

KINGS AND ARISTOCRATS: POWER, COMPETITION AND GIFT EXCHANGE IN THE VISIGOTHIC KINGDOM OF TOLEDO

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The Visigothic kings of Toledo connected to the aristocracy through an oath of fidelity which exceeded the limits of formalism. Those who pledged loyalty to the king built a special sacred tie: its breach was considered an act of perfidy to God and was not taken lightly.

Historiography has highlighted the value of the oath of fidelity as a cohesive element in the sociopolitical network of the kingdom.¹ Pablo Díaz Martínez and Pablo Poveda claim that in a context of competition among aristocratic factions for the throne, the oath of fidelity was a way to “protect the figure of the monarch” (“blindar la figura del monarca”) and regulated

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¹ Dietrich Claude, “The Oath of Allegiance and the Oath of the King in the Visigothic Kingdom,” *Folia* 30 (1976): 3–26; Abilio Barbero and Marcelo Vigil, *La formación del feudalismo en la Península Ibérica* (Barcelona: Crítica, 1978), 126–54; Paul D. King, *Derecho y sociedad en el reino visigodo* (Madrid: Alianza, 1981), 81; Luis A. García Moreno, *Historia de la España visigoda* (Madrid: Cátedra, 1989), 253; Pablo Díaz Martínez, “Visigothic political institutions,” in *The Visigoths from the Migration Period to the Seventh Century: An Ethnographic Perspective*, ed. Peter J. Heather (Woodbridge: Boydell, 1999), 321–56; María del Rosario Valverde Castro, *Ideología, simbolismo y ejercicio del poder real en la monarquía visigoda* (Salamanca: Universidad de Salamanca, 2000), 222–23; Renan Frighetto, “Incauto et inevitabili conditionum sacramento: juramento de fidelidad y limitación del poder regio en la Hispania visigoda en el reinado de Egica (688),” *Intus Legere Historia* 1, nos. 1–2 (2007): 67–79, at 70; and, Bruno Dumézil, “Le crime de parjure dans l’Espagne wisigothique du VIIe siècle,” in *Oralité et lien social au Moyen Âge (Occident, Byzance, Islam)*, ed. Marie-France Auzépy and Guillaume Saint-Guillain (Paris: Collège de France-CNRS, 2008), 27–38.

the relationship between the king and the aristocracy.² The oath of fidelity united the aristocracy around the kings, but this does not mean that it was a consistently successful mechanism.

The ties of fidelity implied a committed personal relationship and created tensions awakening many kinds of competition. In addition, the pledge of fidelity was not unconditional; on the contrary, it created a contractual relationship that could be analyzed under the logic of reciprocity. The purpose of this contribution is to analyze the existing ties of fidelity between the aristocracy and the kings from that point of view. I claim that the aristocracy was working with the monarchy for benefits and legitimization, while kings expected political support. To fully explicate this entanglement, I will firstly demonstrate the characteristics of the members of the aristocracy who swore fidelity to the king and then, secondly, examine the delivery of gifts from the king to the aristocracy due to the sworn fidelity. Throughout my analysis, I will highlight that these reciprocal relationships marked the dynamics of the political relationships in the Visigothic kingdom.

I. Oath of Fidelity and Pledge of Loyalty

The first mention of the oath of fidelity (and the consequences of its violation) was at the Fourth Council of Toledo in 633, where it was decreed that breaking the promise made to the king would involve prevarication against God and its punishment could be no less than excommunication. Reading the terms used to formulate the canon, it is evident that the promise of fidelity was an established custom,³ as proven by Sánchez Albornoz.⁴

² Pablo Díaz Martínez and Pablo Poveda, “*Qui patrie excidium intulerunt*. Hispania 711: explicaciones desesperadas para un colapso inesperado,” *Reti Medievali* 17, no. 2 (2016): 191–218, at 7.

³ *La colección canónica Hispana, V, Concilios hispanos: Segunda parte*, ed. Gonzalo Martínez Díez and Félix Rodríguez (Madrid: El Consejo Superior de Investigaciones Científicas [CSIC], 1992), Toledo IV, 248.

