council of Orléans (511) canon 13. *Si se cuicumque quaecumque mulier duplici contugio presbyteri uel diaconi relicta coniunxerit, aut castigati separentur aut certe, si in criminum intentione perstiterint, pari excommunicatione lectantur.* Council of Epaone (517) canon 2.

interfering in other matters outside his own diocese; and anyone who engaged in the alienation of church land or the stealing of ecclesiastical objects.

One rather unusual canon states that 'a priest who was a heretic' or who belonged previously to the Arian Gothic church, 'once converted and integrated into Catholicism and judged moral may be considered suitable for office of bishop.'[200] This was undoubtedly in response to the recent defeat of the Arian Visigoths, when the Franks began to take over large territorial areas previously under Arian domination.

### 4.5.4 Marital status and property

In an earlier period, certainly from the fourth century onwards, the Bishop of Rome provided ample evidence for the marital status of clerics. Dunn examines this issue with particular reference to the letters of Innocent.[201] His letter to Victricius, Bishop of Rouen, displays an interest in clarifying the question of men who have been married twice who wish to enter the episcopate.[202]

Men who chose to marry might never be promoted to the priesthood, yet we do have cases where married men were elected and chosen to be ordained. When this happened the man and his wife were required to live in separate residences. Both the councils of Orléans (511) canon 13 and of Epaone (517) canon 2 state the exclusions. If a man has been married previously and remarries after his first wife dies, or his wife herself was previously married and then widowed, he is seen as an unsuitable candidate even if the couple then chose to live separately.

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[200] See Council of Orléans (511), canon 10. *De hereticis clericis, qui ad fidem catholicam plena fide ac uoluntate uenerint, uel de basilicis, quas in peruersitate sua gothi hactenus habuerunt, id censuimus obseruari, ut si clereci fideliter conuertuntur et fidem catholicam integrae confitentur uel ita dignam uitam morum et actuum probitate custodiunt, officium, quo eos episcopus dignos esse censuerit, cum impositae manus benedictione suscipiant; et ecclesias simili, quo nostrae innouari solent, placuit ordine consecrari.*

[201] G. Dunn, 'Canonical legislation on the ordination of bishops, Innocent I's letter to Victricius of Rouen,' in J. Leemans, S. Keough, P. Van Nuffelin, C. Nicolaye, *Episcopal Elections in Late Antiquity* (*250–600 CE)* (eds.), Series**:**Arbeiten zur Kirchengeschichte 119 (Berlin 2011) p. 162–4.

[202] Innocent, 1 *Epistles,* 2.6,9. (PL.20, 474–5), quoted by Dunn, 'Canonical legislation,' p. 163–4. and D. Hunter, 'Clerical Marriage and Episcopal Elections in the Latin West,' in J. Leemans, S. Keough, P. Van Nuffelin, C. Nicolaye, *Episcopal Elections in Late Antiquity* (*250–600 CE)* (eds.), Series**:** Arbeiten zur Kirchengeschichte 119 (Berlin 2011) p. 198; See for legal issues connected to marriage, G. S. Nathan, *The Family in Late Antiquity* (London, New York 2000) p. 123–8.

He is thought to be spiritually blemished in some way.[203] In contrast, a man who has only had one marriage is considered to be unsullied. Canon 3 of the council of Arles (524) repeats the ideals of the earlier councils stating that no one who has done penance, or who has married a second time may be ordained as a bishop or a priest. If a bishop broke this rule and ordained someone despite these prohibitions then he was to be excluded from mass for a year and all the community were to treat him as if he was a stranger to them. Sidonius refers to this issue in his letters, noting that the candidate Simplicius is suitable because he has only been married once while two other candidates are unsuitable because they have both been married twice.[204]

Further evidence from the hagiographies of Gregory gives us some idea of the ambiguous situation of married men who became bishops.[205] Simplicius, a bishop of Autun, is said to have been married: 'he descended from a noble ancestry, was very wealthy in riches of this world and was married to a very noble wife'. In an effort to make his appointment canonically acceptable Gregory reveals that although they refused to separate after his ascension they had a secretly chaste marriage claiming 'she approached the bed of her most chaste husband with as pure a chastity as before.'[206] As well as giving alms to the poor they both also held vigils, indicating their piety and moral status. Indeed, Simplicius was selected by the laity to become the bishop of Autun because of his chastity and piety. He claimed they married, not because of sexual desire, but rather through their combined desire to remain chaste within the marriage. Later the local people, who could not believe that they remained chaste, accused them of living as man and wife after his ordination to the bishopric and it was only through a miracle that the bishop was able to dismiss the rumours.

The second bishop Gregory mentions has a similar problem albeit slightly different. In this case the wife did not wish to separate after his ordination, believing that he would not remain chaste. Through another miracle his true celibacy was revealed to her and she accepted the situation. These two circumstances give us some idea of the problems faced by a married man who was ordained a bishop. Although the evidence is from hagiography and therefore both stories necessarily focus on the chastity of the man as a bishop, through the other person

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[203] Council of Orléans (511), canon 21; Council of Epaon (517), canon 2 and 3.
[204] Sid. *Ep.*VII. 9.17.
[205] *Greg. Tur. Miracula,* MGH t. 1 part 2; Greg. Tur. *G C.* 75; 77; Van Dam, *Glory of the Confessors,* p. 78–9; 81.
[206] Greg. Tur. *G C.* 75; Van Dam, *Glory of the Confessors,* p. 78–9.

involved (being a lay woman and wife) we can observe the *realia* of the expectations of both parties.

So what was the effect of this prescription on the community of men who were ordained, and supposedly celibate? Theoretically over time the insistence on celibacy should have considerably reduced the population. However, in aristocratic families where men were absorbed into the church during this period and given positions as bishops, we find where they advanced to the episcopate after marriage they often had children prior to their ordination. At the same time many women and bishops' wives mentioned also entered monasteries. Further, in cases where both the man and wife took a vow of chastity, they sometimes donated their land and possessions to the church. In this way land that had previously belonged to individual aristocrats became centralised in the hands of bishops and their churches. As the monastic system grew and developed, the quantity of church land and property also grew. With the resulting increase in income and produce from this acquisition, competition for the leadership of individual churches amplified.

We can observe in terms of family networks a desire maintain a connection to land or other property that may have been gifted away with the ordination of a family member. This sometimes resulted in the later appointment of relatives to a particular see where a previous family member had been a bishop and donated land to the church on his ordination.[207] We cannot see what control these later appointees had over the land, or what personal income they derived from what had been previously their family land, nevertheless we can see a desire to maintain the connection and control over such property. Under canon law we know that land, once donated, could not be returned to the family.[208] The increasing promulgation of canons connected to land holding and authority over property points to a need for further clarification of the situation in the case of disputed land ownership, especially when a bishop died and a new one was ordained as his successor.

This was certainly the case in Gregory's family where the diocese of Langres was most likely held by the father-in-law of his great-grandfather Gregory Attalus, who was followed by

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[207] This was the case with Gregory's family in placing members into the sees of Langres and Tours.
[208] Council of Orléans (511) canon 4. Latin text Appendix I Chart A.

his son Tetricus, before another distant family member, Silvester, was installed. The brother of Gregory, Peter, was a deacon in the church at Langres. Through Gregory's own family we can observe the desire to continue a family connection in a diocese, even though land donated to the church could not be returned to the family and came into the care of the bishop to manage. [209] In contrast to donated land, canon law decreed that when a bishop died any heir who was outside the church could claim his personal property back from the church.

### 4.5.5 Exchange of money

The exchange of money at ordination was not strictly connected to the suitability of a person for the position of bishop. However, it should be noted that under no circumstances was money to be paid by a candidate to acquire a bishopric, nor was a bishop to receive money from anyone to perform an ordination.[210] This was a common canon in a number of councils. Gregory too mentions that it became customary for the local people to give gifts to the king when the election was taking place, often after they had chosen a particular candidate. [211] Certainly if these gifts were of money they would be considered simony by the church councils. The evidence suggests this practice continued in Gaul regardless of prohibitions.

## 4.6 Conclusion

Thus it can be seen that the office of bishop was a most desirable position in each area of Gaul with associated authority over communities. This resulted in increased competition for the office and provided ample opportunity for political interaction with men at court and kings. The evidence suggests that the enforcement of canon law connected to episcopal appointment became increasingly difficult. The main problems in the sixth century were factions or outside interference and an increase in simony as a mode of persuasion. Examination of the texts of

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[209] Greg. Tur. *VP*. VIII.2; HF.III.19; V.5. See Chapter 8. Gregory speaks often of his family connections to the area and he was well versed in the terrain, architecture and of Dijon, where his grandfather and his mother lived. He was also aware of the fertility of the soil, as well as the vines and fish available in the area.

[210] Council of Orléans (533) canon 3; Council of Clermont (535) part of canon 2 …*ut sacrum quis pontificii honorem non uotis quaerat, sed meritis, nec diuinum uideatur munus rebus comparare, sed moribus, atque eminentissime dignitatis apicem electione conscendat omnium, non fauore paucorum. ...*

[211] Greg. Tur., *DLH*. III.2; Council of Oréans (533), canon 3; 4; Letter from Gregory, Bishop of Rome on the topic of simony. V.58–60, VIII.4; IX. 214. See this section 4.1 for further discussion of the canon.

canon law and other forms of written evidence reveals in many cases that the ordination procedure in the sixth century was in a state of flux. While many ordinations took place in accordance with canon law requirements, including the combined authority of bishops and their clerics and following the previous procedure of election by the people and local clergy, many others did not. This investigation of the contemporary terminology of ordination as well as the canon law requirements thus enhances our understanding of the contrasting idealised representation and demonstrated reality that characterised episcopal ordination in the period.

In the seventh century there was a change taking place which included the addition of royal orders or similar terminology in the narratives and hagiography. Interestingly the protagonists appear to be aware that such royal intervention is still not permitted under canon law. There was increasing participation by kings and queens in the choice of men to hold episcopal office. There is further evidence of the role played by such local authorities as *duces*, or magnates. Indeed, the evidence from the narrative history and hagiography indicates that in the seventh century some form of testament or legal permission from the kings was necessary for the procedure of ordination to commence.

Analysis of the terminology in use over the two hundred year period indicates a preference to retain recognised terminology from ancient canons. There is consistent usage of the term 'ordination' or its cognates when compared with other terms used for the procedure. Investigation of the process of appointing bishops indicates that an overwhelming interest in correct procedure was uppermost in the minds of bishops at councils and in the community. Legitimacy and authority are found to be firmly connected to correct procedure. The episcopal hierarchy and its sacred laws reinforce the authority of the church ministry as part of a heritage passed down through canon law.[212]

This is indicated by repetitive reference to procedure combined with the use of specific terminology. The reiteration or constant referral to a particular procedure such as ordination at councils reinforces our understanding of its importance to the authority of bishops. The

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[212] See the council of Mâcon (585) canon 5, this very long text is concerned with tithes but includes ideas on legitimacy and the ministry.

positioning of canons concerned with ordination procedure at the beginning of almost all the councils gives us in idea of how central it was as an issue to those who promulgated the canons. In many cases it appears in the first or second canon of a variety of different councils. Halfond sees this repeated usage not as an indication of the lack of enforcement of the canons, but as an attempt by the legislators to react to a current situation by reinforcing the topic through repetition of traditional canons. His argument centres on innovation or continuity in the conciliar system in Gaul. [213] I disagree with his assessment in this instance and suggest that this focus is more indicative of a current concern with enforcement of the process or perhaps identification of a problem within the procedure itself. By dismissing the possibility that the repeated reference to particular procedural canons might point to an increase in canonical transgressions, Halfond makes no use of the many examples in narratives, letters or other material where there is obvious concern over misuse of canon law.

From the evidence found in canon law we can observe that the group authority of bishops at council tried to maintain the prerogative and power of the metropolitan over the procedure of episcopal ordination. An examination of the letters attached to councils dealing with irregular ordinations further enhances our picture of canon law in action. Councils promulgated canons that attempted to rectify particular aspects of error as identified in the letters. These attempts at regulating procedure and correcting errors were integrated into canon law and issued at the same councils.

Of particular concern was the growing influence of kings over episcopal appointment. Under canon law, only bishops had the legitimacy ordain other bishops. In conflict with this we see examples of kings attempting to direct the choice of candidate, often through bishops with whom they already had a close association. On some occasions the group episcopal authority was able to remove the bishop and castigate the king and the metropolitan bishop involved in such non-canonical procedure, while on other occasions the canonical evidence points to the requirement of royal authority in order to maintain the canonical regulation. The vexed question of legitimacy and episcopal authority will be examined further in the next chapter with the focus on the role of election.

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[213] Halfond, *The Archaeology of the Frankish Church,* p. 132–4.

# Chapter 5. Examination of episcopal elections in the *Concilia Galliae* and narrative

## 5.1 Introduction

Episcopal elections were complex and controversial events.[1] No narrative accounts are more marked by disruption than those of the sixth and seventh century in Gaul, which depict an electoral process fraught with problems. How did the bishops who framed canon law view the process? It was surely in the interests of the incumbent bishops to design a system of hierarchical ecclesiastical election that was faultless and reflected the legitimacy of their own authority. Yet the written records of the councils and the narrative evidence from Gaul indicate a greater interest in the process of ordination than that of election. Therefore, the aim of this chapter is to add a new dimension to our understanding of episcopal elections from the period after 511 when the first councils in Gaul were held under the auspices of the newly converted Catholic kings.

This chapter looks closely at contemporary categories of evidence for elections in terms of genre (i.e. canon law, narrative and hagiographic texts) and the respective employment of the terminology. The aim is to offer a reconsideration of the terminology used and the process itself through a comparative and close reading of both the canonical and narrative evidence. This will provide a more comprehensive insight into both the idealised model and the pictured reality of episcopal election.

The methodology of this chapter follows a similar pattern to Chapter 4 by first surveying and analysing the terminology found in connection with the procedure of episcopal election. After reviewing the evidence I will address the use of specific terminology for election in all genres followed by a comparison of evidence for election procedure in canonical texts and other contemporary accounts or sources.[2] The discussion will also consider the theoretical or ideal of

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[2] Sid. *Ep*., Greg. Tur. *DLH.,* Hist., Thorpe, *HF.*, Ven. Fort. *Carm, Poetica.*

episcopal election as defined in canon law and hagiography when compared to the picture drawn of electoral 'reality' in various narrative texts. I would argue that election terminology should be considered in isolation, that is, without confusing the process of 'election' with that of 'ordination.' By separating the process of appointment into the three distinct sections in this way significant light may be shed on the process, particularly the importance of royal intervention. [3] Indeed, by the use of this methodology a different picture of the process of episcopal choice emerges. Viewing the terminology and procedures of 'election' and 'consecration' as separate entities gives us a clearer understanding of the differences that occurred. It is also essential to consider separately the context connected to each term as it is used in an episode.

An election involved not just members of the episcopate but outsiders such as the local laity, so the context is very different to ordination which was solely the prerogative of bishops. The canonical evidence also draws attention at times to changing circumstances including, for example, increased involvement in ecclesiastical matters by kings or their powerful representatives in the post-imperial kingdoms. It would be naïve to argue that kings were not involved in episcopal elections prior to this period but it is worth re-examining the evidence to see which part of the appointment procedure was of most interest to kings. Further questions to be asked are (a) whether the increased royal intervention was connected to electoral inconsistencies; or (b) was the involvement widespread or confined only to the areas central to the authority of the kings; and (c) was the royal connection political and thus for reasons other than ecclesiastical concerns?

In the seventh century both the canonical and narrative evidence become rarer or of a different nature to that we can observe in the sixth century. For example, seventh century chronicles provide bare records of events with their dates but do not comment on the ecclesiastical action as Gregory did in his narrative writing in the previous century. Also ecclesiastical events are often omitted. Church councils were either held less frequently or their canons have been lost. In the seventh century, therefore, we are more reliant on evidence from the idealised hagiographies which, in contrast to the other sources, flourished. There are rare

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[3] Goffart, *Barbarian Tides*, p. 9, 199; Goffart warns against indiscriminate selection of words from random texts without the full context of the terminology.

examples of ecclesiastical affairs in the formulaic individual *Chronica* of Fredegar and his followers and these will be examined as well as a number of later hagiographies.[4] Specific care will be taken with the language and genres of the hagiographies and their particular agendas as well as the differences between the sources in an attempt to gain a more nuanced understanding of the procedures.[5]

Many important studies have been published which specifically discuss Gallic episcopal elections in the period 500–695. Included in this array of scholarship are the early twentieth century studies of Botte, Boucharlat and Vacandard. Later studies include those by de Clercq, Gaudemet, Dubois, Duval and Champagne who all examine the connections between episcopal election and religious legislation.[6] A broad monograph by Norton on elections in the East and West through three centuries was completed in 2007 while in 2009 a conference held at the KU Leuven resulted in a number of further studies on elections in the East and West from 300–600.[7] Many of the studies of election in this period use the *Concilia Galliae* as a source for their interpretation of canon law and yet none of them appear to consider the topics of 'ordination' and 'consecration' in connection with the topic of 'election'.

Dumézil examines the influence of the kings in the election process in Gaul in the sixth century. He finds 26 occurrences of royal intervention into the election process. He does not however give the total number of possible elections held so it is difficult to see how extensive or minimal royal intervention was. He connects royal intervention both to the problem of simony elections and the appointment of simple laymen to the episcopate.[8] In contrast, Van Waarden

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[4] *Vita Audoeni*, 5, Fredegar, *chron. Vitae Betharii; Acta Aunemundi; Passio Leudegarii*; Fouracre and Gerberding, *Late Merovingian.*

[5] P. Allen, B. Neil,, W. Mayer, *Preaching Poverty in late Antiquity* (Leipzig 2009) p. 35–53, Chapter 2 'On reading the text: a methodology of approach to genre;' M. Vessey, *Latin Christian Writers on Late Antiquity and their Texts* (Ashgate 2005) p. 278–97, Chapter X, p. 179–99; Chapter II, p. 314–45.

[6] Botte, *Les élections*; A. Boucharlat, *Élections Épiscopales*; P. Cloché, *Les élections épiscopales sous les Mérovingiens, dans Le Moyen Age,* t. XXVI (1924–1925) p. 203–54; E. Vacandard, 'Les élections épiscopales sous les Mérovingiens,' *Études de critique et d'histoire religieuse*, 5 (ed.) (Paris 1913), I, p. 123–7; C. de Clercq, *La législation religieuse franque de Clovis à Charlemagne (507-814)* (Louvain 1936); Basdevant, 'Childebert et les évêques,' in B. Basdevant (ed.) *Église et Autorités Études d'histoire du droit médiéval* (Paris, Limoges 2006) p. 107–13; J. Gaudemet, 'From nomination to election,' *Concilium,* 137 (1980) p. 10–15; Gaudemet et al, *Les élections dans L'Église Latine des origines au XVIᵉ Siècle.*

[7] P. Norton, *Episcopal Elections 250–600.*

[8] B. Dumézil, 'La royauté mérovingienne et les élections épiscopales au VIe siècle, ' in *Episcopal Elections in Late Antiquity (250–600 CE) p.* 127–44.

investigates one election in Gaul in which Sidonius Apollinaris took part. Van Waarden approaches the event through the social psychology theory of 'self-representation', and proposes that the author writes in a particular way in an attempt to control the readers' impression of his own characteristics.[9]

De Clercq notes that in this period the triple prerogative of the metropolitans with regard to election was recognised. These are: firstly that the metropolitan should convoke an ecclesiastical provincial council at least annually;[10] secondly that the metropolitan should join in the arbitration and judgement against a bishop of the province, and thirdly that the metropolitan be allowed to intervene in the episcopal elections. He states for this last action that the bishops used the principle of Celestine I, Bishop of Rome, who wrote: *qui praeponatur omnibus, ab omnibus elegatur* ('he who is placed over everyone, let him be elected by everyone') as well as the excerpt from Leo I, Bishop of Rome, who wrote: *nullus invitis detur episcopus* ('let no one be given as bishop to unwilling people').[11]

De Clercq has also set out the ideal for episcopal election stating: 'when a bishop dies, the metropolitan of the province designates at least one bishop to preside at the funeral; often also other bishops assist him'.[12] This one person, as well as overseeing the celebration of the funeral, presided over the inventory of the goods of the church and the opening of any testament of the late bishop. His other responsibility involved managing the election of a successor. The election proper should involve both the clergy and people. The clergy deliberated on the qualities of the candidates and decided on one of them, although de Clercq notes that 'the mode of scrutiny was not designated by the councils'. He also comments that: 'It was not allowed for the candidates by themselves or others to influence the electors'. [13] Having selected the candidate the clergy would then propose them to the community. The people, through acclamation or disapproval, would make their sentiments known. Following this the president of the election

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[9] J. A. Van Waarden, 'Episcopal self–presentation: Sidonius and the Election in Bourges AD 470,' in *Episcopal Elections in Late Antiquity* (*250–600 CE) p.* 555–62.
[10] Council of Tours (567), canon 1: *... conscribi, ut bis ad synodum annis singulis metropolis et comprovinciales sui in loco, quo deliberatio metropolis elegerit. ...*it is written*,* that they should deliberate at a council twice annually in a place chosen by the metropolitan with his provincial bishops.
[11] De Clercq, *La législation religieuse,* ch. VI. p. 89.
[12] De Clercq, *La législation religieuse,* ch. VI. p. 89; 90.
[13] De Clercq, *La législation religieuse,* ch. VI. p. 89; 90.

would announce the candidate definitively by putting his signature, together with the other bishops present and the clergy, on the decree of election.

The candidate for the office of bishop was then said to be ordained in the episcopal see; while the metropolitan designated the comprovincials, who were to assist in the final ceremony of installing the new bishop. The council of Clichy (626) canon 28, certainly requires that the person elected must be a member of, and resident amongst, the clergy of the diocese. This reiterates previous canons, indicating that this rule was in need of reinforcement and suggesting it had been misapplied in the past. De Clercq further writes that 'conforming to the principles we have indicated, the election of the metropolitan must be made, not only by the clergy of the diocese, but by all bishops of the province, who will depend too in a sense on the new elected representative; the chosen candidate is equally subject to the ratification of the *populus'*. [14] Although many of the precepts of the above ideal are included in the canons of the *Concilia Galliae 511–695,* there are a number of occasions where there is no evidence in this period for some or all parts of this ideal.

As discussed above, letters connected to councils reveal more details than can be found in just the canons of themselves. One such letter is from the Bishop of Rome, Felix IV to Bishop Caesarius of Arles on the question of ordination of laypersons and the required period of training. This letter refers to: 'the vessel of election' and gives us the formula for election according to the writing of Paul to Timothy. It specifies the time and education requirements in preparation for episcopal ordination. The letter also discusses the role the clerics who were to elect a candidate.[15] This content reiterates that found in the council of Orléans (538) canon 3, on the election of metropolitan bishops: 'he is to be chosen, in the presence of their provincial bishops'. As the decree of the apostolic see also stated, 'when the consensus is declared he may be elected with the consent of the clerics and by the laity'. [16]

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[14] De Clercq, *La législation religieuse,* p. 90–1.
[15] *Epistola Felicis IV pape ad Caesarium episcopum*, CCSL 148A p. 51–2, Pope Felix IV to Caesarius Letter II, Klingshirn, *Caesarius of Arles: Life, Letters and Testament,* p. 100–2.
[16] Council of Orléans (538) canon 3: ,*…sicut decreta sedis apostolicae continent, cum consensu clerus uel ciuium elegatur, quia aequum est, sicut ipsa sedes apostolica dixit: "qui praeponendus est omnibus, ab omnibus elegatur.* Full text in Appendix I, Chart A

Canon 3 contains further evidence of episcopal election in an accompanying letter written by Leo I Bishop of Rome to two correspondents: Anastasius Bishop of Thessalonica and the bishops of Vienne.[17] The council quotes Gratian concerning continued resistance to election by candidates who first refuse the honour, considering themselves unworthy but later accept, which is a common *topos* in the hagiography of bishops. The letter refers to the election of the metropolitan bishop by the bishops of his province and further notes that 'the one who should lead all should be chosen by all', quoting Celestine I.[18] The second part of this canon deals with ordination of provincial bishops and states also that their election requires the consensus of the clerics, the local people and the metropolitan. There is no mention of the king's permission or order and the king was not present at the council.

## 5.2 Terminology of episcopal election

### 5.2.1 Canon law after 500

In my study and analysis of the text of the *Concilia Galliae* from 500–696, I found that the terms *electio* or *eligo* were often used to signify episcopal election or the procedure associated with the choice of a candidate. Interestingly, while they were certainly found these two terms were in fact less widely utilised than the term 'ordination' and its cognates in connection with episcopal election.[19] In the canon law and occasionally in other sources a word such as *subrogare* is combined with another verb to denote 'to elect'.[20] As discussed above in previous chapters a bishop's legitimacy was dependent on a valid and canonical election, and yet there appears only moderate concern in the canon law for use of the correct term and reference to the election process when compared to ordination, a fact which is both noteworthy and unexpected. I would therefore suggest that when only ordination is mentioned this indicates its importance to the

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[17] Pontal, *Histoire,* p. 107–11. References are to Leo. I ep. 14, 6 (PL 54, col.673) and Leo I ep. 10.6 (PL 54, col. 634), Congar, *Droit,* p. 176. Leo charges Anastasius with exceeding the limits of his vicariate, when he treated unworthily with violence one Atticus. Included in the letter is a long list reminding Anastasius of the normal procedures for ordination and election.

[18] Council of Orléans (538) canon 3: … *Qui praeponendus est omnibus, ab omnibus elegatur ... .*Full text Appendix I Chart A.

[19] Norton, *Episcopal Elections,* p. 30–2. Norton's discussion attempts to clarify the terminology of bishops' appointment and goes some way towards amplification although it does not include precise reference to the three terms of *ordination, electio,* or *consecratio.*

[20] See Appendix I election terminology charts III–IV.

legitimacy of a bishop. Because election was understood to be a preceding procedure to ordination, and without it no ordination could occur, there is less imperative for it to be referenced.

So then, why were the two terms used together in at least five canons and one letter?[21]As noted in Chapter 4 above, 'ordination' and its cognates are used 47 times in connection with the installation of a bishop whereas the terms denoting 'election' in connection with the procedure for episcopal election is only found 18 times. I believe that the relevant distinction is therefore between the decision as to who is to be bishop and the ritual by which he is installed. For example, canon 7 from the council of Orléans (533) reads:

> In the ordination of metropolitan bishops we revive the ancient law of the institution that has been lost through neglect in every possible way. And so the metropolitan bishop (after) having been elected by provincial bishops, clerics and by the people coming to an agreement as one let him be ordained by all the provincial bishops…. [22]

From the overwhelming preference for the term 'ordination', we can deduce that ordination was both the procedure of election and ordination. Thus when ordination is solely cited, it implies election. It is only when a qualifier is required that election is mentioned separately: for example, when election is referred to 'with the king's assent' or election 'with no powerful intervention'.

The term 'consecration' presents a similar problem. In modern usage it means different things to different churches.[23] There are only two examples from the period 500–690, already discussed in Chapter 4, where all three terms appear together. In canon 5 from the council of

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[21] Council of Orléans (533), canon 7; Council of Orléans (538) canon 3**;** Council of Paris (556–573) canon 8, additionally a letter from the Council of Paris (556–573) p. 212, line 12 *Epistola pappoli episcopi Carnotensis ad synodem*; Council of Paris (614) canon 2; Council of Chalon (647–653) canon 10; Council of Saint–Jean–de–Losne (673–675) canon 5.

[22] Council of Orléans (533) canon 7: *In ordinandis metropolitanis episcopis antiquam institutionis formulam renouamus, quam per incuriam omnimodis uidemus amissam. Itaque metropolitanus episcopus a comprouinialibus, clericis uel populis electus, congregatis in unum omnibus comprouincialibus episcopis, ordinetur, ut talis Deo propitio ad gradum huius dignitatis accedat, per quem regula ecclesiae in melius auta plus floreat.*

[23]In the Australian Anglican Church's *Cann's Concerning Holy Orders,* there is consistent reference to 'ordaining deacons and priests' and 'consecrating' bishops. In modern Church of England documents there are references to both ordination and consecration in terms of the the installation of a bishop. In the modern Catholic Church the rite of 'ordination' was accomplished through 'consecration', which was itself a sacrament or a blessing. To further confuse the issue, evidence of modern usage is found in the liturgy and is itself different to the relevant text in modern canon law.

Orléans: 'the bishop should be consecrated in the city where he is elected and ordained'. The use of both consecration and ordination in the same sentence might be explained as a literary tool so there was *variatio* and a term is not repeated. In this example the qualifier connected to the term 'election' is the location to be used for the installation procedure. In the second example the term 'consecration' is connected to the role of the metropolitan, while 'election' is qualified by reference to the nature of the procedure, specifically to the three groups of people concerned with 'election' and 'the assent of the king'. The term 'ordination' then sums up the whole procedure:

> So that no-one is permitted to obtain the episcopate through gifts or money, but together with the assent of the king, through the equal election by clerics and people, as represented and written in the ancient canons, the bishop should be consecrated by the metropolitan, or in his absence his delegate with the provincial bishops. But if anyone, through monetary leverage, violates the rules of this sacred constitution, we will depose anyone whose ordination was achieved through gifts.

In a number of letters attached to councils the subject of election is touched upon. At the council of Carpentras (527) a letter includes three references to election. In the first case the noun 'election' is used, in the second case the verb *deligo* is used. In the same letter in the next sentence *eligo* is used when referring to episcopal election. Where we find the use of three different terms for the same purpose suggests a rhetorical ploy or perhaps an attempt to avoid repetition of the same term for a stylistic purpose.[24] In a letter attached to the council of Marseilles (535) Agapitus, Bishop of Rome, orders the recipient to designate a visitor in a see to take the place of a bishop who was under ecclesiastical investigation: in this case the term used is *ordinare* although the practice is actually 'election'.[25] Finally, the council of Paris (573) includes a letter where the term 'to elect' is used to refer to a non-canonical appointment.[26]

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[24] Council of Carpentras (527) Letter of the Bishop of Rome, Felix to Caesarius of Arles. CCSL 148A p. 51–2.

[25] Council of Marseilles (535) letter of Bishop of Rome Agapitus to Caesarius, CCSL 148A p. 97.

[26] Council of Paris (573) Letter from Bishop Pappolus of Chartres to the councils, CCSL 148A p. 212, ….*Ergo cum me ante aliquod temporis clericorum uel ciuium Carnotinae ciuitatis uoluntas per consensum, cum conniuentia etiam metropolitani mei, fieri episcopum elegisset, quod annuente Domino factum est, post aliquot dies quidam ex ipsius ciuitatis Carnotinae territorio presbyter, nomine promotus, qui reliquerat sine litteras antecessoris mei cellolam suam, inliceta praesumptione parrociam meam, cui uocabulum est Duno, quasi sub nomine episcopatus uisus est peruasisse; etiam ad facultaticulam ecclesiae, cui praeesse uideor, quantum in ipso pago esse constat, nescio per cuius ordinationem, simeli conditione peruasit.* See discussion of the context of the three letters in section 4.3.3.

**5.2.2 Narratives**

In Gregory's *DLH* there are fewer references to election using the verb (*eligo*) or noun (*electio*) when compared to *ordo* or *ordinatio,* as was found to be the case in the council *acta*.[27] There are however enough references for us to draw some conclusions. As mentioned previously some scholars consider the terminology of Gregory as inconsistent.[28] I would argue for consistency in this case because in the majority of examples provided Gregory uses the term 'ordination' rather than 'election'. There of course exceptions to this, for example, when Gregory gives more details such as in the case of the appointment of Bishop Avitus of Clermont.[29] There is a lot more to this episode than appears at first. The king is noted to have intervened between the two candidates, both from influential aristocratic families, ignoring the gifts offered by the candidate Eufrasius, who in turn was supported by the local count Firminius. King Sigibert would certainly need the support of the bishop of Clermont because this city was on the land border of his territory and his rival's King Guntrum. Having the support of the city was also strategic for travel to Marseille.[30] So Sigibert's involvement can be interpreted as purely political and not religious, although Gregory mentions that the king asked for Avitus and he makes much of the actual final procedure of installation arranged by the king as being against canon law.

For the purpose of this chapter, only those examples where Gregory uses *electio* or cognates of the verb *eligo* are included. It is significant to note that Gregory uses all three terms (election, ordination and consecration) together in one extract. Cleary this indicates that he knew different terms might be used, yet in most cases he chooses to use only the term 'to ordain' or discuss the term 'ordination'. [31] In the final chapter of his work, Gregory provides the names and

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[27] See the terminology charts I–IV in Appendix I.

[28] For example: Gaudemet, *Les elections dans l'église Latine,* p. 56; G. Kurth, 'L'histoire de Clovis après Frédegaire,' *Revue des questions histoires*, 47 (1890), 60–100. For a summary of the arguments see I. N. Wood, 'Gregory of Tours and Clovis,' *Revue belge de philologie d'histoire,* 63 (1985), 249–72.

[29] Greg. Tur. *DLH*. IV. 34: *Factum est ergo, ut, congregatis in unum civibus Arvernis, beatus Abitus, qui tunc temporis, ut diximus, erat archidiaconus, a clero et populo **electus** cathedram pontificatus acciperet.*

[30] Greg. Tur. *DLH*. IV. 34; 30. For the importance of access to Mediterranean port city of Marseilles in the period see S. T. Loseby, 'Marseilles: a Late Antique Success Story,' *The Journal of Roman Studies* 82 (1992), 165–85.

[31] Greg. Tur. *DLH*. IV, 15: De episcopatu sancti Euphroni. *...acto consensu in Euphronio presbitero, ad eum pergunt. Data quoque suggestionem, respondit rex: 'Praeciperam enim, ut Cato presbiter illuc ordinaretur; et cur est spreta iussio nostra?' Responderuntque: 'Petivimus enim eum, sed venire noluit'. Haec illis dicentibus, advenit subito Cato presbiter, depraecans regem, ut, eiecto Cautino, ipsum Arverno iuberet institui. Quod rege inridente, petiit iterum, ut Turonus ordinaretur, quod ante dispexerat. Cui rex ait: 'Ego primum praecipi, ut Turonus te ad episcopatum consecrarent, sed quantum audio, despectui habuisti ecclesiam illam; ideoque elongaveris a dominatione eius'. Et sic confusus abscessit. De sancto vero Euphronio interrogans, dixerunt, eum nepotem esse*

the order of appointments of all the 18 previous bishops of Tours. In these 18 examples the two terms *eligo* or *electio* are rarely used. In connection with the choice, nomination or election of a bishop, only two bishops are referred to as 'elected',[32] while five bishops are revealed to be 'ordained' into the order with the support, favour or choice of a king or queen. Of these five, Theodorus and Proculus, who served together as bishops, were placed in the position with the support of the queen and the term used is *subrogantur*. This may be translated as 'substituted' or 'elected'; the former is possibly the term intended.[33] Gregory goes on to state that 'they followed the Queen when she left Burgundy. The two bishops were quite old and had been exiled from their own sees having incurred hostility there, and they then ruled the church of Tours together.'[34] When the 18 previous bishops of Tours are discussed elsewhere in the *DLH,* the same two bishops are said to be 'elected' by the people and clergy.[35]

The few examples where Gregory specifically mentions the terms 'election' or 'to elect' are occasions when kings or queens are involved in the process. For example once Theodosius Bishop of Rodez died Gregory states that 'the lobbying and disgraceful scandalous rivalries' for the position ensued. The final outcome was that the count of Javols was 'elected'; he was the man whom Queen Brunhilde had sponsored.[36] In the next section Gregory mentions when Sulpicius was 'elected' he had the support of King Guntrum. He notes that at times there was a request for help from kings to resolve electoral matters. On this occasion, prior to the election, other men tried to bribe the king to choose them. [37]

In one of Gregory's hagiographical texts, *VP,* a work that explicitly seeks to honour and glorify the lives of men, Gregory uses both the terms 'election' and 'ordination' in the

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*beati Gregorii cui supra meminimus. Respondit rex: 'Prima haec est et magna generatio. Fiat voluntas Dei et beati Martini, electio compleatur'. Et data praeceptione, octavos decimus post beatum Martinum sanctus Eufronius ordinatur episcopus.*

[32] Greg. Tur. *DLH*. X. 31, 9; 11. Bishops Licinius and Difinius were elected using terms *eligitur* and *electionem.*

[33] Greg. Tur. *DLH*. X. 31. 17. 10. *Theodorus et Proculus, iubente beata Chrodielde regina, subrogantur,*

[34] Greg. Tur. *DLH*. X. 31. 17.

[35] Greg. Tur. *DLH*. II.1. *… Iustinianum in episcopatu constituent ... Armentium in eius loco constituent*. … Iustinian and Armentius were both established in the position of bishop by the people in succession to replace the still living Bricius when he was sent to Rome.

[36] Greg. Tur. *DLH*. VI.38. *Theodosius Rutenorum episcopus, qui sancto Dalmatio successerat, diem obiit. In qua ecclesia in tantum pro episcopatu intentiones et scandala orta convaluerunt, ut paene sacris ministeriorum vasis et omni facultate meliori nudaretur. Verumtamen Transobadus presbiter reiecitur, et Innocentius Gabalitanorum comis eligitur ad episcopatum, opitulante Brunichilde regina.*

[37] Greg. Tur. *DLH*. VI.39 *… Sulpicius in ipsa urbe ad sacerdotium, Guntchramno rege favente, praeelegitur.*

installation of all the six bishops whose lives he records. For example, Saint Quintianus was 'elected, asked for and ordained'.[38] Even though the terminology at times is confusing, 'election' in this context refers to a specific and separate procedure of voting by different parties in order to select a candidate for the bishopric.

When we examine later sources in early seventh century, we find that the terminology is consistent with the sixth century. For example, when Praejectus was chosen by the clerics they were said to support his 'election'. [39] When they finally decide on a candidate the word 'election' is again used. Similarly in the *Vita Audoini* the term 'to elect' is used when the author states: 'For which reason having been elected bishop by the Lord'.[40] In another hagiographical text, the author writes that Aunemund (662) was picked for episcopal office, and here the term used is also 'to elect.'[41] The term 'to elect' is also used on two occasions in the seventh century chronicles in connection to secular matters. In the first place it is used to indicate the choice of a king and in the second to indicate the choice of a mayor of the palace.[42]

## 5.3 Election procedures

### 5.3.1 Election procedure in the canons

Like all legal codification, canon law sets out regulated procedures to live by in order to rule competently and with authority. In one sense it can be said to indicate the general desire of society for structure. However, it cannot be said that the law represents the whole reality. As I have previously argued in earlier chapters when a particular topic is reiterated at councils over a number of centuries it indicates one of two things: a concern with that procedure, or else an intention to add both authority and importance to a particular topic by repeatedly mentioning it in the canons.[43] Ecclesiastical power was dependent on a number of factors, one of which was a legitimately elected and ordained episcopate that derived its authority from the church canons. A

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[38] Greg. Tur. *VP*. IV. 1 ….*ad episcopatum Rutinae, ecclesiae elegitur, expetitur, ordinatur….*
[39] Fouracre, Gerberding, *Late Merovingian*, p. 280–3 for the translation; *Passio Praeiecti*, 13: *Poro viri iam suprascripti, qui ipsam manu propria roboraverant, in electione beati Praeiecti voluntatem accommodanant.*
[40] Fouracre, Gerberding, *Late Merovingian*, p. 156; *Vita Audoini* 4: *Quadpropter electus pastor a domino….*
[41] *Acta Aunemundi*. 2
[42] Fredegar, *Chronicle*, 3.33; 4.89. In the first case the king was elected by all the Franks and consecrated by all the bishops. In the latter case the term was spelt *aelectionem*. It was carried out as the choice of all bishops and dukes.
[43] See Harries, *Law and Empire,* p. 86; Garipzanov, *The Symbolic Language of Authority,* p. 60–6.

canonically correct election was a legitimising process that was one step in shaping episcopal authority. Election is a transparent process which is distinctly separate from the ordination or consecration procedure. It could be argued that there appears less interest in this topic in the canons because at this time election was still a procedure with shared authority between the people, clerics and bishops.[44] Whereas, the canons show that in the case of the procedure of 'ordination' this involved bishops alone

Clearly the repetition or rewording of canons that dealt with the topic of *ordinatio* reminded attendees at council of the regulations, while enhancing the authority of the ideal stated in that canon and revealing to us the importance of the topic.[45] Nevertheless, frequent reiteration of canons regulating the procedure of ordination indicates an increased concern with the 'ordination' process. As noted above, there were however fewer references to the two other procedures of 'election' and 'consecration', what we in modern terms consider essential requirements for episcopal installation. This may mean that both 'election' and 'consecration' were perceived of as less of a problem for the bishops who promulgated the canons at councils, or perhaps, as also argued above, the term ordination was in fact used to mean all stages of the process.

Evidence provided in Chapter 3 indicates that the composers of canon law attempted to regulate procedures for episcopal elections from the earliest church councils. Moreover, from the late fifth century examples such as Sidonius, we can observe that the regulated procedure was often circumvented to resolve the problem of consensus in the Christian community.[46] In these cases or where consensus did not exist we can therefore see good reason why there were repeated canons on the topic of 'election'. A strong authority or influential person was sometimes required to resolve the situation and to create a successful outcome.

From the sixth century onwards we can see royal participation in episcopal elections happening for a number of reasons. For example, in the case of the election at Bourges where

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[44] Gaudemet, 'From election to nomination,' p. 6–12. Gaudemet delineates the changes taking place after 700 where the lay people were 'to follow; the choice of the clerics and bishops'.
[45] Garipzanov, *The Symbolic Language of Authority,* p. 26–7.
[46] See discussion of election written about by Sidonius, Chapter 3.

there were complex problems.[47] Bishops held an immense amount of power in their communities which was connected primarily to the spiritual health of their members but also involved certain political matters. A bishop held authority over lands and possessions of the church, which could be vast. Subsequently we can see what may be behind a king's interest in electing someone of whom he approves into a see with such accumulated land and wealth. A bishop who was both just and politically aware and who supported the king in his decisions was of great value to the crown. Thus we can see that kings sought to maintain some power over bishops by ensuring they were not only intimately connected to the royal court but owed their appointment to royal intervention.

Church council canons that deal with elections made during the early years of the Frankish kingdom only occasional depict changes that relate to the kings. In my analysis of the terminology used for episcopal election, I only found two canons in which there were references to procedures where the king's wishes were taken into account. Canon 4 from the Council of Orléans (511) states that the promotion of the laity to the clerical office is not permitted 'except by order of the king' while canon 10 from the council of Orléans (549) states the election procedure concluded 'with the assent of the king'. Both of these canons have been discussed in detail above.

Basdevant proposes four different ways to interpret the statement 'with the assent of the king.'[48] The first interpretation is that of giving assent for the legal canon, which is in the nature of confirmation of the council canon regulation in which the people and the clergy make the election.[49] In principle nothing is changed, the election choice remains with the community of each individual episcopate. Including the assent of the king for the regulation might indicate that an election occurred with no outside influence. We assume in such a case that requiring the king's assent at least proves that the selection of the bishop hasn't been interfered with by someone whose interests are opposed to the king's. Basdevant's second proposal is that the king gave assent for each individual election procedure to take place[50] Here Basdevant also mentions

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[47] See sections 3.5 and 4.5.
[48] Basdevant, 'Childebert et les évêques', p. 107–13.
[49] Basdevant, 'Childebert et les évêques', p. 568–9.
[50] Basdevant, 'Childebert et les évêques', p. 570

the *licencia elegendi* which appeared in the Carolingian period, something similar to which was found in some seventh century sources.[51] The third explanation is that bishops accepted that the king had the right to give his assent to the result of the election by the people and local clerics. If this was the case the king could also refuse his consent, and thus the election was not unrestricted.[52] The fourth proposal is that the king proposed the candidate and the election that followed was just a convention.[53] We have no evidence to support a claim that there was a real opportunity for local people or clerics to protest against decisions, although in the episode that Sidonius describes, there were certainly two sides or factions who 'clamoured' for the candidate against each other. We also have evidence from a number of letters that show bishops disputing decisions made by individual bishops in connection with previous episcopal installations.[54] If we examine the following canons we may be able to discern more clearly what royal assent meant in terms of election.

As previously discussed, the first council of Orléans in 511 was convened by the recently converted king who made a suggested agenda for discussion although he did not actually attend the council. Canon 4 points to the changes occurring under his influence, including the installation of laymen under the authority of the king.[55] Later councils under different kings indicate abuses of royal power with regard to election. The council of Orléans (549) canon 11 states that a person who is reluctant to take the appointment of bishop may not be forced through pressure from the powerful, although he can with the unified decision of the clerics, people and bishops. This specifically refers to the election procedure as the only place where all three groups

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[51] Reference in the seventh century to a royal testament for election is mentioned in Chapter 4.

[52] Basdevant, 'Childebert et les évêques', p. 571

[53] Basdevant, 'Childebert et les évêques', p. 572

[54] Sid. *Ep.*IV.1. Sidonius notes 'a conflict of wills and some personal interests which are always subversive…' and 'the discussions were kindled by a triumvirate of rival candidates'. Discussed in Chapter 3 are the councils of Paris (573) and Chalon (647–653) including letters dealing with episcopal installations which were considered non–canonical. However there is no mention of election or protest or even problems with the agreement of the people or clerics.

[55] Council of Orléans (511) canon 4, *De ordinationibus clericorum id obseruandum esse censuimus, ut nullus saecularium ad clericatus officium praesumatur nisi aut cum regis iussione aut cum iudicis uoluntate: ita ut filii clericorum, id est patrum, auorum ac proauorum, quos supradicto ordine parentum constat obseruatione subiunctus, in episcoporum potestate ac districtione consistant.* Vacandard, 'Les élections épiscopales', p. 129. Vacandard goes one step further and argues that this canon includes further secular encroachment on the appointment with the addition of 'the order of king and the authorisation of the count' and was 'evidently the inspriration of Clovis'.

confer to make a decision.[56] Kings or other powerful secular leaders are expressly excluded from the election process in the canons on four occasions.[57]

The strongest evidence we have of bishops taking the initiative to curb royal intervention is from the third council of Paris (556–573). In canon 8 the bishops set limits on the authority of the kings to intervene in episcopal elections. The wording of the canon is clear: 'election was obtained with the full consent of the people and of the clergy, not by the authority of the leader or king and nor should it be forced through any agreement against the desire of metropolitan or the provincial bishops'. [58] This example adds weight to either the first or second interpretation of Basdevant above, which is that the king at this point was only required to give assent for the canon regulation or free election. The canon also emphasises the importance of the metropolitan in the final selection of the bishop. It attempts to prevent the use of patronage or intimidation by the powerful.[59] Van Dam draws attention to the same ideals that Basil of Caesarea enunciated to curb the influence of rural bishops on local elections of bishops by making metropolitans responsible for the final selection of candidates for rural positions in the episcopate.[60]

From the council of Clermont (535) canon 2 and much later the council of Paris (614) canon 2, we find proscriptions against royal intervention in episcopal elections. At Clermont the canon states 'no appeal should be made to the powerful or patronage' and at Paris (614) 'no intervention by another party or money'. [61] Both canons include the traditional formula mentioned above for election by people, clerics and provincial bishops. In support of this other canons frequently refer back to the power of the ancient statutes and to the authority of the metropolitan in the process with little or no mention of the king's wishes, orders or agreement.

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[56] Council of Orléans (549) canon 11. See Latin text in Appendix I Chart A.
[57] Council of Orléans (549) canon 10; Council of Paris (556–573) canon 8; Council of Orléans (538), canon 3. See Appendix I Chart A for all texts. This explicitly states that the bishop should be chosen by all with the free election of the people. See also the Council of Clermont (535) canon 2. These canons prohibit interference by patronage or at the instigation of the powerful.
[58] Council of Paris (556–573) canon 8: See full Latin text in Appendix I Chart A.
[59] R. Van Dam, 'Emperors, bishops and friends in late antique Cappadocia,' *Journal of Theological Studies* (new series) 37 (1986), p.63.
[60] Van Dam, 'Emperors', p. 63.
[61] Council of Clermont (535) canon 2: *...Episcopatum ergo desiderans electione clericorum uel ciuium, consensu etiam metropoletani eiusdem prouinciae pontifex ordinetur; non patrocinia potentum adhibeat, non calleditate subdola ad conscribendum decretum alios ortetur praemiis, alios timore conpellat.* Council of Paris (614) canon 2. See the Latin text in Appendix I Chart A.

As discussed previously the contemporary King Chlothar II issued his own edict following the council of Paris (614).[62] In this edict he alters the words of specific canons which have been promulgated at the council by adding that episcopal candidates required the endorsement of the king following election.[63] There are several issues which arise from this action by the king. In the first section of the edict he states 'that the canonical rulings should be observed in their entirety', which adds further weight to recently promulgated canons.[64] Halfond argues that this was an example of kings not leaving 'the spiritual well-being of their subjects to the bishops' and indicates the blurring of distinction between secular and canon law before jumping to the eighth century to confirm this was a pattern developing.[65] In this period however the relationship between the church and the successor kingdoms was already close. We have evidence of several kings citing ecclesiastical decisions in their own edicts before this example from 614.[66] It was unlikely that kings were repeating the ideals set out in councils in a spirit of cooperation and more likely that they were manipulating council decisions to gain further authority over ecclesiastical affairs. It can also be argued that in some cases they relied on these canonical decisions to boost their own edicts rather than merely taking an interest in the spiritual well-being of their subjects.[67]

Thus the canons from the council of Paris (614) are significant because they indicates an attempt by the bishops to reclaim authority over episcopal elections in response to which the king found it necessary to issue his own royal decree. Canon 2 further provides evidence of the need for the metropolitan to elect the candidate. This innovation perhaps was necessary to exert additional authority over the election made by the people and clerics.[68] Significantly, the edict of Chlothar II refers specifically to men chosen from the king's own staff and notes the merits

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[62] See section 4.3.1 above.

[63] *Edict of Chlothar* II, 1; Wallace–Hadrill, *Frankish Church,* p. 105. 1. *…ita ut episcopo decedent inloco ipsius, qui a metropolitan ordinari debeat cumprouincialibus, a clero et populo eligatur; si persona condigna fuerit, per ordinationem principis prdinetur; certe si de palatio eligitur, per meritum personae et doctrinae ordinetur.*

[64] *Edictum Clotarii II*, 1. de Clercq, *Concilia Galliae*, CCSL 148A, p. 283.

[65] Halfond, *Archaeology of Frankish Church Councils,* p. 138–45. The secular law of the Franks was different to Roman law which included laws on the church and the clergy. The Frankish law included Frankish customs which had no connection to the church.

[66] See also the *Captiularia Regum Francorum* Decretum of Clovis I (511) no 14; pact of Chlothar I (511–558), no 14; the Edict of of Guntrum (585) no 11; Decretum of Childebert II (596) no 15; the Edict of Chlothar II (614) no 18.

[67] The edicts were were made by officials at court who knew the precedents and drafted the edicts.

[68] Paris (614), canon 2 *…Quod aliter aut potestis subreptione aut quaecumque neglegentia absque electione metropoliani, cleri consensu uel ciuium fueritin ecclesia intromissus,…*

desired for election. Another important point to note is that Chlothar omits the section on simony. Kings benefitted from this practice so it would be in their interest to omit this reference.

Certainly we have evidence from Gregory of people going with gifts to a king prior to an election. In one particular case: 'Although he made no promises to them, the Archdeacon Avitus received their nomination and petitioned the King'. The local count Firminus who opposed the appointment stated that: 'if the election was delayed he promised a thousand gold pieces', in this case to the king. The king disagreed.[69] Notwithstanding, bishops were not free from guilt on the matter of simony. The canon law has repetitive canons on this topic and in the same period letters were sent from Gregory Bishop of Rome demanding action on this problem.[70]

The two councils mentioned above stand out as significant in the attempt by bishops to curb the practice of royal participation in elections. Royal intervention was usually connected to the choice of candidates: suggesting a candidate from another diocese or making a candidate go to another province to be installed by a different metropolitan, away from their normal electors. All of these practices were non-canonical as has been argued previously. Examples include: canon 3 from the council of Orléans (538) which specifically mentions the requirement for a 'free election'; canon 5 from the council of Orléans (541) which states that ordination must occur in the same city where a bishop is elected; and canon 5 from the council of Orléans (549) which states that no-one should be elected through favour or gifts or any other pressure. The repeated formulae from the earliest canons of Gaul indicate that three usual groups of clerics, laypeople and bishops were still expected to be involved in the election procedure. The candidate should be known by the local people. The canons also reiterate that no-one should be forced to be elected against his will by outside pressure, and that election and consecration should be held in the actual church that the candidate will be appointed to, where he will then hold authority and reside.[71]

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[69] Greg. Tur. *DLH*. IV. 35.

[70] Councils of Orléans (533) canons 3, 4; Clermont (535) canon 2; Orleans (549) canon 10; Tours (567) canon 28; Paris (614) canon 2; Gregory I, *Ep*. V.58–60, VI. 3; C. Stapleton, 'The legal legacy of Pope Gregory I in life and in letters', *Ave Maria Law Review*, vol. 9.2 (2011) p. 332; T. Reuter, 'Gifts and Simony,' in E. Cohen and M. B. de Jong (eds.), *Medieval Transformations Texts, Power and Gifts in Context* (Leiden 2001) p. 157; 161.

[71] We have several examples of bishops taken to another city to be consecrated by a bishop who was not their metropolitan by order of the king: Bishop Gallus — Greg. Tur. *VP*. 6; Bishop Cautinus — Greg. Tur. *DLH*. 7.

It is significant to note that the councils of Orléans (549) and Paris (614) were councils with the largest participation. The council of Orléans (549) had 72 clergy present, of whom seven were metropolitans, as well as 21 representatives of bishops including two who represented metropolitan.[72] The council at Paris (614) had in attendance 78 bishops, including 12 metropolitan bishops from a very wide area including one bishop from Rochester in Britain.[73] Such a large contingent of bishops at both these councils, particularly at Paris in 614, may have suggested to the participants that they conceivably could bring a powerful force against the non-canonical intervention into elections in various ways. Possibly the bishops considered they had unrestricted authority at this time, because the acting regent Queen Fredegunde had died, and her son Chlothar II, who was still a minor in 597, took the power in Neustria. In 613 Chlothar was still quite young when he became king of all kingdoms of Francia.