⁴ Claudio Sánchez Albornoz, *En torno a los orígenes del feudalismo visigodo, (primera parte): Fideles y Gardingos en la monarquía visigoda* (Mendoza, 1942), 47 and 48. Regarding the oath of fidelity, see Abilio Barbero and Marcelo Vigil, *La formación del feudalismo en la Península Ibérica*, 126–54, who analyze the oaths of fidelity of all inhabitants of the kingdom as well as the personal ones in feudal ties. See also del Rosario Valverde Castro, *Ideología, simbolismo y ejercicio del poder real en la monarquía visigoda*, 222 and 223; García Moreno, *Historia de la España visigoda*; King, *Derecho y sociedad en el reino visigodo*, 81; Frighetto, “*Incauto et inevitabili conditionum sacramento*,” 70; and, Pablo Díaz Martínez and Pablo Poveda, “*Qui patrie excidium intulerunt*,” 7.

The content of the oath – expanded in other councils⁵ as the century went by – can be specifically summarized as follows: people promised to respect the figure of the king, not causing injury or putting him to death, or taking for themselves the dignity of the kingdom. Similarly, vows were made to protect the royal family, the homeland and the Gothic people. Two social sectors can be distinguished here in this fealty to the king: the common people of the realm and the aristocracy. The clergy, treated as a separate social segment, was also impelled to swear fidelity to the king, as indicated by the first canon of the Seventh Council of Toledo in 646 and the second canon of the Tenth Council of Toledo in 656.⁶ The main aim of the kings was essentially to guarantee the fidelity of the *maiores* of the kingdom. The focus here is on the latter, as their ties with the kings marked the pace of the political evolution of the kingdom.

Under Chintila, in the thirteenth canon of the Sixth Council of Toledo in 638, the youth and the *minores* men were asked to honor those who within the palace were highly regarded by their merit or dignity, in reverence to the king or requested by him;⁷ the following canon is titled *De remuneratione collata fidelibus regum*. These two canons can be understood as tandem: the first reveals the possible means to become part of the intimate circle of the king, while the second reveals the obligations of the people toward the king and vice versa, added to the due punishment in case of failing to fulfil their obligation. Different sources mention the term *fidelis regis*: Who were the *fideles regis*? What were their roles and obligations toward the king? Why were they key elements in the political dynamics of the kingdom?

Documentary evidence allows scholars to outline quite accurately who the *fideles regis* were, although documents contain partial information. Amancio Isla Frez points out that members of the *officium palatinum* or *aula regia* – the group surrounding the kings which managed with them the kingdom – were

⁵ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo V, 281–86; Toledo VI, 325–27; Toledo VII, 338; Toledo X, 521–22; José Vives, *Concilios visigóticos e hispano-romanos* (Madrid: El Consejo Superior de Investigaciones Científicas [CSIC], 1963), Toledo XVI, 509.

⁶ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VII, 338; Toledo X, 521–22. It is not surprising that the kings had demanded the oath of clerics since they participated actively in the politics of the kingdom in planning revolts and occupying key roles the *sedes regia*, as mentioned in the reconstructions of the revolts against Reccared and Wamba. As Frighetto points out, this norm is interesting because it contradicts all the dispositions contained in the late imperial legislation and would constitute a legal novelty. Frighetto, “Incauto et inevitabili conditionum sacramento,” 70.

⁷ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VI, 319.

by antonomasia the *fideles* of the king.⁸ They provided advice and help for the king and co-governed by administering the circumscription of the kingdom and participated in government affairs. The palatines possessed the positions of *dux*, *comes*, and *gardingus*, which in turn formed a hierarchy which created inequalities within the bosom of the aristocracy. Céline Martin demonstrated that the dignity of *procer* fell into disuse toward the mid-seventh century, and the honor of *dux* was the highest of the dignities. Likewise, the title of *gardingus* was used only at the end of the kingdom and was bestowed on young people.⁹ The readings of the councils suggest that the group accompanying the king was formed by great magnates, yet were all of them *fideles regis*?

The governmental structure of the Visigothic kings did not have a particularly dense network, although it was intended to send commands from Toledo to all the regions that they expected to rule.¹⁰ The kings were obligated to consult a network of members of the palace so that their commands were obeyed within a kingdom which was ruled heterogeneously.¹¹ The different duties carried out by the *fideles* of the king collaborated with the functioning of the regal government.

In the Third Council of Toledo in 589, each member of the group called *seniores Gothorum* signed the condemnation of the Arian heresy under the title of *vir inluster*.¹² In 633, Sisenand was accompanied by a group of *nobiles* men to the Council, who reunited in the church of Saint Leocadia.¹³ The strong presence of the *fideles regis* together with the king in the councils took place under Chintila as well. The minutes of the Fifth Council of Toledo in 636 mention that he entered the church with nobles in order to commend all to prayer, and he obligated their *fideles* to do the same with a holy exhortation.¹⁴

⁸ Amancio Isla Frez, "El *Officium palatinum* visigodo," *Hispania* 62 (2002): 823–47, at 827.

⁹ On this term, see Claudio Sánchez Albornoz, *En torno a los orígenes del feudalismo*, 77–106; Herwig Wolfram, *History of the Goths* (Los Angeles: University of California Press, 1990), 242; Edward A. Thompson, *The Goths in Spain* (Oxford: Clarendon, 1969), 335; and, Céline Martin, "Hiérarchie et service dans le monde wisigothique: la militia des laïcs," in *Hiérarchie et stratification sociale dans l'Occident médiéval (400-1100)*, ed. François Bougard, F., Dominique Iogna-Prat, and Régine Le Jan (Turnhout: Brepols, 2008), 325–41, at 332.

¹⁰ For the treatment of the organization of governmental structures, see mainly Claudio Sánchez Albornoz, "El Aula Regia y las asambleas políticas de los godos," *Cuadernos de Historia de España* 5 (1945): 6–110.

¹¹ Iñaki Martín Viso, "Colapso político y sociedades locales: el Noroeste de la península ibérica (siglos VIII-IX)," *Reti Medievali Rivista* 17, no. 2 (2016): 335–69.

¹² *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo III, 98.

¹³ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo IV, 179–80.

¹⁴ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo V, 277.

Every time the *Mozarabic Chronicle of 754* registers the regal summon of a council, it records the participation of the king and the *maiores palatii*.¹⁵

During the reign of Chindaswinth (r. 642-653), a promulgated law provides that amnesty to criminals who had committed *gens* and *patria* crimes could only be granted if the king had the approval of the bishops and the *maiores* of the palace.¹⁶ The king's son and successor, Recceswinth, referred to a group of illustrious men in these terms: "leaders of the people, those whom I embrace as energetic allies in government, faithful in adversity and vigorous in prosperity."¹⁷ Wamba, in the role of *vir inlustris*, presented the will of Martin of Braga before the council assembly reunited in Toledo in 656 in order to be submitted for discussion by those present.¹⁸ They were also recognized as agents of justice: in 673, in the jury against Paulus and fifty-three local chiefs (all of them of noteworthy lineage who had participated in a conspiracy against the central authority), king Wamba in person presided over the trial accompanied by magnates of the palace.¹⁹ The second canon of the Thirteenth Council of Toledo, summoned by king Erwig in 683, decreed that those accused of any crime would not be brutally deprived of prerogatives, but they would be interrogated fairly in a public deliberation of priests, nobles and *gardingi*, and if found guilty they would suffer sentences imposed by law or they would be deemed not guilty by the judgement of everyone.²⁰ On the

¹⁵ *Chronica muzarabica anni 754*, in *Crónica mozárabe de 754. Edición crítica y traducción*, ed. José Eduardo López Pereira (Zaragoza: Anubar Ediciones, 1980), 34.

¹⁶ *Liber Iudiciorum*, in *MGH Leges Nationum Germanicarum I: Leges Visigothorum*, ed. Karl Zeumer (Hanover: Hahn, 1902 [2005]), 6.1.7, p. 256. "[...] Quod si divina miseratio tam sceleratis personis cor principis misereri compulerit, cum adsensum sacerdotum maiorumque palatii licentiam miserandi libenter habebit." For the context of this law see Céline Martin, "Des fins de règne incertaines: répression et amnistie des groupes aristocratiques dans le royaume de Tolède (deuxième moitié du VIIe s.)," in *Les élites au haut Moyen Âge. Crises et renouvellements*, ed. François Bougard, Laurent Feller and Régine Le Jan (Turnhout: Brepols, 2006), 207–23, at 210.

¹⁷ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 378: "plebium rectores exegit, quos in regimine socios, in aduersitate fidos et in prosperis amplector strenuous."

¹⁸ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo X, 545.

¹⁹ Wilhelm Levison, Jocelyn N. Hillgarth and Bernhard Bischoff, eds., *Julian of Toledo. "Historia Wambae regis,"* Corpus Christianorum Series Latina 115 (Turnhout: Brepols, 1976), 254: "Hic igitur sceleratissimus Paulus, dum, couocatis adunatisque omnibus nobis, id est senioribus cunctis palatii, gardingis omnibus omnique palatino officio [...]."