The remainder of the 13 canonical references to episcopal election, using cognates of the term 'election' included in councils, provide us with a clear election procedure to be followed. In 11 of the 13 examples examined, the formula 'the participation of provincial bishops, local clerics and people in the election' is repeated and there is no mention of the king.[74] Norton makes clear his position on canonical electoral legislation and argues that the role of the three parties of clerics, local bishops and the people continued to be involved in episcopal elections in late antiquity.[75] However he nevertheless suggests the Merovingian kings in Gaul had complete power over elections: 'The Frankish kings intervened in almost every aspect of church life, not least episcopal appointments, and kings treated bishoprics as little more than presents to bestow on relatives or favourites.' He adds that 'in the West, electoral practice appears by the end of the sixth century to have crystallised into a system of royal appointments under the control of the barbarian kings, while in the East, Justinian's legislation enshrined into law the patterns that had

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[72] There were representing the metropolitan city of Bordeaux and Reims.

[73] T. Meighan, *Lives of the Saints* (London 1729) p. 159. In the section on Bishop Mellitus, Bishop Justus from Rochester is mentioned. The cathedral at Rochester was dedicated in 604, Justus was later translated to become the metropolitan (archbishop) of Canterbury.

[74] Council of Orléans (538) canon 3. See Latin text in Appendix I Chart A.

[75] Norton, *Elections,* 30. See also Gryson,' Les Elections Episcopales en Orient,' p. 301–44, Gryson, 'Les élections épiscopales En Occident,' p. 302–6, Rapp, *Holy Bishops*, p. 200. Both of whom argue for a decline in the participation of local people and the clergy from the fourth century.

been established as the norm.'[76] I would argue that his statement is rather sweeping and only considers part of what was happening in the West.[77]

Norton's first case is on the 'regal election' of Avitus who was elected by the canonical formula but ordained in a city other than his own future see. This was by request of the king. It is noteworthy that he omits discussion on the other participation such as count Firminus as well as the fact that the king did not intervene in election procedure, merely the location of the ordination. In the second case he raises the episode of the will of a bishop of Rodez. This bishop requested that after his death his successor should be a local man with all the normal canonical requirements for episcopal office. While the will was read out to the king, Gregory does not include anything to indicate that the king was involved with electing or ordaining the chosen man.[78] In the third example Norton provides, the king actually acquiesces to the request of a bishop not be elected to another city, to which the king wanted to appoint him.[79] I would therefore argue that these examples, although they do indicate the presence of royal participation in decision making, are not well enough contextualised to discover the specific outcomes, particularly whether the actions were actually encompassed in the role of ruler, or were deliberate attempts to influence the ideals of the church.

Norton gives a further example where Gregory mentions that the candidate was supported by the queen. Again this does not necessarily imply the queen intervened or had sole authority over the election.[80] He also refers to the episode in Chauteaudun when bishops reprimanded King Sigibert for his involvement in the non–canonical ordination of Promotus. The latter episode was a political matter involving hostility between various secular proponents. The bishops became involved because of loyalty to one side or another. One of this group used episcopal ordination as a way to annoy another king who had agreed to the request of a man to

[76] Norton, *Elections,* p. 11, 115–16. See also Wallace–Hadrill, *The Frankish Church*, p. 105; Pontal, *Histoire des conciles*, p. 44, 45.

[77] See Greg. Tur. *DLH*, 1. IV. 35; 2. V. 46; 3–5, VI. 9; 15; 38; 6–7. VII. 17; 13; VIII. 20. Norton relies on early scholarship for arguments on this topic in Gaul (e.g. A.Fliche et V. Martin, *Histoire de l'église* (Paris 1935)).

[78] Greg. Tur. *DLH*. V. 46; 3–5,

[79] Greg. Tur. *DLH*. VI. 9. In this case the king was looking for a suitable see for a bishop he wished to reward. He listed to the bishop and his supporters concerns and agreed with them.

[80] Greg. Tur. *DLH*. VI. 38. In this case there was a lot of competition concerned with the election.

be tonsured so he could become a bishop.[81] The last example again refers to bishops whose appointments had some royal involvement. While these examples indicate how political and ecclesiastical affairs were intertwined in the period none of them offer any evidence of royal intervention in the actual process of election.

Undoubtedly in the sixth century kings did participate in episcopal elections and were successful in getting numbers of bishops elected. There are a number of canons that discuss the wishes of the king or his power to intervene. However, I would argue that the canons also indicate an attempt by the bishops of the West to recapture their authority over elections. In addition, while the canons demonstrate effort on the part of the bishops to reinforce traditional authority in terms of election they also occasionally refer to the prevention of intervention in elections by other powerful potentates of this period.[82] Although bishops were theoretically selected by other bishops plus clergy and laity; in reality kings had considerable power if they wished to put a preferred candidate into the position. The prescriptive canons of the church council point to an attempt at correction of these practices. Later councils of the seventh century explain actions which were prohibited; such as simony and the procuring of elections through the use of excessive power on the part of any particular group. Bishops writing the canons can thus be interpreted as trying to re-establish their authority over elections.

### 5.3.2 Election procedure in narrative history and other genres

On occasion royal interference in elections was due to hostility or power struggles between kings and their various family members or other magnates. Gregory of Tours in his *DLH* records

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[81] Greg. Tur. *DLH*. VIII.5; 12; 20. The secular men involved were the Pretender and Count Gundovald and Kings Guntrum, and Childebert. When Gundovald died, Guntrum took the opportutnity to retaliate, bishops such as Faustianus of Dax, Bertram of Bordeaux, Ursicinus of Cahors, Palladius of Saintes and possibly Theodore of Marseille, who had been supporters of Gundovald or were appointed when he was alive, were reprimanded, removed, exiled or deposed by Guntram. Gregory stated that Bertram was afraid to be involved in the blessing of Faustianus so it is surprising that he was also made to give food and money to Faustianus for life.
[82] For example Paris (556–573) canon 8. See Latin text in Appendix I Chart A. Greg. Tur. *DLH*. V. 47–48; VII.27. The men involved were the powerful who were often connected to the courts such as *duces* or mayors of the palace. On a number of occasions Gregory cites these men, such as Leudast and Mummolus, as interfering in normal ecclesiastical matters and harassing bishops.

occasions where kings are in opposition to each other over episcopal elections.[83] In one example, he tells us that Bishop Austrapius (previously Duke Austrapius) from a town in the see of Poitiers was first elected bishop to the town of Champtoceaux by the favour of King Lothar, who also promised that when the present bishop of Poitiers died, Austrapius would succeed to that bishopric.[84] However King Charibert in Paris refused to agree to the wishes of Lothar and issued a decree that another man, Pascentius, was to succeed to the bishopric of Poitiers.[85] Austrapius appealed against the decision but his protestations were disregarded.

Earlier in his text Gregory states that King Lothar made an order that all the churches in his kingdom should give one third of their income to his treasury. He was thwarted in this purpose by Bishop Injurius of Tours, who refused to agree to this order. The action of Injurius eventually succeeded in making the king reconsider and cancel his plan to raise money through the churches. [86] Churches were a significant anomaly in the emerging feudal system. Land for service (or land for tax in cash) did not work in the normal way when the landowner was ecclesiastical. Following the death of Injurius, Baudinus who had been in the service of the king, and was presumably a trusted courtier who would to do what was asked him, was eventually placed in the bishopric of Tours.[87] These are all pertinent motives for intervention by the king in episcopal election.

With some justification, kings may have emulated former emperors. Halfond points to the advantages for the church of emperors' participation at councils. While the interference was usually unwelcome the church occasionally needed assistance in applying canon rules.[88] Rules could often be enforced because emperors included the same ideals within their own edicts. However, it must be noted in the case of the Frankish kings that when they issued their own law through the edicts, as we have seen in the case of Chlothar II, there are only two cases that refer

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[83] Greg. Tur. *DLH*. IV.18. Where more than one king was relevant to a particular see (with church territories extending across borders) there was potential for conflict between kings over appointments.
[84] Champtoceaux is situated in region of Paye de Loire in Western France not too far from either the central city of King Charibert in Paris or the senior King Lothar, whose capital city was Soissons.
[85] He had been abbot at the monastery of St Hilary.
[86]. Greg. Tur. *DLH*. IV. 1.
[87] Greg. Tur. *DLH*. IV. 2; X. 31. This was King Lothar who was also named Chlothar I.
[88] Halfond, *Archaeology of Frankish Church Councils*, p. 3. P. G. Caron, L'Intervention de l'Autrorité Impériale,' p. 76–83.

to episcopal appointments.[89] From this we might argue that kings were reliant on the canon law for most church matters.

Gregory refers to the installation of bishops frequently however his illustration of episcopal elections is demonstrated most clearly in book X chapter 31 where he confines his narrative to the installation of the prior 18 bishops of Tours. Gregory uses the verb form *ordinatur* for the installation of 14 bishops.[90] There are only two episcopal appointments in book 31 where Gregory mentions *eligo* or *electio*. One of these elections was not straightforward. This was case of Dinifius, whose election was proposed beforehand by the queen.[91] In another case, Theodorus and Proculus were nominated as successors in Tours by order of the queen and Gregory uses the term *subrogantur*.[92] The only two uses of election, in a long list of ordinations confirms my previous statement that it was the election process rather than ordination that kings and queens were involved in.

Gregory mentions that Clovis only came to power in Gaul during the time of the seventh bishop Volusianus.[93] Apart from the involvement of Queen Clothild in the two episcopal installations, there are no other references to royal intervention in election in the see of Tours. Although Gregory does make other reference to the kings' involvement in episcopal elections there are many elections he refers to where no king or queen is involved. Out of 52 references to election, a number of which do not refer to episcopal election, only five mention 'by favour of', 'with the support of ', 'through the choice' or 'elected' by the reigning monarch.[94] Gregory does

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[89] Two Edicts of Chlothar, probably both by Chlothar II. See Murray, *From Roman to Merovingian Gaul,* p. 564–8. The first edict in the translation of Murray only mentions in '[12] Let what was conferred with liberal generosity to the church or to the clerics or to any persons whatever by the aforesaid princes of glorious memory remain completely valid.' The second edict by Chlothar II is found after the Council of Paris (614) when he produces his own set of rules almost verbatim for the council rulings but with the exception of adding his own rule that the king's permission was required for the installation of bishops. See also section 4.4.1.

[90] As noted in Chapter 4 Thorpe consistently uses to consecrate or consecration in cases where Gregory used only *ordinatur* or *ordinatione.*

[91] Greg. Tur. *DLH*. X. 31.11.

[92] Greg. Tur. *DLH*. X.31.10. These two men were elected elsewhere first in Burgundy as it states they came with the queen from Burgundy, where the cities deposed them. The text states *subrogantur* this was possibly a term specifically used in these cases although it was at times translated as elected, nominated or substituted as a successor. It also appears as if they were counted as one bishop as Gregory does not give them a separate number but states, *decimus loco*.

[93] Greg. Tur. *DLH*. X.31.7.

[94] See Chart IV with term of election in Greg. Tur. *DLH*. IV. 26; VI. 39; VIII. 39; X.31.8; 31.13.

not give details of his own election and with good reason.[95] Venantius gives some evidence in his poem. Gregory was elected in 573 with the approval of the King Sigibert. He had lived in Tours for some time so he was known by the local population. He was ordained by the metropolitan Bishop Egidius in the city of Reims, and his ordination did not take place in his own diocese or province, or even in the church where he would serve as bishop, so that to that degree his ordination was contrary to canonical law.

In the case of all the other 18 bishops' installations, Gregory uses the term 'ordination' or the verb 'to ordain' 13 times rather than 'election' or the verb 'to elect'. He also uses *statuerunt* once for bishop Armerius and the noun 'consecration' or the verb *consecro* four times in connection with episcopal procedure.[96] However Gregory was not naïve about the role of kings in the election of bishops: 'Even then that seed of iniquity had begun to germinate, that bishoprics were sold by kings and bought by the clerks.'[97] In this remark he does however show his disapproval of the practice of royal involvement in elections.

Complex elections with multiple problems may have required royal intervention to stabilise the situation. A close examination of one election at Clermont reveals a number of issues taking place in contemporary Gaul. The election was considered from the moment of the death of the previous bishop Gallus, and the local clerics gathered and nominated Cato. The local bishops arrived following the funeral of Gallus and spoke to Cato, claiming that most of the local populace had also agreed to vote for him. Gregory adds that the bishops noted that the present king Theudebald was 'only a child' and thus there was unlikely to be a problem with the appointment so they would consecrate Cato and deal with the court and any leaders who might complain against the installation later. Cato, who Gregory stated, 'was filled with self–esteem and self–admiration', insisted that he be appointed in a way that did not break canon law, which he stated included the king's consent.[98] In terms of the requirements of election we can observe that at the point when Cato had been elected in Clermont, he listed his own suitability for the

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[95] Ven. Fort. *Carm.* 5.9; Thorpe, *HF.* p. 9.
[107]Greg. Tur. *DLH.* IV. 6; 7. *... Igitur cum consensu clericorum ad episcopatum electus, cum adhuc non ordinatus cunctis ipse praeesset, ... .*
[96] See Charts II; IV; and VI.
[97] Greg. Tur. *VP.* 6.3, James, *Life of the Fathers*, 6.3.
[98] Greg. Tur. *DLH.* IV. 6: '...*nam ego canonice adsumpturus sum hunc honorem.* Thorpe, *HF.,* p. 201.

position.[99] At this point a candidate would usually be questioned with regard to his suitability by several bishops. The bishops however left the situation as it could not be resolved because of Cato's attitude.[100] The election process included the agreement of the people and the local clerics. The bishops agreed to their decision, but Cato's insistence on following canon law, which he saw as including the approval of the king, brought the process to halt.

After Cato was elected and while awaiting a final decision of the king prior to ordination, he took charge, although he had not been 'inducted' (*non ordinatus*). During this period, he caused many problems in the see, including picking out archdeacon Cautinus for particular attention and disdain. In the meantime, Cautinus withdrew and made the journey to see King Theudebald and informed him of the death of Bishop Gallus. Although we have no record of what he said we can assume he omitted to mention that Cato had already been nominated by the locals and approved by the bishops. The king and his advisors summoned bishops to Metz to make a decision and Cautinus was elected. Gregory does not tell us where the ordination took place, but only states that the ordination was carried out.[101] Once Cautinus arrived at Clermont the people and all the clerics except Cato and his supporters accepted him willingly.[102] Cato and his faction continued to cause problems for some time, however he eventually had his responsibilities and any property removed from his care. In this example we can see where the opposing factions of bishops required the authority of the king to solve problems between candidates and their ecclesiastical supporters.

The whole narrative provides us with the two sides of appointment, one in which bishops attempt to carry out the procedure, and the other in which the king takes control and installs another man, Cautinus. He was elected as a result of the king summoning a meeting of bishops in

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[99] Greg. Tur. *DLH*. IV. 6: *… Nostis enim fama currente, me ab initio aetatis meae semper religiose vixisse, vacasse ieiuniis, elemosinis delectatum fuisse, continuatas saepius exercuisse vigilias, psallentio vero iugi crebra perstitisse statione nocturna. Nec me dominus Deus meus patitur ab hac ordinatione privari, cui tantum famulatum exibui. Nam et ipsos clericati grados canonica sum semper institutione sortitus. Lector decim annis fui, subdiaconatus officium quinque annis ministravi, diaconatui vero quindecim annis mancipatus fui, presbiterii, inquam, honorem viginti annis potior. Quid enim mihi nunc restat, nisi ut episcopatum, quem fidelis servitus promeretur, accipiam?*
[100] Greg. Tur. *DLH*. IV. 6.
[101] Greg. Tur. *DLH*. IV. 7: *… Quod ille audiens vel qui cum eo erant, convocatis sacerdotibus apud Metensem civitatem, Cautinus archidiaconus episcopus ordinatur. Cum autem venissent nuntii Catonis presbiteri, hic iam episcopus erat. Tunc ex iussu regis traditis ei clericis et omnia, quae hi de rebus ecclesiae exhibuerant, ordinatisque qui cum eodem pergere deberent episcopis et camerariis, Arverno eum direxerunt.*
[102] Greg. Tur. *DLH*. IV. 7; 9; 12

Metz.[103] Was the whole group of bishops who had originally approved the election of Cato or a different group of bishops who supported Cautinus rather than Cato? It would be easy to suggest that the bishops who suggested Cato's nomination were his faction or supporters, while the bishops who met in Metz may well have been from Cautinus' faction and accompanied him when he left Clermont to inform the king of the death of Gallus. Alternatively they may have been a third group of bishops who were already in Metz or at the court of the king. However it seems more likely that they were Cautinus' followers. Cautinus was then accompanied by bishops back to Clermont as well as chamberlains (possibly church treasurers).[104] While Cautinus was the archdeacon and thus was already known by the town people of Clermont, he was installed in a see other than his own. His appointment by bishops who knew him personally makes his election canonical while if we consider the possibility that he was installed by bishops other than those from his area this would be a non-canonical election. There is a great geographical distance from Clermont to Metz and the bishops of the metropolitan see of Trier (in which Metz was situated) would therefore potentiity not know him personally.[105] In this episode Gregory highlights many of the problems emerging from episcopal election at this time including the inclusion of the approval of the king in the election to the canonical requirements. Bishops were frequently warned in the canons not to intervene in areas other than their own.

A postscript to the whole episode is that according to Gregory, once in possession of the see Cautinus behaved badly. He was 'avaricious', litigious with wealthy people and took land from poor or unimportant people, among other dreadful things.[106] In this and other episodes when Gregory is discussing the two men he appears to favour Cato, despite earlier negative comment, and not the king's choice Cautinus. Can we draw from this any conclusions about Gregory's description of Cautinus' election? Is he perhaps more negative about the failure to adhere to canonical tradition because of a desire to show Cautinus in a poor light? Interestingly

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[103] Greg. Tur. *DLH*. IV. 7; … *ad Theodovaldum regem petiit, adnuntians transitum sancti Galli. Quod ille audiens vel qui cum eo erant, convocatis sacerdotibus apud Metensem civitatem,… .*

[104] A. Blaise, *Dictionnaire Latin–Français des auteurs chrétiens: Revue spécialement pour vocabulaire théologique par Henri Chirat* (Turnhout 1967). Blaise suggests treasurers for the reference in Gregory of Tours, IV.7. All translators use chamberlain as from the Latin *Camerariis*. It is also mentioned that the good of the church were 'submitted for his jurisdiction'. So treasurers may be suitable if there was a question in dispute. This may refer to the previous passage in IV.6 where Cato has grasped all the church property.

[105] Clermont to Metz is approximately 600 kilometres distance. Roads were often not passable depending n the weather and transportation by horse or cart would take some time.

[106] Greg. Tur. *DLH*. 12; 31.

in his hagiography, he gives an altogether different picture of Cautinus, who as a deacon in the nearby village of Issoire experienced a spectacle connected to St Stremonius. After this he made it his purpose to improve the site and requested help to have extra prayers to the saint.[107]

At a later point when the bishop of Tours died, King Lothar intervened in the well-known complex episcopal election in Tours involving the same Cato. Cato was nominated by the king but refused the post, while the people and bishops voted for Eufronius and discussed their wishes with the king.[108] Lothar initially refused but eventually allowed Eufronius to take the position. 'The king answered "Let the election be confirmed." And having given his instruction, bishop Eufronius was ordained bishop'.[109] Significantly Gregory uses direct speech to describe much of this episode. In this case the evidence indicates the king respected the will of the local people, bishops and clerics. This translation differs slightly from Thorpe who paraphrases 'Let God's will be done and that of St Martin. I order him to be elected.'[110]

Royal participation appears to be a natural feature of many other episcopal elections dealt with by Gregory. One further example was the election of Quintianus who, following the death of Eufrasius of Clermont, was elected by the people.[111] According to Gregory canonical law was not observed and we can read his disapproval in the text. Another man, Apollinaris then went to the king with many 'gifts' and succeeded to the bishopric. Gregory states that Apollinaris was 'given' the bishopric and after he spent only four months there departed, a short-lived episcopate.[112] While there is no mention of an actual election, Gregory compares Apollinaris to Saint Quintianus. Saint Quintianus had already been elected by the people but he gave up the position for Apollinaris. Later, following the departure of Apollinaris, Quintianus is given full authority over the diocese by the king and Gregory records that the people and the bishops then

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[107] Greg. Tur. *GC*. 29.

[108] The king wanted to know why his order for Cato to be ordained was not carried out. Cato refused the see of Tours because he still wanted to have the episcopate of Clermont. Once the king heard this, he dismissed Cato.

[109] Greg. Tur. *DLH*. IV.15 *Respondit Rex 'Prima haec est et magna generatio. Fiat voluntas Dei et beati Martini, electio compleatu.* Brehaut, *History of the Franks*, p. 85

[110] Greg. Tur. *DLH*. IV.15: *De sancto vero Euphronio interrogans, dixerunt, eum nepotem esse beati Gregorii, cui supra meminimus. Respondit rex: 'Prima haec est et magna generatio. Fiat voluntas Dei et beati Martini, electio compleatur'. Et data praeceptione, octavos decimus post beatum Martinum sanctus Eufronius ordinatur episcopus.*

[111] Greg. Tur. *DLH*. III.2 …*Cumque populus sanctum Quintianum, qui de Rutino eiectus fuerat, eligisset,… .*

[112] Greg. Tur. *DLH*. III.2

elected him to the see.[113] Quintianus went on to perform miracles. Through Apollinaris and Quintianus Gregory illustrates the good bishop elected canonically versus the bad bishop whose term is short-lived and ignominious.

Gregory offers a number of other examples of royal involvement that were within canonical law. For example, he tells us about the sons or nephews or grandsons of bishops who were automatically allowed to succeed to a bishopric previously held their family member.[114] Nepotism in this respect was not disallowed by canon law, although simony was not permitted. Gregory provides us with a positive example in the case of the King Childebert who permitted Sacerdos of Lyons to let his nephew Nicetius become bishop after him.[115]

On other occasions, Gregory offers us examples of bishops making requests for help from a king in naming a successor.[116] Gregory uses the term 'election' when Avitus was chosen and nominated by the clergy and people in their own meeting. They then requested approval of the king because a local count had tried to stand in Avitus' path. In this case royal intervention in the elections was with the agreement of the people and clerics. Gregory stresses this point: '*ut, congregatis in unum civibus Arvernis, beatus Abitus, qui tunc temporis, ut diximus, erat archidiaconus, a clero et populo electus cathedram pontificatus acciperet'*. The king then requested that Avitus be consecrated in Metz. While this request ignores the canon rule that a bishop should be consecrated in his own church in his own bishopric, the ordination of a bishop in a king's presence (for example, perhaps in the location of his choice, such as his capital city) conveys a sense of public legitimacy. It could be argued that in practice this legitimacy might in some instances mean more than the ecclesiastical legitimacy obtained by following the canons to the letter.

In the case of Domnolus bishop of Le Mans, the bishop requested the king to nominate a local abbot Theodulf as a successor to take his place because his own ill-health. This was

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[113] Greg. Tur. *DLH*. III. 2.
[114] Greg. Tur. *DLH*. IV. 36. Council of Orléans (511), canon 4. See the Latin text in Appendix I, Chart A.
[115] Greg. Tur. *VP*. VIII. 3.
[116] Greg. Tur. *DLH*. IV. 35.

allowed under canon law.[117] The king initially agreed but later changed his mind and chose Badegisil the *Domus regiae Maior* from his own court. Gregory says he was made a priest (tonsured) and after only six weeks when Domnolus died was made bishop. According to Gregory, Badegesil and his wife had abrasive personalities and frequently caused problems in the community. He was said 'to argue cases with the judges, meddle with secular affairs, lose his temper…, ill–treat some, hit others with his fists, bring about the ruin of others.' [118] As he does on other occasions Gregory shows his disdain for men by destroying their character. The question is, can we take from this description that Gregory also disapproved of Badegesil because of his non-canonical appointment?

Gregory also gives us examples of times when spiritual intervention is required to support the election procedure. For example, on several occasions he includes statements such as 'by God's will' or 'with God's will' when referring to episcopal installation.[119] In the case of Rusticus' election to the see of Clermont, Gregory describes a situation in which a disagreement arose between local factions. He describes the election process for us. As the bishops sat together on a Sunday, a woman who had previously experienced a vision of the new bishop exclaimed when seeing Rusticus: 'That this is the man who the Lord elects.'[120]

In Gregory's hagiographical *VP* we can observe the author seeking to depict an ideal life lived by sainted men who were his contemporary or past bishops. He tells us about Bishop Gallus's complicated election included a request from the people of Trier to the king to appoint him. However, the king had already decided that Gallus should be bishop of Clermont and so offered Nicetius the episcopate of Trier.[121] Gregory notes that the clerics of that town went to the king 'bearing gifts', to request approval after they had the agreement of the local people.[122]

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[117] Greg. Tur. *DLH*. V. 5. Gregory gives the example of his family member Bishop Tetricus of Langres. He became unable to carry out his duties so another bishop was ordained to assist him although the bishop held another see until Tetricus died. Canon law states a bishop may not be placed in the same position as another bishop or over him unless that bishop through infirmity is unable to carry out his duties.

[118] Greg. Tur. *DLH*. VIII. 15.

[119] Greg. Tur. *DLH*. IV. 15.

[120] Greg. Tur. *DLH*. II.13.

[121] Greg. Tur. *VP*. VI. 3. Other bishops mentioned in *VP* where election was discussed are Gregory of Langres, Nicetius of Lyons, Nicetius of Trier,

[122] Greg. Tur. *VP*. VI. 3: …*elegentes sanctum Nicetium episcopum acceperunt. 'ordinatur.' 'ordinatum, iussit rex*,…. Greg. Tur. VP. VI. 3. *Ordinetur* is translated as consecrated by James. p. 55; Greg. Tur. *VP*. MGM vol.1 part II, p.

Three of the four bishops discussed in the *VP* lived during the period of the kings; Quintianus of Clermont, Nicetius of Lyons and Gallus of Clermont have already been mentioned. They were all chosen by their respective king. We can see through this work how Gregory lays emphasis on the need for the king's approval at times in this period.[123]

We have already seen in some detail in Chapter 4 the circumstances of the ordination of Praeiectus as bishop of Clermont in the reign of Childeric (662–675). We know he died in 676 although there is little else known of him except the *Passio*. His process of election was a long drawn out affair, but several important features are shown. In the first case when Garivald was chosen as bishop, the overwhelming power of the 'laity' or *laici* was used 'to suppress the clergy'. The 'laity', who had been given gold and silver in this situation, are different from the ordinary people who are termed *vulgi*. Another term used is citizens or *cives* which are mentioned in the next section. Perhaps these people are the same as those previously known as *plebs rustici* and *plebs urbani*. There appear to be three distinct groups of local people mentioned in the *Passio*. Were the *laici* or the *cives* mentioned here separate from the other local lay men, were they Gallo-Romans or Franks or some other class? From the context what we can deduce is that these 'laity' were an aristocratic group, perhaps magnates or local *duces*, who had enough influence or power to use force in episcopal elections. From the fifth century council of Riez (439), canon 3 we find distinct groups of lay people: *curiae et civitatis species aut ordo nobilitat*.[124]

In this same election the views of the various parties of clergy were first 'canvassed' and the choice remained unsettled as 'each one put forward one view or another and they were in dispute among themselves'. Finally one man, Genesius, was chosen when 'a majority arranged with the greatest effort, that is, by royal edicts'.[125] While this raises the question of whether the majority were in fact king's men who produced an edict from the king Genesius in fact refused to take episcopal office. The citizens then shouted for the 'election' of Praeiectus. 'When their agreed choice reached the ears of the ordinary people, all the men of the clergy and the laity

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232, *sua ecclesia episcopus ordinatus.* In this same section Gregory disdainfully refers to the custom of paying for a see.
[123] Greg. Tur. *DLH.* VI. 3.
[124] CCSL 148, p. 67, Council of Riez (439) canon 3.
[125] Fouracre and Gerberding, *Late Merovingian*, *Passio Praiecti*, 14

declared in one voice that Praeiectus was worthy to become bishop,'[126] thereby ensuring election by acclamation.

In the case of Aunemund Bishop of Lyons, we are told the previous bishop of Lyons Viventiolus elected him, 'while he was still occupying the position'.[127] Bonitus Bishop of Clermont, whose episcopate came towards the end of the century, was said to have resigned his episcopate after serving piously for ten years. Bonitus decided at that time his appointment was not canonical and recommended another man Nordebert be elected in his stead. What is surprising is that it took ten years to discover his appointment was not valid, but perhaps there were other circumstances which were not revealed in the hagiography. Bonitus had previously been at the court of Sigismund III and was later made a prefect of a province. We have no further information (although Wood hints at simony), but the text states he was named as successor by his predecessor, his brother Avitus.[128] Whatever the reason was for his stepping down he was still considered a saint.

While there is a paucity of evidence for specific episcopal election in the seventh century and in particular the impact of royal intervention, we do know there were a great many upheavals in the political life of the major three geographical areas of the kingdoms of Neustria, Austrasia and Burgundy. There were also a number of royal minorities during this period with kingdoms ruled by regencies who were often the mothers or other advisors.[129] This situation would have changed the power structures of each kingdom and contributed further complications to the ecclesiastical situation and in particular the election of bishops.

What we do know from the seventh century is that in 31 different sees from which we have lists, there were approximately 165 bishops who served, many of whom participated in the councils in the seventh century.[130] On average this means approximately five bishops per

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[126] *Passio Praecti* 14. p. 234. The text refers to three distinct groups: *cives*, *vulgi* and *laicus*.

[127] *Acta Aunemundi*: 2 *...ut a Viventiolo Lugdenensi episcopo eligeretur in loco: quem, adhue se inisi stante, Christi gratia consecravit pontificem.*

[128] *Vita Boniti episcopi Arverni* MGH SRM t. 6, p. 110–39; Wood, *The Merovingian Kingdoms,* p. 243. It is possible in this case that 'brother' was used to infer just another cleric and not his related brother. If this was the case then his election would have been non-canonical.

[129] For example Queen Fredegunde ruled the kingdom for Chlothar II until her death.

[130] Duchesne, *Fastes épiscopaux*, vols. 1 and 2.

hundred years in each see, although we know some sees had as many as 14 in one century, while others nine, two or three, and still more were unrecorded. With only have evidence of approximately 20 episcopal appointments recorded in the hagiographies while for the remainder we know no more than that they served as bishops.


## 5.4 Conclusion

Through evidence from the councils of Gaul we can thus differentiate between the terms 'election' and 'ordination'. We can determine when they refer to, or are connected with, the decision making or customary ritual for episcopal installation. In all but a few canons 'ordination' was the word used to indicate episcopal appointment, and the term 'election' was often excluded. The narrative evidence reflected similar terminology. From the overwhelming preference for the term 'ordination', we can deduce that the terms were linked. Ordination was both the procedure of election and ordination while election was used when a qualifier was required, for example, 'by royal assent'. The comparative analysis of council *acta* and narrative evidence in terms of the specific terms for election and its procedures in this chapter demonstrate where the canons and the narratives reflect agreement, which adds to our understanding of the terminology of the period. My examination of the election procedure in both ecclesiastical canons and other genres of the period, indicates that the contemporary perception of election required the canonical formula.


What is evident is that by the seventh century a form of written testimonial was used by the king to confirm or give assent to an election, whether this was after the election by the people and local clerics is not always obvious. At the same time simony appears more of a problem than it had in the past. The increase in the use of money or gifts to persuade those who were involved in the election process, including the king, may have stemmed from political problems such as changing ecclesiastical boundaries, minority regencies and the increased power of local nobles.


So where does this place us in terms of assessing the impact of royal intervention in the election process? There is sufficient divergent evidence for election using the terminology of *electio* or *eligo* that indicates royal intervention was not as common as past scholarship has

assumed,[131] and that bishops strove to conform to traditional procedures. However, where we do have examples indicating divergence of procedures, this usually occurs in conjunction with a disputed election or ordination. In addition, where we find problems with episcopal election, we usually also find evidence of royal participation.

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[131] See chart IV for all references 'to election' or 'to elect, where any connection to kings is indicated in yellow.

# Chapter 6. Episcopal consecration and contemporary religious practice in late antique Gaul: ideal and reality

## 6.1 Introduction[1]

Episcopal 'consecration' in Gaul in the sixth and seventh centuries is rarely discussed in the sources despite its significance as the conclusion to a bishop's appointment to office. The aim of this chapter is to formulate conclusions about the practice of 'consecration' and its terminology in the evidence available from the period. Episcopal appointments were ineluctably connected to the establishment of the late antique church hierarchy and as I have argued in earlier chapters, all aspects of episcopal installation were significant in the shaping of a bishop's legitimacy and authority. It is important to separate the procedures found and to concentrate on one term at a time and all connections to it to try to gain a more informed picture of the practices of the period. The procedures were not carried out simultaneously sometimes they were as much as a week apart. Therefore by examining them separately their individual significance is revealed and we can eliminate confusion in terms of linguistic usage and practice. While the central issues are the role of episcopal 'consecration' in this period and whether it was as an essential element for entry into the ecclesiastical hierarchy, this study must be made in the context of when the term was used elsewhere so we can understand its usage and its connection to modern usage.

While the canon evidence discloses the ecclesiastical ideal, it also depicts problems with a number of episcopal appointments carried out by metropolitans and their bishops. This was uncovered in my examination of the letters in Chapter 2. Through a statistical examination I found that the topic of 'consecration' in the *acta* of the *Concilia Galliae* was of much less interest in comparison to the topics of 'ordination' or 'election'. While narrative accounts of the period refer to the 'consecration' of bishops these are in disparate sources and the references are rare. The actual procedure of 'consecration' as it was understood in later periods and is used by modern authors today is almost absent from these earlier works. No reference to the term

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'episcopal consecration' is found in the liturgy or prayers of the sixth or seventh centuries. Nevertheless, my aim here is to show the distinct difference in the 'consecration' procedure when considered in the context of 'ordination' and 'election'. A further aim is to identify the problems that emerged in both the canon law and narrative accounts of 'consecration' at this time.

When translating late antique sources into English several modern scholars use 'consecration' or 'to consecrate' where the Latin texts uses 'to ordain' or 'ordination'.[2] There is no word in the Latin sources from the period that signifies the 'imposition of hands' as used by metropolitans or other bishops, unless we consider that it was covered by the term 'ordination'. There were however references to the imposition of hands in the late fifth century.[3]

## 6.2 Evidence

Following extensive research in evidence of the sixth and seventh centuries it seems the term for 'consecration' was rarely used in the context of episcopal installation in this early period. Between 500 and 696 specific references to episcopal 'consecration' are therefore also rare. Similarly, the evidence for the terminology of 'consecration' is sparse in the *Concilia Galliae*. Sporadic evidence is found however in the historical and hagiographical works of Gregory of Tours and his contemporaries. To put this in perspective, the procedure for episcopal 'ordination' is commented on at least 47 times and episcopal election at least 18 times in the canons of the same period, with a similar frequency in the narrative histories and hagiographies.[4] However 'to consecrate' or 'consecration' are mentioned only twice in connection with episcopal appointment.

Naturally, one of the problems in an examination of the terminology and procedure of episcopal consecration in Gaul is this paucity of evidence for the period 500–696. Another problem, discussed previously, is that often various terms in modern translations or discussions are translated as 'consecration' when the more common *ordinatio* is the term used in the original

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[2] Thorpe, *HF*; Pontal, *des Conciles*. Ellard, *Ordination anointings*.
[3] See section 3.3.1 and *SEA* 90(III); 91(III);(2(IV)
[4] See terminology Charts 1–VI in Appendix I; S. Loftus, 'Examination of Episcopal Elections: the normative view of the Concilia Galliae versus the narrative accounts' in J. Leemans, P. Van Nuffelin, S. Keough, C. Nicolaye (eds.), *Episcopal Elections in Late Antiquity 300–600* (Berlin 2011) p. 423–36.

sources. From this we can surmise that modern scholars consider 'ordination' and consecration' as synonymous. For example, in his translation of Gregory's *DLH*, book X, Thorpe consistently translates the Latin *ordinatio* or *ordinare* in terms of consecration, with reference to the appointment of bishops. In contrast, in the original Latin text Gregory uses the term episcopal 'consecration' in this book where he refers to group rather than individual installations.[5] This constructed ideal of terminology of episcopal installation made by historians and translators has resulted in imprecise and misleading language for the period. A further difficulty is found when consulting modern work — despite indiscriminate use of the term, there is actually no precise examination of the terms or procedure of episcopal consecration from this period.

'Consecration', where it does appear, is used in terms of: (a) the culmination of a bishop's installation; (b) the legitimisation of his authority; (c) the confirmation of his role in the sacred rites and (d) the confirmation of his place in the apostolically founded hierarchy. We need therefore to examine the terminology and procedure to discover if the idea of episcopal 'consecration' was an early development, discontinued in this period, or an idealised term created by modern historians for this period. Although the evidence for the term and procedure of 'consecration' is sparse in this period, there is enough for us to compare the procedure and its terminology across both the prescriptive canons and the writings of individual bishops such as Gregory of Tours.

## 6.3 Terminology

### 6.3.1 Canon terminology

In the canon terminology references to 'episcopal consecration' are found in two examples, which have already discussed above in the context of both 'ordination' and 'election', because they are also the two occasions on which all three terms are used together.

> Council of Orléans (541) canon 5: ... a bishop must be *consecrated* in the church of the city where he was confirmed for *ordination*, *elected*, and in the church over which he will preside...

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[5] Greg. Tur, *DLH*. X, 10.31; Brehaut, *History of the Franks,* Thorpe, *HF*. X. 31, p. 593–60; Rapp, *Holy Bishops,* p. 29.

> Council of Orléans (549) canon 10: ... so that no one may be permitted to obtain the bishopric either through gifts or procuring, but with the wish of the king equally with the *election* of the clerics and the people, just as it has been written and preserved in the ancient canons, he should be *consecrated* by the metropolitan bishop, or his representative who had been sent ahead (he is accompanied by) all the provincial bishops. If anyone purchases his ordination, violating the rule of this sacred constitution, we state that his *ordination* has been through the grace of gifts and he must be deposed. [6]

It seems that here the idea of 'consecration' as a separate stage in the process is clearly stated. In the second instance consecration follows the election, with all the people including the laity and local clerics in accord as well as the king. The final authority for 'consecration' rests with the metropolitan; his authority is required, either through his personal presence or the attendance of his representative with written consent and the provincial bishops. In the first example 'consecration' is connected to where the ceremony should take place which is in the church over which the candidate will later preside. Thus, on this occasion, the term 'ordination' refers to a form of confirmation, which is followed by the election. It is a stage in the process by which a decision is made to install a bishop. Whether this is confirmation by the people and clerics or by all those present is unclear. As discussed in Chapter 4 above, in the second example the use of 'ordination' refers to the overall procedure.

At the Council of Paris (573), the term 'to consecrate' is included twice in a letter from Bishop Pappolus to the council. In both cases the perfect passive participle of *consecro* is used to emphasise negativity with regard to an action that had already been carried out non-canonically.[7] This was the case of the non-canonical episcopal ordination made previously by the influential Bishop Egidius of Reims. When he ordained Promotus to become bishop of Chateaudun his actions encroached on another metropolitan's provincial authority, although he was following orders from the king who had captured the city.

Apart from the first two clearly defined uses of 'consecrate' in the canons and the letter above which clearly connects consecration to episcopal installation, there are a number of other references 'consecration' and its cognates in canon law. These other examples are usually

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[6] For the Latin text see Appendix I, Chart A.

[7] Council of Paris (573) Letter of Pappolus of Chartres to the Synod, CCSL vol 148, p. 213 lns. 15 and 20: ...*contra canonicam disciplinam episcopum consecratum. … qui omissa seueritate canonica a uobis dicetur tam taemerae consecrates,...*

connected to procedures which sanctify. The terms also appear to indicate a degree of change in position for whatever or whoever it is performed; for example, churches, altars, widows or deaconesses.

'Consecration' is further found in the canons in connection with Arian bishops. On returning to the faith these heretics are to be received back through 'benediction' by the 'imposition of hands'. In the case of the Arian churches, they are to be *consecrated* with the same rite employed for the inauguration of 'orthodox' churches.[8] This last circumstance, which involves the act of sanctifying a building, makes use of the terminology previously used to indicate the dedication of a person to the Lord and applies it to a structure.

Canon 20 from the council of Tours (567) states: 'where there is evidence of priests living with their wives or deaconesses, it was considered a heresy, and one ought not to suppose that a person who has consecrated his body to the Lord would dare to do such a thing'.[9] This reiterates the usage above where consecration means a dedication of a person or thing to God. This idea appears again in several canons that discuss the consecration of widows, who are called deaconesses, and young girls. Canon 21 from the council of Epaone (517) notes that the consecration of deaconesses is not allowed in the region.[10] Over a century later we find at the council of Clichy (626–627) canon 26 forbidding the use of any power or royal authority to abduct, and to consecrate widows or young women to the Lord being forbidden.[11] In all three cases, 'consecration' is used to denote the dedication of a person and in the context of the strong

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[8] Council of Orléans (511) canon 10: *De hereticis clericis, qui ad fidem catholicam plena fide ac uoluntate uenerint, uel de basilicis, quas in peruersitate sua gothi hactenus habuerunt, id censuimus obseruari, ut si clereci fideliter conuertuntur et fidem catholicam integrae confitentur uel ita dignam uitam morum et actuum probitate custodiunt, officium, quo eos episcopus dignos esse censuerit, cum impositae manus benedictione suscipiant; et ecclesias simili, quo nostrae innouari solent, placuit ordine consecrari.*

[9] Council of Tours (567), canon 20: … uti legitur: *Ista haeresis presbiterorum a quodam presbitero primum surrexit, quod auderet ille, qui corpus Domini consecrat, talia perpetrare, nisi tempore nouissimo pro peccaris nostris ista surrexerunt.*

[10] Council of Epaone (517) canon 21: *Veduarum consecrationem, quas diaconas uocitant, ab omni regione nostra paenitus.*

[11] Council of Clichy (626–627) canon 26: *Viduas, quae se Deo consecrare petierint, uel puellas Domino consecratas nullus neque per auctoritatem regia per quamcumque potestatem suffultus aut propria temeritate rapere uel trahere audeat quod si utrique consenserint communion priuentur.* The later references in the liturgy to the consecration of women either widows or virgins may be found in L. C. Mohlberg, *Missale Gallicanum Vetus* (Cod. Vat. Palat. Lat 403) Rerum *Ecclesiasticarum, Documenta,* Series Major fontes III (Rome 1958), *Missale Gallicanum Vetus* vol II, 701; Duchesne, *Christian Worship,* p. 424–6 cites L.A. Moratori, vol. i. p. 444.

language surrounding the term and the prohibitions mentioned we get a sense of the importance of this dedication; it is not to be lightly undertaken or retracted.

Likewise, in the other cases of canon usage the term refers to a sacred process in which something is changed from the ordinary to the sanctified. For example, we find references to the 'consecration' of altars or churches as well as to the 'consecration' of wine during the Eucharist.[12] In canon 8 from the council of Auxerre (561–605) the discussion centres on the use of specific wine for the divine sacrifice and notes the *consecrationem sanguinis Christi.* Similarly when a church or altar was 'consecrated' it was made sacred and henceforth was considered a holy building or altar.

In all of the above examples we can see that the procedure of consecration involves a sacred element, whether it is being used in the context of a man or woman being dedicated to God or a monastery, or the process by which an object or structure is made sacred for the purpose of ritual.

## 6.3.2 Narrative history terminology

In Gregory's *DLH* the term 'consecration' and its cognates are used a number of times. In book X.31 it is used only once with reference to the appointment of past bishops. As discussed above, while translators have typically used consecration to denote the episcopal office Gregory himself prefers to use the term *ordinatio* when referring to his 18 predecessors.[13] Significantly, he only uses *consecratio* on one occasion in this particular discourse on episcopal appointment. This is when he mentions his own installation, stating that it occurred in 'the church where Saint Martin and all the previous bishops were consecrated'.[14] What is even more significant is that this reference is in fact erroneous because Gregory was ordained in Reims by the metropolitan Egidius. It is also possible that the other bishops were ordained in cities other than Tours. One

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[12] Councils of Orléans (538) canons 10; 15; 19(16); canon 32. Auxerre (561–605) canon 8.
[13] Greg. Tur. *DLH*. X 31. *Hos enim libros in anno XXI. ordinationis nostrae perscripsimus. Et licet in superioribus de episcopis scripserimus Turonicis, adnotantes annos eorum, non tamen sequitur haec supputatio numerum chronicale, quia intervalla ordinationum integre non potuimus repperire.*
[14] Greg. Tur. *DLH*. X. 31.XV11I: .., *in qua beatus Martinus uel ceteri sacerdotes Domini ad pontificatus officium consecrati sunt,.. .*

explanation for this disparity is that once Gregory returned to the city of Tours his arrival was heralded by an *adventus* which was written about by the poet Venantius.[15] Although we have little evidence of what actually took place we can infer there was some form of blessing on arrival.[16] Venantius uses the term *sacravit,* perhaps for poetical purposes, or perhaps in reference to a benediction in his new church.[17]

In the whole of Gregory's history, there are only 13 other examples of the use of the verb *consecrare* or the noun *consecratio*. Of these only four refer to episcopal consecration, another one refers to the 'consecration' of Saint Agnes as head of a monastery. This reference as well as the two references to the consecration of women found in canon (discussed above), indicate that although the ceremony was forbidden in certain areas the procedure was still taking place even in the sixth century.[18] Of the remainder of the references in Gregory's history, two refer to martyrs who were both bishops in Gaul. Photinus and Irenaeus were bishops of Lyons and Gregory reports that their deaths were 'consecrated' by fire. Two more uses are found in connection to the baptism of children as consecration. For example, Queen Clothild, wife of Clovis, wanted to have her first child 'consecrated' in baptism. This is an echo of the ritual in which an adult who becomes a believer in Christ and is 'consecrated' in baptism.[19] The final three references are to consecrated objects. Gregory describes a throne consecrated to the Lord; relics consecrated to a church and consecrated customary Frankish wands. These wands were used by messengers to prevent them being molested. The objects once 'consecrated' changed and held a special power.[20] Thus Gregory uses 'consecration' or 'to consecrate' as a term that indicates a change in

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[15] S. MacCormack, 'Change and continuity in late antiquity: the ceremony of *Adventus*,' *Historia* 21 (1972) 72–152.

[16] B. Brennan, 'The Image of the Merovingian bishop in the poetry of Venatius Fortunatus,' *Journal of Medieval History*, 18 (1992) p. 131–2. A number of explanations have been offered as why he had this type of arrival. One suggestion by Brennan is that Gregory was not a popular choice. He states that Venantius implies Gregory was the royal choice, therefore his ordination was held in another ecclesiastical province and overseen by a different metropolitan bishop.

[17] Ven. Fort. *Carm*. 5.3.11–16; M. Roberts, *The Humblest Sparrow* (Anne Arbor 2009) p. 110 *...Quem patris Egidii domino manus alma sacrauit.* Translated by Roberts as 'the blessed hand of Father Egidius consecrated him'.

[18] It was noteworthy because Duchesne has written that 'the diaconate of women was no longer in existence in the fifth and sixth century'. Duchesne, *Christian Worship* (1904) p. 343

[19] Greg. Tur. *DLH*. 1. 28; *...octoginisimo aetatis suae anno uelut holocaustum purissimum per ignem Domino consecratur.'* Here he records that Saint Polycrp was consecrated by fire. *DLH*.1. 33; *...credidit Christo, relictisque fanaticis sordibus ac baptismo consecratus, magnus in uirtutum operatione enituit.*

[20] Greg. Tur. *DLH*. 1. 33; *...credidit Christo, relictisque fanaticis sordibus ac baptismo consecratus, magnus in uirtutum operatione enituit.* Greg. Tur. *DLH,* II.29, *Quem cum mulier baptismo consecrare uellit,...* Greg. Tur. *DLH*. II.21: *...adhuc et cathedram a Domino consecratam fetida sessionis tuae accessione coinquinas?* Greg. Tur.

either a person or an object that invests them with sacred authority. We see consecration here occasioning an alternation in stature: a bishop becomes a martyr following his consecration by fire, a child becomes a member of the Christian congregation through the consecration of baptism, a virgin or widow dedicates herself to God, and an object becomes a sacred symbol following consecration.

Other evidence from book X suggests Gregory prefers to use the term *consecrare* for episcopal procedures which were more contemporaneous with his own time. He refers to the installation of Gregory as the bishop of Rome, stating that the deacon Gregory was 'consecrated' to his office in the city of Rome.[21] It is possible that in Rome the term was regularly used and the priest who went to the ceremony made use of the term when he reported it to Gregory. This is a unique example of Gregory's method of writing history. He states 'my deacon could not resist turning back from the Portus to witness the enthronement, for he wanted to see with his own eyes how the ceremony, was carried out'. Gregory includes a reference to both *consecrare* and *ordinare*.[22] From this episode as well as Gregory's recount we can see that episcopal ordination was a process that was emerging and evolving.

One of the rare examples of episcopal 'consecration' found in Gregory's *DLH* is the case of Cato, already discussed in detail in Chapter 5.[23] Gregory informs us that the bishops who came to the funeral of the previous bishop stated: 'Come, we have given our consent and we will bless and consecrate you'.[24] This implies two stages in the process: consent ad consecration. On the same topic of Cato in a later episode, Gregory has the king state to Cato: 'originally my decision was to consecrate you bishop of Tours'.[25] Both these events were again contemporary with Gregory's own lifetime and it is quite possible that Gregory who was often living in Clermont had the anecdote passed to him by his relative Gallus.

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*DLH*.VII.32. *Post haec misit iterum Gundovaldus duos legatos ad regem cum virgis consecratis iuxta ritum Francorum, ut scilicet non contingerentur ab ullo, sed exposita legatione cum responsu reverterentur.*
[21] Greg. Tur. *DLH*. X. 1, 60: *... ibique ad pontificalis gratiae officium consecratus, papa Urbis datus est.*
[22] Greg. Tur. *DLH*. X. 1. Gregory also includes Gregory the Great's address to the people.
[23] Greg. Tur. *DLH*. IV. 6; Where Gregory narrated the story of Cato, *... ueni, consenti nobis, et benedicentes consecremus te ad episcopatum.*
[24] Greg. Tur. *DLH*. IV.6.
[25] Greg. Tur. *DLH*. IV.15. *Cui rex ait: Ego primum praecipi, ut Turonus te ad episcopatum consecrarent,...*

An additional example of Gregory's use of episcopal 'consecration' concerns Bishop Felix of Nantes whose dying wish was that his nephew, Burgundio, should succeed him. Canon law permitted a family member of a bishop to be ordained as his successor.[26] Gregory tells us that Burgundio was only 25 and untrained when he came to him, requesting that he come to Nantes to 'tonsure and consecrate him'.[27] Gregory refuses on canonical grounds stating firstly that Burgundio must go through all ranks of the ecclesiastical hierarchy, and secondly that the previous bishop must die before a successor be appointed.[28] Interestingly, just as in the previous reference discussed this is also a negative episode in which Gregory choses to use the term 'to consecrate'.

Two points need to be made with regard to the above examples of 'consecration' are that both are reported speech and are also both episodes dealt with negatively by Gregory. In neither case does the man become a bishop with a 'consecration' ceremony. In the case of Cato, he was never to achieve the episcopate and Gregory devotes several negative passages to his failure as well as noting the king's involvement in the procedure. The bishopric of Tours was eventually given to Gregory's relative Eufronius. Gregory may well have wanted to put Cato in a negative light because he wanted his family member to be positively compared to the type of man Cato was, as well as highlighting Cato's failed aspirations.[29] Gregory displays a negative attitude towards Bishop Felix of Nantes. One reason may have been an offensive letter Felix sent to Gregory making allegations against his brother Peter.[30]

As has been previously noted Gregory rarely uses the term *consecratio* for episcopal appointment in the *DLH*. However, there are a number of other occasions when he does discuss the final installation process of bishops. On these occasions he invariably opts to use other terms. In book VII, for example, he mentions the appointment of bishops and their installation into the

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[26] Council of Orléans (511) canon 4 .., *ita ut filii clericorum, id est patrum, aurorum ac proauorium. Quos supradicto ordine parentum constat obseruatione subiunctos, in episcoporum poteste ac districtione subiunctus.* For the full Latin text of the canon see Appendix I Chart A.

[27] The term frequently used by Gregory signifies 'tonsure' making him a cleric by cutting his hair appropriate to a cleric.

[28] Greg. Tur. *DLH.* VI. 15: *Qui ueniens rogat, ut, accedens usque Namnetas, episcopum eum in locum avunculi, qui adhuc superstes erat, tonsoratum consecrare deberem.* For the age requirements for candidacy see section 4.5.1.

[29] Greg. Tur. *DLH.* IV. 6–7, 15.

[30] Greg. Tur. *DLH.* V.5. For further evidence of the relationship between Gregory and Felix see W.C. McDermott, 'Felix of Nantes: A Merovingian bishop,' *Traditio* 32 (1975) p. 1–24.

episcope.[31] He also describes the event in which King Guntrum convenes a church council. The purpose of the council is expressly in order to depose a bishop.[32] Gregory then uses the term *benedixerant* when he refers to the previous installation of Faustianus.[33] In the same episode he describes the situation at the council, where the bishops who made the non-canonical induction of Faustianus of Dax, by order of Gundovald (the royal pretender), are ordered to supply food and pay him a hundred pieces of gold each year. [34] Gregory uses both *benedicere* and *subrogantere* in terms of episcopal ordination*,* nevertheless, his overwhelming preference is for the terms *ordinare* or *ordinatione* in connection to episcopal installations.