²⁰ *La colección canónica Hispana, VI, Concilios hispánicos: Tercera parte*, ed. Gonzalo Martínez Díez and Félix Rodríguez (Madrid: El Consejo Superior de Investigaciones Científicas [CSIC], 2002), Toledo XIII, 221–22.

promulgation of a law concerning Jews, Sisebut announced that he did it "with all the palatine office."²¹

The mobilization of military troops represented the main aim of the *fideles* of the king. Although it is worth mentioning that when the king assumed the investiture, he became the chief of the army in charge of the security of the kingdom,²² his aim was to provide warriors ready to fight for the king, as well as to command his troops if necessary. This task relied on the *duces* (generals of the army) who, according to Céline Martin, occupied such a position only for the duration of the campaign.²³ Claudius, a duke during the reign of Reccared I (r. 586-601), battled the Franks on behalf of his king,²⁴ and Paulus commanded the quest of repressing rebels (before becoming their leader) under the orders of Wamba.²⁵ Isidore attributes to Witteric the military triumph of capturing imperial soldiers in Sagontia (~10 miles from Medina Sidonia, in the baths of Giconza²⁶) carried out by his dukes.²⁷ Rechila fought against the Astures and Suinthila defeated the Ruccones and took over some spaces occupied by the Byzantines; both of them did so while being dukes of Sisebut.²⁸

The role of the aristocracy in the organization of the army was central. Firstly, the recruitment of warriors who were prepared to fight under the regal standard was not an easy task, as each group of warriors responded to the aristocratic chief who had recruited them. According to data provided by

²¹ *LI* 12.2.14, ed. Zeumer, 420: "omni cum palatino officio."

²² Pablo Díaz Martínez and María del Rosario Valverde, "The theoretical strength and practical weakness of the Visigothic monarchy of Toledo," in *Rituals of Power: From Late Antiquity to the Early Middle Ages*, ed. Frans Theuws and Janet L. Nelson (Boston and Leiden: Brill, 2000), 59–93.

²³ Céline Martin, "Hiérarchie et service dans le monde wisigothique," 329. See also a similar opinion from Pablo Díaz Martínez, "El esquema provincial en el contexto administrativo de la monarquía visigoda de Toledo," *Mélanges de la Casa de Velázquez* 49, no. 2 (2019): 77–108.

²⁴ Antonio Maya Sánchez, ed., *Vitas Sanctorum Patrum Emeretensium*, Corpus Christianorum Series Latina 116, Turnhout: Brepols, 1992.

²⁵ Julian of Toledo, *Historia Wambae*, ed. Levison, et al., 224.

²⁶ Jaime Vizcaíno Sánchez, *La presencia bizantina en Hispania, siglos VI-VII: la documentación arqueológica* (Murcia: Editum, 2009), 147, and Margarita Vallejo Girvés, *Bizancio y la España tardoantigua (ss. V- VIII): Un capítulo de historia mediterránea* (Alcalá de Henares: Universidad de Alcalá, 1992). Margarita Vallejo Girvés, *Hispania y Bizancio: Una relación desconocida* (Madrid: Akal, 2012).

²⁷ Isidore of Seville, *Historiae Gothorum, Vandalorum et Suevorum*, in *Las Historias de los godos, vándalos y suevos de Isidoro de Sevilla*, ed. Cristóbal Rodríguez Alonso (León: Centro de Estudios e Investigación "San Isidoro," 1975), 268.

²⁸ Isidore of Seville, *Historiae Gothorum*, ed. Rodríguez Alonso, 272 and 274.

various sources about the character of the troops and the difficulties in their recruitment, it follows that during war or an aristocratic riot, regal power was greatly tied to the success of the summon and the support of the *grandees* of the palace and their supporters.²⁹

The political support and strength of alliances were materialized in troops prepared for warfare, all in the service of the king. Decreeing laws, imparting justice and commanding the army were not the only tasks that the *grandees* carried out together with the king and on his behalf. Governing the cities and their surrounding land was under the order of the *comites ciuitatis*, and provinces were under the command of *duces* or *rectores*,³⁰ members of the aristocracy designated by the king for such roles.³¹

Isla Frez, following Sánchez Albornoz,³² highlights that the offices of different aristocrats present in the signatures of the minutes of the Visigothic councils as *comes cubiculi*, *comes patrimonii*, *comes notarii*, and *comes thesauri*, were honorary offices, which was not an impediment for these counts to have carried out a specific function. In addition, he points out that this honorary character did not hinder the course of honors inside the organ of the government, as shown in the case of Teodemund, who was promoted from *spatarius*³³ to *procer*.³⁴ Céline Martin claims, in turn, that the existence of a career is unprovable according to the available documentation. However, we consider that besides the functions and possible promotions, the aristocracy

²⁹ Díaz Martínez and del Rosario Valverde, "The theoretical strength and practical weakness of the Visigothic monarchy of Toledo."