In the case of Gregory's other works such as the hagiography *VP*, again his preference is to use 'ordination' when describing the final episcopal induction.[35] He does this for all five bishops mentioned: St Quintianus, Nicetius of Trier and his relatives, bishops Gallus, Gregory of Langres and Nicetius of Lyons.[36]

Duchesne notes there is no further reference to the term 'episcopal consecration' in this period except in the *Missal Francorum* (early eight century).[37] However he does admit that anointing by hands is referred to rather than the anointing of the head in the Merovingian sources. On the other hand, Ellard who specifically investigates anointing with oil on the hands or head in

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[31] Greg. Tur. *DLH.* VII. 17. *Promotus vero, qui in Dunense castro ordinante … depraecans, ut ordinationem episcopatus in antedicto castro reciperet.* VII. 31. *Faustianum presbiterum Aquinsi urbi episcopum ordinare praecipiunt.*

[32] Greg. Tur. *DLH.* VIII. 20. *Faustianus autem, qui ex iusso Gundovaldi Aquinsi urbi episcopus ordinatus fuerat, ea condicione removitur, ut eum Bertchramnus Orestesque sive Palladius, qui eum benedixerant, vicibus pascerent centinusque ei aureus annis singulis ministrarent.*

[33] Greg. Tur. *DLH.* VII. 31. *Berthramnus autem episcopus, qui erat metropolis, cavens futura, Palladium Santonicum iniungit, qui eum benedicerit.*

[34] Greg. Tur. *DLH.* VIII. 20.

[35] Greg. Tur. *VP.* In examples throughout this text Gregory uses the term 'ordination' or to ordain.'.

[36] Greg. Tur. *VP.* IV: Saint Quintianus…*ad episcopatum Rutenae eclesiae elegitur, expetitur, ordinatur…, VP.* VI. 3; Gallus… *in ciuitatem suscipitur et in sua ecclesia episcopus ordinatur.* Greg. Tur., *VP* VII 2: Gregory of Langres '… *et electus a populo Lingonicae urbi episcopus ordinatur.*' This last man was Gregory's great-grandfather and no doubt the information came from his mother Armentaria II who as a child stayed with Gregory of Langres. See also other instances where Gregory mentions his mother Greg. Tur. *GM* 50; 83; 85; *GC.* 39; *VM.* I. 36; III 60; Greg. Tur., *VP.* VIII 3; In the case of Nicetius of Lyons, there is a *lacuna*; James, *Life of the Fathers,* p. 146 footnote 7. James states that in the original 10th c. manuscript a scribe has added the 'here is much missing'. *A section was inserted. Greg. Tur., VP. XVII. 1; Nicetius of Trier, … populo ac decreto regis ad ordinandum a uiris arcessi.*

[37] Duchesne, *Christian Worship*, p. 372, 375; *Missale Francorum* (ed.), L. C. Mohlberg, *RED* 2 (Rome 1957). There is a difference in terms used for priests and bishops. In the former *consecrentur manus istae et sanctificentur per istam unctionem et nostram benedictionem...* is used whereas in the latter *Unguantur manus istae de oleo sanctificato et chrismate sanctificationis,...*is used.

connection with consecration in all categories of ecclesiastical offices finds no references to this inclusion in the procedure of installation between the third and seventh centuries.[38] Andrieu complies with this finding indicating it did not begin until the ninth century. However, Ellard notes that anointing of hands of the priest was first mentioned in the southern Aquitanian region originally held by Visigoths although it was under Frankish jurisdiction at the time.[39] He argues that it was because of proximity to Visigothic Spain that the practices in southern Aquitaine were in concurrence with those of the Visigoths. I would suggest that an alternative explanation is the practices of the remoter areas of Aquitaine remained unchanged from the fifth century and followed the *SEA* because there was little penetration from the Franks in the southern regions. While there is evidence of some influence from Irish clerics involved in the increasing monastic movement of the seventh century in Northern Gaul, in the South bishops still performed procedures in the traditional way.[40] There is no other evidence in Gaul for the inclusion of anointing with oil after the late fifth century in any of the sources surveyed and analysed.

A brief perusal of sources outside of Gaul indicates there were several texts that document the procedure. These appeared in Rome by the seventh century and were the amalgamated texts of *Gregorian* and *Gelasian Sacrimentaries* also known as the *Liber Sacramentum Romanum Ecclesiae.* They record a procedure for bishops not unlike that of the SEA.[41] Scholarly agreement is that this text was composed in the southern area, which may have still been under Visigothic jurisdiction. It is possible that the practice of including 'consecration' in the ordination procedure continued in this region. The procedure mentioned suggests the book

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[38] Ellard, *Ordination Anointings,* p. 21–6; Andrieu, 'Le sacre épiscopal' p. 40–1. See further discussion in Chapter 3. Ellard goes further in his examination of the various manuscripts and concludes that in the *Missale Francorum* (dated 700–730) probably from Poitiers, where there was increased Visigothic and Irish influence from 655–696, there is mention of oil applied to the hands of the priest twice but no bishop is mentioned. In the manuscript Vat. Reg lat. 257: (fol. 36) *Consecrentur manus istae sanctificentur per istam unctionem et nostram benedictionem ut quaecumque* (fol 37) *benedixerant benedicta sint et quaecumque sanctificauerint sanctificentur per dominum.*
[39] Ellard, *Ordination Anointings,* p. 220–7.
[40] Liebeschuetz, *The Decline and Fall of the Roman City,* p. 84–94.
[41] H. A. Wilson (ed.), *The Gelasian Sacramentary* (Oxford 1894) p. 144; *Liber Sacramentum Romanum Ecclesiae*, XCV: *Episcopus quum ordinatur, duo episcopi ponant et teneant Evangeliorum codicem super benedictionem, reliqui omnes episcopi qui adsunt minibus suis caput eius tangant.* See Appendix I Chart A for the text of similar canon from SEA.

of the gospels was held over newly ordained bishops including those in Rome. The same source notes that 'consecration' was used to describe the custom of anointing with oil for subdeacons.[42]

Although there is no direct evidence, the southern region of Gaul may well have had a closer proximity to Rome physically, as well as mentally, and this may be the reason for its continued practice of the older more traditional procedure. We have little evidence that Caesarius referred to the installation procedure or used the term. His sermon 120 is the only one where he uses the term. Sermon 230 concerns the consecration of a bishop. Caesarius states that the authority of bishops came from Christ's appointment and his divine goodness. This was also connected to the acceptance by the clerics at the ceremony particularly the other bishops. He refers to bishops as (agios) not of this earth.[43] He uses the term 'to consecrate' in sermon 161 with reference to the consecration of the wine in the mass.[44] When referring to the procedure of appointment he appears to favour 'ordination'.

Seventh century evidence in Gaul is again quite meagre. The terms 'to consecrate' or 'consecration' are rarely found. There is only one reference using 'consecrate' in the installation of a bishop in the case of Bishop Aunemundus of Lyons.[45] Bishop Audoin of Rouen was said 'to have converted many Franks turning them from savage ferocity and from their heathen rites, thus *consecrated* his parishes with divine practice'. [46] In the *Chronicle of Fredegar* there are only two references, once to the verb and once to the noun.[47] Like the sixth century uses discussed above, these references are to people or things being consecrated or dedicated in God's name.

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[42] *Liber Sacramentum Romanum Ecclesiae*, p. 148; XCVI, Under the section for the 'benediction' of subdeacons, it states: *Consecratio manum, consecrentur manus istae oer istam unctionem et nostrum benedictionem, ut quaecumque benedixerint,benedicta sint,et quaecumque sanctificaverint, sanctificentur. Per Dominum nostrum.*

[43] Caesarius *Sermo*ns, 120; 230; 228; 1.19. Caesarius discusses the office of the bishop including the election and the celebration that followed.

[44] Caesarius, Sermon 161: *…quod autem infudit in eum oleum et vinum, in oleo Misericordia intelligitur, in vino iustitia; aut certe in oleo crismatis unctio, in vino eucharistiae consecratio*

[45] *Acta S, Aunemundi alias Dalfini Episcopi,* P. Perrier (ed.), AASS vol VII (Antwep 1760), section 2, p. 744: *… Christi gratia consecrauit pontificem.*

[46] *Vita Audoini Episcopi Rotomagensis,* W. Levison (ed.), MGH, SSRM t V (Hannover 1997), section 4. p. 556: *… Francorum saeuissimi feritate in mansuetudine uertit et ex sacro fonte mellis dulcidinem, temperauit parrochiasque suas diuine cultui consecrauit.*

[47] Fredegar, p. 180; III DCCXLIV. *Christo duce, baptismi sacramento consecrati fuerunt;* p. 193, CXIII. IV. CXXXVII. … *et Carlomannus ad Saxonis ciuitatem, pariter uno die a proceribus eorum et consecratione sacerdotum sublimati sunt in regno.*

## 6.4 Procedure

### 6.4.1 Procedure in the canons

According to the available evidence from the *Concilia Galliae,* the metropolitan bishop appears to continue to hold the main responsibility for the final procedure of ordination, which we now refer to as consecration. In the case of his inability to make a journey to perform the ceremony he is to send his representative together with his written permission. [48] The ceremony of 'consecration' is most often found in this period under the term 'ordination'.[49] The evidence is often repeated and quite clear. The procedure should take place in the church of the city where the bishop is to hold authority and all provincial bishops are to attend or send their written consent if prevented.

However, there was some concern that procedures were not being correctly followed, as evidenced in canon 8 of the council of Paris (556–573):

> In certain places the ancient customs have been neglected and the canons have been violated. A person must not be appointed against the will of the local people, there must be the election by the people and clerics which is entirely free; there should be no interference by the authority of neither the prince nor any opposition to the wishes of the metropolitan or his provincial bishops. If anyone has been designated by virtue of the king with this excessive audacity, his comprovincial bishops are not to have contact with him and they must not give him communion. Of those bishops already dedicated irregularly, their fate should be decided by the metropolitan and the neighbouring bishops through discussion.[50]

It is clear that these bishops have been installed without the normal ancient customs. This canon seeks to restore the power of episcopal installation to clerical hands and delegitimise appointments made by kings. Although the canon does not discuss 'consecration' directly it does deal with the 'dedication' of candidates. A number of influential aristocratic bishops participated

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[48] Council Nicaea canon 4; See Latin text in Appendix I Chart A; Council of Antioch (341) canon 19. The law was changed to make the metropolitan bishop responsible for this procedure.

[49] See discussion in Chapter 4.

[50] Council of Paris (556–573) canon 8: *Et quia in aliquibus rebus consuetudo prisca neglegitur ac decreta canonum uiolantur, placuit iuxta antiquam consuetudinem, ut canonum decreta seruentur. Nullus ciuibus inuitis ordinetur episcopus, nisi quem populi et clericorum election plenissima quesierit uoluntate; non principes imperio neque per quamlibet conditionem contra metropolis uoluntatem uel episcoporum comprouincialium ingeratur. Quad si ordinationem regiam honoris iustius culmen peruaderi aliquis nimia temereitate praesumpserit, a comprouincialibus loci ipsius episcopi recepi penitus nullatenus mereatur, quem indebete ordinatum agnoscunt..... Nam de ante actis ordinationibus pontificum ita conuenit, ut coniuncti metropolis cum suis comprouincialibus episcopis uel, quos uicinos episcopos eligere uoluerit, in loco, ubi conuenerit, iuxta antiqua statuta canonum omnia communi consilium et sententia decernantur.*

in this council including Praetextatus of Rouen, Leontius of Bordeaux, Germanus of Paris, Felix of Nantes and Eufronius of Tours. From the evidence of this robustly worded canon the preoccupation of the attending bishops with the issue of episcopal appointments is exposed and indicates they took this opportunity to try to confront problems within episcopal appointments by promulgating tougher canon law on the topic. The significance of contemporary concern regarding correct procedure cannot be understated. For example, the canon following this one takes the previously unknown and unusual step of requesting all bishops who had not come to the council to read and make their signature to the council *acta*.[51]

We have further evidence from letters attached to councils regarding this concern over procedure including one letter from the following council of Paris in 573 written by Bishop Pappolus of Chartres. This letter, discussed above, clearly states that canon regulations have been circumvented and gives an account of how Bishop Promotus was non-canonically 'consecrated'. The inclusion of the three letters as well as the canon law connected to 'ordination' and not 'consecration' made at the previous council of 556–573 adds to the evidence for bishops at council as a group struggling against contemporary iniquities in episcopal appointment and attempting to define the procedure.

## 6.4.2 Narrative evidence for the procedure

Contemporary evidence for the procedure of consecration is likewise almost absent in the narratives, unless we also consider the use of 'ordination' to refer to what we would now call 'consecration'. We do however, have the example mentioned above, discussing the ceremony of consecration of Pope Gregory. Gregory of Tours writes that after unanimous election by the Roman people, the Emperor Maurice issued a diploma directing his enthronement. The future papal candidate was brought to the basilica of St Peter and then 'consecrated'.[52] Additionally when the priest Silvester was to be installed as Bishop of Langres, Gregory mentions he made preparations to travel to Lyons to be 'appointed'. In this instance the term *benedictionem*

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[51] Council of Paris (556–573) canon 9.
[52] Greg. Tur. *DLH*. X. 1. line 60: *...ibique ad pontificalis gratiae officium consecratus, papa Urbis datus est ...;* Brehaut, *History of the Franks*. p. 227; Thorpe, *HF*. p. 547.

*episcopalem* is used. Interestingly, the context indicates that at this time bishops were not always installed in the church of the city where they were to hold authority although this was contrary to canon law.[53] Sometimes it was preferable for a bishop to be consecrated in a ritual held outside the city of his see. There are at least two reasons found in contemporary sources as to why this would be efficacious. In the first case, removal to a wider centre of power could eliminate or reduce factional problems that would be more likely in a local setting. Secondly, relocation of the ceremony might also be to a place where the royal presence could confer increased legitimacy as well as indicating secular favour.

There are a number of examples in the narratives of this 'non-canonical installation of a bishop' and much is made of it at councils. For example we know of the council convened by Leontius of Bordeaux in order to depose Bishop Eumerius of Saintes, who Leontius considered had been non-canonically appointed. While the term used is *benediceretur* not *consecretur* we can still see here how the blessing of the candidate was important to his canonical authority.[54]

A more explicit example of both the terminology and the procedure of 'consecration' are found at the end of the fifth century when Sidonius went to a number of episcopal appointments. He describes the procedure in an episode in Book IV. 25:

> 2. ...two holy men Patiens and Eufronius (metropolitan bishops)... maintained a strict adherence to the sounder course, ...communicating their plan in private to their fellow bishops, before making it public, they then with total contempt of the clamour of the raging crowd suddenly seized a man and clasped him with hands who had not the slightest inkling about, or the desire for, the action that was being taken
> 4. However, this priest of a second rank they have now consecrated as their colleague,...
> 5. ...whom they appointed, Eufronius by his testimony, Patiens by the laying of the hands.[55]

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[53] Greg. Tur. *DLH.* V.5: *Interea transeunte beato Tetrico, hic, tonso capite, presbiter ordinatur, accepta omni potestate de rebus ecclesiae. Qui uero, ut benedictionem episcopalem Lugduno accipiat, iter parat.* Removing the episcopal installation from the city where a man would have held his episcopal see took him away from the local clerics and local Christian population who may or may not have voted in the election. This may be another reason for out of area consecration.

[54] Greg. Tur. *DLH.* IV. 26; In this case it was the Council of Saintes (562–563), called by Leontius to depose a bishop who was non–canonically appointed. But the terms used are *benediceretur* not *consecretur*

[55] Sid. *Ep.* vol. II, Book IV. 25.5. 3, 4–5. 168–9; 3. *Quod ubi uiderunt sanctus Patiens et sanctus Eufronius qui rigorem firmitatemque sententiae sanioris praetor odium gratiamque primi tenebant, consilio cum coepiscopis prius clam comminicato quam palam prodito strepituque despecto turbae furentis iunctis repente minibus arreptum nihilque tum minus quam quae agebantur optantem suspicantemque... 4. ...attamen hunc iam secundi ordinis sacerdotem dissonas inter partium uoces, quae differebant laudare non ambitientem sed nec audebant culpare*

Here we can clearly observe details of the practice in the fifth century: laying hands on the candidate, first in choice and later in the ceremony under the auspices of the metropolitan. This appears to have been a difficult episcopal election with many candidates and factions. Thus the final stages were left to the group of provincial bishops and the final part of the procedure of consecration was carried out by the metropolitan Bishop Patiens of Lyons.

In both Hippolytus' *Apostolic Traditions* and other patristic texts we find that the terms *ordinatur* and *imponant manus* are favoured by the early church.[56] In the sixth and seventh centuries in Gaul it appears that the same terminology used for 'ordination' of priests was also used for episcopal installation. However, direct reference to 'consecration' and its cognates in the procedures of appointment in the 200-year period are rare. Anointing of the elected candidate with benediction is also rarely found. *SEA* canon 90 (II) seems to be our only concrete reference to this procedure. According to this earlier text, two bishops hold the gospel texts over the neck of the candidate, one other scatters or pours the benediction over him (*fundente bendictionem*) and all the remaining bishops, who are present and ready, touch his head with their hands.[57] There is no further reference to 'the holding of the book over the neck' or the use of oil, and placing of the hands on his head after 511 and before 696 in Gaul in the normative, liturgical and narrative texts in connection with episcopal installation.

In terms of reference to anointing with oil and the imposition of hands we do see the practice in connection with baptism. Anointing by the hands with oil is mentioned in a canon prescribing the procedure for the baptism, that is, 'a baptism of infants when entering the church

*laudabilem, stupentimus factiosis erubescentibus malis, acclamantibus bonis reclamantibus nullis collegam sibi consecrauere. 5. …quem creauerunt, Eufronius testimonio, manu Patiens, ambo iudicio, in quo fecit…*
Sid. *Ep*. vol. II, Letter to Domnulus, Book VII. 9, 330–5. In this epistle the author describes an episcopal installation at Bourges when Sidonius was responsible for overseeing the election. He writes for advice and agreement with the decision made at the council to a more senior bishop, Eufronius of Autun. The example indicates the procedure and the agreement necessary between senior bishops of the ecclesiastical province.
[56] See Chapter 3; Chapter 5.
[57] *Concilia Galliae*, CCSL vol. 148, *Statuta Ecclesiae Antiqua*, Recapitulatio ordinationis officialium Ecclessiae, p. 181. 90 (II), See Latin text in Appendix I Chart A and further discussion in section 3.5.3.

on a specific day'.[58] There is also a reference to *manus inponere* in a letter from Rome to Bishop Caesarius of Arles which quotes 1 Timothy: 'you must not impose hands too quickly'. [59]

When we look again at the use of the term consecration in connection with procedure we find references to deacons, virgins and other lower orders of the church rather than episcopal connections. The *Ordo Romanus* VIII, a fifth or sixth century ordinal from Rome, states 'presbyters are to be consecrated'. [60] The *SEA,* canon 92. (IV), also indicates the term 'consecration' was used for the induction of deacons as well as the consecration of pious virgins[61] Additionally the *Liber Sacramentum Romanae Ecclesiae* indicates the term 'consecratio' was used when referring to the appointment of subdeacons.

## 6.5 Conclusion

For the final procedure in episcopal installation between 500 and 6960 in Gaul the terms 'consecration' or 'to consecrate' are used infrequently. While a number of references to episcopal 'consecration' are found in the canon text of the *Concilia Galliae* as well as the narrative histories we only have two examples from the period where all three terms were used together: election, ordination and consecration.[62] There is also no specific description in the canons of the procedure of 'consecration' although there are at least 47 examples which refer to 'ordination' in connection with this part of episcopal installation. All the evidence examined and analysed suggests that 'ordination' was the preferred term for the installation of bishops although this could indicate both 'election' and 'consecration'.

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[58] Council of Mâcon (585) canon 3: *…cum infantibus suis ecclesiam obseruare praecipimus,ut imposition manus certis diebus adepti et sacri olei liquore peruncti ligitimi diei festiuitate fruantur et sacro baptismate regenerentur, … .*

[59] Council of Carpentras (527) Letter from Felix IV.

[60] Ellard, *Ordination Anointings*. See Chapter 3 for an explanation of the context and proposed date this text as well as the Latin text of the canon. It was dated by Duchesne and quoted in Ellard as after the seventh or even eight century.

[61] *Concilia Galliae*, CCSL 148 *SEA*, p. 181, canon 92 (IV), *Diaconus ad ordinatur, solus episcopus, qui eum benedicit, manu supercaput illius ponat, quia non ad sacerdotium sed ad ministerium consecrator;* p. 184, canon 99 (XI), *Sanctimonialis uirgo, cum ad consecrationem sui episcopo offertur;* p. 193, Council of Agde (506) canon 1, *... officium uero presbyteri consecrandi ...* vol 148A p. 211, Agde canon 43, *Ministrare diaconus aut consecrare [in] altari huiusmodi presbyter non praesumat.*

[62] Council of Orléans (541) canon 5; Council of Orléans (549) canon 10.

Overall there is much more evidence for the term 'consecration' being in connection with the lower orders of the ecclesiastical hierarchy and likewise in the context of widows or virgins when they enter a monastery and are dedicated to God. We also find evidence of the term on a number of occasions in relation to the process of baptism, indicating that when a person went through the ritual his baptism was 'consecrated'. All if these example suggest a sacred element to consecration. All the evidence suggests that 'ordination' was the preferred term for the installation of bishops although it also could indicate both 'election' and 'consecration'.

Certain conclusions arise from this apparent lack of evidence. It appears there was a linguistic change occurring in the terms used for episcopal appointment after the fifth century. This developing terminology and emerging process were still being inconsistently applied at this point in time. We must conclude therefore in the case of episcopal appointment in the sixth and seventh centuries the term 'ordination' encompassed this sacred element. As such there was no need to identify a separate term.

# Chapter 7. Case studies of the family of Gregorius Attalus

## 7.1 Introduction – aristocrats and the episcopate

The lives of Gregorius Attalus' family have been recorded in a number of different sources including narrative history and hagiography. The limitations found in the genre of hagiography as a source was discussed in Chapter 1 while the problems with using this historical narrative will be discussed below. In terms of this study on the construction of episcopal authority the actions, suitability for office, installation procedures, and even the deaths of the different family members as recorded in both the historical record of events and the biographies of lives offer us a point of comparison with which to test the accuracy as well as the rhetorical emphasis of their achievements.

Accordingly, the aim here is to touch on those features of ordination, election and consecration discussed previously in the context of the installation of each bishop known to be in the family. The visible facets of the construction of power and indeed the trappings of power that illustrate the way episcopal authority and the authority of the family were increased are both matters for consideration. I will examine how one aristocratic Gallo-Roman family mediated the changing circumstances between 506 and 594.[1]

This period saw the decline in Roman administrative structures and the settlement of the autonomous kingdoms by Franks, Goths and Burgundians in Gaul. Aristocratic men who entered the church as bishops of an episcopal see were expected to lead the clerics under them in an orderly fashion, and to control and manage their churches' land and attached property so there were sufficient funds produced to support the poor, sick, widows and orphans of the parish.[2] Land was often donated to the local area church when men or women were ordained or entered a religious institution such as a monastic community, and it was managed by the bishop of that area.

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[1] Gregory of Tours' first relative was a bishop from 506 and his great grandson died in 594.

[2] The 'parish' (*paroecia*) in this period was routinely used to mean what we would call a diocese today. See discussion of diocese in appendix 1.

Land was intimately connected to episcopal authority. Gregory tells us something about the importance of land in terms of creating and maintaining authority. He describes several incidents in which land is either removed or returned to bishops for disciplinary reasons, demonstrating how episcopal authority is connected to management and control of church property. During his own lifetime his church property and thus his authority was usurped and then returned.[3] Although donated land strictly speaking belonged to the church from that point onwards, nevertheless the bishop had authority over all of the holdings. Bishops were able to allot certain properties for *usufruct*, allowing persons to live on the land and profit from its production. Another way the land was used was to establish monasteries on the church land. This is seen in the case of Caesarius of Arles who founded a monastery where his sisters lived — which may have been on family property. He is seen on several occasions to support this monastery and even rebuilds it when it is destroyed.[4]

The family tree of Gregorius Attalus Bishop of Langres (the great-grandfather of Gregory of Tours) is complex with connections to various episcopal sees. These are examined in a series of short case studies below. Gregorius Attalus had three sons, one of whom married and fathered Armentaria the mother of Gregory of Tours; another had a son who then became Bishop Eufronius of Tours, while the third was Tetricus (Bishop of Langres 539–572/3). Another relative is Gallus of Clermont, brother of Gregory's father Florentius. Nicetius, Bishop of Lyons, and Duke Gundulf were brothers of the unnamed sister who married Gregorius' unnamed son. Florentinus married Armentaria, Gregorius' grand-daughter and mother of Gregory and Peter, deacon in Langres. Gregory cites Silvester as a relative of Tetricus is silent on the nature of his own relationship with him. According to Heinemann's stemma, he is placed in a line with Attalus the nephew of Gregorius and Eufronius, indicating perhaps that he was not a nephew of Gregorius but his son's nephew. Silvester became bishop elect of Langres. Gregory also had a sister who married one Justinus: her daughter was named Justina and she became a prioress of

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[3] Greg. Tur. *VP*. IV. 1; *DLH*. II. 23., II.36. In the first instance Gregory describes how one bishop gave land to a destitute, exiled bishop and later how the church goods were taken away and then his authority was returned. In the second example again episcopal authority over church property is removed but later restored. In both cases episcopal authority is connected to church property.

[4] Klingshirn, *Caesarius of Arles: life, and, letters*, Bk. 1. 28, 35; Caesarius allocated the job of looking after church property to his deacon, 1.15, letter 18, p. 121 relates the illegal sale of church land to support the monastery he built.

the Holy Cross nunnery at Poitiers built by Queen Radegund.[5] Sacerdos, Bishop of Lyons, was also related: his sister Artemia married Florentinus (Senator of Geneva) and their son was Nicetius who became Bishop of Lyons.

**7.1.2 Stemma of Gregory of Tours**

A prosopographical table of The Family of Gregory of Tours in M. Heinzelmann, *Gregory of Tours: History and Society in the Sixth Century*, p. 10

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[5] Greg. Tur. *DLH*. X 15; III.7.

Allen and Neil's analysis of population displacement through the letters in this period reveals many instances of bishops forced to move from their sees.[6] In such cases there was subsequent loss of land or property including that owned by the family as well as that belonging to a church. For example, we know from various sources that Ennodius Count of Tours, Paulinus of Pella and a number of other aristocrats were forced to move outside of the barbarian occupied areas.[7] Additionally we know from the law codes of the Burgundians that in Burgundy, two-thirds of land previously owned by Gallo-Romans was regularly confiscated, as opposed to other successor kingdom areas where only one-third was typically given incoming settlers connected to invasive military groups.[8] This could be reason enough for members of landowning Roman provincials living in Burgundian kingdom to enter the church and donate their land. By further placing members of the family in the episcopal hierarchy and then maintaining the office of bishop in the family, influential families ensured that their land remained as it was and was not divided and allocated to barbarian military. However, this is an area for further research and as such is beyond the scope of this thesis.

As a source Gregory of Tours offers some interesting contradictions. As the authorial representative of his family he may well be accused of having a personal agenda, seeking to place his own family in a good light. He does not, however, rush to proclaim his family members as relatives. He mentions his family as part of the history that he weaves of the sixth century episcopal scene although they are not the focus or even a substantial part of his work. Yet, on occasion, he diminishes the character of others by comparison with the actions and deeds of his relatives, thus elevating his family's reputation. He sometimes appears to be disinclined to make a clear personal connection to his family in the *DLH*, and deals with some other family members with a degree of objectivity. For example, in the story of Attalus (nephew of Gregorius Attalus) Gregory does not mention he is a relative of either of the men involved. He may well have

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[6] P. Allen and B. Neil, *Crisis management in late antiquity* (*410–590*): *a survey of the evidence from episcopal letters* (Leiden 2013) p. 40–4.

[7] Greg. Tur. *HF*. V.23, Ennodius count of Tours lost his property and goods. Paulinus of Pella, who came from a family who hailed from Bordeaux, wrote poetry on the loss of property and land through the invasions and upheavals of this period. *Eucharisticos*, his poem translated in H. G. E.*,* White, *Ausonius* (London 1921) p. 329, lines 310–320; M. Heinzelmann, *Gallische Prosopographie*, p. 531–718.

[8] K. Fischer Drew, ***The Burgundian Code: Book of constitutions or Laws of Gundobad, Additional Enactments, trans.*** (Philadelphia 1949). Introduction, p. 11 for discussion, Law LIV, i. p. 62 and discussion footnote 1.

omitted the family connection because it was a well-known fact.[9] Another possibility for this reticence is the genre of history itself. History was supposedly to be written in an impersonal style, which might account for the omissions of the author. In his other works, such as hagiography, Gregory does not keep the same detachment.

Of course, in terms of hagiography, objectivity was not the purpose. The men Gregory describes in the *VP* are holy men whose lives he wants to paint in the most pious and suitable light. While his rhetorical flourishes in praise of the men, including those members of his own family, can perhaps be considered restrained, his agenda and 'narrative theme' remained the same as the other hagiographers of this period.[10] While there are methodological challenges in using this genre as a source, discussed in Chapter 1, we are still able to draw some historical background from the hagiographies. Gregory of Tours' family connections stretch over several generations and this makes it a suitable family for a case study of this nature. His narrative introduces and describes the lives and actions of many of his relatives who appear as bishops. His hagiographies include a number of bishops from his family as do other works.[11]

Alternative career paths for aristocrats of the period, the political and factional aspects of episcopal elections and the prosopographical studies of the various families involved have already been fully investigated in earlier studies by Duchesne, Stroheker, Heinzelmann, Claude, Brennan, Van Dam and Mathison as well as a number of other historians.[12] In making yet

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[9]Greg. Tur. *DLH.* III. 15.

[10]M. Woodcock, 'Crossover and Afterlife,' in S. Sahil, *A Companion to Middle English Hagiography* (Cambridge 2006) p. 142. Woodcock discusses the type of narrative, formula and motives of the genre.

[11] Greg. Tur, *DLH;* Dalton, *The History of the Franks*; Thorpe, *The History of the Franks* (*HF*); Greg. Tur. *VP.,* James, *Life of the Fathers;* Greg. Tur. *GC;* Van Dam, *Glory of the Confessors*, Greg. Tur. *GM;*, Van Dam, *Glory of the Martyrs.*

[12] L. Duchesne, *Fastes épiscopaux*, t.1. Provinces du Sud–est. t. 2. L'Aquitaine et les Lyonnaises. t. 3. Les provinces du Nord et de l'Est; Stroheker, *Der senatorische,* p 178; K.F. Stroheker, F., ' Die Senatoren bei Gregor von Tours,' *Klio,* 34 (1942), 293–305; M. Heinzelmann, '*Gallische Prosopographie*, 260–527', *Francia* 10 (1982) p. 563; M. Hienzelmann, *Gregor von Tours* (*538–594*) *'Zehn Bücher Geschichte,'* (Darmstadt 1994); D. Claude, Die Bestellung der Bischofe im Merovingischen Reiche,' in *Zeitschrift der Savigny–Stiftung für Rechtsgeschichte* (1963), 1–8; Klingshirn, 'Caesarius of Arles: the making of a Christian Community'; B. Brennan, 'Senators and Social Mobility in Sixth–Century Gaul,' *Speculum* 54 (1979), 685–97; R. W. Mathisen, 'The family of Georgius Florentius Gregorius and the bishops of Tours,' *Medievalia et Humanistica* 12 (1984), 83–95; R. W. Mathisen, *Roman Aristocrats in Barbarian Gaul;* R. W. Mathisen, 'Syagrius of Autun, Virgilius of Arles and Gregory of Rome; Factionalism, Forgery and Authority and Local Authority at the end of the Sixth Century,' in C. de Dreuille (ed.), *L'Eglise et la mission au Vie siècle; la mission d'Augustin de Cantorbéry et les Eglises de Gaule sous l'impulsion de Grégoire le Gran* (Paris 2001) p. 260–9; Shanzer and Wood, *Avitus of Vienne*; Rapp, *Holy Bishops*; Van Dam,

another study of this family of bishops I hope to advance the discussion by close examination of the terminology and procedural utilised in descriptions of the episcopal installation of various family members. I will also look at other areas of episcopal authority development that could be considered part of the trappings of power, such as the buildings.[13] Other topics that are connected to the construction of episcopal authority include the redemption of hostages, prisoner rescue or exchange, management of local crises, care of the sick, widows and orphans, the building of specific sites under episcopal power, and finally the promotion of the revelations of miracles connected to people, buildings and saint's relics.[14]

This chapter examines the development of the episcopal offices of one family of provincial Gallo-Romans and their connection to a particular geographical area in Gaul between the Rhone and the Saone rivers. The chronological and geographical period under discussion begins just within the boundaries of the second Burgundian kingdom at the time of the first bishop's life.[15] It stretches over four towns — Tours, Langres (Dijon), Lyons and Clermont. The geographical area in which this particular bishop's family lived was predominantly under the control of Burgundy, although Autun[16] and Langres[17] were at times very close to Frankish territory. This territory extends over the previous civil Roman provinces of *Lugdunensis Prima* and *Tertia*, and *Aquitanica Prima*. Under the successor kingdoms they became at different times

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*Leadership and Community*; M. R. Salzman, 'Competing claims to '*Nobilitas*' in the Western Empire in the Fourth and Fifth Centuries,' *JECS* 9 (2001), 359–85.

[13] See Van Dam, *Saints and their Miracles;* Quin, 'Relics, Religious Authority, and the Sanctification,' p. 1–11. While relics, buildings and cult sites are touched on in these works the collection of church land and retention of ecclesiastical properties are not thoroughly examined.

[14] W. E. Klingshirn, 'Caesarius of Arles and the Ransoming of Captives in Sub–Roman Gaul,' *JRS* 75 (1985), 183–303; L. K. Bailey, 'Within and without: Lay People and the Church in Gregory of Tours' miracle stories,' *Journal of Late Antiquity* 5 (2012) p. 124

[15] Bury, *History,* vol. I. viii. 3, p. 249. The first kingdom ended 436 AD when Aëtius called upon the Hun mercenaries to help him to control the area where many Burgundians were settled. The second kingdom is considered to begin when the second group of Burgundians were again granted *foederat*i status by the Roman general Aëtius and settled in 443 around the area of Gaul called Saupaudia. It certainly included Lyons. The second kingdom ended 534. Greg. Tur. *DLH*. III. 11. Autun, the furthest west city, was besieged during the period when the last king of the Burgundian kingdom, Godomar was compelled to flee from Burgundy leaving it to be taken over by the Franks.

[16] Autun had previously been known specifically for education and the family connection of Ausonius the rhetor and poet. P. Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (New York 2006) p. 37; Goffart, *Barbarians and Romans*, p. 7–8; 41–4. Goffart discusses the kind of settlement made in this area of Gaul.

[17] Greg. Tur. *HF*. II.23, Gregory describes the changing circumstances of the city of Langres and Dijon.

Aquitaine, Neustria, Burgundy and Austrasia, which held within their regions the respective ecclesiastical provinces of Tours, Lyons and Bourges.[18]

The socio-political elements found in careers under Roman political administration required new principles with which bishops might construct their status, identity and authority once they changed to the sphere of the ecclesiastical hierarchy. This was to enable the Gallo-Roman provincial community leaders to navigate the changing social and political situation under the new foreign rule. Some of these new dimensions are briefly discussed below in relation to this family, particularly the career of Gregorius Attalus as an administrator and his family's subsequent episcopal connections and appointment.

## 7.2 Gregorius Attalus (Bishop of Langres 506–539/40)

### 7.2.1 Gregorius Attalus: the secular career

Gregorius Attalus may be compared to a number of other aristocratic men who successfully made a career change from a secular position into the ecclesiastical hierarchy. Indeed, he had a similar career to that of Sidonius Apollinaris.[19] Both held a secular administrative post before they became bishops and both had other members of their family who also became bishops. Men who had a successful career as secular administrators were often rewarded in the later part of their lives with a position in the church.[20]

A letter sent by Sidonius to 'Attalus' is the first chronological reference we have to Gregorius Attalus.[21] Attalus appears to be a current *comes* of Autun in 471–474. Sidonius notes he has 'assumed charge of the Aeduan city'.[22] Heinzelmann argues against Pietri that the

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[18] See Maps.
[19] J. Harries, *Sidonius Apollinaris and the fall of Rome, AD 407–485* (Oxford 1994) p. 1–109.
[20] For example, Albinus Bishop of Uzès and Austrapius Bishop of Champtoceaux.
[21] Sid. *Ep.* V. 18. The aim and selection of these letters is discussed in the beginning of his first volume by Sidonius who reveals that his friends asked him to publish a book of individual letters and so they could be read as a whole. Harries, *Sidonius Apollinaris,* p. 2; 11–19. Modern historians have viewed Sidonius' work as a whole and seen these letters as important evidence of the political and social transformations taking place at the end of the Roman Empire. A further aspect of the work that has been considered is the change in career of Sidonius from a secular administrator to a bishop.
[22] See discussion of *comes* in this period in the Appendices.

chronology of Gregory of Tours was possibly inaccurate on this point.[23] Heinzelmann observes Gregorius Attalus may perhaps have 'had the position as military assessor in connection with a super-regional count', or in the capacity of a legal advisor as Sidonius 'praises him as strict and just'. The title 'assessor' may equally be applied to a role as a local tax assessor or judge.[24] This is confirmed by Gregory who praises his great-grandfather's firm judgements.[25]

Heinzelmann also points to the fact that Sidonius, while writing to wish his friend luck in his new position, may be ironic in addressing him as *familiari vestusto* because his friend was in fact quite young in 477.[26] The use of the term 'old friend' nevertheless could just be indicative of a long term friendship. Sidonius' letter to Attalus, possibly dated 477, gives us further information. He rejoices in Attalus' appointment for a number of reasons including his 'incorruptible' nature, adding that Attalus will be able to aid 'our mutual (possibly Sidonius intended business or land) dealings and those of our people'.[27] He also points also to the 'new power' of an 'old friend'. This indicates that Attalus was made *comes* or inherited the title at a young age and had secular power conferred on him.[28] Additional evidence of his senatorial lineage and secular career is furnished by the poem written by Venantius Fortunatus.[29] This poem also notes his strictness as a judge and his fairness as a bishop.

Murray questions whether this Attalus, born in 450, is the same person as the later bishop, because of his age.[30] Sidonius was made bishop in 470. It is not clear if he was a bishop when he wrote the letter to Attalus. Sidonius' letters are thought to have been written between 461 and 474 and his book of letters was published at the earliest in 477.[31] Accordingly, Attalus was between

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[23] Heinzelmann, *Gregor von Tours (538–594) p.* 17–18; L. Pietri, *La ville de Tours du IVe au VIe siècle. Naissance d'une cité chrétienne*, Collection de l'École française de Rome 69 (Rome 1983) p. 295, n. 140.
[24] Heinzelmann, *Gregor von Tours (538–594) p.* 19.
[25] Greg. Tur. *VP*. VII. 1.
[26] Sid. *Ep.* V.18; Heinzelmann, *Gregor von Tours (538–594) p.* 19.
[27] Sid. *Ep.*V.18.
[28] Heinzelmann, *Gregor von Tours (538–594) p.* 17–18. Heinzelmann considers that this might be possible if he inherited a particular position such as *comitatus*. There is one more example of a count of Trier who inherited the position of *comes civitatis* and Heinzelmann indicates that it might be considered a hereditary type of position, perhaps going to the eldest son. This only appears to occur in the last half of the in the fifth century. p. 18.
[29] Venance Fortunat, *Poèmes,* trans. M. Reydellet. (Paris 1994), *Carm.* IV.II.
[30] Murray, *From Roman to Merovingian Gaul,* p. 219.
[31] A further note on the dating of the letters is found in volume II of *Sidonius Poems and Letters* (London 1966) p. 2–3.

sixteen and twenty years old at the time of his appointment.[32] Gregory notes in his *VP* that his great-grandfather was a man who performed his secular duty for 40 years and his episcopal position for 32 years, dying in 539 or 540. This is confirmed by the poet Venantius.[33] When we consider the Roman system of institutions still active in places at this time, we find appointments such as *aediles* or rhetor in judicial court were given to young men in aristocratic families, and his youth is not unusual.[34]

Gregorius Attalus first held a position as some kind of legal advisor. We another example in Mummulus the son of Paonius, who held the position of *comes* in Auxerre under Guntram. He was supposedly sent with a message and gifts to the king to establish the position of his father as *comes*. However, he took the opportunity to request that he be appointed in his father's stead and was successful. No age is mentioned but this example indicates the flexibility of age requirements and qualifications as well as the possibility of distorting the original appointment. [35]

### 7.2.2 Gregorius Attalus: episcopal career

As noted above, Attalus was named as both a senator and the Count of Autun (*comes civitatis Augustodini*, 466/7).[36] Much of the evidence is provided by his great-grandson Gregory in *VP*, who wrote that, 'he abased himself from the high power of the senatorial order to such humility

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[32] Sid. *Ep*. V. 18. The letter to Attalus confirms that he must have been quite young. Sidonius died in 479, so there is some room for the date of the letter to be inaccurate.

[33] Ven. Fort. *Carm*.IV.3.

[34] Jones, *The Later Roman Empire,* vol. II. p. 529, 530. Jones discusses the younger men who inherited titles and the positions in the fifth and sixth century senate. Certainly the legal evidence from earlier Roman history of men who participated in the *Cursus Honorum* puts the age for *Quaestors* at a minimum of 25 and for *Aediles* after the *Lex Vibria* (180 BC) the minimum age was 35. There is evidence of younger participants and quite a number of changes in civil administration. In late antiquity, the picture changed as the autonomous kingdoms formed. Perhaps they took people who had a family background in secular administration and age was not such an issue if the person was capable. Many areas were restructured and weakened as groups of people were exiled or uprooted. Greg. Tur, *DLH*. IV. 42. See also G. Halsall, 'Towns, Societies, and ideas', in N. Christie, S. T. Loseby (eds.), *Towns in Transition* ((Aldershot 1996), p. 243; J. H. W. G. Liebeschuetz, 'The End of the Ancient City,' p. 19–25; J. D. Harries, 'Christianity and the Cities in Gaul,' in J. E. Rich, *The City in Late Antiquity* (London 1992), p. 80, 82.

[35] See further discussion on *comes* in the Appendix.

[36] Augustodunum was an ancient city first established by Augustus. It was built as a central city among the Aedui tribe. The walls stretched approximately six kilometres. Autun retains its enormous theatre and two gates, the Porte Saint-Andre and Port d'Arroux.

that, disdaining all the cares of the world, he consecrated himself to God alone…'. [37] He left this secular position when he entered the episcopate.[38] We find biographical details in *GC*, *GM* and the *DLH*. In terms of other sources, from the epitaph to Gregorius written by Venantius Fortunatus we learn that he died in his 90th year and that he was a bishop for 32 years.[39] Venantius further tells us that in Gregorius's secular life he was Count of Autun (*comes Augustinensis*) or the *civitatis* of Autun for 40 years, and began by entering office at the unusually young age of 16 or 17, which confirms the details given by his great-grandson Gregory.[40]

The political implications and the geographical position become apparent when we look at the timing of the ordination of Gregorius Attalus as bishop. Aged 56 or 57 he moved from an administrative position as *comes* of Autun into the episcopate of Langres in 506/7.[41] The promotion to bishop occurred in the year, or year after, the battle of Vouille, when Clovis defeated the Visigoths and took control of large areas of Gaul. Both Autun and Langres were in Burgundian territory and were controlled ecclèsiastically from the metropolitan see of Lyons.[42] Perhaps the barbarian presence may have influenced the choice of an episcopal career over a civil one.

In the *VP,* Gregory dedicates a whole book to his life, praising his accomplishments as both a man and a bishop. He writes that Attalus was 'the first among the senators' and comments on his great education. He stated that Attalus was exceptionally rigorous in his pursuit of

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[37] Greg. Tur. *VP*.VII .preface. *In hoc enim beatus Gregorius omnium gloriam contulit, qui de excels senatorii ordinis petentia ad illam se humilitatem subdidit ut, omnibus saeculi curis abiectis, soli se Deo opera in pectore reteebat*, James, *HF.* p. 60..

[38] Greg. Tur. *VP.* VII, 2; A. H. M. Jones, J. R. Martindale, J. Morris*, Prosopography of the Later Roman Empire* (Cambridge 1971), vol. II, p. 179.

[39] Ven. Fort., *Poèmes,* Introduction. Venantius was born in and educated in Italy. Around 565 at age 25 he crossed the Alps into Gaul, and travelled to visit the relics of Saint Martin, believing that his saint had intervened and cured his deteriorating eyesight. Did he perhaps meet Gregory at Tours?

[40] Ven. Fort., *Poèmes, Carm.* IV.II. 'Since the prince of the sky has broken the Tartar, you lie enemy death, under the feet of the Just. It is a sign the venerable life of Saint Gregoire who, from now on, from the tomb, enters with glory the skies. A noble descending from an antique senatorial line (äieux line) the noblest still who by his actions has a seat today above the stars. Initially an inflexible judge, then a sympathising bishop, he gave the love of father to those whom he had subjected to the rigour of the laws (as a judge) over the length of thirty two years, he controlled his fold piously, and as a father draws his joy from the herd of Christ'.

[41] Using the dates provided by K. F. Stroheker, *Der senatorische,* No 182.

[42] The influential bishop Viventiolus was metropolitan for Lyons until 517.

criminals in Autun where he administered justice for 40 years. Gregory is also at pains to point out his modesty and chastity, stating that 'he only approached his wife Armentaria (I) for the sake of having children'.[43] This portrayal of chastity between a married couple is used by the author to enhance the saintliness of the man and define his suitability as a bishop.

Gregory tells us about the city of Langres and its bishop, Saint Gregory, whose fame was widespread.[44] He states that Gregorius Attalus spent time in Dijon which he greatly loved, and goes on to describe Dijon's finer points.[45] Significantly he questions why Dijon was not a bishopric. Dijon was a *castrum* rather than a *civitas* and did not have a bishop in residence; thus it came under the diocese of Langres.[46] Through his connection of Attalus to Dijon Gregory seeks not only to enhance the name of the bishop, but also create a picture of the whole area. We know that Dijon more so than Langres was closely connected to the family of both Gregory and the then bishop of Langres.

While we are offered no other explanation as to why he moved from his position as count and took up the position of bishop,[47] we are told that his youngest son Tetricus was born in the year that his wife died and Gregorius became bishop.[48] Tetricus was his successor as Bishop of Langres and if he was born in the year of his father's election, he would have been aged between 32 and 34 when he became bishop. Armentaria I probably also came from an aristocratic family. It is possible that her father was the Armentarius who was named bishop of Langres around 479. Duchesne states that one of the early bishops of Langres was called Ermentarius or

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[43] Greg Tur. *VP*.VII.1.
[44] Greg. Tur. *DLH*. III.19.
[45] P. H. Sawyer and I. N. Wood, **Early Medieval Kingship (Leeds 1979) p. 74–5.**
[46] Greg. Tur. *GC*. Van Dam, *Glory of the Confessors*, p. 54. This is a further reference by the translator to the connection between Gregorius Attalus and Saint Benignus of Dijon. See also Caesar, *Gallic Wars*, trans. E. H. Warmington (London 1970), Bk.1.6–8. During earlier Roman occupation of Gaul, Dijon was named as *castrum Divionense* or Dibia and may have been a military post in late antiquity and thus a safer place to live. It is stated that it was more isolated and not possible to use horses or chariots. The Celtic tribes of the *Lingones* resided in this region. See also reference to the *Lingones* Bk.I, 24–25 and 26, 1–5, Bk. VI.44, VII.9. There is a reference to Caesar stationing two of his legions among the Lingone. *Andemantunum* (Langres) was used as a base to fight across the Rhine and into Germania and the next base was a three day march (Combeaufontaine) Sextius Julius Frontinus *The Stratagems, and the Aqueducts of Rome*, trans., C.E. Bennett (London 1961). Frontinus mentions Langres in his *Strategaticon*.
[47] Greg Tur. *VP*.VII.1–2.
[48] Heinzelmann, *Gregor von Tours* (*538–594*) p. 356; James, *Life of the Fathers*, 7. 2. From reference we might deduce that his wife Armentaria died in childbirth.

Armentarius.[49] He replaced Bishop Aprunculus of Langres (discussed below), who was the tenth bishop of Langres.[50]

One hypothesis is that the earlier bishop was the father, uncle or grandfather of Armentaria, wife of Gregorius Attalus although this is an unverifiable connection. The death of Bishop Armentarius in 506 may well explain the haste with which Gregorius Attalus was made bishop of Langres. As a relative by marriage it was possible for Gregorius Attalus to be chosen successor by the previous bishop.[51] If this was the case, the family connection with the see of Langres would continue, as well as the connection to church property and possibly some private property or land held by the family in the area. This may also account for the people of Langres being familiar with Gregorius Attalus and choosing him as their bishop.

Of the earlier Bishop Armentarius little is known. His predecessor Aprunculus was forced to make a hasty withdrawal in the 470's when he was exiled by the Burgundians and was then later made Bishop of Clermont.[52] Aprunculus of Langres was a correspondent of Sidonius and is also mentioned by Gregory.[53] Evidence for Langres being within Burgundian territory is given by Gregory in his description of the escape of Aprunculus. He states that 'rumours of the approach of the Franks was repeated in these regions', and the local population 'looked forward to the moment when they would take over the government' of that territory.[54] Whether this signifies that Langres was a city occupied by Burgundians is not clear. However, it would account for Aprunculus' choice of residence in Dijon and his escape. All of the above adds weight to the argument that Langres was still a Burgundian held city in 506.

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[49] Duchesne, *Fastes épiscopeaux,* vol. II, p. 186; Heinzelmann, *Gallische Prosopographie*, p 560; M. Heinzelmann, *Bischofsherrchaft in Gallien: ZurKoninuität römischer Führungschichten vom 4. bis zum7.Jahrhundert soziale, prosopographische und bildungsgeschichtliche Aspekte* (Munich 1976) p. 213.
[50] Heinzelmann, *Bischofsherrchaft in Gallien,* p. 213.
[51] Council of Orléans (511), canon 4.
[52] Greg. Tur. *DLH.* II. 23. Thorpe, *HF.* p. 137. The spelling of Aprunculus/Abrunculus shows that the sounds for p and b were at times indistinguishable.
[53] Greg. Tur. *DLH.* II. 23; Sid. *Ep.* IX.10. Gregory of Tours states that Aprunculus was the brother of Sidonius, but the greeting Sidonius made in his letter to Aprunculus is very formal compared with other letters to family members of Sidonius and was addressed 'to Lord bishop'. It is more likely that he seen as a brother in the religious sense by Gregory of Tours.
[54] Greg. Tur. *DLH.* II. 23.

Gregorius Attalus lived as bishop in the fortified city of Dijon.[55] Langres, a *civitas,* was fortified by the Romans in Caesar's period. The previously well-fortified Langres may have suffered destruction when Attila invaded Gaul and was in the area of preparation for the battle near Troyes (452).[56] The custom of a continued military presence in the town of Dijon may be one reason for the preference of the town over Langres to the actual *civitas* of the bishopric.[57] Today, Langres appears more isolated and more forested. The altitude is 475 metres whereas Dijon is closer to 240 metres. Additionally, the city of Langres was built on a rocky limestone promontory overlooking the Saône River, which may have made it a more difficult place to live.[58] Finally, during the third and fourth centuries Langres was an important stop on the route between Trier and Bordeaux — the former the residence of emperors and the latter the centre of administration for Aquitaine and communication with Armorica. The route went through Metz, Langres and Bourges. When Trier was abandoned by the emperor for safety reasons and he moved his headquarters to Arles, Langres and other places on that route became less important.

Whatever the reason for Gregorius Attalus' choice of residence we do know that the distance of approximately 65 kilometres between the two places makes it remarkable that at his age Gregorius made this journey weekly.[59] The journey to Langres from Dijon, which Gregory mentions the bishop made to perform mass, includes an incline that would have been difficult for even the fittest 80-year old.[60] There is however, adequate evidence of other bishops travelling between towns to councils or their parishes by a variety of different modes of transport.[61]

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[55] Greg. Tur. *VP.* VII.2. p. 61; *DLH.* II. 22; 32; Van Dam, *Glory of the Martyrs,* 50., p. 74; Van Dam, *Glory of the Confessors,* p. 54.

[56] *Chronica Gallica* (452), Th. Mommsen, *Chronica Minora,* 1 MGH AA t. 9. (Berlin 1961) p. 646–62; S. Muhlberger, *The Fifth Century Chroniclers: Prosper, Hydatius and the Gallic Chronicler of 452*, trans. (Leeds 1990) p. 137–52; Murray, *From Roman to Merovingian Gaul,* p. 85. Murray's translation states that: 'there was no province that was without a barbarian settler', in 451 Attilla 'entered Gaul as if he had a right for a wife that was owed him'. This statement indicates he plundered and took what he wanted. The distance between Troyes and Langres is approximately 124 kilometres. The area of the battle with Attila is uncertain but it may have been Méry-sur-Seine (Mauriacum).

[57] Sid. *Carm.*7. 315–6–66; Sid. *Ep.* VIII. 15.

[58] R. Schmittlein, *Avec Cesar en Gaul* (Paris 1970) p.257, 265; .A. Chastignol, *La Gaule romaine et Le Droit Latin* (Lyons 1995), XVII, p. 252.

[59] Scmittlein, *Avec Cesar*, p. 256. The distance between Langres and Dijon is a modern measurement.

[60] Today there is a lift from the car park below the fortified town for the residents to use to ascend to the city, indicating the degree of incline up to the city. One must assume Attalus did not walk the distance as described by Gregory of Tours but must have found some other form of transportation like a horse cart or carriage.

[61] Greg. Tur. *GC.*19; *GM* .83; Greg. Tur.*VP.* VI. 3. In the first reference both horses with saddles and wagons are mentioned for transportation of distances. In the second reference horses are mentioned in connection to travel on

Gregorius as bishop of Langres certainly travelled to the councils of Epaone (517), Lyons (518–523) and Clermont (535) as did his relative Gallus.

In terms of the installation of Gregorius Attalus, Gregory tells us that Gregorius was chosen bishop of Langres: … *convertitur, et electus a populo Lingonicae urbi episcopus ordinatur*.[62] He first went through the required *conversio* to become the bishop, which was prescribed by canon law as taking a year.[63] He was then elected by choice of the people, which indicates that he was known to the people of Langres. He was finally 'ordained' rather than 'consecrated'.

So why did he move to Langres instead of waiting for the position of bishop in Autun? Certainly there were the family connections in the see of Langres or in Dijon. Further, in 506 there was already a bishop in Autun, either Eufronius or Flavianus.[64] The death of Armentarius the previous bishop, who may or may not have been his father–in–law, or some other relative of his wife, gives us one possible reason for the choice of Gregorius as bishop.

Gregory repeats the bishop's preference for Dijon in his *GM*.[65] He describes the house of the bishop as being next to a baptistery which Gregorius Attalus built to house a number of saints' relics.[66] This discussion again enhances both the piety and authority of the bishop. Such buildings were passed from one bishop to another as part of church property.[67] Gregory describes the special relationship that Bishop Gregorius had with the saints of that city and how he communed with them during the night.[68] In the *VP*, he links the proliferation of the cult of Saint Benignus with Gregorius by stating that 'the saint revealed himself to the blessed confessor

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the road. In the last case the horse of the Bishop Quintianus of Clermont is mentioned here as if it was a common practice for a bishop to use a horse.

[62] Greg. Tur. *VP*. VII. 2, p. 61.

[63] See Chapter 4.

[64] Duchesne, *Fastes épiscopeaux,* vol. II. p. 178, no. 6 and 7. Their chronology is unclear, the former was possibly still alive in 475 and he corresponded with Sidonius. Sid. *Ep*. IX.2, VII.8. He possibly participated in the fourth Council of Arles, however he is not listed in Stroheker or in the councils as attending and neither is Flavianus.

[65] Greg. Tur. *VP*. VI. 2.

[66] Greg. Tur. *GM*. 50.

[67] See for discussion on ecclesiastical buildings J, Hillner, 'Clerics, property and patronage: the case of the Roman titular church,' *Antiquité Tardive* 14 (2006) 59–68; D. Quinn, 'Relics, religious authority, and the sanctification of domestic space in the home of Gregory of Tours: an analysis of the *Glory of the Confessors* 20,' *A Journal of Early Medieval Northwestern Europe* 10 (2007) 1–11.

[68] Greg. Tur. *VP*. VII.*2; GM*. 50.

Gregorius'. Rather cleverly Gregorius Attalus was able to promote a site frequented by locals as a healing site of Celtic religious origin. By claiming it as burial site of sainted Benignus, Gregorius curtailed the pagan practice. He then constructed a basilica over the site of his night-time revelation, thus giving it a Christian focus. Van Dam has remarked that the martyr Benignus was probably fictitious and Gregorius invented the cult.[69] Evidence from archaeological work demonstrates that the site later dedicated to Saint Benignus by Gregorius Attalus was in fact a previous pagan healing site.[70] Celtic objects uncovered at the site date to the first century and thus the pagan healing site was established in the area before Saint Benignus is said to have arrived in Gaul.[71]

Through his identification of the saint and his building works Gregorius Attalus becomes the person through whom the saint reveals his miracles. Gregory indicates that Gregorius Attalus constructed the basilica to the west of the walls of Dijon in honour of Benignus and possibly wrote or at least promoted a text in his honour, family members made later additions to the building.[72] Gregory describes how he installed the relics of Saint Benignus in the ancient baptistery in Tours. This action of transferring relics of a saint, already established as powerful and connected to the family of his great-grandfather, would have added authority to his own actions and episcopacy and to his own diocese.[73] Gregory always stresses who was responsible for constructing particular buildings. In this way he creates a further layer for his construction of the achievements and consequent authority his episcopal family members.

Gregory narrates a vision that occurred to his great-grandfather in which he was instructed to 'prepare a shelter for the saint'. First, he built a crypt employing excellent

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[69] Greg. Tur. *GM.* 50, Van Dam, *Glory of the Martyrs,* p. 75.
[70] In 2007, through the generous funding of the Department of Ancient History, Faculty of Arts, Macquarie University, I was able to visit the two towns of Langres and Dijon and the Musée archéologique. Today it is situated in the area used previously as the dormitory of the abbey named after Saint Benignus. The museum holds many stone, bronze and wooden sculptures representing bones of arms, legs, hands, eyes, breasts and other body parts, as well as statues of the goddess Sequana of the river Seine, found adjacent to Dijon.
[71] For discussion on Sequana and the later Christian development of the site into a saint's sanctuary see https://www.academia.edu/310638/Mermaids_and_Dreams_In_Visual_Culture L. Milne, p. 74. Musée archéologique Dijon staff indicated that site was excavated and the statues and the body parts discovered in 1963.
[72] Greg. Tur. *GM.* 50, p. 75, note 60.
[73] Greg. Tur. *DLH.* X. 31.

workmanship. Then he and the other priests moved the huge sarcophagus into the crypt.[74] These actions are framed within the other achievements of Gregorius Attalus, pointing to the miracle that was his ability to move the impossible weight of the tomb. Gregory of Tours not only establishes the history of the bishop of Langres, but also connects St Benignus specifically to the history of his own family and its influence. We also learn from this incident how local aristocrats sought to increase their patronage and reputation by constructing ecclesiastical buildings rather than the community buildings of previous periods. By attaching miracles and saints sites to themselves bishops were able to enhance their own authority and influence the status of their family.

Gregory gives us some indication of the role of bishops in the rescue of prisoners, while also enhancing the image of Gregorius Attalus as a saint. He relates the story of Gregorius' nephew Attalus, who was taken hostage with other provincial senatorial families. Bishop Gregorius and his slave Leo were instrumental in rescuing his nephew. Attalus had been exchanged with other aristocratic hostages when the two kings Theuderic and Childebert broke their promises and the hostages were forced into slavery in Trier.[75]

Gregory narrates in his *Vita* of Gregorius how the bishop walked to Langres to celebrate Epiphany and died there shortly afterwards in 539, probably aged 89. Apparently his body took some time to be carried back to Dijon due to the extraordinary weight of the coffin, whereupon it was carried inside the town and placed in the church. From the church he was moved to the Baptistery of St John which had previously been 'consecrated to the apostle John the teacher of Polycarp.'[76] In the course of carrying the body a number of miracles occurred and he achieved immediate sainthood.[77] The various miracles brought additional stature to the saint's authority and we know that the development and use of this *topos* in hagiography enhanced episcopal power. The bishops who officiated at the funeral took five days to arrive, and after that he was buried.

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[74] Greg. Tur. *GM*. 50.
[75] Greg. Tur. *DLH*. III.15.
[76] Heinzelmann, *Gregor von Tours,* p.19.
[77] Greg. Tur. *VP*. VI. 3, 4, 5.

We have evidence that Gregorius Attalus participated in three significant Church councils in his lifetime: Epaone (517), [78] Lyons (518 to 523) [79] and Clermont (535). [80] He sent a representative and his signatory to the council at Orléans (538), the year before his death.[81] We also have a letter sent by Avitus of Vienne to Gregorius when he was unable to attend a feast through illness.[82] The evidence suggests that he sent *expensa* to aid the celebration and their reply thanks him for this gift.

Gregory of Tours narrates his great-grandfather's achievements, outlines his known episcopal authority and connections to Saint Benignus, and finally tells us of the miracles that occurred after his death.[83] All of this adds to the reputation of the Bishop of Langres and by affinity also enhances the standing of Gregory's own family. [84] Although in both his narrative and hagiography, Gregory does not make a great deal of his own connection to the man.

## 7.3 Gallus Bishop of Clermont (525–551)

Gallus' father was Georgius and his mother was Leocardia. Heinzelmann connects the family to Inpetratus, another priest of Clermont, and distantly to Leocadius (Bishop of Bourges in the third century) and Vettius Apagatus (martyr of Lyons in 177).[85] Gallus was an ecclesiastical family member who was for a time a contemporary of Gregorius Attalus, although from the evidence connectiong them we only know that they participated in the same council at Clermont in 535.[86] They may have also met through their large family network. Gallus' brother, Florentinus, married Armentaria, the granddaughter of Gregorius.[87] Gregory of Tours is said to have had a close relationship with his uncle after his father died. He certainly lived in Gallus's house from

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[78] Gaudemet and Basdevant, *Les Canons*, p. 123.
[79] Gaudemet and Basdevant, *Les Canons,* p.127, 133.
[80] Gaudemet and Basdevant, *Les Canons,* p. 221.
[81] Gaudemet and Basdevant, *Les Canons,* p. 261.
[82] Shanzer and Wood, *Avitus of Vienne, Letters*, *Ep*. 64. p. 314.
[83] Greg. Tur. *GM*. 50. It is noted here that the numbers of sections in Van Dam *Glory of the Martyrs,* varies with numbers in J–P. Migne, *PL* (Paris, 1846**), Col. 0775B***,* Van Dam numbers this section 78 and it is number 79 in Migne's *PL.*
[84] Greg. Tur. *VP*. VII 4–5.
[85] See stemma in this Chapter.
[86] Gaudemet and Basdevant, *Les Conciles*, p. 221.
[87] Greg. Tur. *VP*. II. 2.

the age of eight until his uncle died, when he stayed on in Clermont with the archdeacon Avitus who eventually became bishop of Clermont.[88]

Of Gallus's appointment and his suitability for the office of bishop, Gregory states in his *Vita* of Gallus, that from a young age he was dedicated to God. He entered a monastery as a very young man. Because Gallus had a good singing voice he was noticed by his bishop, who was Quintianus of Clermont, and later by King Theuderic and his queen, all of whom admired his chastity. After Quintianus died, the local people of Clermont asked the local priest Inpetratus, an uncle of Gallus, who should be their next bishop.[89] Gallus put himself forward for the position, despite some apparent opposition from other clerics. [90] Inpetratus advised him to go immediately to the king who then made the choice of bishop for the community. Gregory does note that 'the clerics of Clermont came to find the king, bringing the consent of the people and bearing gifts'. Commenting on this non-canonical practice of bearing gifts to kings in an attempt to influence their decisions Gregory states 'At that time, like a pernicious weed, the custom by which sacred offices were sold by kings and bought by clerics had already started to grow.'[91] The king commanded that the local people enjoy a sumptuous feast to celebrate the appointment of Gallus as their 'future' bishop, at the 'expense of the public purse'. Gallus was ordained at the canonically acceptable age of 38, despite having been made a cleric by the abbot of the monastery of Cournon.[92] The king sent him together with two bishops back to Clermont where he served as bishop for 27 years. [93] 'Then Gallus entered the town, where he was welcomed by

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[88] Greg. Tur. *VP*. II. 2; VI.1–2; *DLH*. IV. 35.

[89] Greg. Tur. *VP*. VI. 3.

[90] Greg. Tur. *VP*. V1. 3; 4. The violence of the times is illustrated in his *Vita* of Gallus. Gallus was injured in the side by a local priest and later in the head by another. The priest Evodius, who was said to have come from a senatorial family, was also attacked while meeting a group of fellow ecclesiastics. Perhaps this reflects that Gallus' appointment was not desired by everyone in the community and the faction that brought gifts to the king were his suporters.

[91] Greg. Tur. *VP*. V1.3. trans., James, *Life of the Fathers,* p. 55. *Arverni vero clerici cum consensu, insipientium facto, et multis muneribus, ad regem venerunt. Jam tunc germen illud iniquum coeperat fructificare, ut sacerdotium aut venderetur a regibus, aut compararetur a clericis.* Migne, *PL,* 71 col. 1032A–1031B. Greg. Tur. *DLH*. IV. 5. The terms used for the clerics' choice was *cum consensu.*

[92] Greg. Tur. *VP*. VI. 2. The abbot would not have had the authority to ordain him as a bishop.

[93] Greg. Tur. *VP*. V1.3: *Quem presbyterum ordinatum jussit rex ut, datis de publico expensis, cives invitarentur ad epulum, et laetarentur ob honorem Galli futuri episcopi. Quod ita factum est. Nam referre erat solitus non amplius donasse se pro episcopatu quam unum triantem coquo qui servivit ad prandium. Post haec rex, datis ad solatium ejus duobus episcopis, Arvernis eum direxit:* J.–P. Migne, *PL* (Paris 1846), 71 col 1032A–1031B.

choirs of singers', which sounds not unlike an *adventus*. His ordination followed in his own church and is described by the term *ordinatur*.[94]

Gallus sent a representative to the council of Orleans (539) however he participated in Clermont (535), and Orleans (541and 549).[95] Gregory also makes reference to the miracles he performed. According to Gregory, Gallus' prayers to Saint Julian saved the district of Clermont from the plague and later from catching fire. On another occasion Gallus asked the deacon to stop singing and interrupting the church sermon, he refused and tried to sing again but his voice was prevented by a miracle performed by Gallus.[96] His final miracle occurred after his death when he moved his right foot and turned his body to face the altar. Gregory describes the funeral great detail and notes the outpouring of grief at his passing. Later the turf connected to his grave was taken by a virgin and used to accomplish further miracles.[97]

## 7.4 Tetricus Bishop of Langres (539–572)

Tetricus held the bishopric for 33 years. Gregory writes that the bishopric of Langres was held by the son of Gregorius Attalus although he too resided in Dijon. Venantius Fortunatus wrote in his epitaph that he was 'supremely favourite of kings' and refers to 'the stronghold of your kin', as well as his *patriae sedes,* both of which indicate the family connections to either Langres or Dijon.[98] He participated in the council of Orléans (549) and possibly the council of Paris (552).[99]

Tetricus also dealt with political and secular problems during his episcopate. Gregory states that in an episode after 555 Tetricus allowed the conspirer and royal prince, Chramn to

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[94] Greg. Tur. *VP*. V1.3. S. MacCormack, 'Change and continuity in late antiquity: the ceremony of *Adventus*,' *Historia* 21 (1972) 72–152.

[95] Greg. Tur. *VP*. VI. 5. Gregory tells us that Marcus Bishop of Orleans had previously been accused and exiled. At this council he was acquitted and restored to his see.

[96] Greg. Tur. *VP*. VI. 6.

[97] Greg. Tur. *VP*. VI. 7.

[98] Ven. Fort. IV. 3.

[99] At the former council also attending were Sacerdos of Lyons, Nicetius of Trier and Gallus who were all his relatives.

worship in the churches outside the walls of Dijon.[100] Even after the fall of the second Burgundian kingdom in 534 the city was still regarded as a fortress.[101]

When Tetricus grew old he discovered through his nephew Peter that his deacon Lampadius had been stealing from the poor of the parish. Gregory notes that the reason Peter, his brother, spoke up was because he was interested in the welfare of poor in the see. This is Gregory's first mention of his brother Peter, who he says intensely disliked the deacon Lampadius.[102] Peter is described as being resident in Langres under tutelage in the church of his uncle Tetricus. It was a common occurrence for a family member to be sent to a relative to learn the skills necessary to take up a position in the church. In Roman times young men were sent to their relatives to learn the skills to govern or take part in the Roman institutional system.

Our only information on the appointment of Tetricus comes from his epitaph where it states he was a bishop admired for his care for his community. He was a 'promoter of churches', and fulfilled the episcopal requirement as a 'silent benefactor of the needy' who even gave food to strangers.[103] Tetricus, as the son and successor to Gregorius Bishop of Langres added to the burial site of his sainted father laying foundations in an area behind the altar, and constructing walls and an arch. He moved the remains of his father in his original sarcophagus to this new resting place. Tetricus noticed a number of miracles near the tomb of his father and there were more after the renovation.[104] Gregory's descriptions of the building works illustrate the lengths to which bishops would go to house relics and create cult areas for saints. From this we can deduce the importance of specific structures and the cultivation of cults for the community. The manner

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[100] Greg. Tur. *DLH. IV.* 16. He was the son of King Lothar, so the grandson of Clovis I. The translator notes that both the churches of St. Paschasia and Saint Benignus were outside the walls. Chramn was not allowed to enter inside the walls of the city.

[101] Tetricus (bishop 539–572/3), Stroheker (nr 385); Heinzelmann, *Gallische Prosopographie*, p. 701, *Bischofsherrchaft in Gallien*, p. 260–527.

[102] Greg. Tur. *DLH.* V. 4. *GC.* 105; *HF.* IV.16. The heading in sections of *GC* indicates Gregory intended to write or perhaps had written something more of the life of Tetricus. He also mentions him on several occasions in the *Histories,* including his reference to 'an earlier book'. Whether he indicates *VP* or another book is not known, so he may have given more information than we currently have on this installation.

[103] Ven. Fort. IV. 3. Roberts, *The Humblest Sparrow,* trans. p. 33–4.

[104] Greg. Tur. *VP*. VII. .4–5.

in which a particular sacred space was used within a site, together with the construction of buildings, enhanced the prestige of the bishop and their authority.[105]

In later life Tetricus became disabled through a stroke. The local clergy became concerned about his ability to carry out the episcopal duties and requested that Munderic to be made bishop. With the king's agreement Munderic was 'tonsured' and 'ordained'.[106] As long as Tetricus lived the provision was made that Munderic was to be *archipresbitur* in the town of Tonnerre.[107] As noted above, canon law did not allow for a replacement bishop to be appointed while another bishop still lived. When a bishop became incapacitated, he was allowed to have another bishop appointed merely to assist him. The latter could not, however, become the official bishop until he died. At a later time after his ordination to Tonnerre, Munderic angered the king and was removed from any action in Langres and Tonnerre, eventually fleeing to the see of Nicetius of Lyons. He attempted to get reinstated although King Chilperic, who would not give permission. He then fled from Chilperic's territory to the kingdom of King Sigibert, where he became bishop of Alais.[108] We have no further information on who helped Tetricus in the interim except his nephew Peter remained there. As Tetricus approached death the people of Langres requested another man be appointed. Tetricus died in the year 572.

## 7.5 Silvester Priest and Bishop Elect of Langres[109]

Gregory narrates the episode in which Silvester was chosen as bishop; stating 'he was at once one of my relations and had a connection to Tetricus', although his exact relationship to Gregory is uncertain.[110] His episcopal installation was instigated by Peter, Gregory's brother. Silvester was a layman, who was firstly 'tonsured' and then 'ordained' as a 'presbyter'. Thus we know he had previously not held a position in the church. As canon law stated, when a man progressed from 'tonsuring' and training as a cleric and through the various levels in the ecclesiastical

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[105] See Appendix I for discussion of buildings and plates of baptisteries from the fifth to the seventh centuries.
[106] Greg. Tur. *DHL* V.5. In this case when Munderic was appointed Gregory states he was 'tonsured' and then uses the term *ordinare*.
[107] Council of Chalon (647–653) canon 20. It was against canon law for two bishops to hold one office.
[108] Greg. Tur. *DLH*. V.5.
[109] Stroheker, *Der senatorische Adel,* no 359, p. 219
[110] Greg. Tur. *DLH*. V.5; Translation, Thorpe, *HF*. p. 260.

hierarchy, this process had to take place over at least a year.[111] As bishop elect, Silvester was put in charge of the church property, while preparation was made for his 'consecration' which was to take place in Lyons, where his future benediction was to be held.[112]

However, Silvester became ill and suffered fits (apparently a longstanding affliction). He died after three days' illness. Peter was accused of murdering Silvester by his previous enemy the priest Lampadius, as well as the son of Silvester. He was judged innocent by Nicetius, Bishop of Lyons (his uncle), Syagrius of Autun and a number of other bishops who presided over an ecclesiastical court.[113] Peter was reinstated as deacon in Langres, where two years later he was murdered by the unnamed son of Silvester. Peter was buried in the mausoleum with his great-grandfather Gregorius Bishop of Langres. Interestingly, it is only at this point that Gregory actually acknowledges his familial relationship to Gregorius Attalus.[114] The subsequent bishop of Langres, Pappolus, later discovered that Lampadius had stolen much property and land from the church whereupon all his possessions were taken away and he became a pauper.

If all the dates above can be believed we can conclude that this family held authority over the see of Langres, including Dijon, for a total of 66 years.

## 7.6 Sacerdos Bishop of Lyons (died 552) [115]

Sacerdos, Bishop of Lyons, was the uncle of Nicetius of Lyons and the brother of Nicetius' mother Artemia. His relationship to the family of Gregorius Attalus is quite distant, but he was related to Gregory on his mother's side.[116] We have no knowledge of his actual appointment to the bishopric. Heinzelmann states he may have had a civil position prior to his episcopal appointment. [117] Gregory remarks that Sacerdos died following the synod held at Paris to depose

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[111] See Chapter 5.
[112] Greg. Tur. *DLH.* V. 5. The terminology of Gregory used was not *consecratio* but *benedictio.*
[113] Stroheker, *Der senatorische,* no. 375, p. 221.
[114] Greg. Tur. *DLH.* V.5.
[115] Lupinus Bishop of Lyons came to the council of Orléans (538) so possibly Sacerdos succeeded him after that time. Sacerdos does not seem to participate in any council except Orléans V (549).
[116] Greg. Tur. *VP.* VIII.
[117] Ruriscius of Limoges and friends; *A Collection of Letters from Visigothic Gaul*, R. W. Mathisen, trans. (Liverpool 1999) p. 260. Heinzelmann, *Bischofsherrchaft in Gallien,* p. 130–1. Heinzelmann has concluded this from the grave inscription and decoration.

Bishop Saffarac. In the *VP*, he mentions Sacerdos was loved by the Childebert the king who visited him when he was dying. Childebert agreed to the wishes of Sacerdos, namely that his nephew Nicetius, already a priest, could be chosen to succeed him. In this instance we find a king bowing to the wishes of an incumbent bishop. However, we are also told that Sacerdos had done with care all that the king had commanded of him.[118]

## 7.7 Nicetius Bishop of Lyons (552–573)

Nicetius was the brother-in-law of the unnamed son of Gregorius Attalus, as was Duke Gundulf.[119] Distantly related to Gregory on his mother's side, he is also mentioned in connection with Peter and Munderic, discussed above. Nicetius was the son of Artemia and her husband Florentinus. Previously, his father had been asked to become Bishop of Geneva. According to Gregory he refused at the request of his wife who stated she would give birth to a bishop. In this passage Gregory uses the analogy to Abraham listening to his wife, who similarly was to bear an important child. All of this added to the religious reputation of Nicetius and is an obvious rhetorical tool used in hagiography.[120]

Nicetius was 30 years old when he was ordained.[121] He was nominated by bishop Sacerdos as his successor.[122] In terms of the installation of Nicetius we are told little. A scribe has added to the manuscript at a later date: 'with the full consent of the king and the people, Nicetius was appointed bishop of Lyons'.[123] We also know from Gregory that Sacerdos had chosen Nicetius to receive the bishopric, using the verb *suscipio;* there is no mention of the king's involvement. Gregory tells us of his chaste nature, for example, when he shared a bed with the young Gregory, aged eight.

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[118] Greg. Tur. *VP*. VIII 3.
[119] Greg Tur. *DLH*. VI.11. Duke Gundolf appears to be quite closely connected to the court of King Childebert. He was sent on several missions to relieve the sieges of towns of Marseilles and Avignon held by King Guntram and is described as man from a senatorial family who had risen to be duke.
[120] Greg. Tur. *VP*. VIII.1. In this passage Gregory uses the analogy to Abraham listening to his wife, who similarly was to bear a child. All of this adds to the religious reputation of Nicetius and is obvious hagiographical rhetoric.
[121] Greg. Tur. *VP*. VIII. 2.
[122] Greg. Tur. *DLH*. IV. 36. *VP,* VIII.3.
[123] Greg. Tur. *VP*. VIII.3, James, *Life of the Fathers,* p. 68.

## 7.8 Eufronius Bishop of Tours (556–573)

Eufronius was the uncle of Gregory. He became Gregory's ecclesiastical mentor and was his predecessor as Bishop of Tours.[124] Eufronius' father was the son of the unnamed son of Gregorius Attalus and so he was nephew to Tetricus Bishop of Langres and cousin of Armentaria II the mother of Gregory of Tours.[125] Venantius Fortunatus writes of the basilica he renovated and praises his venerated ancestry.[126]

When Gregory describes the episcopal appointment of Eufronius, he mentions he was a man from a senatorial family who was already a presbyter in the parish. Through their 'consensus' the people of Tours made a request for his appointment to King Chlothar I. The king initially refused because he had already asked for Cato, another priest, to be ordained but later changed his mind he realised Eufronius was the nephew of the famed and Sainted Gregory of Langres, stating 'the election was completed with the grace of God and Saint Martin'.[127] In this account it is clear that again the people petitioned the king after they had come to an agreement on the candidate, Eufronius and his election was merely confirmed by the king. There is no mention of local clerics or bishops being involved in the installation.

Several episodes in his life and his actions against authority give us an idea that Eufronius was a strong character. For example, he refused to sign a document requesting the appointment of a new bishop of Saintes, in order to replace one already installed, one Bishop Emerius.[128] We have yet another episode where Gregory indicates that Eufronius was not afraid of secular or royal influence. On behalf of the people of Tours he refused to pay certain newly devised taxes. He destroyed the tax lists and gave the money back to the church in Tours.[129]

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[124] Greg. Tur. *DLH*. IV. 14; IX. 39; *VP*.XV 1.

[125] Thorpe, *HF*. IV.15. In Thorpe's translation Eufronius is named as nephew of Gregorius, however the Latin states *nepotum* which translates as grandson. In Heinzelmann's stemma Eufronius is shown as the grandson. See stemma in Appendix I.

[126] Ven. Fort. 1.13; III.1; 2.3; 3.

[127] Greg. Tur. *DLH*. IV.15.

[128] Greg. Tur. *DLH*. IV. 26. Bishop Leontius of Bordeaux deemed Emerius' 'ordination' questionable. Emerius had been appointed on the order of the previous king. *...Emerium ab episcopatu depulit, adserens, non canonice eum fuisse huic honore donatum. ... Decretum enim regis Chlotharii habuerat, ut absque metropolis consilium benediceretur, quia non erat praesens. eiectum ab episcopatu, pro eo quod, praetermissa canonum sanctione, urbis Sanctonicae episcopatum ambivit. Ideoque consensum ad te direxerunt, ut alius in loco eius substituatur; quo fiat, ut, dum transgressores canonum regulariter arguuntur,...* See further sections 2.1.2 and 4.1.1.

[129] Greg. Tur. *DLH*. IX. 30.

Further when Queen Radegund acquired the remnants of the true cross, it was Eufronius who officiated at the service for the installation of the relics, not Maroveus bishop of Poitiers.[130]

He presided over church councils held in the period as well as addressing a letter to the people of Tours, which can be found attached to the text of the council of Tours (567). The subject matter of the letter is quite varied. It refers to correction, or restoration, of certain acts not performed through negligence and outlines the conduct that was required. It also addresses the issues of chastity of body and heart for those who are betrothed, as well as charity, tithes and slaves, redemption of prisoners, incestuous unions which were not to be permitted, the requirement to follow canon law as well as practices at festivals and finally, that penitence was required to avoid 'divine judgement'.[131] We know he participated in the important council of Paris (556–573), where canon 8 clearly states the sole episcopal authority over election of bishops and the consensus required.[132] From these two councils we can see that Eufronius was determined to retain episcopal authority.

Like his predecessors Eufronius also put some effort into church building programs. He restored two churches that had been destroyed by fire, with the financial help of King Lothar. He also constructed St Vincent's church as well as several others in local villages. On his death, he was buried in the church of Saint Martin.[133]

## 7.9 Gregory Bishop of Tours (573–594)

Gregory's birth is mentioned as St Andrew's Day, 30th November 539, in Clermont. He was originally named Georgias Florentius but presumably took the name Gregorius after his famous great-grandfather. Gregory states that when his father died he was placed with his uncle Gallus, Bishop of Clermont. After his uncle's death he stayed on in Clermont under the tutelage of the archdeacon and eventual Bishop of Clermont, Avitus (during the period 551–572).[134] At this time he also made visits to his other episcopal relations, Nicetius of Lyons and Eufronius of

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[130] Greg. Tur. *DLH*. IX. 40.
[131] Council of Tours (567), CCSL 148A, p. 195. Letter to Radegund. p. 197–9. The letter is titled: Letter to the people of the province of Tours.
[132] Council of Paris (556–573), canon 8, CCSL 148A, p. 208.
[133] Greg. Tur. *DLH*. X. 30.
[134] Greg. Tur. *VP* II, 2.

Tours.[135] His preparation for his ecclesiastical career was impeccable and at age 25 he was ordained as a deacon.[136]

Our knowledge of the installation of Gregory himself is only fragmentary and he appears reluctant to advance too much detail. Gregory first mentions that the episcopal seat of Tours remained vacant for 19 days following the death of Eufronius.[137] He only tells us at the end of his last book that he took over the see when it was in a state of ruin through fire.[138] Nevertheless, we do have some reports of his appointment from other sources. Venantius Fortunatus relates the *adventus* of Gregory when he arrived in Tours after his ordination in Reims by Bishop Egidius.[139] His arrival or *adventus* is similar to the one described in the installation of Gallus, both had royal participation in their election and the initial installation occurred outside their see. We have additional information from Heinzelmann in connection with the oath of fidelity to the Frankish realm. When a bishop was appointed he also had to give an oath to the current king.[140] Venantius mentions the various kings and queens who favoured Gregory; these included Radegund, Sigibert and Brunhilde.[141]

At the council of Paris (573), Egidius, who ordained Gregory, was judged by the ecclesiastical court of an ecclesiastical offence. He was accused of having ordained a bishop out of his area of jurisdiction and by order of the King Sigibert, both of whom were judged incorrect for this action. Significantly, Gregory was also favoured by the King Sigibert. Gregory's own ordination took place in another bishop's province out of the jurisdiction of his province of Tours, and was also performed by Egidius. Gregory was appointed in the same year as the judgement of Egidius at the council of Paris mentioned above, which may have influenced the way Gregory was received and treated in Tours. In 590 at a council at Metz, Egidius of Reims was deposed from his bishopric and sent into exile

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[135] Greg. Tur. *VSM* 1, 32–3.
[136] Greg. Tur. *VP* VIII, 3.
[137] Greg. Tur. *DLH*. X. 30.
[138] Greg. Tur. *DLH*. X. 31.
[139] Ven. Fort. *Poems,* 5.3–4; 5.8.
[140] M. Heinzelmann,'Bischof und Herrschaft vom spätantiken Gallien bis zu den karolingischen Hausmeiern. Die institutionellen Grundlagen,' in F. Prinz (ed.), *Herrschaft und Kirche* (Stuttgart 1988) p. 72 f. Certain emperors also required an oath of loyalty. P. A. Brunt and J. M. Moore, *Res Gestae Divi Augustus: the Achievements of the Divine Augustus* (London, New York 1976) p. 8–9.
[141] Ven. Fort. *Poems,* 5.3.

Interestingly in the year prior to his episcopal installation, his relative Tetricus of Langres died and was replaced by a layman Silvester, not by either Gregory or his brother who were known in Langres and were suitable candidates through age and ecclesiastical experience. Further in 573 two relatives died who were also bishops, Nicetius of Lyons and Eufronius of Tours. It is again remarkable that Gregory was not chosen for the see of Lyons, which was closer to his family's home, and where he had developed close family connections, but instead was appointed to Tours where he was relatively unknown and did not appear to have family land.

We can surmise a number of reasons why Gregory went instead to Tours. The town of Tours and its cult of Saint Martin was favoured by a number of kings at the time. Tours was also closer to King Chilperic's court in Neustria, although Sigibert's kingdom was initially in Austrasia with Reims as an important city. Later Sigibert took parts of Theuderic's, Guntram's and Chilperic's kingdoms. Both Langres and Lyons were situated in the kingdom of Burgundy, currently ruled by Guntrum. Gregory was ordained in Reims, which was at that time under the control of Sigibert. I would suggest he was placed in Tours, which was an important city because of the cult of Saint Martin and appears to have been pivotal in various civil disturbances.[142] It would have been important to have a bishop installed in such a central location who was loyal to the kings. Throughout his bishopric Gregory continued his connection to members of the royal family and the court. He was particularly close to both Guntrum and Radegund.

There is ample evidence from Gregory of the problems he experienced during his episcopate. He had particular difficulties with two local priests, both named Riculf, as well as the local counts, Eunomius and Duke Berulf. The first Riculf was named priest (previously an *archidiacon*) of Eufronius, the other Riculf (possibly a relative of the former) was the sub-deacon. He perhaps expected to become the successor to Eufronius. Gregory was accused of slander and judged at the ecclesiastical council at Berny. His accuser, Leudast, stated that he was informed of the slander by Riculf the sub-deacon. This Riculf was put in chains and imprisoned. He was later condemned to death for his involvement, although Gregory managed to get him a reprieve. The archdeacon Riculf was involved with Duke Leudast in conspiring against both the

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[142] Greg. Tur. *DLH*. IV. 22; 23; 30; 47–51.

king and Gregory. He took possession of church goods and property in Tours while Gregory was absent. Another council condemned this Riculf to a monastery from where he escaped and later stayed in the see of Felix of Nantes.[143] Bishop Bertram of Bordeaux, as well as the local count Leudast, accused Gregory of instigating the rumour of treason. The accusation against Gregory resulted in an ecclesiastical court held at Berny-Rivière. The bishops attending this council were ordered by King Chilperic to attend at his royal villa.[144] Venantius writes a poem (panegyric in style) on the occasion of this council and court, in which he praises Chilperic with flattering accolades including reference to the loyalty of bishops.[145] All of the accusations were resolved although Gregory's position as bishop remained tenuous despite the fact he was highly regarded by several kings and queens.

Gregory gives us a great deal of information about church councils, those he attended and those he did not.[146] Gregory gives us many detailed descriptions which demonstrate the authority of king and bishops in action as well as the agendas of the various participants. He provides us with a number of speeches that delineate the boundaries between the secular and ecclesiastical spheres and demonstrates the changeable nature of the relationship between the differing authority of kings and church leaders. The canons loom large in his description of how this authority of kings and bishops were mediated through canon law.

Gregory of Tours was attached early in life to the cult of Saint Julian of Brioude, whose shrine is situated a distance from Clermont. His uncle, Bishop Gallus of Clermont, instigated rogations and started a pilgrimage at Lent to the shrine, which was said to be situated 360 *stades* (65 km) from Clermont.[147] A stranger later told Gregory the Saint could save his mother's home

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[143] Greg. Tur. *DLH*. V.11;14; 49. See for further discussion W. C. McDermott, 'Felix of Nantes: A Merovingian Bishop,' *Traditio* vol. 31 (1975) p. 12–14. Despite Gregory's long description of the trial and outcome his version omits certain facts. See Wood, 'Secret histories of Gregory' p. 257–8.

[144] Greg. Tur. *DLH*. V. 49.

[145] Ven. Fort. 9.1; George argues that the poem supports Gregory rather than the view of some scholars who consider it betrays him. See George, *Venantius Fortunatus: Personal and Political Poems*, p. 73 note 1.

[146] Greg. Tur. *DLH*. V. 18 — Council of Paris (577); *DLH*. V. 27 — Council of Chalon (579); Greg. Tur. *DLH*. V.49, Ven. Fort. *Poems,* IX — Council of Berny (580); Greg. Tur. *DLH*. VI.1 — Council of Lyons (581); Greg. Tur. *DLH*. VIII.7 — Council of Mãcon (585) — Gregory mentions this council in detail, however he appears not to sign as a participant; Greg. Tur. *DLH*. IX.32 — place unknown.

[147] Greg. Tur. *VP*. VI.

from the plague: she prayed to St. Benignus after a vision and receiving this information.[148] Even when Gregory became bishop of Tours and adopted Saint Martin, he never abandoned Saint Julian or Saint Benignus. He moved their relics to Tours.[149] Such a relocation of relics may have had several purposes not the least of which is Gregory's close family connection to those two saints. Removal of the relics from their original site prevented other bishops from using the sites for their benefit. Important sites had many pilgrims and a local bishop benefitted greatly from having a famous saint within their see. However, we cannot discount the possibility that the action of moving all the other saints' relics to one site might also be seen as move to reduce competition and increase the prestige of the cult of Saint Martin.

### 7.9.1 Ecclesiastical buildings

Gregory's building works and his connection to the city and its saints was very important to him personally. At the end of his last book he boasts that he rebuilt the cathedral previously destroyed by fire, which he made 'bigger and higher' than previously. [150] He also improved the walls of the church of Saint Martin. He tells us his mother visited the shrine of Saint Martin after Gregory's own 'ordination', and was cured of some pains in her legs. These occurred as a result of Gregory's own birth some 34 years previously.[151] He was also involved in building and restoring many other churches in the neighbourhood, which were dedicated by him and housed more relics of saints. He constructed a baptistery where he put several relics as well as placing the relics of Saint Benignus in the older baptistery. He embellishes his description of his commitment to finding saints' relics by describing his examination of an ancient reliquary containing the remains of a number of known early Christian martyrs, which had miraculous power. He placed these in the cathedral and other churches of Tours. Gregory himself is a recipient of the miraculous powers of the saints — when his eyes were healed with holy ointment from the saint.[152]

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[148] Greg. Tur. *GM*. 50.
[149] Greg. Tur. *DLH*. X.31; Van Dam, *Glory of the Martyrs*. 64, p. 3–4; 89. Van Dam gives the title *Suffering and Miracles of the Martyr St Julian*, *VJ*. 23; 24;
[150] Ven Fort. Carmina, 10.6. Venantius confirmed the rebuilding in a poem.
[151] *Liber De Miraculis Beati Andreae Apostoli*, M. Bonnet (ed.), MGH (Hannover 1969), t. I pt. II p. 38; *Liber De Virtutibus Sancti Martini episcopi*, B. Krusch (ed.), MGH t. 1 pt. II, III, p.10.
[152] Greg. Tur. *GM*. 50.

Buildings were very significant in the construction of bishops' authority and identity. They were often associated with cult sites of specific saints. While the topic of ecclesiastical buildings, their improvement and the development of saints' sites and their connection to episcopal authority has already been explored in depth by other scholars, Gregory's own commentary on the building works of himself and his predecessors is something that has not been considered in as much depth.[153]

Gregory's interest in building works by his predecessors is an essential part of his work in the creation of the ecclesiastical family history.[154] He tells us that Saint Quintianus improved the church of Rodez when he was bishop there. Tetricus, son of Gregorius of Langres, built an apse, circular walls and arches in the church where his father was buried in order to give better access to the former bishop's tomb. Gregorius himself reconstructed a crypt over the burial site of St. Benignus and later built a church over his crypt. In the baptistery that Gregory of Tours built near the church of St Martin, he placed the relics of St. Benignus, thus symbolically connecting himself to the episcopal authority of his great-grandfather Gregory. Gregory also points to other bishops who built ecclesiastical buildings or added to already established churches or basilicas.[155] Where there were successive family members holding episcopal office we find bishops following the practices set down by earlier relatives. We can see the progressive development of saints' tombs with new buildings or more elaborate decoration.

In terms of his own episcopal lineage Gregory describes many of the bishops of Tours, 13 of whom he claimed as family members, who constructed ecclesiastical buildings or added decorations, thereby enhancing the authority established by their predecessors.[156] Litorius built the first church inside the city of Tours. Saint Martin, during his episcopate, built the monastery at Marmoutier, a church in honour of Saints Peter and Paul and six parish churches. Bricius constructed a small church over the place where Saint Martin was buried. Eustochius built churches in the parishes of Braye, Yzeures, Loches and Dolus as well as a church in Tours to

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[153] Brown, *Relics and Social Status*, p. 223–5; Brown, *Cult of Saints,* p. 40–2; S. Coates, 'Venantius Fortunatus and the Image of Episcopal Authority in Late Antique and Early Merovingian Gaul,' *The English Historical Review,* vol. 115, No. 464 (Nov. 2000) p. 1115; 1122–4; Rebillard and Sotinel, *L'Évêque dans la Cité,* p. 377–404.

[154] Greg. Tur. *VP*. IV; 1; VII 4; *GM.* 50; *DLH.* X 31.

[155] See the plates of the extant fifth to seventh century churches and baptisteries in Appendix 1.

[156] Greg. Tur. *DLH*, V. 49; R. W. Mathisen, 'The family of Georgius Florentius Gregorius and the bishop of Tours,' *Medievalia et Humanistica,* vol. 12 (1984), 83–95.

house Saints Gervasius and Protasius' relics. Perpetuus built Saints Peter and Laurence's church, as well as parish churches at Ebres, Mougon, Barrou, Balesmes and Vernou. Volusianus built Saint John's church in Marmoutier. Licinius, before he was bishop, built a monastery on land he owned. Ommatius, the 12th Bishop of Tours began construction of Saint Mary's church inside the city of Tours and restored the church of the Saints Gervasius and Protasius. Injurius, the next but one bishop of Tours to Gregory, completed the building of Saint Mary's and Saint Germanus' churches. Eufronius of Tours rebuilt several churches that were burnt down as well as others in three villages.

Gregory ties the ordination of each bishop to their accomplishment in building or reconstructing the many churches, baptisteries, monasteries and other buildings. In this way he adds to their authority. Through his description of continuous activity he creates a relationship with the previous bishops of Tours. Gregory, however also writes that he developed the buildings further that his predecessors. By expounding the authority of his episcopal relatives and connecting it to his own building projects he further enhances his own authority.[157]

Gregory's technique of constructing the authority of individual bishops in relation to their suitability and their ordination, their achievements in buildings and saints' sites, and the miracles in their see on their death are all extremely significant. Buildings and relics, as much as the written record of good deeds and miracles, are all tangible reminders of episcopal authority. Like a building itself, Gregory develops a structure from which to give legitimacy to the authority of bishops. His construction of authority through material evidence not only enhances his own authority as a bishop but also creates for himself a major role as a commentator on the institutionalisation of the leaders of the church in this period.

## 7.10 Conclusion

According to the pages of his narrative there were many episodes in which Gregory's authority was questioned, times when he faced great difficulties with kings, local leaders, other bishops and clerics. His description of events gives us an indication of the political problems of the times,

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[157] Greg. Tur. *DLH*, X. 31.

as well as the infighting between various ecclesiastical groups. Gregory could see the changing pattern of provincial families, remarking that certain men were able to climb 'the apex of worldly nobility' in favour of 'heavenly' concerns. 'They are like birds soaring out of snares and flying up into the sky.'[158] It is clear from the evidence that several matters were important to Gregory. He is firm on the idea that episcopal appointments needed to be canonically regulated, that the suitability of candidates was essential, which included their senatorial background, their status in the church as priest, deacon or otherwise, their piety, chastity, celibacy and ascetism, and finally their connection to royalty through patronage. Gregory shows himself familiar with the various requirements in canon law for advancement of the episcopacy: age, marriageable state, piety, ecclesiastical knowledge, placement on the ecclesiastical hierarchy and acceptance by the people and clerics.

This study examines how Gregorius Attalus made certain choices and how these choices influenced his sons, grandsons and great-grandsons to enter the episcopate. While the information about the personality and career of Gregorius and his descendants will always be only part of the story what we can determine is their importance in the creation of an ecclesiastical lineage for Gregory of Tours. In addition, as each family member was ordained, he commonly donated some property to the church. This enriched the church, but was often detrimental to the overall holdings of the family. Choosing a religious life also had an impact on the family lineage in the long term. In the stemma of this family, and many other aristocratic families of the period, we can also see a decrease in the number of direct heirs.

In terms of royal involvement in ecclesiastical affairs, many members of this family are shown to have had a place at court, or political involvement with royalty including Tetricus,[159] Nicetius, [160] Sacerdos, [161] Gallus and Gregory himself. For several family members, royal patronage was essential for their installation as bishops.[162] Gregory's own relationship with Frankish royalty was not unproblematic and at times his episcopal authority was questioned.[163]

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[158] Greg. Tur. *VP*. V1. p.52.
[159] Greg. Tur. *DLH*. IV. 16; VIII.5.
[160] Greg. Tur. *DLH*. VIII.5; *VP*. VIII 3.
[161] Greg. Tur. *VP*. VIII 3.
[162] Greg. Tur. *VP*. VI. 2–3; 5; Greg. Tur. *DLH*. IV.15;
[163] Greg. Tur. *DLH*. V. 49.

Gregory devotes some attention to the innovative but now almost necessary requirement for episcopal installation of approval or patronage by various royal family members. Yet we also get a clear picture of how much he thoroughly disapproves of the recent trend towards gift giving and the use of money to gain appointment.

When we turn to Gregory's treatment of church councils we find more evidence of his concern with correct procedure. Many of this examples deal with recalcitrant bishops or bishops exposed as impious, or non-canonically elected. He demonstrates the clear understanding of canon law that we would certainly expect from a bishop of this period. His knowledge of canon law underpins all of his the descriptions of the appointments within his own family as well as his descriptions of those outside the family.

As we have seen from the small study of one family, the contemporary ecclesiastical discourse was concerned with suitability, legitimacy and authority, through the correct canonical installation of church leaders. Examination of the appointments of descendants of Gregorius Attalus to ecclesiastical office adds further depth to our understanding of the terminology of episcopal appointment. We can observe the changes that were taking place in the social and political structures of Gaul. Gregory's great-grandfather was the last senatorial, aristocratic office holder in the family and the majority of his descendants were associated with the church in more than one way. This fact was important for the future of the church, the family and its property. Bishops of the fifth and sixth century were often older married aristocrats, such as Gregorius Attalus, who had previous experience in civic administration, and who had already had a family. By the end of the sixth century, when the Franks begin to enter the church as clerics, the admission into the episcopate and the dynamics of the ecclesiastical body had changed considerably and a different picture emerges in the seventh century.

# Chapter 8. Conclusion

The framework of the background to this study is located within the successor kingdoms of late antique Gaul. Although there has been much scholarly debate on the topic of episcopal authority and its construction, through a variety of different approaches and periods no one has yet approached it from the perspective of a detailed examination of the terminology of the contemporary canons. It was crucial first to separate the complexities of the various elements connected to episcopal appointments and to analyse, amplify and compare both the terminology and the procedure through a wide spectrum of evidence. In particular, the regulations set down in canon law of the sixth and seventh century, provide a wealth of information and much scope for speculation.

I therefore focused on the process, terminology and context of episcopal installation through examination of a variety of sources. These included canon law and other sources from Gaul from the fifth to the end of the seventh century. The concerns of the church leaders and the canons they promulgated to deal with these concern were repeated many times over this period. Topics such as the age of a bishop at the time of his appointment, his suitability as a candidate, succession planning, legitimate ordination and election were all, at some time or another, the focus of attention at church councils. Their importance and authority is made clearly visible by their repetitive usage. In addition, the narrative history supports this picture of concern with examples that point to the types of problem facing the ecclesiastical hierarchy in controlling the administration of the canon law and regulating the conduct of those concerned with the ordination and election of bishops.[1]

Issues that were addressed include: the age and suitability of candidates; the place of final appointment; the number and status of bishops involved in the installation; the requirement for the involvement of certain community groups in the choice of bishop; nepotism; simony; increased royal involvement; factional interference in legitimate appointments; retention of

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[1] *Greg. Tur. DLH*. Anderson, *Sidonius poems and letters*;

church property by incumbents or their relatives; and encroachment into other bishop's areas.[2] While a simplistic interpretation might imply that contemporary bishops prescribing canon law clung blindly to a model from an earlier period which failed to recognise the reality of church life as it had developed, a more complex analysis reveals an understanding of the changes required to help strengthen the church. Kings and bishops were both testing their authority at the councils and written evidence from the councils indicates that in the sixth century and less so in the seventh century, bishops as a group were a strong force in the developing kingdoms. They sought to judge individual non-compliant bishops or even kings and to impose the rule of canon law as shaped and moulded by themselves. Gregory of Tours, as a narrative source who provides us with a wealth of information often vehemently implies that bishops played a central role in the governance of both church and state in the autonomous kingdoms of late antique Gaul, seeking to further the benefits for their communities of the faithful.

So how did contemporary bishops establish their legitimacy and maintain their authority in the successor kingdoms. I believe that legitimacy and authority were connected closely to the way that bishops were appointed. The evidence from canon law and other sources from this period indicate overwhelmingly that it was necessary for correct procedure to be followed. Appointments to the episcopate made without the correct canonical procedure were often found to be null and void, although some were successfully kept in the background.[3] A lot depended on the ongoing support of fellow clergy, and of other people who mattered such as kings. Local clerics, the people of the towns and cities, and the provincial bishops were intimately involved in the choice of their bishops.

Following the change in administration of the territory of Gaul from Roman to autonomous kingdoms, the church councils of the sixth century reflect an old Gallo-Roman aristocratic individuality merging with a Christian identity to form a new authority. The church councils, reveal an emerging and complicated rapport between the new rulers of Gaul and the church. It was found that kings rarely personally participated in the councils and were not physically present at most councils, nevertheless the aspirations of kings and

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[2] See Chapter 4. Gaudemet and Basdevant, *Les Canons,* p. 75, Council of Orléans, (511), canon 4
[3] For instance Gallus of Clermont, Eufronius of Clermont, and Gregory of Tours, all were appointed with royal support and managed to hang onto their episcopate with continuing patronage.

bishops have been shown to be in accord. Both parties wished to control their communities and saw a rigorous episcopate and a thriving church as a means to an end. For example, we have the edict issued by King Guntrum in 585, to the effect that kings and bishops must work together to impose the canonical correction on the community.[4]

In chapter 2 we examined how church councils worked in reality, with particular focus on the procedure of episcopal ordination. A close study of the prefaces and letters attached to councils further broadened the picture, revealing considerably more about how bishops maintained or lost their authority through transgressions of canon law. We also looked at the participation of kings in church councils and discovered that contrary to scholarly opinion they rarely attended councils unless the reason for calling the council was connected to something of interest to them politically, for example, an ecclesiastical case against a particular bishop. Overall the understanding of canon law demonstrated by clerics and bishops attending these councils was surprisingly complex. They clearly understood many of the intricacies of the law, despite the evidence we have of them actively flouting or bending the rules at times.

In Chapter 3 we turned from an overview of the history of episcopal appointment in the context of the early church to focus more closely on the development of the overall terminology for episcopal appointment. In doing so we were able to see the adjustments in procedures from the first centuries of Christianity. The analysis included a study of the foundational period of Christian writings and examination of early documentation of formal regulations for installing bishops in both canon and civil law. The first writers of both ecclesiastical works and canon law saw the significance of the procedure of episcopal appointment and conceived it as a direct link to the first apostles. Maintaining the correct rite therefore was a way in which they could ensure the connection would continue into perpetuity. Evidence from the first ecumenical councils, repeated endlessly and in many guises in the regulations for episcopal appointment became the bedrock of the tradition and its attendant authority.

In Chapter 4 the focus was an examination and analysis of the terminology of the 200 years of the council *acta.* The process of episcopal appointment was a focal point for the

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[4] *Capitularia Merivingica* 5; p. 21–31.

councils, which is revealed most significantly by the repeated canons on the topic of 'ordination'. The importance of 'ordination', together with 'election', in so many council *acta* and other contemporary works emphasises both the significance of the procedure of 'ordination' to the authority and legitimacy of the bishops also the concerns of the ecclesiastical hierarchy. It cannot be denied that episcopal appointments were highly significant to the bishops in their sees and at councils, even when they were incorrectly carried out.

One area of flux around this time is the actual place of ordination. This was often directly connected to the participation of kings in the process and royal demands made upon candidates and their supporters. At times the movement of the place or ordination away from the actual see and into a centre of royal or greater ecclesiastical control seems to increase the authority of the bishop and to establish his legitimacy more than a more traditional appointment. At other times, this movement seems to cause more problems for the actual bishop and results in local challenges to his authority. This is certainly an area that is deserving of more attention in the future.

On the contentious question of royal involvement in episcopal appointments, I found that through separating the terminology of all procedures involved, I was able to identify the procedures in which kings were interested and most involved. The election process was where the kings had most concern, wishing perhaps to see appointed a man who would best serve and suit their own interests. We can observe a growing interest in kings influencing the choice of candidates and asserting their right to choose a bishop for an area within their territory, particularly near their court's main cities. While there is some evidence of this in the sixth century it becomes even more pronounced in the seventh century. Where a king's agenda conflicted with the bishops', individual bishops appear to have had little power to change matters. In contrast, when the group of bishops at council came together to correct previous actions, their combined authority in some cases was able to overturn the decision.

Evidence from Gregory of Tours suggests that at times in difficult elections, where there were multiple candidates with different supporting factions, it was useful for someone with

influence and power to support the choice of bishop for the church. Many election decisions were thus ratified by kings. Kings also exerted influence over the placement of individuals in office at the expense of the locally elected candidate. We even have examples of royal participation in elections in terms of removing a bishop at a later date when the political current had changed. In a number of episodes our evidence comes from written documents mentioned in connection with elections. At different times these were signed by the people and clerics, by the bishops, and even by kings. By the seventh century it became a custom for kings to demonstrate their agreement to an election in the form of a written decree. However, there is still a question of whether these decrees were actually for the holding of elections or for a particular person to be elected. Indeed, there is currently insufficient evidence to confirm either of these interpretations.

A dominant view in modern scholarship is that all Frankish elections were controlled by kings. However, this study has shown this is not entirely correct. An alternative, more nuanced picture emerges from an analysis of the contemporary evidence, namely that bishops and kings worked together on many occasions to respect the wishes of the people or to follow canonical regulations. This is because the period was a time of adaptation and flux. Procedures were in the process of being established, tried and modified. The changing nature of the bishop's role and his authority is reflected in the inconsistent, multifaceted and often complicated records of the procedures themselves.

When we turn to the procedure of episcopal ordination then we find that kings do not exert as much control as they seem to do over election. Ordination was a holy rite only performed by other bishops, preferably metropolitans, who had had that same spiritual power bestowed on them. While a king might order or persuade another bishop to carry out an ordination, particularly in a different city, other than the principal church of the see of the candidate, the actual power to confer spiritual authority rested in the hands of the ecclesiastic hierarchy. Kings did on occasion dictate where the ritual was to take place, as we saw several times in the case study of the appointments of the family of Gregory of Tours.