³⁰ Isla Frez, "El *Officium palatinum* visigodo," 838.

³¹ Regarding the problem of the administration of the kingdom, see Luis. A. García Moreno, "Estudios sobre la organización administrativa del reino visigodo de Toledo," *Anuario de historia del derecho español* 44 (1974): 5–156; Céline Martin, *La Géographie du pouvoir dans l'espace visigothique* (France: Presses Universitaires Septentrion, 2003), 167–76; and, Pablo Díaz Martínez, "El esquema provincial en el contexto administrativo de la monarquía visigoda de Toledo," *Mélanges de la Casa de Velázquez* 49, 2 (2019): 77–108.

³² Claudio Sánchez Albornoz, "El Aula Regia y las asambleas políticas de los godos," 36.

³³ Regarding this office, Isla Frez says: "[...] Podrían ser meros guardianes, pero su relevante posición como *comites*, (...) y su número en el XIII concilio nos hacen pensar que son los jefes de la guardia palatina." [They could be mere guardians, but its relevant position as *comites*, [...] and their number in the Thirteenth Council makes us think that they are the chiefs of the palatine guard]. The Spartarians were members of the high aristocracy; in addition, this author, following the data obtained from the Chronicle of Alfonso II on the condition of *spatarius* of Pelayo, suggests that the youth of high lineage commenced their services to the king as *spatarii*. Isla Frez, "El *Officium palatinum* visigodo," 836.

³⁴ *Concilios visigóticos*, ed. Vives, Toledo XVI.

did not form cadres of governmental specialists; in fact, in the seventh century, members of the royal household called *seniores palatii*³⁵ gained their positions as rewards for offering the king their political support or for providing him assistance and advice as faithful servants of the king. Paul D. King believes that the *comites* gained their position due to the special relationship which tied them with the king, as no one better than their “partners” would perform the duties that the given positions entailed.³⁶ Céline Martin herself posits that the king had the authority to choose whom to assign a position within the Palatine Office; however, he would have to respect the merit of the candidate: his distinguished origin and his moral qualities (*origo et uirtus*). Therefore, the king would decide those who benefited with the office among the members of the *gens Gothorum*.³⁷ Such imposition of criterion limited the options the king had with a specific group. In addition, it allowed this group to ensure privileged positions in central government affairs, obstructing the entrance of outsiders of the dominant class.

The *fideles regis* formed an elite within the aristocratic class. Strictly speaking, not all members of the aristocracy were *fideles regis*; although theoretically they owed the fidelity demanded by the ideological precepts supporting royal power, in practice, many important figures demonstrated their opposition to the reigning king. Chindaswinth distinguished the *primates* from the *seniores* in *Liber Iudiciorum* 3.1.5, which governs the disposition of assets constituting a dowry.³⁸ Council canons show that this elite owed loyalty and sincere service to the will and orders of the prince, and they provided vigilance and guarded his life with all their strength. This description coincides with the services that scholars attribute to the counts, with specific

³⁵ “[...] *seniores palatii*, [...] aristócratas godos que pertenecían al palatium establecido en Toledo, acabarán siendo consejeros reales, en particular, en cuestiones de índole legislativa y judicial”. [Gothic aristocrats who belonged to the palatium established in Toledo will end up being real advisors, in particular, on legislative and judicial issues]. Esteban Moreno Resano, “El título de senior en la Antigüedad tardía: un estudio de terminología institucional,” *Salduie* 13–14 (2013–2014): 141–50, at 149.

³⁶ Paul D. King, *Derecho y sociedad en el reino visigodo*, 74.

³⁷ Martin, “Hiérarchie et service dans le monde wisigothique,” 332. For the issue of ethnic identity of the dominant class, see Céline Martin, “La notion de gens dans la péninsule Ibérique des VI-VIIe s. quelques interprétations,” in *Identité et ethnicité: concepts, débats historiographiques, exemples (IIIe-XIIe siècle)*, ed. Véronique Gazeau, Pierre Baudin and Yves Modéran (Caen: Publications du CRAHM, 2008), 75–89.

³⁸ *LI*, ed. Zeumer, 127.

responsibilities mentioned above. Likewise, this elite participated with the king in the government of the kingdom.³⁹

Nevertheless, not all the *fideles regis* received the highest privilege. In the interior of the intimate circle of the king there was a hierarchy which created wealth and power inequalities within it, which caused a strong competition for the honors which brought greater rewards.