In terms of specific terminology used we can see the relative importance in this thesis of an examination of the three processes required for episcopal installation and by extension the

construction of contemporary episcopal authority. In the written records of the councils of Gaul we can observe a differentiation between the terms 'election', 'ordination' and consecration. We can determine when they refer to, or are connected with, the decision making or customary ritual for episcopal installation. This research shows that in all but a few canons 'ordination' is the word used to indicate episcopal appointment, and 'election' and 'consecration' are often excluded. On many occasions the term 'ordination' signified both election and ordination, although the evidence from the canon law and other genres states that it was necessary for an election to take place before a bishop was appointed to office.

This thesis, with its focussed approach and critical analysis, and its clarification and identification of issues connected to episcopal appointments, seeks to augment and enhance an under-studied area of scholarship. Of significance is the discovery that despite the term 'consecration' appearing in context with both 'ordination' and 'election' twice in canon law of the period, indicating a clear understanding of the difference between the terms, 'consecration' is rarely found in connection with episcopal appointment. The way the term 'consecration' is utilised is atypical, for example, when a discussion is connected to the distant past, in a quoted speech, or in a negative episode. The term is also used for a number of other occasions unconnected to episcopal installation, such as the dedication of churches, cult sites and altars, and when referring to baptism. The analysis of all spectrums of evidence addressing the same issues of terminology and procedure in multiple examples in an array of sources is decisive. I would argue therefore that 'consecration' is not used for the purpose of episcopal appointment in the sixth or seventh century, and that 'ordination' is the term of choice. All of this further strengthens the idea that episcopal installation and the concurrent creation of episcopal authority in this period was still an emerging process which at times was found to be inconsistent and changeable.

For Gregory of Tours episcopal appointments loom large in his works both narrative and hagiographical, from which we must conclude that he saw them as an essential part of church authority and legitimacy. Within the chapters of *DLH* he frames ecclesiastical matters, significantly episcopal ordinations, between royal activities. He contrasts those holy, pious and moral men with their opposite characters, the recalcitrant bishops, laymen and Franks, especially

their leaders who do not conform to his ecclesiastical ideal. Gregory commemorates deceased bishops in his hagiographies, connecting their appointment to episcopal office with miracles and other actions that enhance their sainthood, as much as their authority within their own communities and contemporary Gaul. If we read Gregory closely we find that correct canonical procedure is essential to the achievement of a successful career in the church and a saintly life. Through their appointment and their triumphs Gregory constructs his and his fellow bishops' authority and legitimacy.

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# Maps
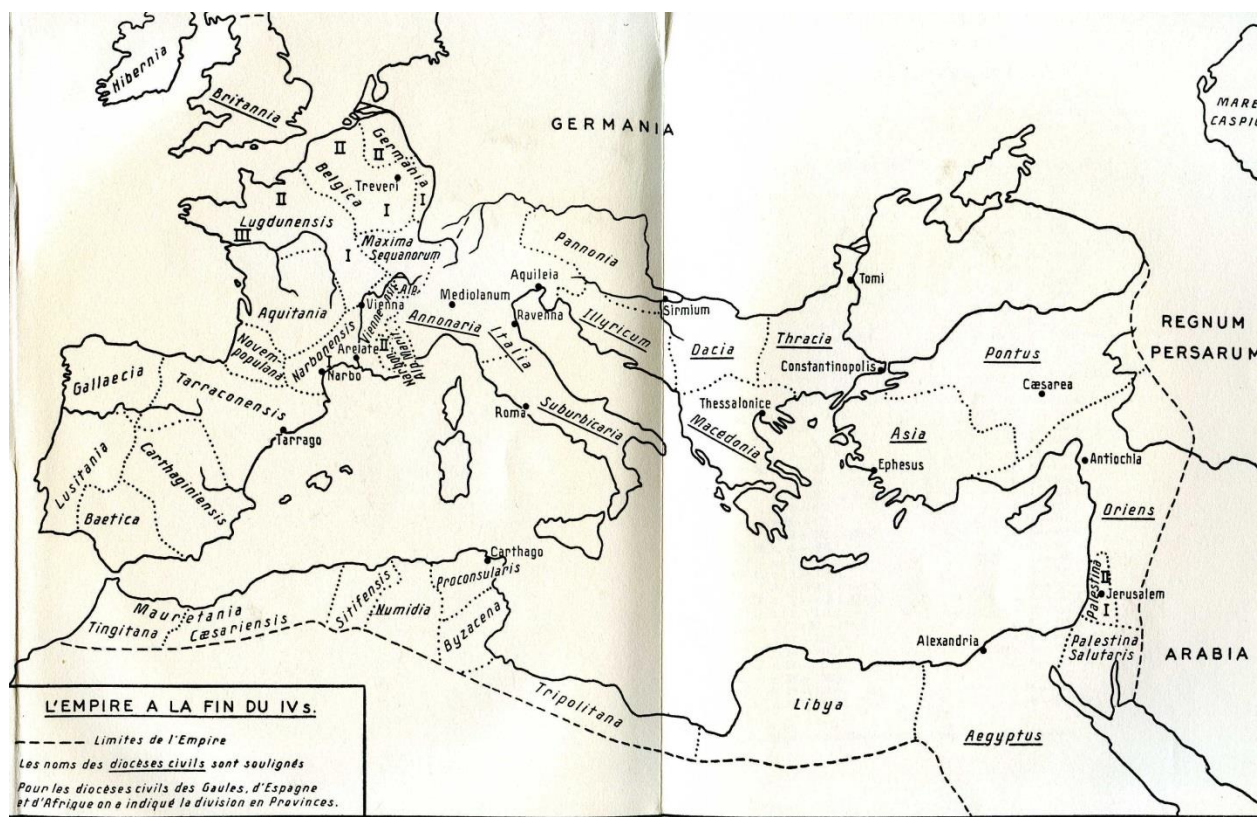


The Empire at the end of the IV century showing the names of the civil dioceses and the division into provinces at the end of the fifth century (author unknown)

LES PLUS ANCIENNES VILLES
CONCILIAIRES D'OCCIDENT
En capitales, les villes où se sont réunis
au moins cinq conciles.
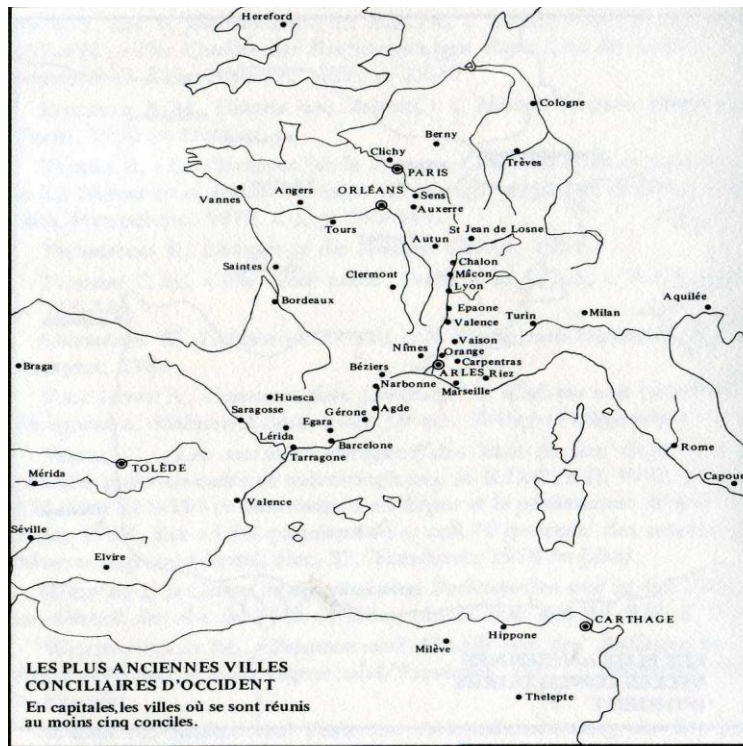
The most ancient conciliar cities where at least five councils
were held in the West (sixth and seventh century) (author
unknown)

Gaul in the 6th century
A.C. Murray, *From Roman to Merovingian Gaul: A Reader* (Peterborough Ont. 2000) p. 671
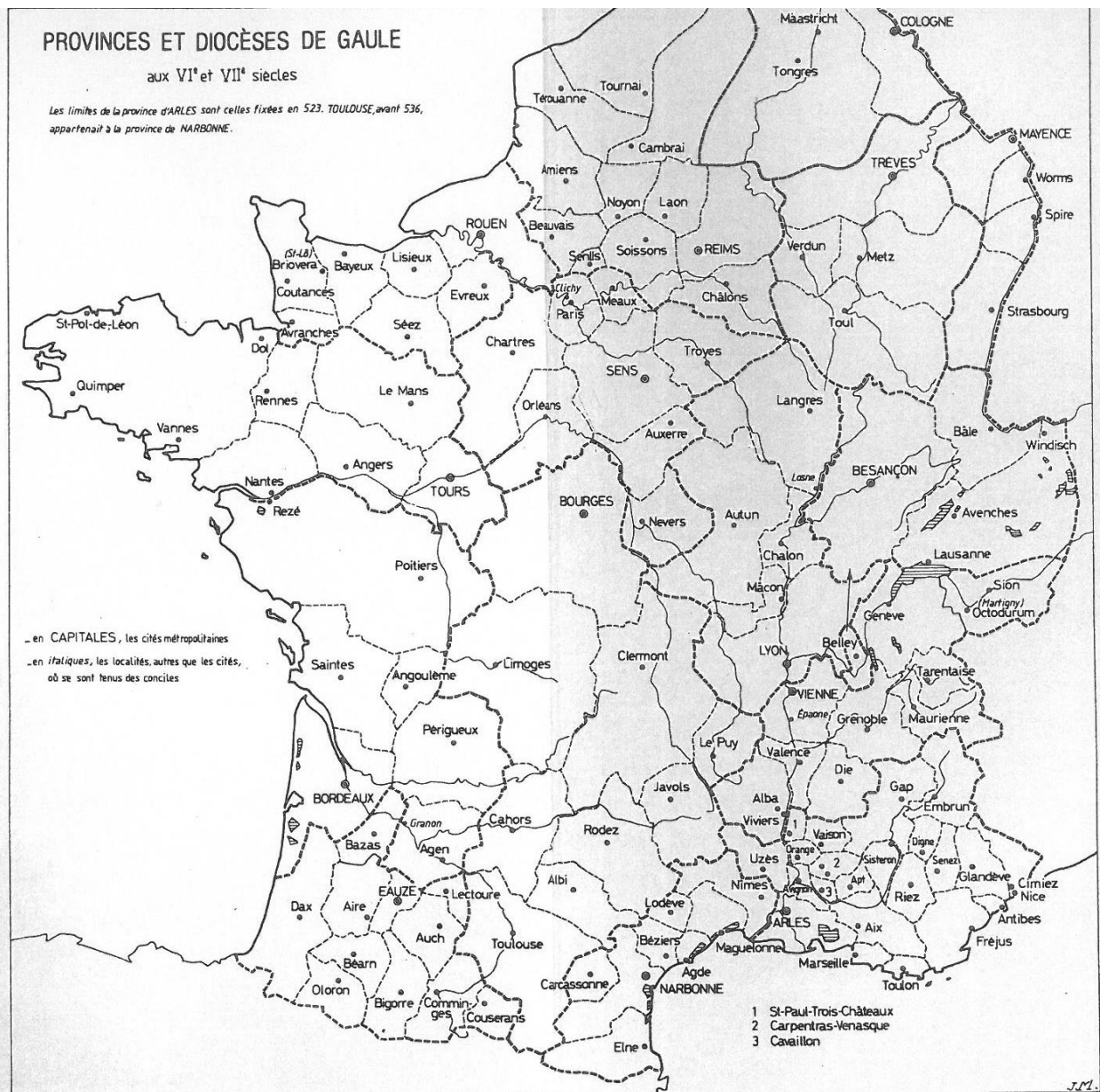
The 5th to 7th Century Bishoprics of Gaul J.Gaudemet and B. Basdevant, *Les Canons des Conciles Mérovingiens* (Paris , 1989) vol. 2 rear flyleaf
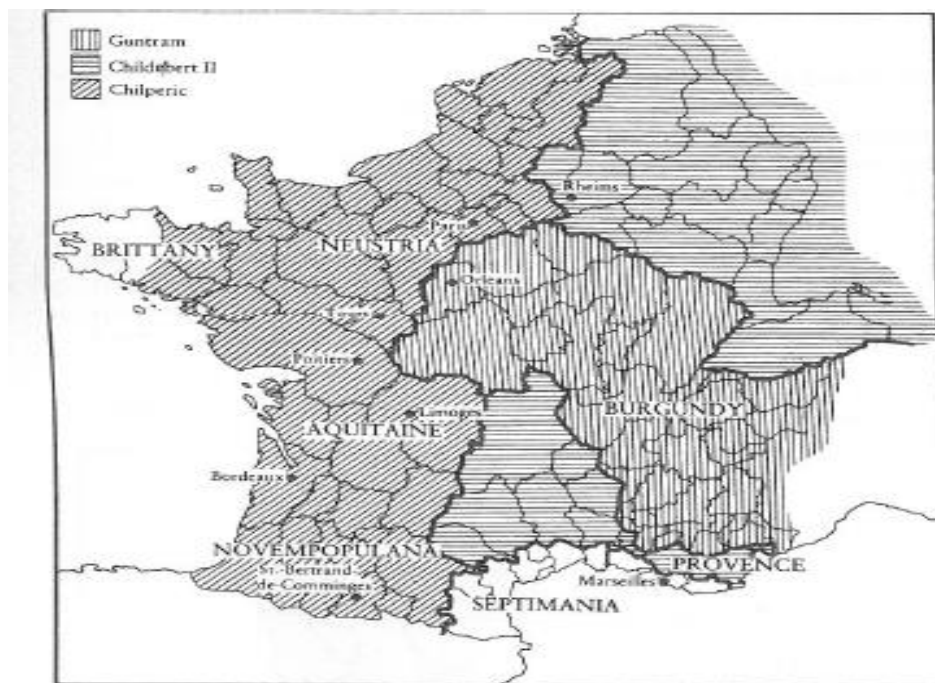
Frankish kingdoms in 583 before Chilperic's assassination I.N. Wood, *The Merovingian Kingdoms* (Harlow, 1994) p.177
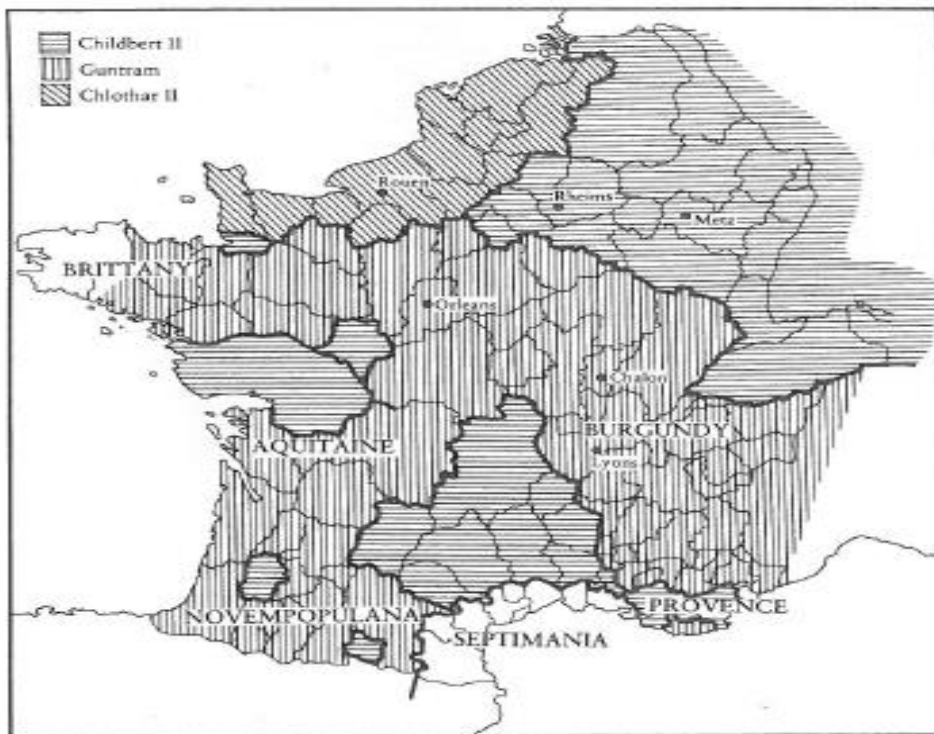
Frankish kingdoms 587 after the treaty of Andelot Wood, *The Merovingian Kingdoms*, p.179

Gaul in the 7<sup>th</sup> century from the internet site of Lancaster University
http://www.lancaster.ac.uk/staff/haywardp/hist213/seminars/five.htm

# STEMMA of kings of the Franks

Chart VII. Dates of the various kingdoms of Austrasia, Neustria and Burgundy beside the later kings in I.N. Wood, *The Merovingian Kingdoms*, (1994), p. 345
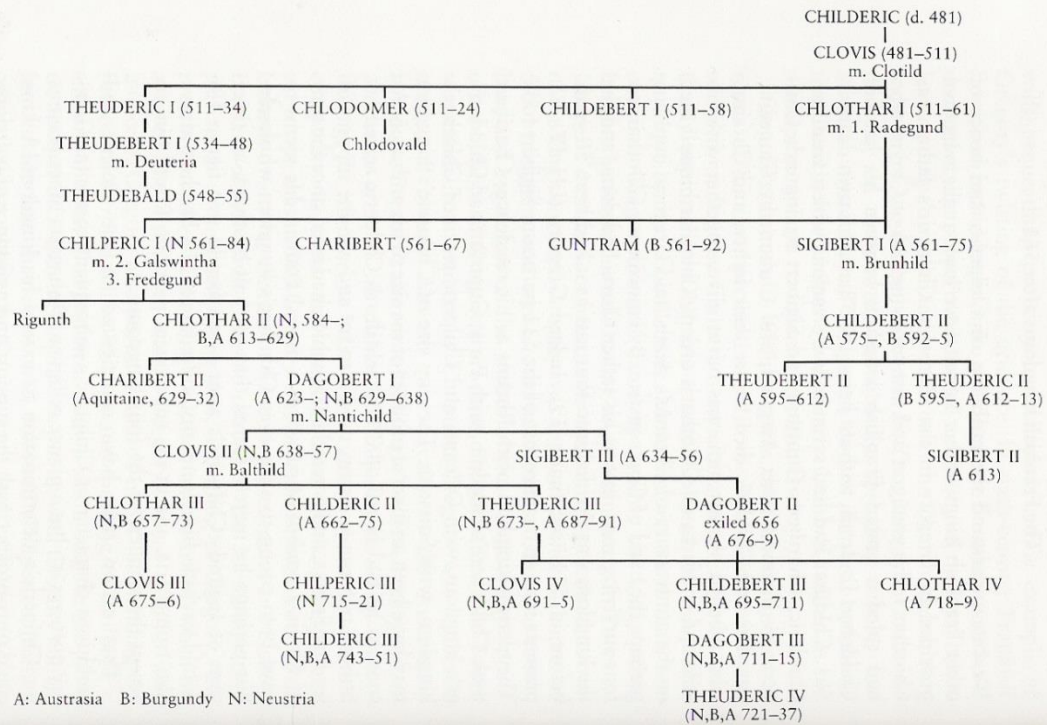


Figure 18   A simplified genealogy of the Merovingians.

# Appendix I

## Chart A Canons repeated in the thesis

Latin text of Council of Nicæa (325), Canon 4: *Episcopum convenit maxime quidem ab omnibus qui sunt in prouincia episcopis ordinari. Si autem hoc difficile fuerit, aut propter instantem necesssitatem aut propter iteneris longitudinem: modis omnibus tamen tribus in id ipsum et absentibus episcopis pariter decernentibus et per scripta consentientibus tunc ordinatio celebretur. Firmitas autem eorem, quae gerentur per unum quamque provinciam, metropolitano tribuatur episcopo.*

C. Munier and C. de Clercq, CCSL 148, 148A *Concilia Galliae, 314–506*; *Concilia Galliae 511–695.* (Turnhout, 1963) (Latin texts of all council canons referred to were found in these works) *Concilia Galliae,* CCSL *v*ol. 148, *Statuta Ecclesiae Antiqua,* Recapitulatio Ordinationis Officialium Ecclesiaiae canon 90 (II), p. 181: *episcopus cum ordinatur, duo episcopi ponant et teneant euangeliorum codicem super ceruicem eius, et suo eum fundente benedictionem, reliqui comnes episcopi qui adsunt, minibus suis caput eius tangant.*

Council of Orléans (511) canon 4. *De ordinationibus clericorum id obseruandum esse censuimus, ut nullus saecularium ad clericatus officium praesumatur nisi aut cum regis iussione aut cum iudicis uoluntate; ita ut filii clericorum, id est partum, auorum ac proauorum, quos spradicto ordine parentum constat obseruatione subiunctos, in episcoporum poteste ac districtione consistant.*

Council of Orléans (511), canon 10: *De hereticis clericis, qui ad fidem catholicam plena fide ac uoluntate uenerint, uel de basilicis, quas in peruersitate sua gothi hactenus habuerunt, id censuimus obseruari, ut si clereci fideliter conuertuntur et fidem catholicam integrae confitentur uel ita dignam uitam morum et actuum probitate custodiunt, officium, quo eos episcopus dignos esse censuerit, cum impositae manus benedictione suscipiant; et ecclesias simili, quo nostrae innouari solent, placuit ordine consecrari.*

Council of Lyons (518–523), canon 2(4), *…ut nullus frater uanitatis uel cupiditatis stimolis incetatus eclesia alterius agredi uel parrocias praesumere absque eius, ad quem pertinere nuscuntur, cessione uel permissione praesumat nec quisquam sub hac necissitate absantante episcopo in eius qui afuerit loco aut sacrificiorum aut ordinationum audeat ministeria caelebrare…..*

Council of Clermont (535), canons 2, p.105, line 17: *Placuit etiam, ut sacrum quis pontificii honorem non uotis quaerat, sed meritis, nec diuinum uideatur munus rebus conparare, sed moribus, adque emenentissime dignitatis apicem electione conscendat omnium, non fauore paucorum. Sit in elegendis sacerdotibus cura praecipua, quia inrepraehensibilis esse conuenit, quos praeesse necesse est corrigendis; diligenter quisque inspiciat praecium dominici gregis, ut sciat, quod meritum constituendi deceat esse pastores. Episcopatum ergo desiderans electione clericorum uel ciuium, consensu etiam metropoletani eiusdem prouinciae pontifex ordinetur;*

*non patrocinia potentum adhibeat, non calleditate subdola ad conscribendum decretum alios ortetur praemiis, alios timore conpellat. Quod si quis fecerit, aeclesiae, cui indigne praeesse cupit, communione priuabitur.*

Council of Orléans (533), canon 7: *In ordinandis metropolitanis episcopis antiquam institutionis furmulam renouamus, quam per incuriam omnimodis uidemus amissam. Itaque metropolitanus episcopus a comprouincialibus, clericus uel populis electus, congregatis in unum omnibus comprouincialibus episcopis, ordinetur, ut talus Deo propitio ad gradum huius dignititatis accedat, per quem regula ecclesiae in melius aucta plus floreat.*

Council of Orleams (538) canon 3: *De metropolitanorum uero ordinationibus id placuit, ut metropolitani a metropolitano omnibus, si fieri potest, praesentibus cpmprouincialibus ordinentur, ita ut ipsi metropolitano ordinandi priuilegium maneat, quem ordinationis consuitudo requirit. Ipse tamen metropolitanus a comprovincialibus episcopis, sicut decreta sedis apostolicae continent, cum consensu clerus uel ciuium elegatur, quia aequum est, sicut ipsa sedes apostolica dixit: "qui praeponendus est omnibus, ab omnibus elegatur." De prouincialibus uero ordinandis cum consensu metropolitani clerus et ciuium iuxta priorum canonum uolumtas et electio requiratur.*

Council of Orléans, (541), canon 5; *Id etiam regulare esse praespeximus decernendum, ut episcopus in ciuitate, in qua per decretum elegitur ordinandus, in sua ecclesiae, cui praefuturus est, consecretur. Sane si subito necessitas temporis hoc implere non patitur, licit melius esset in sua ecclesia fieri, tamen aut sub praesentia metropolitani aut certe cum eius auctoritate intra prouinciam omnino a comprouincialibus ordinetur.*

Council of Orléans (549), canon 10: *Ut nulli episcopatum praemiis aut conparatione liceat adipisci, sed cum voluntate Regis iuxta electione cleri ac plebis, sicut in antiquis canonibus tenetur scriptum, a metropolitano vel, quem in vice sua praemiserit, cum comprouincialibus pontifex consecretur. Quod situi coemptionem hanc regulam huius sanctae constitutionis excessereit, eum, qui per praemia ordinatus fuerit statuimus remouendum.*

Council of Orléans (549) canon 11: *Item, sicut antiqui canones decreuerunt, nullus inuitis detur episcopus, sed nec per oppressionem potentium personarum ad consensum faciendum ciues aut clirici, quod dici nefas est, inclinentur. Quod si factum fuerit, ipse episcopus, qui magis per violentiam quam per decretum legitimum ordinatur, ab indepto pontificates honore in perpetuo deponatur.*

Council of Paris (556–573) canon 8: *Et quia in aliquibus rebus consuetudo prisca neglegitur ac decreta canonum uiolantur, placuit iuxta antiquam consuetudinem, ut canonum decreta seruentur. Nullus ciuibus inuitis ordinetur episcopus, nisi quem populi et clericorum election plenissima quesierit uoluntate; non principes imperio neque per quamlibet conditionem contra metropolis uoluntatem uel episcoporum comprouincialium ingeratur. Quad si ordinationem regiam honoris iustius culmen peruaderi aliquis nimia temereitate praesumpserit, a comprouincialibus loci ipsius episcopi recepi penitus nullatenus mereatur, quem indebete ordinatum agnoscunt….. Nam de ante actis ordinationibus pontificum ita conuenit, ut coniuncti metropolis cum suis comprouincialibus episcopis uel, quos uicinos episcopos eligere uoluerit, in*

*loco, ubi conuenerit, iuxta antiqua statuta canonum omnia communi consilium et sententia decernantur.*

Council of Mâcon (585) canon 5: *Omnes igitur religuas fidei sanctae catholicae causas, quas temporis longitudine cognouimus deteriorates fuisse, oportet nos ad statum pristinum reuocare, ne nos nouis simus aduersarii, dum ea, quae cognuscimus ad nostri ordines qualitatem pertinere, aut non corregimus aut, quod nefas est, silentio praeterimus…*

Council of Paris (614), can 2, CCSL 148A, p. 275: *Hoc est: ut decedente episcopo in loco ipsius ille Christo propitio debeat ordinari, quem metropolitanus, a quo ordinandus est, cum conprouincialibus suis, clerus uel populus ciuitatis illius absque ullo quommodo uel datione pecuniae elegerint. Quod si aliter aut potestatis subreptione aut quacumque neglegentia absque electione metropolitani, cleri consensu uel ciuium fuerit in ecclesia intromissus, ordinatio ipsius secundum statuta patrum irrita habeatur.*

Council of Paris (614), canon 3: *Ut nullus episcoporum se uiuente alium in loco suo non elegat nec qualiscumque persona illo superstite locum ipsius sub quocumque argumentum uel ingenium adoptare presumat nec a quemquam debeat ordinare, nisi certe conditionis extiterint, ut ecclesiam suam nec regere ualeat aut ecclesiastica regula, ut ordo exposcit, conseruare. Quod si quis contemptor constitutionis huius hoc adtemtare presumserit, canonica se noveri excepturum sententia.*

*Edictum Clotarii II,* CCSL 148A, p. 283, lines 16–19, 1. *Ideoque definitionis nostrae est, ut canonum statuta in omnibus conseruentur, et quod per tempore ex hoc praetermissum est uel dehaec perpetualiter conseruetur; ita ut episcopo decedent in loco ipsius, qui a metropolitan ordinari debeat cum prouincialibus, a clero et populo eligatur; si persona condigna fuerit, per ordinationem pricipis ordinetur; certe si de palatio eligitur, per meritum personae et doctrinae ordinetur.*

# Chart B Council dates and location

| Location | CCSL date | CCSL page | MGH | Hefele | G&B | Pontal | Alternate source |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| Lyon | 501 | | | 53–57 | | | |
| Toulouse | 507–8 | | | 507–8 86 | | | Caesarius letters |
| Orléans I | 511 | 3 | 1 | 87 | 68 | 46 | |
| Lyon | | | | 516  102 | | | |
| Agaunum | | | | 515–523 94 | | | |
| Epaone | 517 | 20 | 15 | 107 | 93 | 58 | |
| Lyon | 518–523 | 38 | 31 | 517  114 | 127 | 518–519 71 | |
| Reims | | | | 514 106 | | | Vita S Remigii |
| Le Mans | | | | 516–517 107 | | | |
| Tournay | 520 | | | 520 124 | | | Vita S. Eleutherii |
| Arles IV | 524 | 42 | 35 | 524 131 | 136 | 524 77 | |
| Carpentras | 527 | 47 | 40 | 143 | 143 | 80 | Caesarius Letters |
| Orange II | 529 | 53 | 44 | 152 | 152 | 94 | |
| Vaison | 529 | 77 | 55 | 169 | 186 | 82 | |
| Valence | 529 | 82 | 59 | 167 | | | Vita S. Caesarii |
| Marseilles | 533 | 84 | 60 | 181 | | 84 | Caesarius letters |
| Orléans II | 533 | 98 | 61 | 185 | 194 | 102 | |
| Clermont | 535 | 104 | 65 | 190 | 208 | 104 | |
| Orléans III | 538 | 113 | 72 | 204 | 228 | 107 | |
| Orléans IV | 541 | 131 | 86 | 210 | 264 | 114 | |
| Orléans V | 549 | 147 | 99 | 366 | 297 | 122 | |
| Toul | | | | 550 371 | | 550/55 132 | |
| Auvergne | | | | 549 371 | | | Greg.Tur. *DLH* |
| Metz | 549–555 | | | 549–555 372 | | | Greg.Tur. *DLH* |
| Aspasia.Eauze | 551 | 162 | 113 | 551 373 | 329 | 136 | |
| Paris I | 552 | 166 | 115 | 551–373 | | 131 | Greg.Tur. *DLH* |
| Brittany | | | | 555 377 | | 552 131 | |
| Arles V | 554 | 170 | 118 | 376 | 338 | 137 | |
| Saintes | 561–567 | 174 | 120 | 563 386 | | 155 | Greg.Tur. *DLH* |
| Tours II | 567 | 175 | 121 | 388 | 346 | 156 | Greg.Tur. *DLH* |
| Lyon\s | 567–570 | 200 | 139 | 387 | 400 | 166 | |
| Paris II | 556–573 | 204 | 141 | 556–7   377 | 411 | 561–562 151 | |
| Paris III | 573 | 211 | 146 | 398 | | 169 | Greg.Tur. *DLH* |

| Location | CCSL date | CCS page | MGH | Hefele | G&B | Pontal | Alternate source |
|---|---|---|---|---|---|---|---|
| Paris IV | 577 | 218 | 151 | 400 | | 173 | |
| Châlon | 579 | 219 | 151 | 402 | | 171 | |
| Saintes | | | | 579 403 | | 579 178 | |
| Berny | 580 | 220 | 152 | 577–581 402 | | 175 | Greg.Tur. *DLH* |
| Lyons | 581 | 221 | 153 | 406 | 446 | 171 | |
| Mâcon I | 581–583 | 222 | 155 | 426 | 426 | 181 | |
| Lyons | 583 | 231 | 153 | 445 | III426 | 185 | |
| Location | CCSL date | CCS page | MGH | Hefele | G&B | Pontal | Alternate source |
| Valence | 583–585 | 234 | 162 | 584 406 | | 172 | |
| Mâcon II | 585 | 237 | 163 | 407 | 452 | 186 | Greg.Tur. *DLH* |
| Auvergne | | | | 585 409 | | 584–591 178 | |
| unknown | | | | 588 415 | | 173 | |
| Auxerre | 588 | 251 | 174 | 578 409 | 561–605 486 | | Greg.Tur. *DLH* |
| Narbonne | 589 | 253 | | 422 | | | Greg.Tur. *DLH* |
| Sorcy | 589 | 258 | 175 | 425 | | 176 | Greg.Tur. *DLH* |
| Poitiers | 590 | 259 | 175 | 424 | | 589 176 | Greg.Tur. *DLH* |
| Metz | 590 | 260 | 176 | 424 | | 176 | Greg.Tur. *DLH* |
| Auvergne | 590 | 261 | 177 | 425 | | | Greg.Tur. *DLH* |
| Auvergne | 584–591 | 262 | 177 | 585–588 415 | | | Greg.Tur. *DLH* |
| Châlon | 602 | 263 | 178 | 434 | | 177 | Fredigar chron. |
| Autun | 561–605 | 264 | 573–603 184 | | | | |
| Sens | 595–614 | 273 | 185 | | | | Vita Betharii |
| Paris V | 614 | 274 | 185 | 437 | 507 | 206 | |
| Unknown | 614 | 286 | 193 | 440 | | 211 | |
| Reims | | | | 624–5 445 | | 215 | Flodard Reims |
| Clichy | 626–627 | 290 | 196 | 626 448 | 526 | 212 | |
| Mâcon | 626–627 | 299 | 613–628 206 | 617–627 444 | | 225 | Vita Eusthasii |
| Clichy | 636 | 300 | 206 | | | 226 | Vita S. Agili |
| Orléans IV | 639–641 | 301 | 207 | | | 216 | Vita S. Eligii |
| Châlon | 647–653 | 302 | 539–554 208 | | 548 | 216 | |
| Rouen | | | | 468 | | 241 | |
| Nantes | 653 | | | 658 476 | | 655–658 226 | |
| Paris | 653 | | | 476 | | | Privileges of |
| Paris/Clichy | 654 | | | 476 | | 653/654 226 | S.Denis |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bordeaux | 662–675 | 311 | 663–675 215 | | 566 | 229 | |
| Sens | | | | 654 476 | | 657–658 227 | |
| Losne | 673–675 | 314 | | | 575 | 673 222 | |
| Trier | | | | | | 677 227 | |
| Autun | 663–680 | 318 | 220 | | 585 | 220 | |
| Marly/Paris | 677 | | | | | 677/678 232 | |
| Villeroi | 680 | 321 | 222 | | | 233 | Vita S.Leudegarii |
| Marly/Paris | 679–680 | 322 | 222 | | | | |
| Autun | 692–696 | 324 | 695 223 | | | | Vita S.Tetrici Autun |

# Chart I Ordination Terminology in the Canons

**Key**

| | |
|---|---|
| <span style="background:#F4B183">     </span> | When Used With |
| <span style="background:#D9A7A7">     </span> | Regal Intervention |
| <span style="background:#C6EFCE">     </span> | Normal Ordination |
| <span style="background:#FFE699">     </span> | Not Related to the Procedure of Ordination |

| Council/ Date | Word | Reference | Context | Person | Canon No | re.pag.ccsl | Other reference |
|---|---|---|---|---|---|---|---|
| **Orleans** | | | | | | | |
| 511 | **ordinationibus** | procedure | with King | clerics | 4 | 6 ln 48 | king's approval |
| | **ordine** | procedure - sons of | King's agreement | clerics | | 6 ln 52 | |
| | **ordine** | consecrated | Arian churches | | 10 | 8 ln 93 | with consecrate |
| **Epaone** | | | | | | | |
| 517 | **ordinationem** | no excuse | non attend | all bishops | 1 | 24 ln 80 | council to attend ordination |
| | **ordinationibus2** | procedure | remarriage | all clerics | 2 | 24 ln 80 | with benedictionis |
| | **ordenatus** | church goods returned on ord. moved to another | | as bishop | 14 | 27 ln 131 | |
| **Lyon** | | | | | | | |
| 518–523 | **ordinationum** | no ordinatio | in another see | bishop | 2 (4) | 40 ln 29 | |
| | **ordinatus** | no ordinatio | to succeed | | 3 (5) | 40 ln 37 | |
| | **ordinationi** | another bishop if alive | | bishop | 3 (5) | 40 ln 38 | |
| **Arles** | | | | | | | |
| 524 | ordinandus | procedure | | clerics | 1 | 43 ln 7 | |
| | inordinatis | no ord to diaconate prior 25 | | | 1 | 43 ln 9 | |
| | ordinare | ord. to episc. prior to conversion or age 30 | | no layman | 1 | 43 ln 13 | |
| | ordinauerint | time, ord. to episc. due to an expansion of churches | conversio | layman | 2 | 43 ln 16 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | ordinare | one year only for ord.to priest and episcopate | | laymen | 2 | 43 ln 17 | |
| | ordinare | no ord. of penitant or remarriage | | all | 3 | 44 ln 25 | |
| | ordinare | who does excluded from mass 1yr | | bishop | 3 | 44 ln 31 | |
| **Carpentr as** | | | | | | | |
| 527 | ordinationis | procedure | contrary to | priest | letter | 50 ln 5 | |
| | ordinauisti | transgressed | the canons | | letter | 50 ln 18 | |
| | ordinationem | probation I yr of a layman | confirmation | Felix IV | letter | 51 ln 5 | election + imponas manus quote |
| | ordinandum | procedure | confirmation | bishops | letter | 52 ln 31 | elect |
| | ordinem | rank | | | letter | 52 ln 33 | |
| **Marseille** | | | | | | | |
| 533 | **ordine** | transgressed | rules of pont | Contumeliosus | praefationes | 85 ln 10 | |
| | **ordine** | decrees | as a verb | John II | letter 1 | 86 ln 6 | |
| | **ordinibus** | ranks | no change | clergy | letter 1 | 86 ln 13 | |
| | **ordine** | ordained | in grades | John II | letter 2 | 87 ln 13 | |
| | **ordine** | ordination | suspended | John II | letter 3 | 87 ln 6 | |
| | **ordinante** | ordinant | direct to monastery | bishop | letter 3 | 87 ln 8 | |
| **Orleans** | | | | | | | |
| 533 | **ordinationem** | to attend | all bishops | bishops | 1 | 99 ln 8 | |
| | **ordinationibus** | no money | for ordination | bishop or cleric | 3 | 99 ln 14 | |
| | **ordinandis** | procedure | all bishops | metropolitans | 7 | | elect |
| **Clermon t** | | | | | | | |
| 535 | **ordinetur** | normal procedure | by his merit | bishop | 2 | 106 ln26 | elected |
| | | | | | | | king convoked council but excuded from interfering some canons |
| **Orleans** | | | | | | | |
| 538 | **ordinationibus** | normal | procedure | metropolitans | 3 | 115 ln 27 | with to elect and election |
| | **ordinentur** | all provincials present | | | | 115 ln 27 | |
| | **ordinandi/** | one metropolitan ordains | | | | 115 ln 30 | |

| | Term | Description | | | | Reference | Note |
|---|---|---|---|---|---|---|---|
| | **ordinationis** | plan together the procedure | procedure | metropolitans | | 115 ln 30 | with to elect |
| | **ordinandis** | provincials + consent of | metropolitan | | | 115 ln 35 | with to elelct |
| | **ordinetur** | 1/12 to episcopate after legitimate | conversio | layman | 6 | 116 LN 66 | |
| | **ordininandi** | clerics who are ordained only one wife | | | | 116 LN 67 | |
| | **ordines** | guard the rules, no promotion to ranks prior to age | | | | 116 ln 70 | |
| | **ordinatur** | bishop who uses his office and ordained one | | | | 116 ln 72 | |
| | **ordinationis** | if ordination above 6/12 no office, mass | | bishop | | 116 ln 73 | |
| | **ordinationem** | false witness at an ordination | out of see | clerics, civium | | 117 ln 79 | |
| | **ordinati** | One willingly ordained, marries, excommunicated | | cleric | 7 | | |
| | **ordinatus** | if ordained against will, loses office, not excommunicated | | | | | |
| | **ordinare** | bishop ordained above suspended no mass 12/12 | | | | | |
| | **ordinati** | who has intercourse with concubine not ordained | | anyone | (9)10 | 118 ln 104 | |
| | **ordinentur** | Once ordained. Ignorant of canons not remain in office | | anyone | | 118 ln 105 | |
| | **ordine** | rules/conditions | | | (10)11 | 118 ln 121 | |
| | **ordinandus** | consent | out of see | clerics | (15) 16 | ln 173 120 | |
| | **ordenauerit** | ditto | | | | 120 ln 174 | |
| | **ordenandus** | ordained where he holds office over eccl. Buildings | | cleric | (18) 21 | 122 ln 212 | |
| | **ordene** | If neglect of office he must be deposed | | | 19) 22 | 122 ln 219 | |
| | **ordenum** | clerics who rebel removed from their rank | | | (21) 24 | 123 ln 235 | |
| | **ordenatione** | removal of rank if alienating goods or property of church | | command of bishop | (23) 26 | 124 ln 258 | |
| | **ordenatur** | bishop who ordains a slave without knowledge of owner | | | (26) 29 | 125 ln 271 | |
| | **ordenationem** | bishop who performed above no mass 12/12 | | | | 125 ln 271 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | ordine | deposed of rank who uses usury or forbidden practices | | all clerics | (27) 30 | 125 ln 280 | |
| **Orleans** | | | | | | | |
| 541 | ordinandus | must be ordained in the church where elected and consecrated | | bishop | 5 | 133 ln 35 | both election and consecration mentioned |
| | ordinetur | metropolitan's authority and present at ordination with prov | | | | 133 ln 40 | |
| | ordinatore | judgement rests with authority of bishop except at secular court | | of clerics | 20 | 137 ln 124 | |
| | ordine | who marry slaves in a church against church discipline | | clerics | 24 | 138 ln 153 | |
| | ordinis | proportionate to rank to do with property under a lord in a parish | | cleric's | 26 | 139 ln 170 | |
| **Orleans** | | | | | | | |
| 549 | ordine | promote authority of ecclesiastical discipline | | bishops | praefatione | 148 ln 10 | |
| | ordinis | who after ordination return to their wife forbidden | | all clerics | 4 | 149 ln 37 | |
| | ordinis | dignity of the order and deposed from office | | | | 149 ln 39 | |
| | ordinauerit | who ordained a cleric of another bishop no mass 6/12 | | bishop | 5 | 150 ln 48 | |
| | ordinare | to ordain a cleric or slave who is not free | | no bishop | 6 | 150 ln 53 | |
| | ordinatus | If an ordained slave is reclaimed by a master | | | | 150 ln 54 | |
| | ordinis | who ordains him knew he was not free no mass 6/12 | | | | 150 ln 54 | |
| | ordinatus | the one ordained returned to master | | | | 150 ln 57 | |
| | ordini | he must still hold the rank of office given to him | | | | 150 ln 58 | |
| | ordini | sacred rules | | | | 150 ln 59 | |
| | ordinauit | who ordained him gives two slaves back in exchange for one | | bishop | | 150 161 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | ordinauit | receives back ordained slave bishop for the two he gives the master | | a bishop | | 150 162 | |
| | ordinem | if dies in a city no-one may ordain his successor | | a bishop | 8 | 151 ln 76 | |
| | ordinare | nor in his city to ordain clerics or | | | | 151 ln 77 | used with consecrate altars |
| | ordinetur | may be ordained a bishop within 12/12 of conversio | | no layman | 9 | 151 ln 87 | |
| | ordinandum | who ordained him is estranged from office and brother clerics | | a bishop | | 151 ln 90 | |
| | ordinatus | ordained through his ordination is given by gifts | simony | a bishop | 10 | 152 ln 98 | election+consecration=king |
| | ordinatur | no influence from powerful people on ordination of | | a bishop | 11 | 152 ln 103 | |
| | superordinetur | may have another man ordained in his place | | a living bishop | 12 | 152 ln 106 | |
| | ordinis | may not take goods from a church even by regal order | | bishop/cleric | 14 | 152 ln 124 | |
| | ordinem | in the hospice donated by the king we decree the regulations | | | 15 | 153 ln 123 | made against bishop of Lyon |
| | ordinem | who are later ordained to Lyons not allowed to change rules | | bishops | | 152 ln 132 | ruled for posterity |
| | ordinis | no one authority of rank contravenes the rules of the institution | | | | 152 ln 141 | |
| **Eauze** | | | | | | | |
| 551 | ordinatione | procedure subject of ordination | | bishop/presbyter/deacon | 5 | 164 ln 41 | |
| | ordinandus | people know in advance of ordination | | candidate | | 164 ln 42 | |
| | ordinandum | no one may omit to object prior to ordination | | bishop | | 164 ln 43 | used with benediction |
| | ordinationem | procedure | | | | 164 ln 45 | |
| **Paris** | | | | | | | |
| 552 | ordinem | kings assent | succession | eccl. Order | praefatio | ln 3 167 | placuit form |
| | ordinanda | to be ordained in church of Paris, king involved | | new bishop | praefatio | ln 5 167 | king involved |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **ordinem** | rereading of the rules | | | | ln 11 167 | |
| | **ordinatio** | appropriate metropolitan whose authority to ordain | | | praef | ln 33 168 | |
| | **ordine** | in accordance with the rules | | | | ln 35 168 | |
| | **ordinem** | sacred rules in accordance with Council of Orleans (549) | | | | ln 36 168 | |
| | **ordinare** | to ordain with those provisions | | a replacement bishop | | 168 ln 37 | |
| **Arles** | | | | | | | |
| 554 | **ordinatu** | new ordinances to be drawn up | | | praefatio | 171 ln 11 | |
| | **ordine** | No-one deposed on order | | other clerics | 4 | 171 ln 25 | |
| | **ordinatus** | no promotion of strangers the ordained loses office | | cleric | 7 | 172 ln 38 | |
| | **ordinauerit** | the one who knowingly ordained him no mass for 3/12 | | | | 172 ln 40 | |
| **Tours** | | | | | | | |
| 567 | **ordinationes** | to choose and ordain but with no regal intervention | | metropolitan | 1 | 177 ln 35 | to elect |
| | **ordinationibus** | no gratification for ordination simony | | to a bishop | (27)28 | 194 ln 542 | |
| | **ordinandum** | must not be ordained who has ambition or offering money | | cleric | | 194 ln 546 | |
| | **ordine** | gains made by St Martin | | | letter | 195 ln 23 | |
| | **ordinis** | the order of presbyters | | | letter | 197 ln 1 | |
| **Paris** | | | | | | | |
| 556–573 | **ordinatio** | those who are regulated through a love of God | | bishops | .praefatio | 205 ln 1 | |
| | **ordinatio** | to do with danger of neglect or abuse of the prescriptions | | | | 205 ln 13 | |
| | **ordinetur** | no person may be ordained against wishes of the people | | a bishop | 8 | 208 ln 115 | elect by cleri/civium |
| | **ordinationem** | appointment by king's persuasion judged irregular | | | | 208 ln 119 | king's involvement made ordination irregular |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **ordinatum** | recognised as irregular by regal intervention | | | | 209 122 | ditto |
| | **ordinationibus** | procedure is calls provincials for ordinations | metropolitan | of bishops | | 209 ln 125 | |
| **Paris** | | | | | | | |
| 573 | **ordinationem** | ordained bishop by wish of the king | | Promotus | letter | 212 ln 9 | another metropolitan interfered |
| | **ordinatione** | ordained in a territory of another, no assent from | metropolitan | | | 212 ln 25 | king involved |
| | **ordinationes** | Reprimanded for ordination in another province | | Egidius | letter II | 213 ln 35 | ordination out of province + consecrate |
| | **ordinationem** | heard of the involvement in the ordination at Chateaudun | | | letter III | 216 ln 15 | letter reprimanding king Sigisbert |
| **Lyons** | | | | | | | |
| 583 | **ordine** | so that no cleric in the order | | | 1 | 232 ln 6 | with benediction but not applcable |
| | **ordinem** | neither the rank of deacon or presbyter | | | | 232 ln 9 | |
| **Mâcon** | | | | | | | |
| 585 | **ordines** | dignity of our episcopal order | | | 5 | 241 ln 112 | |
| | **ordinarium** | slaves are protected not secular judges but by | | bishops | 7 | 242 ln 159 | |
| | **ordinatione** | with the order or government of bishops | | | 15 | 246 ln264 | GOT viiii.20 |
| **Narbonne** | | | | | | | Visigothicbcouncil includedin CCSL |
| 589 | **ordinationem** | held through the orders of the king Rechared | | | .praf | 254 ln 7 | we elect |
| | **ordinibus** | with the order of the psalms | | | 2 | 254 ln 24 | |
| | **ordine** | correct those in the order | | | 5 | 255 ln 44 | |
| | **ordinatus** | is the one to regulate corrections | | the bishop | 6 | 255 ln 53 | elect |
| | **ordinationem** | must stay in the see of the bishop who ordained them | | clerics | 10 | 256 ln 73 | |
| | **ordinatus** | where someone is ordained walk with thanks, obedience | | | | 256 ln 73 | |
| | **ordinare** | may not ordain a cleric who is ignorant of letters | | a bishop | 11 | 256 ln 78 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **ordinati** | if ordained and refuses to learn, deprived of stipend | | a cleric | 11 | 256 ln 79 | |
| **Paris** | | | | | | | |
| 614 | **ordinari** | on the death of a bishop one must be ordained in his place | | | 2 | 275 ;n 14 | with election and to elect |
| | **ordinandus** | ordains him with his provincials bishops | metropolitan | | | 275 ln 14 | |
| | **ordinatio** | intervention of another authority, than above, ordination null | | | | 275 ln 19 | |
| | **ordinare** | no man must be ordained to replace a living bishop | | | 3(2) | 276 ln 24 | with to elect |
| | **ordinari** | if the person is worthy | | | 1 | 282 ln 15 | Chlothar's Edict |
| | **ordinationem** | if deserving he is to be ordained by order of the king | | | 1 | 283 ln 17 | king's orders |
| | **ordinetur** | if chosen from palace, he is ordained on his merit and learning | | bishop | 1 | 283 ln 17 | to ordain |
| | **ordine** | no judge of whatever rank may try or condemn clerics | | | 4 | 283 ln 34 | edict |
| **Clichy** | | | | | | | |
| 626–627 | **ordinati** | longstanding administration would write precaria when ordered | | bishops | 2 | 292 ln 37 | |
| | **ordinis** | of certain rank, judged in secular court, only authority of bishop | | clerics | 7 | 292 ln 62 | |
| | **ordinis** | all degrees may not address a court on his own or church matters | | of clerics | 20 | 295 ln 144 | |
| | **ordinetur** | layman may not promote but in a parish a senior may ordain clerics | | archipresbyter, | | 295 ln 149 | |
| | **ordinatores** | if war, those ordained to the city must suspend admin. of office | | | 28 | 296 ln 185 | with election by all +people |
| **Châlon** | | | | | | | |
| 647–653 | **ordinatione** | convocation and commandment of our glorious lord, Clovis II | | | praefatio | 303 ln 1 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | ordinentur | never in the same city two ordained or be in charge in acity | | bishops | 4 | 304 ln 26 | |
| | ordinatio | ordination made by people other than provincial bishops is void | | | 10 | 305 ;n 54 | |
| | ordinatione | must propose the ordination of clerics, he proposes the resources | | bishop/cleric | 14 | 306 ln 81 | |
| | ordine | Bishops Agapius and Digno had all their orders removed | | | 20 | 308 ln 125 | |
| **St Jean de Losne** | | | | | | | |
| 673–675 | ordinatio | bishops attend their cities during Easter, Christmas and Pentecost | | | 8 | 316 ln 32 | only order of the king to be displaced |
| **Marly** | | | | | | | |
| 679–680 | ordenacione | irregular ordination of bishop of Embrun | | Chramlin | | 322 ln 10 | |
| **Auxerre** | | | | | | | |
| 692–696 | ordinationis | of the regulations having been considered at the council | | | praefatio | 324 ln 1 | VitaSt. Tetricus of Auxerre |
| | ordinauit | it was regulated in such a way | | | | 321 ln 4 | Gestorum Ep. Autissiodorensis |

## Chart II Ordination Terminology in Gregory of Tours

| Key | | |
|---|---|---|
| | Normal ordination | |
| | regal involvement | |
| | used with another word | |
| | not connected to episcopal ordination | |

| Word | Refers to/Context | Who | Where | Other |
|---|---|---|---|---|
| ordine | Easter regulation | Victorious | HF I. | |
| ordenati | ordained as bishops sent to Gaul | seven men | HF I 30 | |
| ordinati | ordained | clerics | HF I.31 | |
| ordenatus | buried in the town where he was ordained | St Martin | HF I 48 | |
| ordinem | of events | order | HF II intro | |
| ordinationis | 33 years after his ordination | Bricius | HF II 1 | |
| ordinem | of events | order | HF II 8 | |
| ordenatur | ordained bishop | Avitus | HF II 11 | |
| ordinibus | of legions | ranks | HF II 9 | |
| ordenatur | ordained bishop | Venerandus | HF II 13 | |
| ordenetur | bishop | Rusticus | HF II 13 | |
| ordinatur | to bishop | Perpetuus | HF II 14 | |
| ordinata | arrange transport | Ecdicius | HF II 24 | |
| ordinatur | to bishop | Verus | HF II 26 | |
| ordinatur | to bishop | Licinius | HF II 39 | |
| ordinari | to deacon | Chararic's son | HF II 41 | |
| ordenatus | already ordained bishop | Quintianus | HF III 2 | |
| ordinatus | ordained bishop with regal decree | Ommatius | HF III 17 | |
| ordinante | ordained at wish of queen Clotild | Theo+ Proculus | HF III 17 | |
| ordinatus | chosen as king of Spain | Theuda | HF III 30 | |
| ordinare | a husband | to choose | HF IV 3 | |
| ordinatus | previous king of Bretons ordained as a bishop | Maclaw | HF IV 4 | |
| ordinatores | ordering everything under his own authority | Cato | HF IV 5 | |
| ordinat | as if he was already ordained | Cato | HF IV 5 | |
| ordinatione | states 'my proper induction' | Cato | HF IV 6 | |
| ordinatus | elected but before his induction | Cato | HF IV 7 | elected |
| ordinatus | ordained bishop | Cautinus | HF IV 7 | |

| | | | | |
|---|---|---|---|---|
| ordinatisque | those who had been appointed | Cautinus | HF IV 7 | |
| ordinaretur | Lothar decreed Cato would be ordained bishop | Cato | HF IV 15 | |
| ordinaretur | asks the king that he be ordained bishop | Cato | HF IV 15 | |
| ordinatur | was ordained bishop of Tours | Eufronius | HF IV 15 | |
| ordenatur | ordained bishop | Austrapius | HF IV 18 | |
| ordinante | decreed/ordered church restored | Lothar | HF IV 20 | |
| ordinationem | disobeyed orders | orders | HF V 2 | |
| ordinaret | orders him to remain in custody | Chilperic | HF V 3 | |
| ordinatur | ordained bishop king involved | Munderic | HF V 5 | |
| ordinatur | to be ordained bishop | Silvester | HF V 5 | |
| ordinem | long row (of time) to relate | narrator | HF V 10 | |
| ordenatur | ordained a priest | Merovech | HF V 14 | |
| ordinatur | ordained bishop | Marachar | HF V 36 | |
| ordinatur | ordained bishop | Heraclius | HF V 36 | |
| ordinatur | ordained bishop of Galicia | Martin | HF V 37 | |
| ordinaritur | ordained who is a stranger/married | no person | HF V 46 | |
| ordinatus | ordained bishop | Theodosius | HF V 46 | |
| ordinem | count act rationally? | Leudast | HF V 48 | |
| ordinem | relates rows as a list of misdeeds | narrator | HF V 49 | |
| ordinatus | made archdeacon | Riculf | HF V 49 | |
| ordinatus | installed without the king's nomination | Marcellus | HF VI 7 | |
| ordinante | with the king's order he succeded him | Nonnichius | HF VI 15 | |
| ordinat | the king appointed | two counts | HF VI 22 | |
| ordinem | adopted son | Childebert | HF VI 31 | |
| ordine | restored to see after he was expelled | Aetherius | HF VI 36 | |
| ordinatus | bishop | Salvius | HF VII 1 | |
| ordinante | bishop by king Sigisbert | Promotus | HF VII 17 | |
| ordinationem | requested he be installed again | Pronotus | HF VII 17 | |
| ordinare | ordered by Gundovald | Faustinus | HF VII 31 | |
| ordinationem | Tied to procedure but denied it | Orestes | HF VII 31 | |
| ordinassent | bishop | Faustinius | HF VIII 2 | |
| ordinationis | takes responsibillity for ordaining | Palladius | HF VIII 2 | |
| ordinari | as if ordained as a bishop | Chilperic | HF VIII 5 | |
| ordinatus | Duke | Nicetius | HF VIII 18 | |
| ordinatione | Duke | Childeric | HF VIII 18 | |

| | | | | |
|---|---|---|---|---|
| ordinatus | bishop order of Gundowald | Faustianus | HF VIII 20 | |
| ordinare | clerics | not permitted | HF VIII 20 | |
| ordinationem | in the church | of his | HF VIII 20 | |
| ordinaturam | swore not to appoint laymen | king | HF VIII 22 | |
| ordinare | bishop | Gundegesil | HF VIII 22 | |
| ordinata | in order | affairs | HF VIII 31 | |
| ordinatus | governor of the province | Nicetius | HF VIII 43 | |
| ordinatus | bishop | Pronimius | HF IX 24 | |
| ordinatis | saints as heirs | appoints | HF X 29 | |
| ordinationem | | order | HF X 31 | |
| ordinatur | bishop | Litorius | HF X 31 II | |
| ordinatur | bishop | St.Martin | HF X 31 III | |
| ordinatur | bishop | Bricius | HF X 31 IV | |
| ordinatur | bishop | Eustochius | HF X 31 V | |
| ordinatur | bishop | Perpetuus | HF X 31 VI | |
| ordinatur | bishop | Volusianus | HF X 31 VII | |
| ordinatur | bishop | Virus | HF X 31 VIIII | |
| ordinati | already ordained as bishops | Theodorus and Proculus | HF X 31 VIIII | |
| ordinatur | bishop | Leo | HF X 31 XIII | |
| ordinatur | bishop | Francilio | HF X31 XIIII | |
| ordinatur | bishop | Baudinus | HF X 31 XVI | |
| ordinatur | bishop | | HF X 31 XVIIGuntharus | |
| ordinatus | after his ordination | Guntharus | HF X 31 XVIIGuntharus | |
| ordinatur | bishop | Eufronius | HF X 31 XVIII | |
| ordinationis | all previous ordained | the church | HF X 31 XVIII | consecrated |

# Chart III Election Terminology in the Canon

| Key | |
|-----|-----|
| | normal procedure |
| | regal intervention |
| | used with ordination or consecration |
| | not related to episcopal election |

| Place/Date | Word | Refers to | By whom | Person | Canon no | Reference ccsl 148A | With other procedure |
|-----------|------|-----------|---------|--------|----------|---------------------|---------------------|
| **Orleans** | | | | | | | |
| 511 | elegerit | choose | for abbots | bishops | `19 | p10 ln 129 | |
| **Epaone** | | | | | | | |
| 517 | elegere | choose a place for | metropoplitan | council | letter | p. 23 ln 32 | |
| **Lyon** | | | | | | | |
| 518 | elegerit | choose to live in a monastery | | bishop | | p. 39 ln 21 | |
| **Carpentras** | | | | | | | |
| 527 | electionis | imposition of hands | ref Itim 5.22 | | letter by Felix | p. 51 ln 17 | |
| | delegendi | assign | | | ditto | p. 51 ln 28 | |
| | elegite | choose a place for by common consent | a bishop | bishop | ditto | p. 52 ln 31 | be ordained |
| **Orleans** | | | | | | | |
| 533 | electus | the elected | cleri;populis bishops | metropolitan | 7 | p.100 ln 34 | ordaining |
| **Clermont** | | | | | | | |
| 535 | electione | election | all | bishop | 2 | 106 ln 20 | ordained |
| | elegendis | in the choice | | | 2 | 106 ln 21 | |
| | electione | election with consent | cleri /civium | metro bishop | 2 | 106 ln 25 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Orleans** | | | | | | | |
| 538 | elagatur | is elected | comprov/metro/bcivium/cleri | metro/bish | 3 | 115 ln 33 | ordained x 5 |
| | elegatur | all elect | as above | | 3 | p. 115 ln 35 | as above |
| | elegenda | have chosen before baptism | wives before | clerics | 7 | 117 ln 83 | to ordain |
| | electorum | arbitrates the choice | | magistrate | 13 | 120 ln 149 | |
| **Orleans** | | | | | | | |
| 541 | elegitur | elected in the city where see | | bishops | 5 | p. 133 ln 35 | consecrated |
| | electorum | choose to live in a monastery negotiate between possessions of | | bishops | 12 | p. 135 ln 76 | ordained |
| **Orleans IV** | | | | | | | |
| 549 | electionem | consent | cleri/plebs | bishop | 10 | p. 151 ln 93 | consecrated ordination |
| **Tours** | | | | | | | |
| 567 | elegerit | a place for the council chosen by | metropolitan | | 1 | p. 176 ln 29 | regal orders |
| | electis | choosing between peace one side | brothers and presbyters | | 2 | p. 177 ln 55 | |
| | electis | chosen by another | ditto above | | 2 | p. 177 ln 66 | |
| | electionis | against the meaning of vessel of election | apostolic decree | Paul | 20(21) | p. 185 ln 180 | |
| | elegerit | one tenth designate | bishops | | letter | p. 199 ln 79 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Paris** | | | | | | | |
| 556–573 | electio | election by not prince or power | peoplecleru cs | not agains tmetro | 8 | p. 208 ln116 | ordained |
| | eligere | elect in neighbourh ood | the bishops | bishop | 8 | p. 209 ln 127 | ordination |
| **Paris** | | | | | | | |
| 573 | elegisset | elected in the see of another | bishops | Promo tus | letter Pappol us | p. 212 ln 12 | consecration+ ordination x 3 |
| **Mâcon** | | | | | | | |
| 581–583 | electi | choose the sacred nmystery | bishops and clerics | | 11 | p. 225 ln 65 | |
| **Narbonne** | | | | | | | |
| 589 | elegimus | we choose to write down | bishops | | praefa tio | p. 254 ln 14 | |
| | elegerit | if he chooses | | abbot | 6 | p. 255 ln 54 | |
| | elegimus | canonical way we choose | | bishop s | 12 | p. 256 ln 89 | |
| **Auvergne** | | | | | | | |
| 584–591 | eligitur | counc Innocentius | | bishop | | GT DLH 6.38 | |
| **Paris** | | | | | | | |
| 614 | elegerint | without money he is elected | metro | metro + provin cial bishop s | 2 | p. 275 ln 17 | |
| | electione | procedure | metro | | 2 | p. 275 ln 18 | ordination |
| | elegat | no living bishop | | succes sor | 3 | p. 276 ln 22 | |
| | elegerit | if he chose a patron | | clerics | 5 | p, 276 ln 38 | |
| **Edict Chlothar** | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 614 | eligatur | elected clerics/people | | | bishop | 1 | p. 283 ln 16 | |
| | eligitur | if from palace by merit | | bishop | 1 | p. 283 ln 18 | ordination |
| | elegerit | choose to ask for their patronage | | clerics | 1 | p.283 ln19 | through king |
| **Châlon** | | | | | | | |
| 649–653 | electio | election other than made by comprovincials, citzens than made by clerics people | | bishop's invalid | 10 | p. 305 ln 53 | |
| | elegerit | scandal that chose successor | he | abbot | 12 | p. 305 ln 69 | |
| | elegitur | elected by monastery rules | | abbot | 12 | p. 305 ln 70 | |
| **S. Jean (Losne)** | | | | | | | |
| 673–675 | electio | legigimate consent election | clerics people | bishops | 5 | p. 315 ln 23 | |
| | eligere | without men choose to enter a monastery | maidens widows | | 12 | p. 316 ln 44 | |

## Chart IV Election Terminology in Gregory of Tours

| Key | | |
|---|---|---|
| <span style="background-color:#c6efce">    </span> | | normal procedure |
| <span style="background-color:#ffc7ce">    </span> | | regal intervention |
| <span style="background-color:#fcbf8b">    </span> | | used with ordination or consecration |
| <span style="background-color:#ffffcc">    </span> | | not related to episcopal election |

| Word | Refers to/Context | Who | Other | Where |
|---|---|---|---|---|
| electione | chosen by Vandals | Huneric | | HF II 3 |
| elegerunt. | notone they had chosen | bishops | ordain | HF II 13 |
| elegit | who the Lord elects | the man | | HF II 13 |
| eleganti | designed | elgantly | | HF II 14 |
| eleganti | designed | elegant | | HF II 16 |
| elegantem | woman | elegant | | HF II 28 |
| elegantem | man | elegant | | HF III 1 |
| eligisset | he was elected with all people | Quintianus | ordain | HF III 2 |
| electus | elected with consent of all people | Cato | | HF IV 7 |
| electio | election  to bishop by Gods will | Eufronius | ordain | HF IV 15 |
| elgantia |  former glory | church | | HF IV 20 |
| elegit | elected by kingLothar | bishops | | HF IV 27 |
| elegans | was astute | king | | HF IV 29 |
| elegans | was elegant | woman | | HF IV 27 |
| elegans | conversation agreeable | priest | | HF IV 35 |
| electus | elected by clergy and people | Avitus | | HFIV35 |
| electus | had been chosen as bishop | Nicetius | | HF IV 36 |
| elegunt | chose Mumolus as military leader | Guntrum | | HF IV 45 |
| elegerunt | chose Tiberius as emperor | people | | HF V 19 |
| elegit | preferred Ursicinus as bishop | Maurilio | | HF V 42 |
| elegans | known for his refinement | Agricola | | HF V 45 |
| praeelegit | he chose his successor | Theodulf | | HF VI 9 |
| electio | elected mayor of the palace | Badegesil | | HF VI 9 |
| elegit | chose you should tonsure you | the person | | HF VI 15 |
| elegam | I will choose a man | Tiberius | | HF VI 30 |
| elegi | to be chosen (pass pres inf) | a man | | HF VI 30 |
| elegit | the empress proposed Maurice | Maurice | | HF Vi 30 |
| elegeris | have been chosen | You | | HF VI 30 |
| electione | nominated emperor | Maurice | | HF VI 30 |

| | | | | |
|---|---|---|---|---|
| eligitur | elected supported by queen | Innocentius | | HF VI 38 |
| praeelegitur | elected with favour of Guntrum | Sulpicius | | HF VI 39 |
| electis | chose twelve men | Pelagio | | HF VIII 40 |
| elegit | chose 300 armed men | Hermangild | | HF VI 43 |
| electus | so he may be elected bishop, here used with ordiantion | Salvius | ordain | HF VII 1 |
| elegantia | should be received in all elegance | Rigunch | | HF VII 9 |
| electum | I have been elected king | Gundovald | | Hf VII 34 |
| eleganteque | was not without a certain elegance | the crypt | | HF VIII 34 |
| elegente | was chosen or the see by the king | Virus | | HF VIII39 |
| electos | the elect | deceive | | HF IX 6 |
| elegant | you as their mother | they choose | | HF IX 39 |
| elegit | chose her own stewards | Clotild | | HF IX 41 |
| elegistis | have chosen to ask | You | | HF IX 41 |
| electione | electedby community | Agnes | | HF IX 42 |
| elegit | chose Greogry as pope | the people | | HF X 1 |
| elegeret | will chose | if he | | HF X 4 |
| electos | even the elect | to seduce | | HF X 25 |
| eligitur | elected with support of queen | Licinius | | HF X 31 8 |
| electionem | elected through queen | Dinifius | | HF X 31 11 |
| eligans | he made refined handicrafts | Leo | | Hf X 31 13 |
| eligentes | united with no amendments | his books | | HF X 31 18 |

## Chart V Consecration Terminology in the Canons

| Key | | |
|---|---|---|
| <span style="background-color:#bfe8c9">      </span> | normal procedure | |
| <span style="background-color:#f9c6d1">      </span> | regal intervention | |
| <span style="background-color:#f5c28a">      </span> | used with ordination or consecration | |
| <span style="background-color:#f9f9c5">      </span> | not related to episcopal election | |

| Place | Word | Context | Who | Canon | Pages | |
|---|---|---|---|---|---|---|
| **Orleans** | | | | | | |
| 538 | consecrari | convert to Catholicism by consecrating | Arian Church | 10 | p. 8 ln 92 | |
| **Epaone** | | | | | | |
| 517 | consecrationem | who are called deaconesses no consecrated in area | widows | 21 | p. 29 ln 163 | |
| **Orleans** | | | altars | | | |
| 538 | consecranda | in consecrating | bishops | 16(15) | l120 ln 173 | |
| | consecratarun | those consecrated | virgins | 19(16) | 121 ln 184 | |
| | consec | consecrating | | 19(16) | 121 ln 186 | |
| **Orleans** | | | | | | |
| 541 | consecretur | consecrated in city where ordained and elected | bishops | 5 | p. 133 ln 36 | ordained |
| **Orleans** | | | | | | elected |
| 549 | consecrator | must be consecrated by metro or his delegate | bishop | 10 | p. 152 ln 96 | ordained |
| | | with assent of the king conforming with the election | | | | elected |
| **Tours** | | | | | | |
| 567 | consecrat | who consecrate themselves to God | bishops/priests | 20(19) | p. 184 ln 248 | |
| **Paris** | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 573 | consecratum | consecrated against the canonical discipline | Promotus | letter | p. 213 ln 15 | |
| | consecratus | consecrated bishop | Promotus | letter | p. 213 ln 2o | |
| Auxerre | | | | | | |
| 561–605 | consecrationem | the wine is consecrated into the blood | | 8 | p. 266 ln 29 | |
| | | | | | | |
| Clichy | | | | | | |
| 626–627 | consecrare | who ask to be consecrated to God | widows | 26 | p. 296 ln 27 | |

# Chart VI Consecration Terminology in Gregory of Tours

| Key | |
|---|---|
| | normal procedure |
| | regal intervention |
| | used with ordination or consecration |
| | not related to episcopal election |

| Word | Refers to/Contect | DLH-596 |
|---|---|---|
| consecratur | St. Polycarp was consecrated to baptism | I. 28 |
| consecratus | Victurinus accepted the consecration to baptism | I.33 |
| consecratum | refers to defiling a throne consecrated to the Lord | II.21 |
| consecrare | Clothild wanted to have her child consecrated to baptism | II.29 |
| consecremus | we consent and we consecrate your benedictionto bishop | IV. 6 |
| consecrarent | the king said 'originally they should consecrate you bishop | IV.15 |
| consecratus | they carried Frankish consecrated wands | VII.32 |
| consecratum | the city of Paris was consecrated in ancient times to prevent fire | VIII.33 |
| consecrare | he requested I tonsure and consecrate him | VI. 16 |
| consecravit | Agnes was consecrated by Germanus of Paris | IX.42 |
| consecratus | Gregory consecrated ready for duties given to the City (Rome) | X.1.60 |
| consecrati | the church of S.Marin in which all the other bishops were consecrated | X.31.18 |

## Buildings and the construction of episcopal authority

Both Gregory of Tours and Venantius Fortunatus point to the many buildings attached to churches that bishops built in their lifetime.[1] Similarly, seventh century bishops also built churches, hospices and monasteries as part of the establishment of their authority over a city.[2] Today the most obvious buildings remaining from this period are the baptisteries.[3] The main purpose for the building of baptisteries was for the baptism of children of Christians as well as the newly converted members of the community. They were also built as an expression of spiritual devotion. Yet their founders gained in both piety and honour by their construction, thus adding to their authority, all of which is lauded in the various writings of the period. The ability of the local bishop to construct such beautiful structures added weight to their already legitimised authority as bishop in the eyes of their communities. The buildings also signified a change in the local power structure whereby the bishop, rather than the local leading secular men (previously elite aristocrats) became the ones building beautiful structures to promote their individual stature.

Many famous baptisteries were built in the medieval period. The baptistery of Saint Jean in Poitiers, which is a separate building from the church, was constructed in the fourth century but modified in the sixth and seventh centuries by local bishops. The fifth century baptistery of Frejus is attached to the ecclesiastical complex of the medieval cloister, the parish church (now the Cathedral of Saint Leonce) a canonry used for priests and the nearby fifth century bishop's residence, is now a modern looking building once called an episcopal palace and today used as the municipal Hôtel de Ville. The baptistery in Riez was built in the sixth century. The building is isolated outside the village. When I visited in March 2013 it was being renovated and had an archaeological team working on the surrounding area in search of further ecclesiastical buildings. At Aix-en-Provence, the baptistery of Saint Saveur of Aix, with its ancient font is now attached to the modern cathedral and it is the only extant building surviving from the sixth century.

The isolated village of Venasque, built on a rocky outcrop, contains an ecclesiastical site with a sixth century baptistery. Originally connected to the church through a corridor, it is now attached to the church. This see was conjoined with Carpentras in the sixth century. At the council of Orléans (541) the bishop Clematius signs as the bishop of both Venasque and Carpentras. By council of Orléans (549) he signs merely as bishop of Carpentras. There is a gap in the list of bishops, which indicates that Venasque was the main bishopric of the area between the sixth century and the ninth century, when it was later moved back to Carpentras.[4] The relatively isolated high position, walls and high turrets of the town suggest a much more protected area than Carpentras. Bishop Siffrein, sometimes called Sigifredus, resided in

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[1] Greg. Tur. *DLH*. II. 14–16; *VP*. VII. 2; *Vernanti Honori Clementiani presbyteris italici opera poetica,* F. Leo (ed.), MGH AA t. 4, part 1–2 (Berlin 1961), 215; 234; *Appendix Carminum*, 271–92; *Appendix Carminum*, 271–92; Fortunat, *Poèmes,* trans., M. Reydellet., *Fortunat*, *Poèmes* (Paris 1994), *Vernantius Fortunatus Poems*; Ven. Fort.1.4; 3.14.21–22; 4.1.29–32; 4.10.12–14; 96.1–3; 181.1–4.

[2] *Vita Audoeni*, 5, W. Levison (ed.), MGH SRM t. 5, *Passiones Vitaeque Sanctorum Aevi Merovingici* 3 (Hannover 1997) p. 556–557; *Vita Eligii,* bk 2 5. B. Krusch (ed.), MGH SRM t. 4 (Hannover 1995), 669–742.

[3] See below the plates of the photographs taken between 2007–2013 of baptisteries in Poitiers, Frejus, Venasque and Aix-en-Provence. The baptistery of Riez was a standalone building in February 2013, and was inaccessible due to excavations. Quinn, 'Relics, Religious Authority, and the Sanctification,' p. 1–11;

[4] N. Gauthier, and J.-Ch. Picard (eds.), *Topographie Chréitienne des Cites de la Gaule. III. Provinces Eccesiastiques de Vienne et d'Arles.* (Paris 1986) p. 105–6; 303; 466; C. Crowley, 'The Origin of the Curvilinear Plan–Form in Irish Ecclesiastical Sites: A Comparative Analysis of Sites in Ireland, Wales and France' (Diss. PhD, Dublin Institute of Technology 2006) p. 217–18.

Venasque rather than Carpentras into the mid sixth century,[5] not unlike bishop Gregorius of Langres whose preference was to live in Dijon rather than his see of Langres. Both circumstances highlight the precarious situation of the period. Siffrein's ordination as bishop came after the council of 549 and before 589 when Boethius signs for the city of Carpentras. He is said to have been ordained by Caesarius Bishop of Arles. Although if this was the same Caesarius Siffrein was probably ordained as a deacon or a priest as the dates are too late. Duchesne is uncertain of the actual date of his installation.[6]

Many Christian conversions occurred at this time and thus the ceremonies of baptism and conversions were intimately connected to a bishop's authority.[7] A description of the ceremony of the baptism of Clovis is described by Gregory in *DLH*.[8] The building themselves, specifically the baptisteries, played a central role in the conversions of local populace and were directly connected to individual bishops.[9] Both the ecclesiastical buildings and the conversions made in them were written about in various *vitae* and became part of the bishop's constructed authority. The bishop who built or restored ecclesiastical buildings was forever connected to the miracles that occurred in those buildings, which further enhanced his authority. Gregory mentions that his great-grandfather Gregory Bishop of Langres went to the baptistery to pray and communed with past saints in the building where the door was miraculously opened.[10] Saint Quintianus improved the church of Rodez when he was bishop there. Tetricus, son of Gregory of Langres, built an apse, circular walls and arches in the church where his father was buried in order to give better access to the former bishop's tomb. Gregory, Bishop of Langres, reconstructed a crypt over the burial site of Saint Benignus and later built a church over his crypt. In the baptistery that Gregory of Tours built near the church of Saint Martin, he placed the relics of Saint Benignus, thereby connecting himself to the episcopal authority of his great-grandfather Gregory.

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[5] Saint Siffreien was said to be buried in Venasque although his remains were later moved back to Carpentras and his statue remains in the baptistery at Venasque.

[6] Duchesne, *Fastes épiscopaux,* vol. 1. p. 72. M. Klingshirn, 'Dating the episcopy of Caesarius', *Revue des Augustiniennes* 38 (1992) p. 80–8. This new interpretation dates Caesarius' death to 541, 542 or 543. If this was the case then Siffrein's ordination was to the lower orders not the episcopate.

[7] Greg. Tur. *DLH.* V. 11. Gregory tells us that Bishop Avitus of Clermont converted as many as 500 Jews and baptised them in his city. Those who refused to convert left the city to go to Marseilles.

[8] Greg. Tur. *DLH*. II. 31. The descriptions included the filling of the bath and the use of incense and perfumed candles in the baptistery all added to the atmosphere

[9] Greg. Tur. *DLH*. V. 14; *De Judaeis conversis per Auitum episcopum Aruernum, Carmina,* V.5; *VP*.VII 2.

[10] Greg. Tur. *VP*. VII. 2. Gregory describes the baptistery in the town of Dijon.

[10] Greg. Tur. *VP,* IV; 1; VII. 4; *GM* 50; *DLH* X. 31.

Fig. 1. and 2. below

Baptistery of Saint Jean Poitiers, (exterior), built originally in 360 almost completely destroyed by the Visigoths. It was rebuilt after Clovis defeated Alaric in 507 and this included further decoration in the exterior and interior.

The Baptistery of Saint Jean at Poitiers, but a round apse and square transept were added in the 6th or 7th century as well as an octagonal baptismal font in the 6th C.

Fig. 3. Above - The baptistery at Frejus is on the left hand side of the building and the only remaining section of the church complex from the fifth century. It was renovated in the sixth.

Fig. 4.The font of the baptistery of Frejus above was originally built an octagon. Later renovators put the steps going into the font to make access easier.

Fig. 5. Top - Baptistery of Venasque dates back to the 6<sup>th</sup> century, it is built on a rocky outcrop.
Fig. 6. Bottom - interior of the baptistery with the octagonal font.

Saint Siffrein bishop was ordained by a bishop named Caesarius and is said to be holding relics of nails. The statue is placed in the hilltop baptistery of Venasque.

The interior of the fifth century baptistery of Aix-en-Provence has part of the medieval fresco remaining. The above photographs were taken by S. M. Loftus between 2008 and 2013.

## The term 'diocese'

Limitations on the power of the church and the maintenance of order with regard to religion were achieved through canon and civil law as well as specific ecclesiastical hierarchies and their boundaries of power. One example of this was the adoption of the civil practice of dividing territorial areas into different ecclesiastical provinces under a single jurisdiction, for example, a metropolitan bishop.[11] The ecclesiastical provinces and their surrounding jurisdictions initially came took the names and followed the exact geographical area noted by the Roman civil administration in the *Notitia Provinciarum*. This civil document divided up the provinces from the earlier period prior to 285–475.

There were initially seven civil provinces which later increased to 11 after the fourth century.[12] The divisions of the *Notitia Dignitatum* or more specifically the *Notitia Galliarum* for Gaul indicate the way the Empire was divided militarily into districts or provinces in the period from 395 onwards. These are the first divisions of the former military sections in Gaul which then became bishoprics. The whole area was divided into two civil dioceses of *Galliae* and *Quinque* provinces.

Over time we can see changes taking place with regard to different jurisdictions. At the Council of Turin (398), canon 1 mentions that Bishop Proculus of Marseilles claimed the primacy over all of the province of *Narbonensis*. Canon 2 also refers to a dispute over primacy between the two ecclesiastical provinces of Arles and Vienne in which it was decided that he who could prove his city was a metropolis should be primate. Over time the boundaries shifted and changed. For example *Massilia* (Marseilles), used to fall within ecclesiastical province of Vienne but by end of the fourth century the bishop of Marseilles was the metropolitan for the ecclesiastical province of Narbonne which came within the administrative civil province of *Narbonensis Secunda*.[13]

The word 'diocese' was used to name the civil administration territory after Diocletian (286) changed the administrative areas, which implied larger divisions of authority over the civil provinces.[14] The nine civil dioceses created in the Roman Empire at this time were individually under the jurisdiction of the *vices agens praefectorum praetorio* shortened to *vicarii*. [15] Our modern term vicar comes from *vicarius* which originally meant a substitute or someone acting for another person. The civil dioceses in turn were controlled by the four praetorian prefects, who in turn were under each of the four tetrarchs. In the West, with the exception of North Africa, the ecclesiastical province emerged as the main division of ecclesiastical territory as opposed to the civil diocese, which functioned as the larger civil model. The ecclesiastical division was administered by the metropolitan bishop from his major city of the province. The modern definition of the diocese is the territorial unit of the administration of an individual group

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[11] De Clercq, *Concilia Galliae*, CCSL 148A, p.412–20 for a list of ecclesiastical provinces in this period.

[12] Jones, *The Later Roman Empire,* vol. II p. 881–3, 889, 893–4, 1417. See also S. T. Loseby, 'Marseilles: a Late Antique Success Story,' *The Journal of Roman Studies* 82 (1992), 165–85. For a map showing the civil diocese and provinces of Gaul in the Roman Empire of the fourth century see P. Heather, *The Fall of the Roman Empire* (Oxford 2006) p. 10–11. See also Gaudemet and Basdevant, *Les Canons,* vol. II, map following p. 625.

[13] A. L. F. Rivet, *Gallia Narbonensis: Southern Gaul in Roman Times* (London 1988).

[14] See also Gaudemet and Basdevant, *Les Canons,* vol. II, map following p. 625.

[14] Diocletian divided the existing provinces with their cities into a hundred new provinces. These provinces were further grouped first into 13 and later 15 dioceses which were administered by vicars. The civil dioceses were then divided into prefectures.

[15] M. T. W. Arnheim 'Vicars in the Later Roman Empire' *Historia: Zeitschrift für Alte Geschichte* Bd. 19, H. 5 (Dec. 1970) p. 593–606.

of churches.[16] Each diocese was governed by a bishop and divided into parishes that are administered by lower clergy such as a priest. However this modern term for an area needs to be distinguished from the ancient civil division such as the diocese of Oriens.

In ecclesiastical terminology the 'diocese' (διοκήσις) was first used in the Greek speaking areas and roughly translates as administration. In the Eastern areas the ecclesiastical terms diocese and archdiocese emerged. The archdiocese was the larger area run by a metropolitan bishop or patriarch. The ecclesiastical usage diverged from the civil term diocese. In evidence from the fifth to the seventh centuries in Gaul we find the word 'diocese' being used to describe the area of a bishop's jurisdiction. Examples can usually be found relating to cases where two influential bishops argued over territory. To solve this kind of problem another diocese could be made by dividing two territorial areas. In Rome the area under the bishop's jurisdiction was known as the 'diocese' of Rome.

We know that letters were sent from emperors and bishops of Rome to patriarchs or metropolitan bishops indicating that they were the important leaders in their respective areas. The term metropolitan was predominantly used in Gaul although we do have one reference to a 'patriarch' from the opening statement to the council of Mâcon (585).[17] After attending councils the metropolitan bishops subsequently made their comprovincial bishops aware of any changes reflected in the canons. *Comprovinciales* is the term frequently used.

In Gaul the two ecclesiastical provinces of Vienne and Arles developed a rivalry that began in the fourth century and continued for a number of centuries. Very often their rivalry stemmed from discord over control of specific dioceses.[18] These contentions may have occurred because of changing territorial boundaries. However, it is more likely that they were due to the former history of each metropolitan city. At different times these cities had all been considered as the central civil administrative point for the Roman emperor or his military leaders in Gaul and thus were seen as representative of control over the territory as a whole.[19] Rome moved its civil administrative centre in Gaul from Trier to Arles in 375. From this time onwards Arles strove to maintain its position of control. In 417 we again see a bishop of Arles striving for supremacy in ecclesiastical authority. After 422 bishops of Narbonne, Vienne and Arles all claimed this right.

It was also in the interest of the Bishop of Rome to maintain contact and overall ecclesiastical authority over a province as a way to retain greater control over all Gaul. This was at a time when various autonomous kingdoms with their leaders held military authority over different geographical areas that had previously been under Roman civil administration. These were often valuable properties and income from them was an important economic source for the bishops of Rome.[20] The rivalry continued over several hundred years and resulted in several requests for recognition as the main ecclesiastical centre of Gaul from metropolitans to the

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[16] OED, http://www.oed.com/view/Entry/53084?redirectedFrom=diocese&, accessed on the 02/06/2015; Cross, et al., *The Oxford Dictionary of the Christian Church* (Oxford 1997) p. 482.

[17] Council of Mâcon (585), preface: *Priscus episcopus patriarcha dixit.* The term was used earlier at the council of Nicaea (325) in which canon 8 refers to the Bishop of Rome as a patriarch.

[18] Council of Turin (398), canon 2, gives us some evidence of these disputes. The bishops of each city had to prove which city was now the metropolis of the province. The one who won would then be called the primate.

[19] Mathisen, *Ecclesiastical Factionalism*, p. 19, 22, 23, 31, 49, 64, 69. This work traces the early controversies between the various sees. E. Griffe, *La Gaule chrétienne a l'epoque romaine* (Paris 1964–65), II, p. 146–54.

[20] G. I. Halfond, '*Patrimoniolum Ecclesiae Nostrae*: the papal estates in Merovingian Provence,' *Comitatus* 38 (2007), 1–16.

bishop of Rome.[21] In the sixth century, acknowledgment of the first position amongst all metropolitan cities was made when the Bishop of Rome awarded the *pallium* to the Bishop of Arles.[22]

By the sixth century the territorial boundaries set out by the *Notitia Provinciarum et civitatum Galliae* were no longer applicable.[23] Under the administration of three separate Frankish kingdoms at times, as well as intermittent Visigothic or Ostrogothic control, the boundaries were often fluid. Towns periodically became part of different provinces. As one king became more dominant he would take territory away from his fellow kings. Towns were even divided between kings at times.[24] Consequently political authority over episcopal sees frequently moved between different hegemonies. For example we have the case of the contentious see of Châteaudun. Bishop Promotius was non-canonically installed as bishop of Châteaudun by command of King Sigibert. This town was within the territory of the province of Chartres under the episcopal authority of Bishop Pappolus of Chartres, but the single town of Chateaudun was held at this time by Sigibert.[25]

By the fifth and sixth centuries we find examples of use of the new meaning of 'diocese' in Gaul. Sidonius Apollinaris tells us about ecclesiastical sees in areas where Euric, the Visigothic king, had rendered many bishoprics vacant, by not allowing new bishops to be appointed to succeed bishops who had died. He refers to multiple 'dioceses'.[26] Gregory of Tours also uses the term to describe even fairly small parishes; for example, he states that Bishop Cautinus made preparations to go to the diocese of Brioulle, a small town set in the countryside.[27] He refers to diocese in the plural when referring to the 15 dioceses that had

[21] Hefele, *The Histories of the Councils,* vol. IV p. 12–14. L. Duchesne, 'La primatie de'Arles,' p. 197–200; 214; 207; 216–18; 224–6. Later letters with reference to the *decretal* sent from Rome with this instruction. For example, Leo, Bishop of Rome in 450, divided the province of Vienne. Leonis *Ep.* 66, *ad episcope. Metrop.* Mansi, t. Vi. P. 76 downloaded 24/06/13 from http://www.documentacatholicaomnia.eu/01_50_1692–1769–_Mansi_G.D.html. The subject was again discussed in Rome by Hilarus Bishop of Rome in 463. Later problems arose when metropolitans ordained bishops in areas that had belonged to other dioceses prior to the letter of Leo. For example, Bishop Mamertus of Vienne, by ordaining a bishop in Die, ignored the diocese division between Arles and Vienne, as determined by Leo. This resulted in a number of letters from Hilarus of Rome and a council in Rome was required to resolve the problem.

[22] W. Klinghirn, *Caesarius of Arles: the Making of a Christian Community in late Antique Gaul* (Cambridge and New York 1994) p. 128–9. Caesarius of Arles received the *pallium*, following his questioning and internment in Italy and subsequent successful return to Arles. Klingshirn notes he received it specifically for his securing the interests of Rome in a variety of ways such as holding councils and discussion papal interests, as well as managing the property of the Bishop of Rome.

[23] J. Harries, 'Church and State in the *Notitia Galliarum*,' *Journal of Roman History* 68 (1978), 26–34. Harries notes this document was a list of the 17 provinces in Gaul with their respective metropolitan cities, and smaller cities named as seven *castra* and one *portus*. She notes that both Mommsen and Rivet consider its origin was ecclesiastical and was a list of bishoprics. See A. L. F. Rivet, 'The Notitia Galliarum: some questions,' *Aspects of the Notitia Dignitatum* (BAR (Suppl. series xv), 1976), 119–41; *Gallia Narbonensis: Southern Gaul in Roman Times* (London 1988). However Jones argues that it is a document that relates to civil administration: Jones, LRE II, 712. Harries argues that it was initially a civil document and later adapted for ecclesiastical purposes because certain aspects of the document do not correspond to an understanding of the fourth century ecclesiastical structure. It was certainly later used by the medieval church as an ecclesiastical document.

[24] Greg. Tur. *DLH.* IX. 20. See the Treaty of Andelot. The land held by Clovis was divided up between his sons and their sons also inherited sections of each kingdom.

[25] Greg. Tur., *DLH.* VII. 17; IV. 47; Council of Paris (573) Letter from Bishop Pappolus of Chartres to the Synod, De Clercq, *Concilia,* vol. 148A, p. 212. See Chapter 2.

[26] Sid. *Ep.*vii.8: *Nulla in desolates cura diocesubus parochibus.*

[27] Greg. Tur., *DLH.* IV. 13.

previously been in Visigothic territory,[28] as well as a number of dioceses belonging to Rodez.[29] In another example from the same work, Gregory states, 'The diocese of Poitiers took back the parishes which had been allocated to Austrapius'.[30] The canon law of the sixth century also makes reference to 'diocese'.[31]

In the example of Promotus and Châteaudun discussed above we find the word 'diocese' being used again when Pappolus Bishop of Chartres exclaims 'this is my diocese'.[32] The term was also referred to at the council of Orléans (538), canon 21, where the various spellings of *dioecesis* and *diocisis* refer to a smaller parochial church that has been allotted to the clergy.[33] Both Sidonius and Gregory use the term when referring to single or multiple ecclesiastical areas. Yet the term was also used when referring to areas that were understood to be under the authority of one metropolitan bishop, for example the bishop of Chartres refers to his authority over the smaller town (bishopric) of Chateaudun. Thus we can see that in the sixth and seventh centuries 'diocese' indicates an area under the authority of an individual bishop.[34]

## The title *comes*

When the administrative title *comes civitatis* or *militaris* is found in texts in late antiquity it denotes a different sense earlier usage. During the late Roman Empire the *comitatus* was an organisation that was directly responsible to the emperor and was part of the central government consisting of the administrative machinery of government.[35] Within this group were a number of *comes* who had different areas of responsibility, such as money or military control, for example, the *comes rei privatae* managed the estates of the emperor while the *comites rei militaris* was similar to the *magister militum* and dealt with troop management. The administration of a province, city or region came under the *praetor* who controlled a number of officers; he was ultimately responsible to the senate and emperor. In the later empire, governors of regions tended to take over some of the official tasks that had previously been done by local councils and they used a *curator civitatis* to carry out this work (such as repairs to buildings or constructing new

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[28] Greg. Tur., *DLH*. V. 5; VI. 38.

[29] Greg. Tur., *DLH*. V. 5.

[30] Greg. Tur., *DLH*. IV. 18. The English translation comes from Thorpe, *The History*, p. 214–15.

[31] Council of Orléans (541) canon 33. *Si quis in agro suo aut habit postulat habere diocesim, primum et terras ei deputet sufficienter et clericos. ...*

[32] Greg. Tur., *DLH*. VII.17: *...eo quod castrum illud esset diocisis Carnotena,* Later in the same section, Pappolus Bishop of Chartres exclaims *'Diocisis mea est.'* Council of Paris (573) Letter from Bishop Pappolus of Chartres to the Synod, De Clercq, *Concilia* (1963), vol. 148A, p. 212. See also P.S. Barnswell, *Kings, Courtiers and Imperium, the Barbarian West,* 565–725 (London 1997) p. 41–51.

[33] Council of Orléans (538), canon 21 (18): *De uero clericorum personis, que de ciuitatinsis ecclesiae officio, monastiria, deiocesis vel basilicas in quibuscumque locis positas, id est siue in terreturiis siue in ipsis ciuetatibus, suscipiunt ordenandas, in potestate sit episcopi, si de id, quod ante de ecclesiastico munere habebunt, eos aliquid aut nihil exinde habere uoluerit, quia unicuique facultas suscepti monastirii, deiocisis vel basilecae debet plena ratione suffecere.*

[34] For the purpose of this thesis, the area of a bishop's jurisdiction is called a see, an episcopate, or a bishopric to avoid confusion with the ancient civil administrative term and the modern term diocese.

[35] P. S. Barnwell, *Kings, Courtiers and Imperium:* (London 1987) p. 41–52; 79–82; P. S. Barnwell, *Emperor, Prefects and Kings: the Roman West, 395–565* (Chapel Hill 1992) p. 643–8; Jones, *The Later Roman Empire,* vol. I, p. 260. Jones also states he is not sure 'whether *iudices deputati* are sometimes identified as *comes civitatem*,' found in the Lex. Burg. *Prima const.* 7: vol. III, p. 52.

buildings).[36] Around 409, an appointment known as *defensor civitatis* began to be allotted to protect the rights of citizens.[37]

In this later period the secular elected position of *defensor civitatis* came under the control of local clergy and the bishop, local leading landowners and the *decurions*.[38] The previous position of *curator* under the *praetor* now became the *pater civitatis*.[39] By 400 AD these regularly elected positions were eclipsed by the position of *curator civitatis*.[40] In later times the title *comes civitatis* or *tribunus* signified a military role such as a garrison commander, however he usually also took on the responsibilities of city governor.[41] Towns or what were called *civitates* are the focus of later narrative histories rather than the previous concentration on the broader provinces of the Roman Empire. The *civitates,* or groups of autonomous communities, became more significant as administrative units in Gaul.[42]

These *civitates* are also the groups often representing the boundaries of Christian diocesan areas. Under the barbarian rulers administration of the cities of the West was under counts or dukes (*comes* or *dux*).[43] These were generally appointed by the kings of the various autonomous territories and often there were two in each *civitas,* one generally being a Frank, Goth or Burgundian, and the other a Gallo-Roman.[44] We also have evidence from narrative historical texts or letters between civilians and bishops indicating the election of men to such local administrative and judicial positions.[45] The previous use of the title *comes civitatis* in the kingdom of the Franks combined any number of the above mentioned roles. The *comes* was directly responsible to the king. In the Burgundian kingdom the title *comes civitates* appears to survive but is used to describe men functioning in a lower capacity. They may have had some judiciary function but were more likely to be dealing with paperwork, such as application for royal grants or recommendations for such applications.

Gregory of Tours sees the role of *comes*, given to his great-grandfather, as encompassing certain requirements. The *comes* necessarily demonstrated a combination of skills and training, having a good educated, administering justice, collecting taxes, calling out the levy and occasionally commanding in war.[46] In the Frankish kingdom *comes civitatis* also designated a military role for levying the troops from the territory and fining those men 'who neglected a summons'. The title was used by a number of men, Celsus, Amatus and Mummulus who had military roles and were leaders in the army of King Guntrum in 560.[47] There is one reference in

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[36] Barnwell, *Kings, Courtiers and Imperium,* p. 41; 62–61; Jones, *The Later Roman Empire,* vol. II, p. 758.

[37] Jones, *The Later Roman Empire.* vol. II, p. 758. Jones suggests this may indicate some deterioration in local autonomy, pointing to the fact that the power of the local city councils began to decline.

[38] Jones, *The Later Roman Empire,* vol. II, p. 758

[39] Jones, *The Later Roman Empire,* vol. II, p. 755, 758; 759. Jones notes that these steps were necessary to boost the control of local civil authorities, particularly magistrates but were actually seen as a failure. Instead, local men of high standing held office and were replaced regularly by new elections held by bishops, clergy and landowners. Other titles also used for ruling local areas include *loci servatores,* or on a lower scale *agens in rebus.*

[40] Jones, *The Later Roman Empire,* vol. II, p. 726

[41] Jones, *The Later Roman Empire,* vol. II, p. 760

[42] Barnwell, *Kings, Courtiers and Imperium,* p. 43; 61; 80–2; Jones*, The Later Roman Empire,* vol. II, p. 712.

[43] Jones, *The Later Roman Empire,* vol. 1, p. 260. Jones mentions that of the 31 named *comites* who signed the laws of Burgundy under Gundobad, only one of them was Roman. It was probably Fastilla.

[44] Jones, *The Later Roman Empire,* vol. I, p. 261.

[45] Sid. *Ep.* Bk.II V.18. Sidonius writes to Gregorius Attalus on his appointment as *comes civitatis.*

[46] Greg. Tur. *VP,* VII, 1–2, Jones, *The Later Roman Empire,* vol. II, p. 261.

[47] Greg. Tur. *DLH.* IV. 24; IV. 41; IV. 42. See also Jones, *The Later Roman Empire,* vol. II, p. 262. Gregory refers to men promoted as counts of the successor kingdoms. Celsus, who was replaced by Amatus and the career of Mummulus.

the Burgundian law code to counts (*comites*), both Roman and Burgundian, who were expected 'to maintain justice' in every way possible. In addition, their relatives were not to be allowed to commit crimes without punishment.[48]

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[48] K. Fischer Drew, *The Burgundian Code* (1949) p. 11–13.

# Appendix II

## Council notes, commentary and some translations

### 1. Council of Agde (10th September 506) *Concilium Agathense*

Although this council was not included in the terminology charts or even discussed in detail it is included here because it was the first council held in Gaul in a successor kingdom. The council of Agde (506) was the first known council of the sixth century and held under the Visigoths in response to a number of issues. This council was held in the basilica of Saint Andrew in the province of Narbonne, today represented by the Languedoc region of South-West Gaul. Pontal suggests that later councils used this council to follow as an example of proceedings.[1]

This important council was convened a year before the defeat of Visigoths by the Franks. It may be argued that the Visigothic king Alaric II who followed Arian Christological view, tried to gain some support from the local Gallo-Roman residents of this province by allowing the Nicaean Christian council. In this region in 506 Alaric also issued the *Breviarium Alaricum,* a book of law which succinctly defined the Roman law for those both Gallo-Romans and Visigoths residing under Visigothic authority.[2] It would seem by these two actions he was attempting to placate the Catholic Gallo-Romans in his territory. There are also reports of the destruction of Catholic churches by his father Euric[3] with evidence that some Gallo-Roman communities assisted the Franks.[4]

One reason for the prominence of this council is that it was convened under the guidance of the influential bishop Caesarius of Arles. Although it required the permission of the Arian king it might be considered a council independent of both royal and imperial intervention.[5] There were 35 bishops present and 34 subscribed to the council.

Seventy-one canons are found in Hefele, who notes that Gratian accepted these as genuine and they were to be found in his decretum.[6] In some collections canons vary, for example, contents of some canons can also be found in the collections of Burchard of Worms

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[1] Pontal, *Histoire,* p. 19, 248–9, 265.

[2] S. Loftus *The Visigothic Kingdom and the Jews in their legislation* (unpublished Honours Thesis 2005) p. 74–83.

[3] Greg. Tur. *DLH.* II. 25, 27. There may be a certain amount of exaggeration in this account as obviously Gregory was writing after the event and under a different regime. However Bishop Sidonius Apollinaris who resided in Clermont and who was contemporary with the events verifies this unrest.

[4] Sidonius was exiled from his region and held prisoner by the Visigoths in Bordeaux in 475. Greg. Tur. *DLH.* II.25, 26, 37. Gregory first mentions a letter from Sidonius (*Ep.* VII.6) which gives details of the attacks on Catholic churches in the Aquitaine region by the Visigothic King Euric and his followers. He mentions the plight of cities, suffering because of the Visigoths, including those in the Auvergne. Gregory also mentions a group from the community of Auvergne who fought at the battle of Vouille under the leadership of Apollinaris (a relative) this region had been occupied by the Visigoths and Apollinaris raised an army to fight.

[5] Although the council contains a letter from Innocent bishop of Rome, which mentions the ordinance of Siricius, it is situated in a peculiar position. Most letters were at the beginning or the end of councils, perhaps this was placed here to add strength to a particular aspect of the canons or just to add authority to the whole group of canons.

[6] Hefele, *The History of the Councils,* vol. IV p. 76; This council is not presented in the edition of Gaudemet and Basdevant, *Les Conciles*, so I have used C. Munier (ed.), *Corpus Christanorum* Series Latina *Concilia Galliae, A. 314–A506* (Turnhout 1963), Vol. 148, p. 189–228; for the Latin text. It may have also been omitted from the *Hispanica Gallic*. Pontal. *Histoire,* p. 19. However, Pontal mentions it reached Rome along with three other council contents (*SEA* and those of Arles, Orange and Agde).

and Ivo of Chartres. However in Sirmond only 47 were found and ascribed to this council. It is thought he considered that some of the other canons are from even earlier councils were also not included in the oldest of the manuscripts of the Conciliar Acts, they were possibly mistakenly placed within the canons of Agde.[7] Canon 9 specifically mentions that the ordinances of bishops Innocent and Siricius of Rome are to be applied.[8] A letter of Innocent is included in the canons between canon 9 and 10. This refers to the purity of priests on the day of ordination and the contamination of the ministry by priests not remaining in an abstemious life. There are 11 references to different aspects of ordination made in canons 1, 9, 10, 11, 12, 21, 27, 30, 35, 43 and 47. Consecration is mentioned in canon 1, there are references to authority over church property on the death of a bishop, succession, inheritance and charity in canons 4, 7, 26 and 33 of the accepted canons by Munier and in the additional canons 48, 49, 51, 56 and 59.[9]

*Opening statement*

> In the name of the Lord, with permission of our Lord the most glorious and most magnificent and pious king the holy synod met in the city of Agde and there bowing to the earth we prayed to the Lord for his reign, long life, and for his people. That the lord should extend the prosperity and the rule {of} him who has granted us the authority to meet, guide it with justice, and protect with vigour. When we had done this, we sat down in the basilica of the holy Andreas and discussed the discipline and ordination of the priests, and the needs of the churches. [10]

## 2. Council of Toulouse (507–508) *Concilia Tolosa*

This council is not recorded in Munier or editions by Gaudemet and Basdevant; however it is mentioned in Hefele who raises some doubt about the council. The evidence for a council at Toulouse at this time comes from correspondence between bishops Ruricius of Limoges and Caesarius of Arles. It notes that a council was held in 507 at Toulouse and all bishops from the territory of the Visigoths were invited. The doubt in relation to the date and place of the synod arises from the political situation at the time with Clovis defeating Alaric at Vouille in 507. With the turmoil of war it seems unlikely that the council was held unless it was very early in the year, well before the battle commenced.[11]

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[7] Hefele. *The History of the Councils,* vol. IV p. 76.

[19] *CCSL* 148, p. 196, line 86. This is a section of the letter of the bishop of Rome refers to priests returning to their conjugal bed.

[9] Section of the letter of Innocent from CCSL 148, p. 198, line 121; he refers to the problem of married priests and their situation if a second marriage prior to ordination. *Quanto magis hi sacerdotes uel leuitae pudicitiam ex die ordinationis suae debent, quibus uel sacerdotium uel ministerium sine successione est, nec praeterit dies qua uel a sacrificiis diuinis aut a baptismatis officio uacent.* By what extent should these priests and even deacons be responsible for purity from the day of one's own ordination, with everyone who even the priest or even the ministry is without succession nor should it be left neglected empty a day which thing even with the divine sacrifice or of baptism should impede you.

[10] CCSL. 148, p. 192; *Cum in nomine Domini ex permissu domni nostri gloriosissimi magnificentissimi piissimique regis in Agatensi ciuitate sancta synodus conuenisset, ibique flexisin terram genibus, pro regno eius, pro longaeuitate, pro populo dominumdeprecaremur, ut qui nobis congregationis permiserat potestatem, regnumeius Dominus felicitate extenderet, iustitia gubernaret, uirtute protegeret, insancti Andreae basilica consedimus, de disciplina et ordinationibus clericorum atque pontificum uel de ecclesiarum utilitatibus tractaturi.*

[11] Hefele, *The History of the Councils,* vol. IV p. 86–7; The reference for the council is *Sacrorum conciliorum nova et amplissima collectio,* G.D. Mansi, T VIII (Florence 1762), IX (1763), X (1764); Mansi, t. viii. p. 343.

### 3. Council of Orléans (511) *Concilium Aurelianense* [12]

This was first council convened in Orléans in the period of the Franks. It begins with a letter to King Clovis from his bishops, and is named by a number of modern scholars as a 'national' council. There are two reasons for this, the first being the number and geographical representation of bishops, the second being the inclusion in the council of the letter to the bishops of Aquitaine. [13] It was not, however, a national council in any sense as we would understand today.

This important council was the first initiated and convened after the conversion of Clovis to Catholicism and was held when most parts of Gaul were under the administrative authority of the Frankish kingdom. This council was called for political as well as ecclesiastical purposes, particularly in the light of Clovis' recent conversion. [14] There were still many powerful aristocratic connections within these communities and their loyalty to the Franks needed to be nurtured. The Franks were in the minority and they needed something substantial to mobilise the support of the local Gallo-Romans. By allowing the council to take place the king was trying to illustrate that he was the same as Roman emperors who convened councils. Clovis was also identifying with the Catholic church of the Gallo-Romans provincials which solidified and legitimated his own position. This is discussed further in Chapter 2.

Clovis now backed his assurances in the letter by calling the bishops to council and the response is indicated by attendance of 30 bishops. They included in their number: the metropolitan bishops Cyprian of Bordeaux who presided at the council, Tetradius of Bourges, Licinius of Tours, Leontius of Elusa (Eauze) and Gildard of Rouen. Some of the bishops had previously participated in the council of Agde; these were Cyprian, Tetradius, Eufrasius, Quintianus and Boetius. Of the 31 canons written at Orléans, many show the need to repeat canons that were important and perhaps new.

The bishops did not attend from the northern part of France known previously under the Roman Empire as *Belgica Secunda*, which included the city of Reims. One other group of bishops who did not attend were those closest to the territory near the Pyrenees; these were seven bishops, seven out of nine from that area who came to Agde. [15] These bishops were the closest to the border with Visigoth territory and perhaps there was a residual problem in this area. Certainly some Visigoths continued to remain and were influential in the Narbonne region.

The opening statement is a letter of the synod to Clovis with specific points where there is a need for clarification or change. [16] The bishops also request confirmation by the king of the decrees promulgated at this council.[17] Thirty-one canons are promulgated.

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[12] Orléans I (511) CCSL 148A p. 4.

[13] De Clercq, La (1936) p. 103.

[14] G. Kurth, *Clovis*, 2nd ed., t. II (Paris 1901) p. 135–7.

[15] The nine bishops were from the previous area known as Novempopulanum and they were of the diocese of Couserons, Comminges, Tarbes, Lescar, Oloron, Dax, Lectoure, Aire and Agen.

[16] *Concilia Galliae* 511–695 — *Concilium Aurelianense* a. 511 CCSL 148A p. 4, line 1, *Epistola ad regem.*
*Domno suo catholicae ecclesiae filio Chlothouecho gloriosissimo regi omnes sacerdotes, quos ad concilium venire iussistis. Quia tanta ad religionis catholicae cultum gloriosae fidei cura uos excitat, ut sacerdotalis mentis affectu sacerdotes de rebus necessariis tractaturos in unum collegi iusseritis, secundum uoluntatis uestrae consultationem et titulos, quos dedistis, ea quae nobis uisum est definitione respondimus; ita ut, si ea quae nos statuimus etiam uestro recta esse iudicio conprobantur, tanti consensus Regis ac domini maiori auctoritate seruandam tantorum firmet sententiam sacerdotum.*

[17] Mansi, t. viii. p. 350; Sirmond, *Concilia Galliae*, t. i. p. 177. The reference here is to the source where this particular evidence of this letter was located.

Canon 4 is the first reference in the canons to the participation of kings in ecclesiastical matters. One other area of interest is canon 5, which concerns the goods of the church in particular the property or goods the king has donated to the church. It deals with the money or goods produced from the gifts of the king to be used to repair damaged churches, maintain the clergy or the poor, and to redeem prisoners. This canon confirms what we know from the historical evidence that the king and his family adopted the habits of other Gallo-Roman Christians of the period who made donations to the church and monasteries. It also adds to our knowledge of the circumstances of the period that the king confirmed he was aware of, and was doing something to ensure, that repairs were made to those ecclesiastical buildings that had been damaged in war, as he had promised in his previous letter and decree.

## 4. Council of Reims (514)

The only reference to this council is in the *Vita S. Remigii,* Hincmar of Reims his biographer wrote that all the bishops greeted Remigius at the council except one Arian bishop who refused and then miraculously lost his power of speech.[18]

## 5. Council of Rennes (516–517) *Civitates Riedonensis*

Rennes is situated in Brittany (then called Armorica). Originally an independent kingdom ruled by its own Breton kings, it became a dependant of Frankish Gaul. Mentioned by Pontal as a council that took place around 516–517, there is no further record of this council or reference to it. There was certainly evidence from this period of bishops in this region with Rennes as the metropolitan diocese and suffragan bishops in Le Mans, Nantes, Vannes, St Pol de Leon and possibly Quimper.

## 6. Council of Lyons (516) *Concilium Lugdunensis*

The city of Lyons has both the Rhône and Sâone rivers running through this ancient Roman city, it was at this time situated within the Burgundian kingdom. The only reference to this council at Lyons in Burgundian territory is found in a letter of Avitus of Vienne and a bishop Chartenius; letter 28 mentions a council. Pontal considers this may have been the council in which Stephen the treasury official was accused of an incestuous liaison with his dead wife's sister Palladia following which they were both excommunicated.[19] This action had consequences at the following council at Epaone (517) and the other Council at Lyons (518–523). There has been much discussion regarding the date of that council.[20] However the death of Avitus was 5th February 518 and this precludes another council at which he was present. In the canons of Epaone there is a reference to the case of Stephen and the canon reiterated a ruling on incestuous unions.

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[18] Hefele, *The History of the Councils,* vol. IV p. 106. The references to this council are only made here and the source is Mansi, t. viii. p.554. Hefele mentions that Floadard, *History of Reims* (lib. i. c.19) gives us another reference.

[19] Hefele, *The History of the Councils,* vol. IV p. 102; Pontal p. 60; all cite Mansi, viii. 538.

[20] Pontal, *Histoire,* p. 60–1, and footnote 3, p. 72.

## 7. Council of Le Mans (516–517) *Concilium Conomanicum*

Hefele refers to this council, which is indicated by a donation made to a monastery by one Harigar and his family. The monastery was found in the diocese of Le Mans and built in honour of Saint Mariae et SS Martyrium Gervasii et Protasii.[21]

## 8. Council of Epaone (15th September 517) *Concilium Epaonense*

The council was held in Epaone (Modern Albon) situated in the south of the Burgundian kingdom in the Rhône region between Vienne and Valence. The kingdom was quite spread out and stretched from the plateau of Langres in the north to the river Durance in the south and eastwards as far as Windisch in the alpine valleys of modern Switzerland. The most westward bishopric was Nevers.[22]

Like the council of Orléans (511), this council was the first held in the Burgundian kingdom and it reunited and organised ecclesiastical matters in the kingdom now administered by the Catholic, King Sigismund. He succeeded to the kingdom after his father King Gundobad of the Arian faith in 516. Gaudemet and Basdevant suggest that the council of Orléans (511) and Clovis set the pattern for this council. Sigismund at Epaone is seen to emulate this ideal.[23] This is illustrated by many canons of Orléans repeated at Epaone.

This council was convoked in April by the Metropolitan bishop Viventiolus of Lyons and through the initiative of Avitus of Vienne.[24] The council took place in September, which indicates how long it took to organise such a synod. There were three metropolitan bishops and 21 other bishops. None of those present at Epaone were those who participated in the council at Orléans. This may indicate the fragile nature of the Burgundian kingdom. The kingdom was pushed from the north of the Durance by the Goths before 524, with complete annexation by the Frankish kings in 534.[25] The provisions made at this council were similar to other contemporary Frankish councils although many of the canons of Epaone are not as well-known as other council canons.[26] Transmission of the text of the canons of Epaone was through a dozen Gallic collections which were quite scattered, these were found in various manuscript collections; Corbie, Lyon, Lorsch, Saint-Maur, Albi, Reims, Pithou, Cologne, Diessen and Saint-Amand.[27]

Pontal indicates that by a note sent by Avitus to Gundobad, he showed that he wished to fuse the Gallo-Roman with the Burgundian peoples. He also wished to maintain the institutions that were still active. He also wanted to keep the official acts in Latin and for the senatorial class to continue to have respect with the dating of consuls continued. Pontal adds that Avitus wanted

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[21] Hefele gives the reference Mansi, t. viii. p. 546.
[22] See maps in Pontal, *Histoire,* p. 390; Champagne and Szramkiewicz, 'Recerches sur les conciles des temps mérovingiens,' *Revue historique de droit français et étranger,* 49 (1971) p. 9; Gaudemet and Basdevant, *Les Conciles,* inserted in the last page of the 2nd volume for geographical features of the diocese attendance. Gaudemet and Basdevant *Les Conciles,* p. 94. It is noted here that the Burgundian kingdom corresponds roughly to the frontiers of territory of the jurisdiction of diocese of the metropolitan Vienne. Historians have fixed the limits of this kingdom in reference to the council list of bishops attending Epaone,
[23] Gaudemet and Basdevant, *Les Conciles*, p. 93.
[24] This was the last council in which he participated as he died shortly afterwards.
[25] Gaudemet and Basdevant, *Les Conciles*, p. 93.
[26] Gaudemet and Basdevant, *Les Conciles*, p. 94; H. Mordek, 'Kirchenrecht und Reform in *Frankenreich: die Collectio Vetus Gallica, die älteste systematische Kanonessammlung des fränkischen Gallien* (Berlin 1975).
[27] Gaudemet and Basdevant, *Les Conciles,* p. 94–5.

the political organisation of the king to be non-elective while at the same time he was to be considered as a delegate of the emperor.[28]

Like the council of Orléans (511), the Council of Epaone begins with letters from Avitus and Bishop Viventiolus of Lyons. Following the two letters there is a *praefatio,* which explains that through divine favour they have joined together at the church of Epaone, where they have understood the ancient rules and looked at the new ambiguities in decrees with sensibility in order to clearly define the titles they are about to record.[29]

Within the 40 canons there are references to certain areas which concern the authority of bishops and required definition. These allow clerics to administer communion in other parishes (canon 6) and abbots to submit to bishops for sanctions and nominations (canon 19). Authorisation from the bishop is also deemed necessary for monks to create cells or found monasteries (canon 10), for deferring a process to the secular tribunal (canon 12) and for abbots to sell the goods or emancipate the slaves (canon 8). Legacies and gifts to the church are strictly legislated through canons 5, 12, 14, 17, 18, 22 and 25. Canons 2, 3, 4, 11, 20, 24, 32 and 37 concerning access to the orders, and the ordination, consecration and position of clerics. The council of Epaone refers to the terms of the Breviary of Alaric with the obligation to follow the idea of *pulsatio.* There is some merit in Pontal's argument that the council of Orléans was less exposed to Roman legislation. Possibly because the north-eastern area where the Franks had settled was less populated by Gallo-Romans than all the other areas, thus Frankish laws prevailed.[30] The council of Epaone made rules for monastic life in canons 9, 10, 38, 21, as well for the women, which was new because before these rules had been made only for men.[31]
Gaudemet and Basdevant *Les Conciles,* provide lists of some of the canons of Epaone that recalled provisions from the council of Orléans (511).

| Canons recalling provisions from Orléans (511) | | Canons marking differences | |
|---|---|---|---|
| *Orléans (511)* | *Epaone* | *Orléans (511)* | *Epaone* |
| 11 | 23 | 3 | 39 |
| 13 | 32 | 10 | 33 |
| 19 | 19 | 25 | 35 |
| 22 | 10 | | |
| 23 | 18 | | |
| 29 | 20 | | |

## 9. Council at Agaunum (515/523)

Agaunum (St Maurice-en-Valais or St Maurice d'Agaune) was situated in the area now called St Moritz, a mountainous region in the canton of Vallais in Switzerland. The date of this council is tentative, even the contents of the proceedings may be doubted as original. However, Hefele provides great detail on the sources, content and the various arguments for differing date for this

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[28] Pontal, *Histoire,* p. 59.
[29] *CCSL,* 148A, p. 24 line 72–5.
[30] Pontal, *Histoire,* p. 42.
[31] This indicates the increase in numbers of women joining monasteries in this period.

council. He also includes council proceedings.[32] This council may have been held during the period when King Sigismund restored and enlarged the monastery of Saint Maurice at Augunum following the murder of his son Sigeric, which Sigismund is supposed to have instigated. This restoration was considered a way for him to demonstrate his piety. Sigismund was eventually buried here. The site became an important place for worship and he was eventually considered a saint.[33] Hefele states that Avitus was not present at this council because his signature is not with the other subscribers.

The council contents are divided into two parts, initially the discussion between the king and the bishops, followed by discussion between the bishops alone. Within the contents of the council is a deed of gift from Sigismund. At the beginning of the proceedings it is attested that 60 bishops and an equal number of *comites* attended. While this is repeated at the start of the section, in the final part where subscriptions normally occur, only three bishops and eight counts have signed. The bishops were Maximus of Geneva, Victorius of Grenoble and Viventiolus of Lyon; mentioned elsewhere is one Theodorus of Sedun. The serious exemption from this list of Avitus of Vienne whose absence adds further doubt to the date. The sermon that Avitus wrote for this council and the inauguration ceremony of the new building that took place there are lost but the title alone is extant.[34]

The first part of the proceedings includes the king's speech and a summarised version of the Christian rules on morality read by Maximus. This is followed by Theodore's statement requesting decisions regarding the reburial of martyrs (Maurice, Exuperius, Candidus and Victor) in the new church. It is then decided that throughout the day and night priests will watch over the martyrs' grave in shifts of continuously singing psalms. This type of arrangement called *psalmody,* or alternatively labelled the *laus perennis.* Hefele states that there is some scholarly contention because some scholars have declared this practice did not commence until a much later date.[35]

As well as the institution of the *psalmody,* both bishops and king appointed Hymnemundus as the new abbot. As the monks would not have time to attend to other normal business new rules were made.[36] The deed of gift mentioned already noted mentions *ad luminaria vel stipendia monachorum,* which is a fixed sum to provide lights for the monks. At the same time Sigismund granted properties, possibly monasteries and churches in Lyons, Vienne, Grenoble, Aosta Geneva, Avenche, Lausanne, Besançon and others, which included all the possessions within the properties such as building, slaves, vineyards and woods.

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[32] Hefele, *The History of the Councils,* vol. IV p. 94–8. Pontal, *Histoire*, 60–3; Fredegar, *Chronica*, IV.1; Avitus of Vienne, Hom. 25, MGHAA t. 6.2. Possibly a forged charter.

[33] J. Favrod, *La Chronique de Marius d'Avranches (455–581)* (ed.) (Lausanne 1991) p. 70–1, 114; Hefele, *The History of the Councils,* vol. IV p. 94–6; *Gallia Christiana,* p. 12 sqq.; *Passio sancta Sigismundi Regis*, c. 2–3, 9; Greg. Tur. *DLH,* II. 32–35; III. 5; *GM.*74; Van Dam, *Glory of the Martyrs,* 74, p. 96–7; Wood, *The Merovingian Kingdoms,* p. 52–3.

[34] Hefele, *The History of the Councils,* vol. IV p. 96. Hefele cites *Gotting. Gelehrte Anzeigen* (1897) S. 378 as containing the title and one other sermon given at this occasion by Avitus. Perhaps Avitus wrote the sermons ahead of time knowing the monastery was to be restored and enlarged. Wood (1994) p. 52.

[35] Hefele, *The History of the Councils,* vol. IV p. 97–8. He also indicates that a document of a later date indicates that King Dagobert instigated a similar practice at Saint Denis in Paris and notes that it was in imitation of the Agaunum custom.

[36] Hefele (1895) p. 98. These rules included the type of clothing suitable for the monastery, the designated rooms — one dining and one dormitory, one of which would be heated.

## 10. Council of Lyons (518–523) *Concilium Lugdunensis*

The date of the council is unknown but it was held after Epaone and must have been called before the death of Sigismund.[37] During 523 the Ostrogoths annexed the area between the Drôme region and the Durance River.[38] This was a relatively small council but its proceedings reveal an interesting situation had emerged between bishops and the king. Only 11 bishops were present including the Metropolitan bishop Viventiolus and Gregorius Bishop of Langres.[39] Of the 11 bishops present, nine had previously joined the council at Epaone. They were thus aware of the problems concerning Stephen and his second marriage to his first wife's sister, deemed an incestuous union at a previous council.

This council gives us an example of how the bishops dealt with a real problem through the process of two or three councils. The first council recognises that there is a problem and excommunicates Stephen and Palladia.[40] The second council defines in canon 30 the incestuous unions that are considered unlawful. The third council depicts the problems arising out of the excommunication of the couple and how the bishops propose to solve the difficulties arising from their first action. There are only four canons in total including the first one mentioned. Canons 2 and 3 deal with different aspects of ordination, repeating canons promulgated at a previous council.

## 11. Council of Tournay (520) *Concilium Tornacum*

This city is situated in the province of Reims in the present day town of Doornick in Belgium and this is another council with scant evidence. Bishop Eleutherius invited his other priests and members of his parish to deal with heresy. The only reference to this council is the speech of Eleutherius to his diocesan synod. He speaks to the assembled parishioners and expresses his own belief in the trinity.[41]

## 12. Council of Arles (6th June 524) *Concilium Arelatense*

The ancient Roman city of Arles is situated adjacent to the river known at this point as the Grand Rhône in the modern area of Provence. The first church was established in the third century and Cyprien mentions an early Bishop Marcianus, but he was not the first bishop.[42]

Since 508, the Gothic king Theoderic had administered the diocese of Arles together with part of Gallia Narbonnensis. He exercised his prerogative as guardian of his grandson Amalric

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[37] Pontal *Histoire,* p. 71. Pontal gives different on the dates indicating it was between 518 and 519.

[38] Gaudemet and Basdevant, *Les Conciles*, vol. I p. 127. Wood, *The Merovingian Kingdoms,* p. 53.

[39] The bishops were Julian of Vienne (possibly the successor Avitus), Silvester of Chalon, Apollinaris of Valence, Victorius of Grenoble, Claude of Besançon, Gregorius of Langres, Maximus of Geneva, Saeculatius of Die and Fylagrius of Cavaillon. The two who did sign were Viventiolus of Lyon and Florentius of Orange or Saint Pol trios Châteaux. CCSL, 148A, p. 40–1. De Clercq mentions only that perhaps Viventiolus did not agree to the decision.

[40] The biography of Saint Apollinaris of Valence mentions that the excommunication took place at a synod where both Avitus and Apollinaris were present. This council was previous to Epaone (517) and unrecorded. Hefele also states that the king was angry at this punishment and that all the bishops had taken themselves to Lyons in their self-imposed exile until the king would attend communion Mansi, t. viii. p. 565.

[41] Mansi, I.c. 587 sqq.

[42] Duchesne, *Fastes épiscopaux*, p. 19, citing Cyprian *Epistles* 68.

the Visigothic young heir.[43] This council is considered to be a provincial council because the attendees are only from this province. [44]

One motivation for the council was the dedication of the church of Saint Marie in this city. [45] The other aim mentioned in the opening statement was a redefinition of ancient ecclesiastical rules. The numbering of the council as the third council of Arles needs to be mentioned here because there is confusion over the numbering of the third and fourth council. Gaudemet mentions that the numbering has no value since the Arles II council is not dated and was really just a collection of canons and not a council.[46] No councils were held in this city for some time because of civil disturbances in the territory.[47] Arles was eventually annexed from the Burgundian Kingdom and Franks by the Goths who administered it between 508 and 534.

Some of the bishops of this area had met at the Council of Epaone in 517 but between 506 and 524 no council was held at Arles. Caesarius was under suspicion in 513 and called to Ravenna to be judged. When he was exonerated and returned he was given the *Pallium* and named Apostolic Vicar of the whole of Gaul. [48] This gave him superior power over other provinces which became a source of resentment and ecclesiastical factionalism between Vienne and Arles. Meanwhile Theoderic re-established the civil province as a prefecture in 514 under administration by the Prefect Liberius.[49] It appears that during that time until 523 Caesarius did not have the authority of any individual sees eastwards which were possibly still within the Burgundian kingdom. In 523 Theoderic was able to recover 14 dioceses from the north of the River Durance, which before had been under the authority of Burgundian bishop of Vienne.[50] This allowed the possibility of a reunion of the bishops at a council in Arles and a number of consecutive later councils in this ecclesiastical province that were all convened by Caesarius: Carpentras (527), Orange (529), Valence (date unknown) and Vaison (529).[51] At this council there were 14 bishops and four priests representing absent bishops with the metropolitan bishop Caesarius.[52]

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[43] Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 137.

[44] Gaudemet and Basdevant, *Les Conciles*, vol. I. p. 338.

[45] Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 136. Gaudemet notes that this church was on or outside the city walls.

[46] Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 193–4. Mathisen, 'The Second Council of Arles,'

[47] *Sid. Ep.,* IX 3.1–2; IX 5.1. Sidonius indicates the difficulties faced by the population of Gaul for the end of the fifth century. Wood, *The Merovingian Kingdoms,* p. 17–19, 42–4, 48–9, 51;

[48] Duchesne, *Fastes épiscopaux,*vol. I. p. 84–144

[49] Pontal, *Histoire,* p. 76–7.

[50] A list of those diocese recovered has been composed through the list of subscribers at the council, these were the bishops of the diocese of Riez, Toulon, Apt, Carpentras, Avignon, Saint Paul Trois Châteaux, Digne and bishops Cyprianus, Montanus and Caelestius with no named diocese. Some confusion has emerged with different information coming from two manuscripts. In the Vatican manuscript 14 bishops subscribed. In that of Cologne (sixth century) and the Berlin Phillips 1743 manuscript (seventh century), there were two Cypriens and two Florents. In another Berlin manuscript 435 and Phillips 1743 and the Paris, lat. 3846 only one Cyprien and one Florent is found and also Praetexturus and Mantanus are absent. In various manuscripts the spelling of Euterius is different: *Series subscripionem* from the *Codice K* (Euterius); Series *subscripsionem* from *Codice I* in PITSN ed. Gonz (Euchyrius); *Series subscripionem* from the *codicibus RHA* (Euchirius); Council of Carpentras *codicibus* K and L (Eucherius), *codicibus β* (Euchirius).

[51] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 136–93; Pontal, *Histoire,* p. 76–99. Pontal specifically labels these councils as 'The Councils of the Province of Arles' and treats them as a group of councils in which we can particularly see a conflict between the 'jurisprudence' of Gaul and Rome.

[52] Hefele states only 11 bishops participated and four other men who represented absent bishops. It is not certain if he included in this number the metropolitan bishop of Arles. CCSL, vol. 148A, p. 45 and the text of Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 143. These texts both includes the metropolitan Caesarius, 14 bishops and four

The council opens with a brief statement regarding the dedication of the basilica and the location of the council. It was then considered appropriate to discuss certain matters relating to the observation and definition of canon law because of deviations from ecclesiastical law.

Only four canons were promulgated. The first three were concerned with the recruitment of the clergy. The bishops state in the first canon that they have renewed the ancient laws in regard to ordination because these laws have not been fully observed, mainly through precipitous ordinations.[53]

Canon 1 notes that any person who wishes to be ordained, must be more than 25 (priest) or 30 (lay-person) before becoming a bishop unless his conversion has preceded his installation.[54] Canon 2 is also concerned with ordination, noting that no laymen should be ordained priest or deacon unless he has taken a vow of continence one year prior to his ordination. This canon comments that the law previously had required a longer period between the vow of continence and ordination but now there were a great deal more churches to fill. Canon 3 again reiterates the requirements for ordination and specifies specific marital restrictions. Only one marriage is allowed for either partner prior to ordination.[55]

## 13. Council of Carpentras (6th November 527) *Concilium Carpentoratense*

Carpentras was another town which now came under the authority of the metropolitan of Arles, and this council was held a year later than the previous one held in that province. The town is situated between Mont Venteaux in the northwest and the Vaucluse mountain range in the south; this is the modern region of the sub prefecture of Vaucluse. Caesarius and 15 bishops participated, seven of whom had been involved in the previous council of Arles.[56]

Theoderic the Gothic king had died the previous year, and presumably the region was still under the political hegemony of the Visigoths although administered as a Roman Province with the same Prefect as the previous council. The text of the council contains a letter to Agricius revealing that one of the motivations for the council was to judge and give punishment to Bishop Agricius of Antibes who had transgressed canon 1 from Arles (524). He had ordained a priest who had not observed the probationary year

The only canon promulgated at this council concerns protecting the patrimony of the church against pretentious acts of certain bishops. This was a new question dealing with the

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[53] Pontal, *Histoire,* p. 80. Pontal suggests that patrons demanded of their bishops that their protégés be ordained, despite having not yet acquired the necessary maturity or experienced the year of probation necessary. In this way an unsuitable number men had been ordained which needed to be corrected.

[54] The conversion denotes the willingness to live the celibate life a priest must live and there was a year of probation required before they were allowed to become a priest or a bishop. In reality this law was often sidestepped, we have examples in Sidonius Apollinaris, who was made bishop rapidly after a secular career and Gregorius Bishop of Langres, great-grandfather of Gregory of Tours, who was made a bishop directly from his position as *comte* in Autun.

[55] Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 138, footnote 1. Rewording of the law points to a previously imprecise canon on this topic.

[56] Caesarius of Arles, Cyprianus of Toulon, Porcianus of Digne, Julian of Carpentras Contumeliosus of Riez, Eucherius of Avignon and Fylagrius of Cavaillon. At the previous council four bishops had sent envoys but two of them came to this council: Constantius of Gap and Gallicanus of Embrun. Other bishops included: Heraclius of Saint–Pol–Trois–Châteaux and Lupercanianus of Fréjus.

smaller rural parishes of a larger diocese. This canon makes the point that if the city church is well endowed, those who manage rural churches which are dependent on the larger city church must receive any gifts that have been presented to these parishes. These should be passed on to be used to sustain the clerics who serve in them and to make repairs to the small churches. They should not be retained by the larger church or its bishop. If the city church has slender means then only a small amount should be given to the smaller parish church to keep up repairs. Thus the bishop may not diminish the revenues of the clergy or the service of the church.

The council ends with an agreement to convene the next council at the city of Vaison on the 8th of November. A letter follows the signatures subscribed after this statement. The letter begins with a polite greeting to Agricius from bishop Caesarius and the other priests who met at the Synod of Carpentras. Below is a translation of part of the letter.

> It is approved that you in person or your proxy ought to have been in attendance at the council, so that you might give an account of this ordination of yours which you are said to have perpetrated which you have spoken about to have been brought about, you should return the account in the meeting of the synod and so that if done properly you may return absolved fully with love with God fully disposed to you, but if on the contrary it should be agreed you were certainly transgressor of the canons, you experience immediate denunciation. So that with God in the midst, the verdict is promulgated, it should either strike down the culprit or absolve the humble suppliant. Since the priests may not be ignorant of the canons, nevertheless, the error would have been less serious if you had sinned through ignorance than that you might be found to be a transgressor of the canons, which either you or your proxies had signed. He is acquitted: because it is approved by the priests, it is not permitted to be ignorant of the canons, yet devious error nearly had been existing, if to have failed through ignorance, how much so that of him, even your priest had subscribed the handwriting, you are proved to be a transgressor of the canons.[57]

Both Agricius and his recently ordained priest Protadius were found guilty and the punishment was that they were not to be allowed to say mass for a year, in agreement with both canons 2 and 3 of the council of Arles. Pontal indicates that Caesarius wrote of the circumstances of the synod to the bishop of Rome and requested that he sanctify the deliberations.[58] Gaudemet tells us that on February 3rd 528, Caesarius received a letter from Felix IV, which approved the acts of that council including the verdict.[59]

## 14. Council of Orange (3rd July 529) *Concilium Arausicum*

The ancient Roman city of Orange is situated in the department of Vaucluse in the Provence-Alpes-Côtes-d'Azure region of France. This council was held on the occasion of the dedication

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[57] *Licet ad synodum aut per uos aut per personam uicariam debueritis adesse, ut ordinationis tuae, quam fecisse diceris, in synodali conuentu redderes rationem, ut, si recte feceras, absolutus cum caritate Deo propitio remearis, sin certe transgressorem te canonum esse constaret, praesenti denunciatione cognusceres, ut Deo medio prolata sententia aut percelleret reum aut absolueret supplicantem: quia, licet sacerdotibus canones ignorare non liceat, tamen paene leuior error fuerat, si per ignorantiam deliquisses, quam ut eorum, quos tua uel uicarii tui manus subscripserat, canonum transgressor existeres. At nunc uero duplici reatu teneris adstrictus, cum non solum contra uenerabilium patrum, sed etiam contra tua uenisse decreta temere conprobaris. Quapropter hoc communi in Christo deliberatione sancimus, ut, quia filium nostrum Protadium contra statuta ordinauisti, canonibus sententia inserta uos constringat et usque emenso anno missas facere non presumas, quia aequum est ut quod apud antestites deo medio stutuatur inuiolabiliter Deo propicio conseruetur. Quae enim obseruationis reuerentiam a posteris exhibebitur, si ab eis primum lex, a quibus constituta est, uiolatur?*

[58] Pontal. *Histoire, Les Conciles,* p. 80–2, *CCSL.* 148A, p. 47–52. De Clercq includes the reply from Felix IV.

[59] Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 144–5. The letter from the Felix IV is omitted in this Latin text

of a basilica by the Liberius the Praetorian Prefect of the Gauls.[60] Liberius participated in the council with seven secular community members, as well as Caesarius and 13 bishops. [61]

The motivation for this important council was to deal with questions that had emerged in doctrinal matters specifically relating to semi-Pelagian ideals. This is a complex subject with a large amount of original texts and an equally large amount of modern interpretations of the problems and outcomes. For the purpose of this survey of councils I will only offer a brief outline of the topic and its connection to this council. In the fifth century Pelagianism became an important doctrinal matter for discussion among many theologians. It was an ideal that denied original sin and promoted Christian grace. It was dealt with throughout the fifth century by a number of groups of theologians in both the west and the east. Much of the debate solidified in the early fifth century around the synods held in North Africa and Gaul. The discussions continued between a number theologians and evidence is seen in writings of the earlier authors Cassian, Saint Augustine and Prosper. Saint Augustine who wished to make an acceptable form for all the various parties to agree upon wrote a treatise on predestination and grace. The matter continued to be discussed between various parties, including monks and bishops who emerged from Gaul as well as members of the monastery of Lérins and monasteries at Marseilles. Some theologians found that some of the writings of Augustine on the topic were unacceptable and put forward their own ideals. Augustine attempted to reverse their comments through a treatise before his death in 428.[62] The debate continued throughout the fifth century with participants such as Hilarius of Arles and bishop Honoratus. Vincent of Lérins opposed all those who followed the Augustinian view on the topic and thereafter those who partially followed ideals became known as semi-Pelagians. Those who misunderstood the writings of the topic by Augustine were also later called Predestinarians. In Gaul, Abbot Faustus of Riez argued that those who followed the ideals of the semi-Pelagians should not be called heretics.[63]

During a number of councils held in the region in the fifth century attempts were made to understand and define these doctrines.[64] Under the guidance of Caesarius, the bishops who participated in the council determined to deny the doctrine of predestination.[65]

The council promulgated 25 canons all of which were connected in some way to opposing the semi-Pelagian ideals. Caesarius composed a preceding anthology in 26 chapters using excerpts from Ambrose, Jerome and Augustine as authorities. Chadwick notes that Caesarius's network of colleagues in Rome may have informed him of the concerns of Pope

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[60] His signature and title: *Petrus Marcellinus Felix Liberius vir clarissumus et inlustris praefectus praetorii Galliarum atque patricius consentiens subscripsi.*

[61] Eight bishops came to the council at Carpentras and two others who were absent from Carpentras had been present at Arles.

[62] *De praedestinatione sanctorum* and *De dono perserverantiae*, P.L XLIV 954, sqq., and P.L. XLIV 953, sqq., respectively.

[63] Hefele, *The History of the Councils,* vol. IV, p. 20–4, 152–66; Faustus of Riez, *de gratia Dei et humanae mentis libero arbitrio.* His treatise on the topic developed after discussion at an earlier Council of Arles (475–480), this was on the doctrine of grace and written from the semi–Pelagian point of view, against both the Predestinarians ideal and the argument of Augustine. The following Council of Lyon (?474 no canons are extant), under the leadership of metropolitan Bishop Patiens of Lyons, the debate continued unresolved and produced a treatise with further support of semi–Pelagians written by Gennadius.

[64] Arles (473) and Lyons (474). This debate does not seem to have affected areas of Gaul outside of the region of Provence and as all monasteries and bishops concerned hailed from that area perhaps the ideals only took a strong hold in the south.

[65] Caesarius had been a monk at Lérins, so no doubt his influence and theological knowledge were nurtured there. He would have been well aware of the debate of the fifth century and possibly even known Faustus.

Hormisdas of Rome, that the ecclesiastical province of Caesarius had a bishop who held 'contested opinions' which were revealed in written work circulating at this time.[66] After the canons, a definition of faith is made, which is subscribed by both the bishops and the lay people who participated at the council. A letter from Caesarius to Bishop Boniface II in Rome is also included and requests confirmation of the transcript of the synod.[67] At the end of the council we find *confirmationi pontificiae at actis concililii addita* indicating that the confirmation was added.

This council is unlike other councils from this period for a number of reasons. Its motivation was purely doctrinal rather than disciplinary. Its final appeal to the church in Rome for confirmation of the canons is also somewhat different indicating its authority rested in Rome as opposed to the other councils so far examined in Gaul.

## 15. Council of Vaison (November 529) *Concilium Vasensis*

The council was held in what is now the modern town of Vaison-La-Romaine, situated in the Vaucluse region, south-east of Carpentras. This date for this council is not known but there is mention at the end of the council of Carpentras of a suggested time to meet again to discuss discipline. This council was held under the authority of Caesarius of Arles and 11 bishops, most of whom had joined at least two of the previous three councils in this province.[68]

This council is concerned with disciplinary and ritual matters and refers in the opening statement to its desire to reaffirm all the ancient canons. There were only five canons promulgated.

Canon 1 was innovative in the suggestion that all clerics in all parishes must receive younger unmarried lectors into their house to instruct them in spiritual matters, educate them in the laws of the Lord and on the singing of Psalms, so as to prepare them as able successors. This supposedly follows the custom practised in contemporary Italy. Should the young man wish to marry, he was to be allowed to do so. The second canon allows priests to preach not only in the city but in the rural parishes, or alternatively to allow a deacon to read a homily. The next three canons deal with the ritual and its inclusions. The third canon introduces another idea from Italy and the *Orientales,* which is the inclusion of the *Kerie eleison* in a number of the services.[69] Canon 4 requests the name of the Lord Pope should be mentioned in all the churches.[70] Canon 5 refers to areas outside of Gaul and decrees that the words *Sicut erat in principio* be said after the Gloria.

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[66] Chadwick, *The Church in Ancient Society,* p. 652. Chadwick informs us that Hormisdas had pointed out a copy of the fifth century index or Gelasian decree, which included Faustus as an author in a list of prohibited books.

[67] Pontal, *Histoire,* p. 95. Only 19 *capitula* were contained in the transcript sent to Boniface by Caesarius, or at least that is what has survived in the manuscripts of Trier and of Licques. Possibly only those canons that specifically refer to the errors of semi-Pelagianism were retained. The letter to Boniface was sent with Arminius, a cleric. The reply to the letter dated 25th January 530 states that the Council of Orange promulgated through the authority of Boniface II, although it was written before Boniface succeeded to the see of Rome. The bishop of Rome Felix IV died in September. See Hefele, *The History of the Councils,* vol. IV p. 166–7, for a discussion of the various arguments in connection with this matter.

[68] There were six who participated in Orange and four who came to Carpentras plus one bishop Aquitanus of an unknown diocese. One notable absence from the subscribers is the bishop Aletius of Vaison who took part in the previous Council of Orange.

[69] These were the awakening of the penitence, Matins, Mass and vespers.

[70] The use of this in Latin *domni papae*, indicates the orientation of this synod and its participants towards Roman authority.

### 16. Council of Valence (possibly 528 or 529)[71] *Concilium Valentinum*

This council is omitted by Gaudemet and Basdevant, although it is included in the texts edited by Hefele, de Clercq and in the comments on the councils by Pontal and Chadwick.[72] Valence is situated in the region of the Rhône-Alpes and is now the capital city of the department of Drôme. This city always came under the ecclesiastical province of the Vienne which was situated in the Burgundian kingdom; however it was just on the border of the ecclesiastical province of Arles so was a convenient place for parties from both Vienne and Arles to meet.

The evidence for this council comes from the biographer of Caesarius of Arles, his deacon Cyprien.[73] Julianus, Bishop of Valence, questioned Caesarius's belief in grace and free will and subsequently held this council at Valence, perhaps for the purpose of raising this matter. There is no other record of the council. A large number of ecclesiastics opposed the treatise of Caesarius on grace and free will. Caesarius himself was either unable to attend the council through illness or possibly he refused to attend.[74] Cyprien of Toulon presided over the council.

### 17. Council of Marseilles (26th May 533) *Concilium Massiliense*

This council was held in an area under Gothic hegemony and still administered by Liberius. Caesarius of Arles called the council to pass judgement on Bishop Contumeliosus of Riez who was accused of adultery and other infringements of canon law. This provincial council acted very much like a tribunal as did the earlier council at Carpentras. As well as Caesarius there were 14 other bishops who participated. Many of those who were present had also attended at least one of the last three councils held in the province. While we do not know the precise details of Contumeliosus' offence we do know he confessed his sins and was judged guilty of indecent and dishonourable behaviour. He was sentenced to do penance in a monastery and to give back goods and profits which he had seized from the church.

The council record includes three letters from the Bishop of Rome, John II, sent after the council:[75] one to the all the bishops of Gaul, one to the clergy of Riez and one to Caesarius, which included a series of ancient canons that were connected to the abuses by the bishop. These letters not only relate to the abuses of canon law but also indicate the bishop's opinion of the judgement. Further evidence suggests Contumeliosus agreed to go to the monastery but then appealed to the next Bishop of Rome Agapitus who allowed him to return to Riez. Another tribunal was to reinvestigate the matter and although he was then allowed a living off the church he was not allowed to give communion.

### 18. Council of Orléans (June 533) *Concilium Aurelianense*

Orléans is situated in the centre of Gaul. This council began a series of four councils held in the same location: 533, 538, 541 and 549. After the last council in 549, there were no more church

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[71] *CCSL,* 148 A, pp 82, Chadwick, *The Church in Ancient Society*, p. 652. De Clercq dates this council to 529 while Chadwick dates it 528.

[72] Pontal, *Histoire,* p. 94; Chadwick, *The Church in Ancient Society*, p. 652; Hefele, *The History of the Councils,* vol. IV p. 167–9.

[73] Mansi, t.viii. p. 723.

[74] Chadwick, *The Church in Ancient Society*, p. 652.

[75] There is one school of thought that considers the letters were sent before the council. This evidence cited by Hefele is from Freiburg *Zeitschrift für Theol.* (1844), Bd. Xi. 8. 471.

councils held in Orléans for almost a hundred years. This indicates that the area was no longer considered an important place for either the bishops or the kings although it had been the site of the first council of the Merovingian kingdom under Clovis in 511.

This council began on 23rd June 533 and was convoked by the three living sons of Clovis, Theuderic (Theirry) I, King of Metz and the territory of Austrasia, Childebert I, King of Neustria with the main city Paris and Chlothar I, King of Soissons and Aquitaine. However, only one king appears to have actually joined the council.[76] This council is considered a national council because of the many areas from which the bishops hailed. This designation is also confirmed by the attendance of a king, representing the rest of the kingdoms of Frankish territory.[77] Pontal states that at this time the three surviving sons of Clovis renewed the political and religious policies of their father which included collaboration with the episcopate in restoring the legislation of Frankish Gaul in a Catholic framework. The dominant king, Childebert, in whose territory the council was held, was the one who attended.[78] The motivation for the council may have been a common desire on the part of the kings to try to redeem some of the authority of their father through renewing certain ideals, but we do not know. This council preceded the annexation of the Burgundian kingdom. In the two decades since the death of Clovis ecclesiastical conciliar activity had centred in Burgundian territory and the region south of that in Provence. At least nine councils were held in those two regions between 511 and 533. So holding this council in Orléans with all three kings in agreement perhaps indicates some renewed ecclesiastical activity.

There were no bishops of the Northern provinces at the council. Those bishops who numbered the most came from the centre of Gaul. The council reunited the five metropolitans of Bourges, Tours, Rouen, Eauze and Vienne. Very few among the bishops who attended and participated held sees at the time of the earlier council of Orléans in 511. Among the bishops who participated in 533, there were nine who went also to the council at Agde in 506, two who went to Épaone in 517 and one who attended Lyons in 518–523.[79]

The 21 canons promulgated essentially concern questions of discipline and reforms to do with potentially harmful practices. Yet they are more preoccupied with the ecclesiastical hierarchy than with those canons made at the first council of Orléans. The canons of this council had a more limited circulation than those of 511, and the rare collection has been preserved in the collection of Saint Armand and of Beauvais.[80] Use of the canons of this council appears limited but some are found in the later collections. For example, canons 9, 10, 11and 21 were taken up again in the collection of Bonneval. Yet there was no trace of these provisions in the *Vetus Gallica,* the *Hispana* and the *Epitome Hispanica,* nor in the collection of Novare; Benoit the Levite, Chartres and the Decretal of Gratian.[81]

Relevant canons on the question of ordination include 1, 3, 4, 7 and 16. Canons that discuss church property and proceedings on the death of bishops are 5 and 6.

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[76] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 193.
[77] De Clercq (1936) p. 103.
[78] Pontal, *Histoire,* p. 102.
[79] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 194.
[80] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 194.
[81] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 195.

**19. Council of Clermont (8th November 535)[82]** *Concilium Claromontanum Sev Avarnense*

Clermont is in the ecclesiastical provincial of Bourges; the city is geographically situated in the Massif Central and is surrounded by extinct volcanoes. Today it is generally called Clermont-Ferrand and it is still the central city in the Auvergne region and the modern department of Puy de Dôme.

The council was held with the consent of the King Theodebert I.[83] Theodebert held the area known at this time as Austrasia.[84] Following the 534 conquest of the previous Burgundian kingdom and the annexation of some of the Ostrogothic territory in Gaul he absorbed areas into his territory, which now encompassed a motley collection of ecclesiastical provinces. The division of territories was often associated with one city belonging to two distinct kingdoms contemporaneously. This occasionally required the creation of a new episcopate which worked in one kingdom beside the original diocese in another kingdom. This sometimes meant that a city was ceded by one king to another. For example Bourges was ceded to Theodebert by Childebert I. Fifteen bishops assembled at Clermont, presided over by Bishop Honoratus of Bourges, who had already presided over the second council of Orléans in 533. At the council 16 canons were promulgated with the assistance of the bishops of Clermont, Limoges, Lodève[85] and Trier as well as other areas, some of whom had not participated in a previous council under the Franks. These included representatives from Verdun, Tongres, Châlons Metz and Reims, also the bishops of the newly conquered Burgundian territory including Rodez, Javols, Langres, Avenches and Viviers.[86] From this attendance list we can say that this council was distinctly local to the ecclesiastical diocese of the kingdom of Theodebert.

One important aspect of this council was that it reiterated the first six canons from the previous council of Agde and brought attention to the canons of the recent Orléans (533). The motivation for the council, held in the year following the death of Theuderic, was to provide precise instructions for both religious and civil matters. We can surmise that perhaps there was also a desire to assist the installation of Theuderic's son Theodebert and confirm his authority over both his inherited territory and that acquired after the victory over the Burgundian kingdom. The opening statement is formulaic and similar to a number of other council opening statements in welcoming kings to the council.[87]

An important area requiring regulation concerned the problems that frequently arose immediately on the death of bishops. Thus we see the request for rules governing the patrimony of the church as well as calling for the protection of the goods of the churches and saints

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[82] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 208–9. De Clercq, *La Législation religieuse*, p. 17. De Clercq notes that the subscriptions were not dated but the date appears in the three manuscripts that retain this council *acta.*

[83] Thedobert was the son of Theuderic (d. 534), one of the four sons of Clovis. On his father's death he took over the territory his father had inherited from Clovis. There was an attempt by his two uncles Chlothar and Childebert to deprive him of his inheritance but he was involved in two victories against the Danes and the Visigoths, which gave him some prestige and he was able to retain his inheritance. He assisted in the victory and capture of territory of the Burgundian kingdom. He was able to acquire certain cities from that victory, these included Langres, Besançon, Avenches, Windisch, Autun, Chalon, Vienne and Viviers.

[84] The term is first attested in Greg. Tur. *DLH.* V.14; later found in *Passio Leudegarii,* 19.1; Neustria is first mentioned in *Liber Historiae Francorum,* 52. P. 325

[85] These last two cities were situated in Aquitaine. The spread of bishops from Aquitaine and previous Burgundian territory down to Provence and even as far as Trier indicates this king had the support of a widespread group of bishops.

[86] Pontal includes two other bishops those of Sion and Vienne but neither is mentioned in the Latin text of CCSL.

[87] It appears similar to Agde and Orléans I.

sanctuaries that may have been pillaged. Canons 5, 8, and 14 indicate a concern for the safety of the property and goods of the church. In canons 2, 4 and 5 the bishops request independence in terms of election and ordination of the clergy from intervention of the king or other powerful people. This reiterates a request made previously at Orléans. Also stressed in canons 10 and 11 is the issue of interference in the authority of other dioceses either by ordaining clerics from another bishop's episcopate or accepting strange clerics. Some of this may have been caused by the shifting territorial circumstances of this period. Also mentioned are the three distinct groups of clerics: the clergy of the episcopal town, the clergy of the rural parish, who were dependant on the diocesan town, and the clergy of private oratories.

Included in the text is a letter to Theodebert. This letter requests that the king be attentive to all bishops who come under other king's territories. It begs his assistance in helping clerics in those areas to retain or recover church property or goods and any saints' sanctuaries that may have been recently pillaged.

## 20. Council of Orléans (7th May 538) *Concilium Aurelianense*

This council was the third held in this same city and the bishops of two of the three kingdoms of the Franks participated. Notably the bishops of Chlothar did not attend. It was presided over by Lupus the metropolitan bishop of Lyons. Eighteen bishops attended,[88] five of them metropolitan bishops, plus there were seven representatives of bishops. Lupus dates the subscriptions as the 'third month of the fourth year after the consulate of Paulinus Junior and the 26th year of the reign of King Childebert'.

As recently as 536 the transalpine area held previously by the Ostrogothic kingdom had been ceded by Vitiges to the Franks after military action. [89] Only the provincial area of Septimania (the ecclesiastical province of Narbonne except the diocese of Uzès, Toulouse and the city of Arisitum which all now relied on the authority of the diocese of Nimes) still remained in Visigothic territory.[90] The area ceded to the Franks was divided between Childebert I and Theodebert who did not participate at this council.[91]

The opening statement notes that the purpose of the council is to point to prior canons that have fallen into disuse, to renew them and add new rules appropriate to the present circumstances. Thus we can see the contemporary issues emerging. De Clercq notes that in the council *acta* the *decreta sedis apostolicae* is invoked and a letter is cited from Leo I Bishop of Rome to the bishops of the province of Vienne.[92] Canon 1 is concerned with the punishment of any metropolitan bishop who fails to call a council annually. If no council is called for two years then the bishop is to be punished by not being allowed to take mass for a year. This same canon remarks that bishops who do not attend council are not allowed to claim as an excuse issues arising from the division of certain territories. Another area of concern, raised in canon 32, is the involvement of laity in ecclesiastical courts.[93] Canons 3, 6, 10, 15 and 29 are concerned with ordination of clerics and bishops and the responsibilities of the bishops including the

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[88] De Clercq, CCSL, vol. 148A. Although it is noted that Bishop Lupus of Lyons signed the list of canons.

[89] De Clercq, *La legislation religieuse*, p. 20. It appears that some of the some of the ceded territory then passed into the Aquitanian land of kingdom of Chlothar I.

[90] De Clercq, *La legislation religieuse,* p. 20.

[91] Gaudemet and Basdevant, *Les Conciles*, Council of Orléans III (538) p. 234.

[92] De Clercq, *La legislation religieuse,* p. 22. The letter is not obvious but certainly canons 3 and 29 allude to the apostolic see in Rome.

[93] *Theodosian Code* 1. 27.1.

metropolitan bishops. Canon 6 in particular reiterates that the age of a layman to be ordained must be over 25 and a deacon over 30. This canon further adds that it is forbidden to ordain a cleric who has been married twice, who has married a widow and anyone who has undergone penance. Finally if the candidate is mutilated in the body or imperfect in some way, or tormented by the devil, he should not be ordained. Canons 2, 4, 5, 7, 8, 11, 13, 14, 19, 20, 25 and 26 deal with a number of obstacles to marriage or ordination of clerics who live with women.

Canons 1, 16, 17 and18 are concerned with the patrimony of the church. Canon 5 requires that the bishop ensure tithes from the rural area be directed towards building maintenance or upkeep of local clergy. Canon 1 stresses that the bishop must protect the goods of his own church, that in the absence of bishops no goods should be removed. Canon 21 directs that bishops have control over whether payment to clerics who are sent from the city see to administer monasteries, dioceses (parochial churches) or basilicas remains the same as their prior payments. Perhaps the issue was whether or not those buildings could provide a salary for the clergy who administered them.

### 21. Council of Orléans (14th May 541) *Concilium Aurelianense*

Because of the breadth of territorial attendance the fourth council of Orléans is once again considered to be a national council.[94] De Clercq states that this is the first council where religious legislation began to flourish.[95] No specific bishop or king has been identified as convening this council however it was presided over by Leontius of Bordeaux. Nine ecclesiastical provinces were represented including four metropolitan bishops as well as 37 other bishops, ten priests and one abbot who were delegates for bishops attended as well as one delegate representing one other metropolitan bishop.[96] For the first time since 536, when the Franks seized and annexed the area of the province of Arles, the bishops of that province came to the council. Caesarius the metropolitan bishop of Arles was unable to attend due to his age (71) but no doubt he encouraged the large contingent of 13 bishops who attended from his province. For the first time a bishop came from Narbonne, Maximus.

Although most of Gaul except the Burgundian kingdom had been captured by the Franks in 506, there still remained areas controlled by the Arian Visigoths: *Septimania* with the old Roman city of Narbonne as its capital. This region was governed after the battle of Vouille and the death of Alaric II by the Gothic king Theodoric who was grandfather and guardian to the infant king Amalaric. When Amalaric came of age and married a Frankish princess, the area remained in the hands of the Visigoths. Amalaric was killed in a battle against the Franks in 531.[97] In 534 Theodebert son of Theuderic and Gunther son of Chlothar I invaded the region as far as Rodez, while Childebert I also invaded in 531 and 541. The territory was obviously

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[94] De Clercq, *La legislation religieuse,* p. 103.
[95] De Clercq, *La legislation religieuse,* p. 27. He considers that the addition of the bishops from Provence for the first time as well as access to the ancient collections from the Rhône valley enhanced the Merovingian canons.
[96] Both Pontal and de Clercq mention only four metropolitan bishops were present however Gaudemet and Basdevant note that there were five. There were a total of 54 signatures in the text. Probianus a priest represented bishop Arcadius of Bourges. The metropolitan bishops who subscribed in order of seniority were Leontius (Bordeaux), Apasius (Eauze), Flavius (Rouen) and Injuriosus (Tours) and possibly Maximus (Narbonne). Pontal, *Histoire,* p. 115; CCSL, Vol. 148A, p. 131; Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 264–5.
[97] B. S. Bachrach, *Merovingian Military Organization, 481–751.* (Minneapolis 1971) p. 7; James, 'Septimania and its Frontier: An Archaeological Approach.' In *Visigothic Spain*, p. 223–6; R. Collins, *Visigothic Spain, 409–711.* (London 2004) p. 41–2.

important as a port and centre of trade in competition with Marseilles. In the earlier period many areas of the original Visigothic territory were kept under Ostrogothic administration and the Franks did not show a great deal of interest in either of these territories until 534. However, later interest in Marseilles comes up time and time again so this may indicate its significance in terms of access to the sea and transportation. Attendance by the bishop of Narbonne is significant and indicates something of the changing political situation. It is unlikely that the bishop would come to a council in Frankish Gaul while Narbonne was held by the Visigoths.

Interaction or trade between Frankish kingdoms and Septimania appears minimal.[98] The only shared artefacts are Christian sarcophagi found in this region and also in the Frankish area of Aquitaine, although the designs were not always the same. The so-called 'Visigothic' style is not as elaborately carved as the Aquitanian style.[99] This lack of evidence indicating interaction between the regions accords with the picture of the earlier bishops of the area remaining isolated until political change through invasion provided the opportunity for attendance at council.

The council title includes mention of the date of the *in die quarto Basilio V.C. consule* Gaudemet and Basdevant note that this may be an error but it is the first time the 'indiction' is used in the documents of the Franks.[100] At the end of the council the consensus of the attendees with their signatures is dated *die II idus mensis tertii Basilio xonsule indictione quarto*.

Thirty-eight canons were promulgated and a short introduction states where the council was held. These are concerned with ritual, slavery and the authority and administration of the church. Canons also relate to the discipline of the bishops, the privileges and rules of clergy, to the discipline of the laity and matters of jurisdiction.[101] The rules that mention discipline are concerned with abuses of previous canons. Many of the canons are based on those of previous councils [102] including those specifically relating to control over the goods of the church.[103] Canons 7, 26, and 33 seek to safeguard the authority and goods of the church and concerns finances required to run rural churches while leaving spiritual jurisdiction to the bishops alone. Canon 21 states that the founder of the parish must furnish sufficient funds for the upkeep of the parish and its clerics. This council was particularly connected to contemporary Frankish law and it is the first time that the term 'archdeacon' is mentioned in any church council.

## 22. Council of Orléans (549) *Concilium Aurelianense*

The council was called by Childebert I of King of Paris[104] and joined together more than seven metropolitan bishops, 43 bishops and 21 representatives of other bishops. Altogether 12 provinces were represented.[105] Sacerdos Bishop of Lyons was probably the senior metropolitan

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[98] James, *Visigothic Spain,* p. 228–9, 240–1. This includes a lack of Frankish coins found in the Visigothic kingdom and likewise Visigothic coins in Frankish Gaul.

[99] James, *Visigothic Spain,* p. 228–38.

[100] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 266, 288. Manuscript N is used for the first date and manuscripts K and I for the second date with the list of subscriptions.

[101] Pontal, *Histoire,* p. 16–17.

[102] The list is extensive and is fully covered in Pontal, *Histoire,* p. 17.

[103] See also canons 13, 21, 23 and 26 of Orléans I (511) and canon 18 of Epaone (517).

[104] Gaudemet and Basdevant, *Les Conciles,* vol. I, p. 297. Interestingly, two bishops represented other kingdoms possibly ruled at this time by the young king Theudobald (son/brother of Theodebert) and Chlothar I.

[105] Lyons, Arles, Vienne, Trier, Bourges, Eauze, Sens, Bordeaux, Reims, Tours, Cologne, Rouen. Gaudemet and Basdevant, *Les Conciles*, vol. I, p. 287, Pontal, *Histoire,* p. 113–16, 389ff. Gaudemet and Basdevant say 13 provinces while Pontal finds only 12. It is possible that Besançon is included in the 13 as it was later an

bishop. Two bishops from the important sees of Arles and Vienne were also in attendance. Because of the number of bishops and the attendance of the king this council is considered a national council. De Clercq considers that this council surpassed the previous Council of Orléans because of the larger number of attending bishops and increased number of extant manuscripts increased. It is certainly significant that this council specifically requests secular support for the application of the canons.[106]

The bishops who came were from a wide area including from the extensive south-western area of Aquitaine, the annexed Burgundian territory, the area of Provence which had previously been held by the Goths, and from as far west as Rennes in Brittany and east as Trier and Geneva. Missing from this large group was Bishop Marcus of Orléans who at this time had been mistakenly accused of a crime and exiled. The council was convened both to resolve the judgement of Marcus[107] and to deal with a resurgence of heresy.[108]

The opening statement of the council mentions that the princes are in accord with the spirit of the bishops. Of the 22 canons promulgated, canon 1 condemns the oppositional sect of the Nestorians and Eutychians while canons 4, 5, 6, 8, 9, 10, 11 and 12 all deal with a variety of aspects concerning ordination and election. Notable among these are canons 10 and 11 which point to interference through gifts, simony or pressure brought by other powerful people in episcopal elections. Canon 10 notes that according to the ancient canons episcopal election includes the assent of the king and the will of the people and clerics. Only the metropolitan bishop or his delegate with a group of the comprovincial bishops should then be involved in the ordination of a bishop. This important canon indicates that the bishops were making a serious attempt to maintain control over episcopal appointment. Canon 11 follows the instructions of Pope Celestine I to all the bishops of the provinces of Vienne and Narbonne, that no-one should be forced into the episcopate against their will.[109] Other notable canons include 13 and 15 which are concerned with the alienation of property:

> That no one is permitted to retake, alienate or seize the property and resources justly handed over in charity to churches, monasteries, and hospices. Let anyone who does so be condemned by the judgement of the ancient canons as an assassin of the poor and not be allowed to enter the church.[110]

This common theme of *necator pauperum* is now frequently mentioned in councils from this time onwards and reflects a desire by the church hierarchy to safeguard the assets of the church that were allocated to the care of the poor from either episcopal or civil intervention.[111]

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ecclesiastical province although it was not considered a province in this time and instead came under the province of Vienne.

[106] De Clercq, *La legislation religieuse,* p. 27, 103.

[107] James, *Life of the Fathers,* VI. Marcus was found blameless and restored to his see.

[108] Canon 1 refers to Monophytism and Nestorianism, but may well have been connected to 'The three chapters controversy'. Further information on the particular christological problem as a resurgence of Arianism comes from another source cited by Hefele in *A History of the Councils*, vol. IV. p. 367. He cites a work on the life of a bishop Domitian of Tongres in present day Belgium (*Trajectum*). This text reveals that the Arians had maintained their religion but Domitian was chosen to combat their testimonies through reading scriptures and had in fact converted them to Catholicism.

[109] De Clercq, *La Législation religieuse,* p. 31–4. This is the first canon to reveal the intervention of kings in elections.

[110] Canon 13: *Ne cui liceat res vel facultates, ecclesiis aut monasteries vel exenodociis pro quacumque elemosina cum iustitia deligatas retentare, alienare adque subtrahere. Quod quisque fecarit, tanquam necator pauperum antiquprum canonum sentientiis constrictus ab ecclesiae liminibus excludator.*

[111] See also Orléans (549), canon 15 and Tours (567), canon 25.

### 23. Council of Auvergne (549)

This council appears to be a continuation from Orléans (549). It was held in Clermont and attended by ten of the bishops from Orléans including the four metropolitan bishops of Vienne, Trier, Bourges and Elusa. All that is known of this council is that it reiterates the first 15 canons plus the seventeenth canon from Orléans (549). Hefele notes that although it was originally thought only 16 canons in all were repeated, a later codex discovered by Mansi contains a brief record of all the canons of Orléans except canon 23.[112]

### 24. Council of Toul (1st June 550) *Concilium Tullensis*

This council, held in Austrasia, came within the provincial jurisdiction of Trier and was convened by King Theudebald.[113] The *acta* of this council are no longer extant. Pontal notes that it was called to solve disciplinary matters in the area. Hefele notes specifically that it was the presided over by Nicetius the metropolitan bishop of Trier. We learn more from the statement by Mappinius about the reasons for calling the council (possibly from Nicetius). Nicetius asked the king if the council might be convened to deal with certain matters that directly affected him. He had suffered persecution following the excommunication of certain Frankish potentates in his community.[114] Mappinius declares he understands the problems Nicetius faces, but notes that Nicetius should have first made contact to discuss the matter with him rather than the king. Mappinius further comments that he received a letter from the king on the 27th or 28th of May which left it too late for him to attend the council. This is all the evidence we have from the ancient source material.[115]

### 25. Council of Metz (550/555) *Concilium Mettis*

Metz was also within Theudebald's kingdom of Austrasia and was situated in the diocesan province of Trier and the modern prefecture of Moselle. There is no exact date for the council however we do know that Bishop Gallus died after 549 and the king was dead by 555.[116] This council was convened by Theudebald and dealt with matters connected to the election of the new bishop of Clermont following the death of Bishop Gallus. Gregory of Tours gives us details in his narrative history about the conflict between Cato and Cautinus over who was to hold the see.[117] There are no records of the proceedings of this council other than in the work of Gregory of Tours.

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[112] Hefele, *The History of the Councils,* vol. IV p. 371, citing G. D. Mansi t. IX p. 127. sqq

[113] The only modern sources that mention this council are Pontal, *Histoire,* p. 132 and Hefele (1895) p. 371–4 citing Mansi, *l..c.* 147. Hefele notes that an account of the council is derived only through a reference by metropolitan bishop Mappinus of Reims. Pontal cites Greg. Tur. *DLH.* IV, VI, VII. But there is no mention of the council in any of the places only a reference to Theodebald and perhaps Eauze (551). Pontal suggests that the intention was that members of both provinces were to be involved in this and the following council.

[114] Hefele indicates the reason for this action was evidence of incestuous marriages.

[115] Modern references cited by Hefele include *Actes de la province Eccles. De Reims,* written by Cardinal Gousset (1842) p. 33, R. Cellier, *l.c.* p. 741, *Hist.littéraire, l.c.* p. 306 and Hontheim, *Historia Trevirensis diplomatica, t.i,* p. 34 sqq.

[116] Pontal, *Histoire,* p. 133.

[117] See section 5.3.2 above.

### 26. Council of Paris (551/552) *Concilium Parisiensis*

This council was convened at the invitation of Childebert I of Paris for the purpose reading the judgement against the bishop of Paris, Saffaracus and replacing him once he was deposed.[118] This council reunited bishops from two of the three kingdoms of the Franks.[119] There were six metropolitan bishops and 21 other bishops in attendance including Sapaudus of Arles, Heschius of Vienne, Nicetius of Trier, Probianus of Bourges, Constitutus of Sens and Leontius of Bordeaux. Those who participated made the decision that Saffaracus was to be replaced. The metropolitan bishop of Sens was given the task of replacing and ordaining a new bishop because he was the metropolitan bishop for the ecclesiastical province of Sens in which Paris was situated. [120]

### 27. Council of Eauze (551) *Concilium Elusa*

This council was discovered by Dr Freidrich who found its parchment amongst other documents pertaining to the eighth or ninth century monastery of Diessen in the Staatsbibliotech Munich in 1867.[121] The place of the council is not named but it is sometimes called the *Councilium Aspasi* after the convenor of the council. In a number of texts it is named after his episcopate.[122] Gaudemet and Basdevant note in the opening statement of the *acta* the extensive collection of titles attached to the bishop: *Sanctus ac venerabilis apostolicus primus Aspasius episcopus pontifex*.[123] This council was convened under the presidency of bishop Aspasia of Eauze with six named local bishops, two unnamed bishops and a presbyter representing an absent bishop. Eauze is situated in the modern department of Gers in southwest France.

The council made only seven canons. The purpose was to renew some rules that had fallen into disuse perhaps because the diocese was in an area disputed by the Franks and Visigoths.[124] Only canon 5 relates to ordination of clerics, presbyters or deacons who are to be named by the bishop eight days before their ordinations so that they might be recognised by the people. If anyone then finds fault in the choice before ordination it is to be stopped. This is so no controversy could potentially exist.[125] Canon 7 deals with the requirement to have annual councils while canon 4 relates to safeguarding goods that belong to the church.

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[118] Greg. Tur. *DLH*. IV.36. The date is determined by a reference in *DLH.,* in which Gregory mentions the death of Sacerdos of Lyons following the council that removed the authority of bishop Saffaracus of Paris. Saffaracus confessed his crimes a number of times and his punishment was to retire to a monastery for the remainder of his life and he was deposed.

[119] De Clercq, *La Législation religieuse,* p. 103.

[120] See Aimonius, *De miracula S. Germani,* Mansi *L.c.* p. 741. The bishop who was chosen was Eusebius but he had died by 557 and was replaced by Germanus.

[121] Hefele, *The History of the Councils,* vol. p. 373–5, the source is Munich. lat 5508 (VIIIᵉ s.), fol 102 v (Collection Deissen).

[122] Gaudemet and Basdevant, *Les Conciles*, p. 329, Pontal, *Histoire,* p. 136, De Clercq, CCSL vol 148A, p. 162.

[123] Gaudemet and Basdevant, *Les Conciles*. p. 329–30.

[124] Gaudemet and Basdevant, *Les Conciles*, p. 329.

[125] Pontal, *Histoire,* p.136. Pontal states the man was proclaimed three days before his ordination but Hefele notes it was eight days; the latter was the in Latin.

### 28. Council of Brittany (possibly Vannes?) (552)

Little is known of this council and what is known stems from the narrative of Gregory of Tours.[126] Gregory states that Macliaw, a Breton count, fled to Vannes and became a bishop in order to escape murder at the hands of his brother. After his brother died he abandoned the episcopate and returned to his former life. While Gregory does not mention a council in his text we know that councils were often held when a bishop required excommunication. Thus we can infer that a council was held when the bishops excommunicated Macliaw.

### 29. Council of Arles (29th June 554)[127] *Concilium Arelatense*

This council is dated by the signatures of the attending bishops as 'signed on the 3rd day of the *kalends* of July and on the 43rd year of the reign of King Childebert, in the 3rd indiction'. Use of the Frankish reign to date the council indicates a change in terms of civil and political power. Where before all councils held in the ecclesiastical province of Arles had used consular dates this council is dated according to the years of the reign of the king. This indicates that the Franks now have power over the area. The council is considered a provincial council because all of the attendees are from one ecclesiastical province: 11 bishops plus eight representatives of absent bishops including four priests, two archdeacons and two deacons.[128] Sapaudus Bishop of Arles presided over the council.

Only seven canons are noted from this council. As well as renewing the existing canons the other objectives concentrate on maintaining the authority of the bishop and his diocese. Canon 7 bans the elevation of priests from outside their diocese by bishops without the permission of their own bishop. Canon 4 bans all clerics from interference in the affairs of their own or other dioceses and canon 6 reminds all clerics of their necessary duty to take care of property or goods of the church under their control.

### 30. Council of Saintes (563)? *Consilium Santonense*

The ancient Roman city of Saintes is situated on the west coast of France between La Rochelle and Bordeaux in the modern department of Charente-Maritime. In the period of the council it came within the jurisdiction of the province and metropolitan city of Bordeaux. Gregory of Tours is the only extant source on the council.[129]

The council was held in order to remove bishop Emerius of Saintes. Bishop Leontius of Bordeaux convened it with other bishops from his province and used canon 7 of the council of Paris (557) in order to depose Emerius.[130] This canon states that no bishop should receive one who has been excommunicated by others.[131] Yet there is no other evidence that Emerius had done anything to warrant that accusation. All Gregory tells us that during the reign of Charibert, Leontius Bishop of Bordeaux held the council in order to replace Emerius, exiled because his

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[126] Greg. Tur. *DLH*. IV. 4.
[127] Dated by use of the duration of the reign of Childebert I
[128] One bishop sent two delegates, an archdeacon and a deacon.
[129] Greg. Tur. *DLH*. IV.26.
[130] Hefele, *The History of the Councils,* vol. IV p. 386.
[131] Gaudemet and Basdevant, *Les Conciles*, vol II p. 420–1. All the bishops are in agreement that if anyone comes into the community who has been forbidden to take communion for usurping the canons in a number of ways, he may not be permitted to reintegrate into the community.

installation at Saintes had been irregular. Emerius had been made bishop by a charter of king Chlothar that allowed his consecration without the permission of the absent metropolitan bishop.[132]

## 31. Council of Tours (18th November 567) *Concilium Turonense*

This council convened in the basilica of Saint Martin was called with 'the like connivance of assent' of the King Charibert.[133] Since the death of King Chlothar his sons had continued to fight amongst themselves.[134] At this council the bishops took the opportunity to stress the importance of ecclesiastical authority, speaking out against the intervention of kings. We can draw some conclusions from this. It is possible that the bishops felt they had more freedom to assert their authority while the kings were fighting amongst themselves. This episcopal stand against further royal encroachment into ecclesiastical affairs certainly indicates that the church hierarchy felt contemporary civil powers had interfered too much in the authority of the church and its bishops. The date of the council is confirmed by its inclusion with the signatures. There were also two letters, one to Radegund and one from the bishops to the people of Tours.[135] There were nine bishops in attendance who all came from the north-west region.[136]

The council promulgated 28 canons and the text is noted as being particularly heavy in style and extensive.[137] The first rather long canon stresses the intervention of the power of Saint Martin into the actions of the council and also notes that the provincial bishops should meet twice a year. No one should be exempt from attending for any reason and particularly by order of the king. Pontal comments that undefined obstacles which may be interpreted as royal intervention..[138] Canon 9 states that in the province of Armoricum no person must ordain a Breton or Roman bishop without the assent of the metropolitan and his colleagues. A further canon connected to ordination is canon 28(27), which states that the acceptance of money for ordination of clerics is forbidden. Canon 24(23) defends the property of the church against confiscation caused through war or the changing of boundaries. Canon 26(25) deals with property, goods and responsibility for the poor of individual parishes. Other canons are mostly concerned with women.

## 32. Council of Lyons (567/570) *Concilium Lugdunense*

The date of this council is confirmed in the title as being in the sixth year of the reign of Guntrum which places it from November 567 to the end of 568. However, there is some confusion over the date because the year of indiction is based on 1st September 569 to 31st August 570.[139] The original manuscript has been lost but it is mentioned in an edition of Surius

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[132] See section 4.1.

[133] *juxta conviventiam… Charibert regis adnuentis.*

[134] Greg. Tur. *DLH.* IV 22–24. Gregory relates the disagreements and wars between the brothers and their sons over various inheritances, including Charibert and two of his brothers conspiring against Chilperic in order to drive him out of Paris. Chilperic retaliated against Sigibert and attacked and captured a number his cities.

[135] *CCSL*, 148A, p. 195–9.

[136] Noted in particular is Bishop Samson probably of the church of Dol in Brittany. This would have been a long journey as today it is three to four hours by train.

[137] Gaudemet and Basdevant, *Les Conciles,* p. 346.

[138] Pontal, *Histoire,* p. 159.

[139] *CCSL*, 148A, p. 200.

(1567). [140] Gregory also documents this council and discusses the occasion when Guntrum 'ordered' the council to discuss the case of Salonius of Embrum and his brother Sagittarius of Gap, who had been accused of adultery. Gregory states that the people, presumably he means the people of their two communities, revolted against them. Once they had been made bishops by Nicetius, who had raised them from youth,[141] they used their power negatively and committed physical assaults, murders and adultery. The focus of their aggression seems to be Bishop Victor of Saint–Paul-Trois-Châteaux. The two bishops were deposed but through the king's clemency they were allowed a papal appeal and were then reinstated by the Pope John III.[142] In terms of attendees, we know of two metropolitan bishops, Nicetius and Philippus of Vienne, as well as the bishops Agricola of Châlon, Vincent of Belley (Belicosensis), Syagrius of Autun, Aeoladius of Nevers, Caelodonius of Mâcon and Salonius of Geneva. Also present were the representatives of bishops of Grenoble, Die, Saint-Paul-Trois-Chateaux, Langres, Besançon and Valence.

There were only six canons promulgated. Canon 1 focuses on the topic of the judgements and decisions of metropolitan bishops. Canon 2 deals with the validity of the testimony of bishops and other clerics, which was not always considered compatible with civil laws. Also mentioned are donations bequeathing goods to the church and holding the bishops, priests and lower clerics responsible for these goods. Canon 3 requests the reduction in slaves and captives because slavery is against the spirit of the church. Canon 5 deals again with the goods of the church used for *usufruct*.

### 33. Council of Paris (556–573)[143] *Consilium Parisiense*

After the death of Chlothar I (sometimes named Lothar), Gaul was divided between his four sons, Charibert, Guntrum (two sons of Radegund) and Sigibert (son of Ingund) and Chilperic (son of Aregund). The stability of the kingdom that had endured since 561 began to disappear. Gregory tells us of the disturbance between the brothers Chilperic and Sigibert, the former trying to take over land that the latter had inherited.[144] De Clercq indicates that the legislative process of the church slowed down considerably between 561 and 613.[145] This council has a disputed date and there seems no way to resolve the issue. I use the dates suggested after 561 because it was said to have taken place in the second year of the reign of Sigibert and the documented seventh year of the episcopate of Eufronius of Tours.[146] Gaudemet, Basdevant and De Clercq place this council chronologically after the council of Tours, whereas Pontal and Hefele place it

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[140] Gaudemet and Basdevant, *Les Conciles*, p. 400. *Concilia omnia tum generalia tum provincialia* (Cologne 1567), t. II p. 677, 680

[141] Greg. Tur. *DLH.* V. 5. This account may have been given to Gregory first hand as Nicetius was his mother's uncle and Gregory spent some time with him as a youth in Lyons.

[142] Gaudemet and Basdevant, *Les Conciles*, p. 400.

[143] De Clercq, Gaudemet, Hefele date this council to between these two dates because of the attendance of Bishop Eufronius of Tours at the Council of Tours (567) and Paris (573). The date was amended to 551/562 by Pontal who indicates her decision was made because the first 25 lines of canon 1 are the same as those of the 26th canon of Tours (567). However Eufronius was not bishop of Tours until 556 and he died in 573 so he was not a bishop in 551/552. There was a second council of Paris that was supposed by Le Cointe and R. Cellier to have been held in 551 and dated by Sirmond and Harduin as 555, De Clercq dates this council between years 568–570. See Hefele, *The History of the Councils,* vol. IV. p. 378, 386, Gaudemet and Basdevant, *Les Conciles, v*ol. II p. 410–11. De Clercq, *La Législation religieuse,* p. 45.

[144] Greg Tur. *DLH* IV. 21–3.

[145] De Clercq, *La Législation religieuse,* p. 38.

[146] Hefele, *The History of the Councils,* vol. IV p. 378.

before the councils of Saintes and Tours.[147] This council was convened by the metropolitan bishops and the kings. Six ecclesiastical provinces were represented by the attendance of 15 bishops, the most senior of which was Probianus of Bourges. All the bishops hailed from the region between the two rivers Loire and Seine with the exception of Bishop Leontius of Bordeaux. There is clear evidence in the records of a desire by the bishops to rid themselves of royal authority.

Only nine canons were promulgated the stress is on the removal of detrimental elements in the church including negligence with regard to previous canons. Two major concerns are the protection of the goods, lands and property of the church. Canons 1 and 3 refer to the intervention of kings in questions of conflict over who has power over estates and their wealth. Elections and their need for them to be independent are discussed in canon 8.[148] The wording of the canon is clear: 'election was obtained with the full consent of the people and of the clergy, not by the authority of the leader or king and nor should it be forced through any agreement against the desire of metropolitan or the provincial bishops'. The canon emphasises the importance of the metropolitan in the final selection of a bishop and attempts to prevent or limit the role of patronage or intimidation by the powerful.[149] Canon 1 is particularly long and deals with church property which had been given away with the permission of King Clovis. Included in this canon is reference to the documents of the church and the importance of their preservation as well as the property of the church, which must be defended at all costs. Twice there is mention of holding of foreign property, in both cases it must be returned where it may have been requested from the king or given by the king to bishops. The canons indicate a more negative attitude towards royal power and the intervention of kings in ecclesiastical affairs.

## 34. Council of Paris (573)[150] *Consilium Parisiense*

This council outlines further conflict between kings and the ecclesiastical hierarchy. Subsequently, several bishops installed by order of a king were removed from office. Three letters were included in the council.[151] However, the castigation of Egidius is in fact more complex. It appears he continued to act as a bishop after this censure.

The third letter was sent to Sigisbert, who died two years later, reprimanding him for his part in the episcopal ordination of Promotus of Chateaudun. Once Sigibert died, Promotus was deposed as bishop. Although Chateaudun at this time was in another king's territory it came

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[147] Gaudemet and Basdevant, *Les Conciles,* p. 410, De Clercq, CCSL vol 148, p. 204, De Clercq, *La Législation religieuse,* p. 43, Pontal, *Histoire,* p. 151, Hefele, *The History of the Councils,* vol. IV p. 277.

[148] Council of Paris (556–573), canon 8: *Et quia in aliquibus rebus consuetude prisca neglegitur ae decreta canonum uiolantur, placuit iuxta antiquam conuetudinem, ut canoum decreta seruentur. Nullus ciuibus inuitis **ordinetur** episcopus, nisi quem populi et clericorum **electio** plenissima quesierit **uoluntate; non principes imperio** neque per quamlibet conditionem contra metropolis uoluntatem uel episcoporum comprouincialium ingeratur. Quod si per ordinationem regiam honoris iustius culmen peruaderi aliquis nimia temeritate praesumpserit, a comprouincialibus loci ipsius episcopus recepi penitus nullatenus mereatur, quem indebete **ordinatum** agnuscunt. Si quis de comprouincialibus recipere contra interdicta praesumpserit, sit a fratribus omnibus segregatus et ab ipsorum omnium caritate semotus. Nam de ante actis **ordinationibus** pontificum ita conuenit, ut coniuncti metropolis cum suis comprouincialibus episcopis uel, quos uicinos episcopos **eligere** uoluerit, in loco, ubi conuenerit, iuxta antiqua statuta canonum omnia communi consilium et sententia.* See also Orléans (549), canon 11.

[149] Van Dam, 'Emperors', p. 63.

[150] Greg. Tur., *DLH.* VII.17; IV.47; CCSL, vol. 148A, p. 212.

[151] Council of Paris (573), Letter from Bishop Pappolus of Chartres to the bishops at the council, Letters to Egidius and to King Sigibert. See section 2.3.3.

under the authority of the metropolitan bishop Pappolus of Chartres. Promotus appealed to the current king, but the metropolitan of Chartres denied his reinstatement.

## 35. Council of Paris (577) *Concilium Parisiense*

Reference to this council is only found in Gregory of Tours. Sigibert's widow was exiled to Rouen. She subsequently married Merovech, son of Chilperic, without the king's knowledge. Brunehilde then fled to her son Childebert II (king of Austrasia) in Metz. Merovech and his father quarrelled over the issue and he was removed as successor, possibly at the prompting of Chilperic's wife Fredegunde. Chilperic then persecuted the supporters of Merovech, including Praetextatus Metropolitan of Rouen who was said to have married the pair. He was put in prison to be judged before the council at Paris.[152]

      The king accused Gregory of behaving unjustly towards himself and quoted the proverb *Corvus oculum corvi non eruit.*[153] He also went to Tours telling the people there of Gregory's unjust behaviour towards all men, Gregory retorted that they may agree with the king but only because they were afraid not to and he then said the king must learn the canons and the law. After further discussion with food involved the king finally agreed to study both the rules of law and the canons and then they both ate bread and wine together. The following day, after further discussion on the issue of larceny the king prevailed. Praetextatus eventually threw himself on the mercy of the king, with an admission of guilt of attempting to kill the king. The king then knelt before the bishops and spoke to the bishops about the admitted crime. The bishops then raised the king up and the king ordered Praetextatus removed from his position. Gregory tells us that the king then sent a book of canons with a 'new four page insert', to the bishops that included the rule, 'a bishop convicted of murder, adultery or perjury shall be expelled from his bishopric'.[154] Praetextatus was exiled at Coutances and Melanius received the see of Rouen. However, after the king died Praetextatus was brought back to Rouen by its citizens. He then went to King Guntrum in Paris, who was the guardian of Chilperic's young son Chlothar II, to request a re-examination of the verdict. Queen Fredegunde attempted to stop this inquiry by stating that he had been judged guilty by 45 bishops, but Ragnemod Bishop of Paris stated that penance was the only thing imposed on him by the bishops. He was subsequently received by the king with favour and returned to his bishopric.[155]

      This council clearly demonstrates the episcopal struggle for authority over the canons. The king took matters into his own hands once he had tried the formal route of going through the council.

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[152] Greg. Tur. *DLH*. V. 18.

[153] The text is translated Thorpe, *HF*, p. 277, in the footnote 48. 'a crow does not pick out another crow's eyes.'

[154] Hefele, *The History of the Councils,* vol. IV p. 400. Hefele adds that this was also against the apostolic canons which state that a bishop convicted of these crimes be deposed of his position but not deprived of communion. The king added murder to the charges noting that because the bishops were not willing to transgress the canons he (the king) took matters into his own hands.

[155] Greg. Tur. *DLH*. VII. 16.

## 36. Council of Châlon-sur-Saône (579) *Concilium Cabilonense*

Once again Gregory is one of our only sources of evidence for this council.[156] He states that in the fourth year of Childebert's reign and the eighteenth year of Guntrum's the king ordered a council held. At the council discussion returned to the continuing problem of Salonius and Sagittarius who had been deposed at the Council of Tours (567). Further charges were laid against them including adultery and murder. The bishops agreed that only the imposition of penance would purge this misdemeanour so they added further charges of high treason.[157] The two accused bishops were then imprisoned in the church of Saint Marcellus, but escaped. They were replaced by the election of two new bishops — Emeritus in Embrum and Aridius in Gap.

## 37. Council of Berny (580) *Concilium Brinnacense*

The council was convened by King Chilperic and held at his royal villa, clear evidence of royal intervention in ecclesiastical matters.[158] The focus of the council was the judgement of Gregory of Tours, more for political than religious transgressions. However, an ecclesiastical court was required to judge a cleric. Bishop Bertram of Bordeaux, as well as Count Leudast, accused Gregory of instigating a rumour of treason. All accusations were resolved at the court.[159]

## 38. Council of Lyons (581) *Concilium Lugdunense*

The text of this council is quite sparse in de Clercq.[160] Gregory states that there were multiple causes and in the sixth year of the reign of Childebert the treaty between Guntrum and Childebert was broken by Childebert, who made an alliance with King Chilperic. Mummulus the count of Auxerre, who had been made a patrician by Guntrum fled his territory and took refuge in Avignon. A council was held to discuss matters and resolve them as well as to punish unnamed unsatisfactory people. The bishops conferred with the Guntrum to resolve the problem of Mummulus.

## 39. Council of Mâcon (1st November 581/583)[161] *Concilium Matisconense*

This council met at the command of King Guntrum. Twenty-one bishops participated, headed by the metropolitan bishops of ecclesiastical provinces of Lyons, Vienne, Sens and Bourges.[162] Gaudemet and Basdevant note that diocese of the Bishop Hiconius of Maurienne was attached by Guntrum to his kingdom.[163]

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[156] Greg. Tur. *DLH.* V. 27. Marius of Avenches, *Chronica,* the date of 579. It is interesting that the date of 579 is only 11 years before Gregory's last entry in *DLH* in 591, yet the account takes place in book V indicating he wrote the sections and integrated them at different times.

[157] This charge was more likely a civil suit rather than an ecclesiastical one.

[158] Greg. Tur. *DLH.* V. 49. Ven. Fort. *Carm.* IX.

[159] See Chapter 2.

[160] De Clercq *CCSL*, 148A, p. 221; Greg. Tur. *DLH*.VI.1.

[161] De Clercq, *La législation religieuse*, p. 103. This scholar dates this 585, and particularly notes that the council reunited the bishops of two of the three royal kingdoms. The inclusion of the pact between Childebert II and Guntrum added to the importance of this council.

[162] De Clercq, *CCSL,* 148A, p. 222, 229, Hefele, *The History of the Councils,* vol IV. p. 403, Gaudemet and Basdevant, *Les Conciles*, p. 426, Pontal, *Histoire,* p. 181, Duchesne, *l'Eglise au VIᵉ siècle*.

[163] Gaudemet and Basdevant, *Les Conciles,* p. 426.

Twenty canons were promulgated which deal with a variety of areas connected to the chastity of priests and bishops' contact with women (canons 1, 2, 3, 11), priest's clothing (canon 5), the vestments of metropolitan bishops during mass (canon 6), and the protection of the goods and property of the church (canon 4). Other canons relate to ecclesiastical involvement in civil court cases (canons 7, 8, 17). Canons 9, 10, 14 dealt with rules for specific festivals of the church.

Canon 1 is of particular interest to this discussion because it refers to the many sainted ancient fathers, who in previous times gave authority to a large number of prescriptions which need to be remembered and renewed. According to the old statues of the fathers no cleric or deacon may live with their women other than their mothers, aunts or sisters. If married they must reside apart from their wives and their everyday life must reflect their ecclesiastical status. Any child born as a result of cohabitation prior to ordination should be allowed to inherit his father's rank or office.

## 40. Council of Lyons (May 583) *Concilium Lugdunense*

The council is dated in the title to the month of May in the 22nd year of the reign of King Guntrum.[164] Priscus the metropolitan of Lyons and Evantius the metropolitan of Vienne were the two senior bishops. Only six other bishops came as well as a dozen delegates of other bishops. The attendees were from the cities from the neighbouring ecclesiastical provinces of Vienne, Sens and Reims: Autun, Châlon, Grenoble, Lyon, Mâcon, Nevers, Valence and Vienne.

## 41. Council of Valence (583/585) *Concilium Valentina*

There is little information available with regard to this council. It was convened by Sapaudus metropolitan bishop of Arles; mentioned in the text are Priscus of Lyons, Euantius of Vienne and Isitius of Grenoble with thirteen other bishops. However, Hefele states that some 40 bishops participated which Fredegar mentions. There are no extant canons however the preface indicates a letter was sent to the council from the *referendarium* of the king confirming certain orders or canons, which Guntrum and possibly his family members had composed.[165] There is also mention of the founding of a monastery of Saint Marcellus and a possible dispute of the date.

## 42. Council of Mâcon (23rd October 585) *Concilium Matisconense*

Gregory states the king ordered the council to be held. Forty-three bishops, 20 of whom sent their representatives, came to this council including two bishops who had no diocese of their own. These two were Bishop Froniminus of Agde, who had been recently exiled by the Visigoths and Bishop Promotus of Chateaudun discussed above in the context of the council of Paris (573). King Guntrum was the guardian of the minor Chlothar II, thus bishops came from both Paris and Burgundy. The bishop of Lyons is designated 'patriarch' in the opening statement which also provides information regarding the reading aloud of letters and canons from previous councils. This gives us a further indication of how the councils worked in practice. Gregory tells us that Faustianus bishop of Dax was deposed at the council because his ordination had been

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[164] Hefele, *The History of the Councils*, vol. IV. p. 403 gives more evidence. De Clercq only mentions the council of those living in Lyons and includes five canons.
[165] Hefele, *The History of the Councils,* vol. IV. p. 406.

ordered by king Gundovald (a pretender) but notes that the bishops involved in his appointment should support him afterwards with money and food. [166]

The council promulgated 20 canons covering such areas as the sanctifying of festival days, tithes to be paid to the church and use of the money, the freeing and protection of slaves, and care for widows, orphans and the poor. In terms of the ecclesiastical hierarchy and its authority canon 5 deals with aspects of legitimacy, episcopal hierarchy, and the sacred laws giving authority to the church ministry as part of the heritage passed down over time. Canons 15 and 16 concern manners to be observed between clerics of different rank.

### 43. *Concilium a Rege Guntramno Indictum* (November 588)

The only reference to this council is from Gregory who mentions that Guntrum called him and another bishop Felix of Nantes. A treaty is also mentioned. There is discussion concerning the murder of Praetextatus in his own church and the need for a council to uncover the facts of his death. Wood notes that tacked onto the end of the council canons is an edict of Guntrum banning Sunday work. Wood determined that enclosing a secular sanction in a council not only supports the canons made at that council and enhances their authority. [167] There are two councils mentioned by Gregory the one above was the year of the Treaty of Andelot (587) the text of which is included in this section of Gregory. The one below is also referred to by Gregory. There are no canons mentioned although Guntrum mentions that there needs to be a council to correct matters in disarray.

### 44. *Aluid Concilium Ab Eodem Rege Indictum* (November 589)

The council was ordered by Guntrum and the major issue was the accusation and clearing of Queen Brunehilde. [168] Gregory informs us that bishops came from 'the uttermost ends of Gaul'. There were no canons promulgated.

### 45. Council of Narbonne (589) *Concilium Narbonnense*

The king of the Visigoths, Reccared was present at the council of Toledo held in May (589), following his recent conversion from Arianism to Catholicism. This council at Narbonne was a result of the previous council held in Visigothic territory. The preface mentions the king and the number of bishops who came. Fifteen canons were promulgated. Of interest to this study is canon 5 which suggests a return to the canons of Nicaea, specifically for correcting current mistakes and problems. Ordination is the topic of canons 10 and 11, while canon 14 discusses marriage or the sexual union of Catholics with other cultural groups such as Ghoti, Syrians, Romans, Greeks and Jews. [169]

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[166] Greg. Tur. *DLH.* VIII. 2–7; 20. Fredegar, *Chronica* IV.1; Halfond, *Archaeology of the Frankish church councils*, p. 232. De Clercq, CCSL 148A, p. 234.

[167] Wood, *The Merovingian Kingdoms,* p. 106; Capitularia Merovingica 5.

[168] Greg. Tur. *DLH.* IX. 32.De Clercq, CCSL, 148A, p. 251.

[169] See also the *Breviarium* and later law codes of Visigothic kingdom where further minority groups were legislated against. See Loftus, *The Visigothic Kingdom and the Jews in their Legislation,* p. 106–11.

### 46. Council of Sorcy (589) *Concilium Sauriciacum*

This council was held to judge if Bishop Droctigisel might return to his episcopate in Soissons. He had previously been accused of practising witchcraft by members of the city. Gregory tells us he then suffered a period of four years when he was considered not mentally stable enough to enter the city, indulging in excessive drinking and eating.[170] There are no extant canons.

### 47. Council of Poitiers (590) *Concilium Pictauium*

Gregory dedicates a number of sections to giving us information on this council which concerned the secession of the nuns of the monastery at Poitiers.[171] Gregory himself participated in the council so we have direct evidence of the incident. The final part of the judgement asks for royal authority to restore all the damaged or stolen property. The recalcitrant nuns were to be returned to the fold after making reparation and suffering penance. There are no extant canons.

### 48. Council of Metz (590) *Concilium Mettis*

There is no council *acta*.[172] This council appears to be more than a church council and may have been a combined ecclesiastical and civil court. There were witnesses called and testimonies read and a variety of other evidence produced. Following a complaint from the bishops that Egidius had been removed from his diocese without a proper trial, the king sent letters and ordered the bishops to come to the council at Metz. Gregory describes the journey as taking place in November; he outlines the difficulties the bishops faced caused by the bitterly cold weather and constant rain which made the mud entrenched roads almost impassable as well as the dangers posed by the swollen rivers.

      For the details of Egidius' castigation for transgressing canons, see the council of Paris (573) above. Egidius was judged by a civil court as he was also accused of treason against King Childebert, forgery, and of having received money and land for services for King Chilperic against Childebert. However, in the interim he was involved in a number of diplomatic missions, as well as plots that lead to the death of King Guntrum and a number of battles causing bloodshed and local devastation. It appears from the two councils that even with a gap of 17 years the animosity against Egidius and his actions continued.

### 49. Council of Auvergne (590)[173] *Concilium 'in Confinio Termini Arverni Gabalitani atque Ruteni' habitum*

According to the chronology of Gregory this council seems to have occurred before the council of Metz above, although de Clercq lists it as taking place afterwards. Gregory mentions it was held on the borders of Clermont where three districts met. It was held to judge the widow Tetradia, who had a law suit against her made by Count Eulalius concerning property. The widow had previously married Eulalius, but had left him for Desiderius (now deceased) as a result of his violence towards her. She had a number of sons with Desiderius. Eulalius demanded the return of all the property that he claimed Tetradia had taken. She had to pay back four times

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[170] Greg. Tur. *DLH*. IX. 37.
[171] Greg. Tur. *DLH*. IX. 39–43; X. 15–17..
[172] Greg. Tur. *DLH*. X. 19, 20. Pontal, *Histoire,* p 176–7.
[173] Greg. Tur. *DLH*. X. 8.

the value of what she was said to have taken and her sons borne to Deisderius were judged to be illegitimate. Interestingly Gregory tells us that Eulalius had supported one of the bishops seeking the episcopate of Rodez and had also given one of his sons to the church. He notes that both of these actions were done in return for help in regaining his property in the city. While we cannot say for sure what the connection was between Eulalius' actions and the help he is given by the episcopate, we do have to question why Gregory draws the link. There are no extant canons.

## 50. Council of Auvergne (584/591) *Consilium Arvernense*

The metropolitan of Clermont convened this council.[174] Gregory states that once Theodosius the bishop of Rodez died, the election for the see was accompanied lobbying which caused a scandal and church property was removed illegally. See council above where Eulalius was involved in an election at Rodez. Innocentius, *comes* of Javols, was supported by Queen Brunhilde and was elected. Once ordained he caused a problem by trying to seize parishes from the Bishop of Cahors and this resulted in a council being called to resolve the matter. The council returned the parishes to Cahors. No canons were promulgated at this council. Interestingly during this period is seems a common occurrence that councils were called as ecclesiastical courts rather than for the purpose of promulgating canons. However, this shift in asserting ecclesiastical discipline through court action rather than canon law is outside the scope of this thesis.

## 51. Council of Châlon-sur-Saone (602) *Concilium Cabilonense*

The council was held in Châlon-sur-Saone, which was at the time the residence of the Frankish king of Burgundy.[175] The council was held to examine accusations made against Desiderius Bishop of Vienne. Gregory mentions that there was a Desiderius who was a deacon of Autun and a signatory to the letter attached to the council of Poitiers (589). Attending this council was Aridius, Bishop of Lyon, King Theuderic II and his grandmother, Brunhilde. Warnacher and Bishop Mietius of Langres may also have been present. Another witness against Desiderius was Protadius a member of the household of Brunhilde. Fredegar mentions that Aridius was the instigator of the accusations. Desiderius was judged guilty and exiled to the island of Livisium. After four years he returned to his episcopate but again came into conflict with Brunhilde and was stoned to death.[176] Fox mentions that Colombanus was also ordered to attend the council and face accusations for using the Irish Easter Calendar.[177] He did not attend. No canons were promulgated.

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[174] Greg. Tur. *DLH.* VI. 38.

[175] Fredigarius, *Chron.* IV.24; Sisebut, *Vitae Desiderii,* Ch 4. The council is dated to 603 by Hefele, IV. p. 434.

[176] Further reference to the episode see Sisebut, *Vita vel passio sancti Desiderii episcopi Viennensis,* B. Krusch (ed.), MGH SrM t.3.1. (Hanover 1896) p. 630–7. Pontal, p. 177; *Analecta Bollandiana* 9 (Brussels 1892) p. 250–62, atc.16, p. 262.

[177] Y. Fox, 'The bishop and the monk Desiderius and the Columbanian movement,' *Early Medieval Europe* 20.2 (2012) 176–94.

## 52. Council of Auxerre (561–605) *Concilium Autisiodorensis*

The city of Auxerre was situated in the ecclesiastical province of Sens and the kingdom of Burgundy at his time.[178] Gregory mentions that Aunarcharius sent a letter which also went to Gundegisel concerning the nuns at Poitiers discussed above.

This large council comprising 45 clerics (presbyters, deacons and abbots) as well as Bishop Aunarcharius of Auxerre consisted of only those clerics from the Autun and may be therefore given the title of diocesan. The council made 45 brief canons which were all parochial matters concerning presbyters, deacons, rural clerics, the people, wives, sisters, monasteries and specific church holidays. Gaudemet and Basdevant note the simplicity of the language when contrasted with that of other Merovingian councils.[179]

## 53. Council of Sens (594/614) *Concilium Senones*

Bishop Betharius of Chartres refers to a council in Sens.[180] Letters attached to the council include those from the king to Brunhilde and to the Bishop of Arles from Gregory in Rome. The latter instigated the council and requested the topic of simony to be dealt with. Certainly letter 63 discusses information that Gregory has 'received from Germany and Gaul, that holy orders were not attained except for a consideration', continuing that for 'those who received the appointment this way, had corruption at the root of his advancement'. The canons are not extant but the evidence suggests the rules in Gaul on the topic did not compare with those of Rome.

## 54. Council of Paris (614) *Concilium Lutetiae Parisiorum*

This council was held only one year after Chlothar II took over control of all the Franks. Itis sometimes called a 'national' council, perhaps because of the secular legislation the king aired at the council.[181]

Twelve metropolitans and 45 other attendees participated all of them were bishops except for one abbot. The bishops promulgated seventeen canons: canon 2 made episcopal elections independent of all interference. Canon 3(20) repeats the idea that a living bishop could not choose his successor. It states it was not good for the governing of the church or the discipline of the ecclesiastical order when this happened. Canon 5(3) concerned a cleric who asked either the prince or other powerful men to become their patrons without the knowledge or agreement of their bishop. See my notes on the edict where the kind changed the wording to allow a cleric to be pardoned if he held a letter from the king.

In addition we have the *Edict of Chlothar II* supposedly made in the eight days after the council.[182] In this edict he further defines the second canon of the council, adding or changing the text where necessary to include his own authority. The first section states that an episcopal candidate chosen by provincial bishops, local clerics and people is then to be ordained by the metropolitan, in accordance with the assent of the king. Chlothar also adds a request that the

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[178] Greg. Tur. *DLH*. IX. 41.

[179] Gaudemet and Basdevant, *Les Conciles*, vol. 2 p. 486–7.

[180] *Vita Betharii*, c. 11, MGH. SSRM t. 3,p. 618; P. Schaff, *Epistles of Saint Gregory*, Gregory. *Ep.* Book XI, 55; 56; 59; 60; 61; 63.p. 170–86 downloaded 20/03/13 http://www.ccel.org/ccel/schaff/npnf212.html.

[181] De Clercq, *La Législation religieuse,* p. 103.

[182] J. M. Wallace–Hadrill, *The Frankish Church*,( Oxford 1983) p. 105; Wood, *The Merovingian Kingdoms*, p. 154; P. Wormwald, *Legal Culture in the Early Medieval West* (London, Rio Grande, Ohio 1999) p. 3–6.

edict be conserved for posterity. The king changed the numbering of this canon, making it the first canon of his edict, thus signifying the importance of his decree.[183] Significantly he also omitted the phrase 'they should be elected without any intervention or pecuniary disbursement'.[184]

The council of Paris (614) opens with the statement:

> When in the name of God according to the constitutions of the former holy fathers we have convened in the city of Paris, summoned by our most glorious prince, our lord the King Chlothar in synodal council, as much for the purpose of renewing the statutes of the ancient canons, which the exigency of the present time has made it necessary to be reiterated, as well as these things which with the grounds for disputes which are arising from every quarter, an order of recent definition has required to be instituted, treating what may be suitable and advantageous, in some way to the benefit of the prince and also to the benefit of the people, or what may be properly observed by the ecclesiastical order.[185]

## 55. Council of Clichy (626/627) *Concilium Clippacense*

Clichy is close to Paris, 6.4 kilometres north from the centre of the city. This council is said to have been held in the church of Mary Mother of our Lord and in the atrium of the martyr St Denis near the domain called Clichy. It was held with the initiative of the king, Chlothar II, who had come to power in Austrasia, sharing the throne with his son Dagobert. Forty bishops plus one cleric representing a bishop and an abbot participated. The area of their sees stretched over a very wide territory, from Cologne in the north-east to Rodez and Javols in the far south, Saintes and Nantes in the east and many sees in between including the metropolitans of Lyons, Bourges, Vienne, Sens, Tours, Reims, Eauze, Besançon and Trier.

De Clercq notes that this council specifically requests secular support for the application of the canons.[186] The opening statement clearly requests that the king conserve the regulations made at the council as well as all the previous regulations promulgated at Paris (614). Interestingly the king is compared to David in terms of having a prophetic ministry. The council reiterated canons made previously at Agde (506) canons 4(12), 6(22–23), 7(15) and Epaone (517) canon 18(2).

## 56. Council of Mãcon (626/627) *Concilium Matisconense*

This council may have been the occasion when Eustasius, abbot of Luxoviensis (assume Luxeuil) supported by bishop Apellinus of Geneva, requested that the rule of the Saint Columbanus be no longer used in the monastery. Columbanus founded the monastery between the years 585–590.[187] The council decided to comply with the abbot and ruled against the practices set down by Columbanus.

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[183] Council of Paris (614), canon 2, p.275; Edict, canon 1, p. 283; canon 1.

[184] See an extended discussion on the edict in sections 4.4.1 and 5.3.2.

[185] Council of Paris (614), *praefatio, Cum in Dei nomine secundum priscorum sanctorum patrum constitutiones in orbem Parisius ex euocatione gloriosissimi principis domni Hlotharii regis synodali concilio conuenissemus tam pro renouandis antiquorum canonum statutis, quae praesentis temporis necessarium fecit oportunitas iterari, quam his, quae adsurgentibus undecumque querelarum materiis recentis definitionis ordo poposcit institui, tractantes, quid quommodo principis, quid saluti populi utillius conpeteret uel quid ecclesiasticus ordo salubriter obseruaret.* Note the spelling of *orbem, domni* and *utillius*.

[186] De Clercq, *La Législation religieuse*, p. 103.

[187] Evidence is found in *Vita Eustassii Abbatis Luxoviensis* cap 9; *Vitae Columbani abbatis discipulorumque eius liber* R II. 125 MGH SSRM t. 3 p. 248–9; *de beati Eusthasii auctoritate et doctrina, quod omnes adversantes*

### 57. Council of Reims (624–625)

Reference to this council is found in Flodoard of Reims *Historia ecclesiae Remensis* II.5. In attendance at this council were metropolitans Sonnatius of Reims, Theoderic of Lyons, Sindulf of Vienne, Modald of Trier, Cunibert of Cologne and Lupoald of Mainz.[188] Bishops from the eastern area of the kingdom plus Arnulf of Metz and possibly 38 other bishops participated. Senocus or Sanctius was appointed bishop of Elosa in 624 and therefore the council cannot be earlier than this date.

      Twenty-five canons were promulgated. Canon 25 reiterates previous canons reminding us of the rules for succession when a bishop dies: only a native of his city is to be chosen as a successor and the election should be by the people with the assent of the provincial bishops. Church property is a concern in canons 1, 13, 16. 20, 21 and 22. Canon 3 enforces the canons of Paris (614). Slaves are the topic of canons 11, 13, 15 and 17, while heretics or heathens are the focus of canons 4 and 14. Maidens and widows who have dedicated their lives to God are protected from seizure, even by the king, under canon 23. There was the repetition of many canons from Clichy (626/627).

### 58. Council of Clichy (636) *Concilium Clippacense*

This council assembled 40 bishops, including the metropolitans of Lyons, Vienne, Bourges, Sens, Tours and Bordeaux.[189] They repeated the canons of Reims and also of Paris (614). One new feature of the canons is the mention of Bonosians as heretics.

### 59. Council of Orléans (639/641) *Concilium Aurelianense*

There is only limited evidence for this council.[190] Pontal states that a Bishop Eligius of Ouen requested King Clovis II to convene the council. The purpose was the condemnation of a person who had brought Monothetism ideas to Autun. The man was condemned and exiled. Although he defended himself with arguments they were refuted by Bishop Salvius. [191]

### 60. Council of Châlon sur Saône (647–653) *Concilium Cabilonense*

The council *acta* are extant. Chlodoveus II, King of Neustria convened the council.[192] Because we know he was only a few years old at the time it must have been as the instigation of his advisors. Thirty-eight bishops participated including metropolitans from Lyons, Vienne, Rouen, Sens and Bourges, one archdeacon and five abbots, some of whom possibly represented bishops. The council includes the letter to Theodorius of Arles.

      Twenty canons were promulgated. A number of repeated canons are noted. Canons 1 and 2 reiterate that previous canons are to remain in force, while canon 4 states no two bishops are allowed to hold see in one city. Canon 20 removes bishops Bobo and Agapius from their see

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*sanctae regulae… Emanante ergo regali auctoritate, multi Burgundiae episcopi in suburbano Matasconensis urbis conveniunt, …*

[188] Hefele, *The History of the Councils,* vol. IV p. 445.

[189] Fredegar *Chron.* IV.78; *Vita S. Agili abbatis Resbacacensis.* C. 19

[190] *Vita S. Eligii* 1.5 MGH SS SRM. t. 4. P. 691–2.

[191] Pontal, *Histoire,* p. 216

[192] De Clercq, CCSL vol. 148, p. 302.

which they non-canonically shared. Canon 10 revisits rules for the election of an episcopal successor. Church property is the subject of canons 5 and 7. Attached to the council is a letter sent to Bishop Theodorius of Arles, with regard to his transgressing certain canons.[193] He did not attend the council to answer these charges and despite doing public penance was still requested to attend the next council to answer and if necessary resign his office. Interestingly we can see here that the removal of the metropolitan of Arles required a letter, whereas the other two bishops of minor sees were just removed by the council.

### 61. Council of Bordeaux St Pierre de Granon (662–675) *Concilium Modogarnomense, Burdiglalensis*

This council convened all of the sees of the province of Bordeaux except Poitiers. The bishops of Eauze, Dax and Bigorre sent representatives. The metropolitan of Bordeaux was listed second after the bishop of Bourges. Eighteen bishops are recorded as being in attendance or represented. The council was held in the church of Saint Peter and the Duke Loup represented the king (probably Childeric II).

The opening statement declares that the council is held by order of the king and that its purpose is both in the interests of the church and the stability of the kingdom. It seeks to deal with a number of transgressions against the statutes, particularly those by bishops acting in a secular fashion.

There were four canons promulgated. Canon 1 concerns the clothing of clerics, while canon 2 deals with clerics coming under the protection of laymen and canon 3 concerns bishops, abbots or other clerics secretly coming into contact with women. Canon 4, the longest canon, alludes to the normal behaviour expected of a cleric, who was attached to a church and should be an example to others in dress, behaviour and morals.

### 62. Council of Saint Jean de Losne (673) *Concilium Latunenese*

This council was situated in Burgundy, approximately 16 kilometres south of Dijon. It was convened by King Childeric II who was also present.

Twenty-two canons were promulgated. Canon 5 concerns the age of a bishop prior to election. Canon 6 repeats the rule that no two bishops may hold the same position at the same time. Canon 16 repeats the regulation on disallowing bishops to choose their successors, while canon 22 repeats the law that no other bishop may substitute a bishop or a successor.

### 63. Council of Leudegarii Bishop of Autun (662–676) *Concilium Leudegarii episcopi Augustodunenses*

The numbering of canons from this council are odd indicating some may be missing. All of them concern the rules of a monastery, dealing with such issues as food and clothing as well as a variety of reminders of rules and transgressions to avoid.[194]

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[193] In this case it was the requirement of all bishops of a province to attend council once called unless indisposed, in which case they may send a representative.
[194] De Clercq, CCSL 148, p. 318–20; *Vita Leudegarii episcopi Augustodunensis* MGH SSRM t. 5, p. 314; 338–40; Fouracre and Gerberding, *Late Merovingian France,* p. 193–253.

### 64. Council Villeroi (680) *Villa Theudoroico Rege*

This council was convened in the villa of King Theuderico III and his major domo Eebroin. The council tried Leudegar of Autun for the murder of King Childeric II.[195] Canons 1, 5, 8, 10 and 16 are extant, none of which deal with ordination.

### 65. Council of Marly, Mâlay le Roi (677/680) *Concilium Maslacense*

Evidence for this council comes from the Charta of Theuderic III. Possibly four ecclesiastical provinces were represented: Lyons, Vienne, Sens and Besançon. This council deposed the non-canonically appointed Bishop Chramlinus of Embrun.[196]

### 66. Council of Autun (692–696) *Concilium Autissiodorensis*

This council issued regulations for a number of convents. Only extant are a number of lists with dates, the names of clerics attending and the number of ordinances to be held on specific days. There are no signatures of bishops attached. [197]

## Other councils included Hefele and not in De Clercq

### 67. Paris (653)

Chlodwig II convened this council in order to request the return of relics of two saints Benedict and Scholastica. Vitalian, Bishop of Rome made an application for this. [198]

### 68. Clichy (654) *Clippiacum*

Hefele ties this council together with the one above.

### 69. Nantes (655/580)[199]

Twenty canons were promulgated at this council. Canons 1, 3, 4, 5, 7, 8, 9 and 16 concern the general behaviour of clerics particularly when giving mass, while canons 12, 13 and 14 are concerned with adultery and canon 20 requests bishops to stamp out heathenism. Canon 11 discusses 'the trial of those who wish to be ordained' but gives no further information.

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[195] *Vita Leudegarii episcopi Augustodunensis* , I.33, II.16–17. MGH SSRM t. 5; Pontal, *Histoire,* p. 233; Halfond, *Archaeology of the Frankish Church Councils, p. 242.*

[196] De Clercq, CCSL vol. 148, p. 322; Hefele, vol. IV, p. 485. Halfondm *Archaeology of the Frankish church councils*, p. 241, gives a different date of 677.

[197] De Clercq, CCSL, vol. 148 p. 323; Hefele, vol. IV, p. 485; *Vita S. Tetrici Gestorum episcoporum Autissiodorensium,*cap. 24.

[198] Hefele, vol. IV, p. 476.

[199] Hefele, vol. IV, p. 476.

## 70. Trier (677)

At this council privileges were granted to the convent in Lothringen named *Vallis Gallilae*, St. Dieu-donne. Although we cannot be sure of the attendees it is possible Numerian of Trier and some abbots attended. [200]

## 71. Sens (657/58)

At this council Chlothar III confirmed the privileges of the convent of St Petri Vivi. [201]

## 72. Rouen (682)[202]

All we have from this council are 16 canons, covering such topics as tithes, simony, huntsmen, shepherds and the treatment of heretics. They need not be baptised but make conversion, confession have hands laid on them in order to enter the church again.

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[200] Hefele, vol. IV. p. 485.
[201] Hefele, vol. IV, p. 476.
[202] Noted in Hefele, vol. IV p. 468.