The composition of the group of the *fideles regis* had been dynamic; permanence inside of the intimate circle of the chief of the kingdom depended on the development of political relationships established between the king and his *fideles* or groups of *fideles*. The delivery of rewards and preservation of the *fidelitas* were two key aspects of the link.

What happened with the aristocracy which for political reasons – and not for lack of merit or origin – did not belong to the current ruling elite? Differing sources suggest that political climates, circumstantial alliances and military confrontation resulted in aristocratic groups external to the central government who, while being marginalized, suffered a reduction of their towering social class. However, although their political capital and capacity for building alliances decreased, they did not disappear fully. Years later, the same characters, family members or allies appeared disputing positions in the central government or in the regal power. The Visigothic aristocracy permanently sought, through political disputes, to become part of the intimate circle of the king and enjoy regal favoritism.⁴⁰

II. Gift Exchange and Political Power

Historians have long observed the social importance of wealth. Gurevich considers it a weapon which allowed the aristocracy to maintain their social influence and confirm their honor. Greed, the opposite behavior, caused contempt among powerful people and farmers, and the largesse of the aristocracy was a respected and expected attribute. Chiefs built their political

³⁹ Martin, “Hiérarchie et service dans le monde wisigothique,” 5.

⁴⁰ Martín Viso claims that while the kings could not govern without the support of the aristocracy, the aristocracy could not maintain power without the regal political structure. As a result, a linkage of political relationships was built and it generated a permanent state of tension among the different aristocratic factions. See Iñaki Martín Viso, “Hispania en el periodo postromano (siglos V-VIII),” in *Historia de la España Medieval*, ed. José María Monsalvo Antón (Salamanca: Ediciones Universidad de Salamanca, 2014), 27–50, at 34.

and power relationships through their generosity.⁴¹ Régine Le Jan suggests that riches were a key point for elites in the domination process, as they legitimated their power positions.⁴² The Visigothic aristocracy was also ruled by these principles.

The aristocrats gathered around the king, expecting to be benefited with offices, honors, and material goods. This relationship increased their social position within local communities and their wealth, and, in turn, the exercise of political power boosted the benefits brought by the relationship with the king.⁴³ Therefore, occupying strategic positions was a highly ambitious aim. The members of the aristocracy who received the most rewards and benefits from the king were, undoubtedly, the *fideles regis*, who played a crucial role in the political dynamics of the kingdom. By supporting the king and participating in the government, their role was so important that numerous council canons were destined to preserve the gifts received due to their merits and faithfulness.

The extensive decree of Recceswinth on the destiny of goods confiscated by his father describes, in different parts, the patrimony of the affected as farms, properties of “the living and the non-living, of immovable things as well as those capable of movement, by body or appearance, form or kind.”⁴⁴

⁴¹ Aaron Gurevich, “Représentations et attitudes à l’égard de la propriété pendant le Haut Moyen Âge,” *Annales. Histoire, sciences sociales* 27 (1972): 523–47. Many of the ideas mentioned in this article were expanded in Aaron Gurevich, *Las categorías de la cultura medieval*, (Madrid: Taurus, 1990). Le Jan corroborates that the kings in the High Middle Ages were gift givers within an asymmetrical exchange system; sometimes the distribution of prestigious assets (many times of a high symbolic value) among the members of high circles allowed them to maintain each of their social positions within the political order. Régine Le Jan, “Prendre, accumuler, détruire les richesses dans les sociétés du haut Moyen Âge,” in *Les élites et la richesse au Haut Moyen Âge*, ed. Jean-Pierre Devroey, Laurent Feller and Régine Le Jan (Turnhout: Brepols, 2010): 365–82. Devroey highlighted the importance of gifts in medieval societies and signaled the role that early medieval banquets played in the resolution of conflicts, questioning the agonistic function of outspending. Jean-Pierre Devroey, *Économie rurale et société dans l’Europe franque (Vie-Xe siècles), fondements matériels, échanges et lien social* (Paris: Belin, 2003), 175–93.

⁴² Le Jan, “Prendre, accumuler, détruire les richesses dans les sociétés du haut Moyen Âge,” 366.

⁴³ On the relationship and integration between central and local power, see Paulo Pachá, “To name and control. Space and power in the integration process of the Visigothic Kingdom of Toledo,” *Mélanges de la Casa de Velázquez* 49, no. 2 (2019): 109–31.

⁴⁴ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 455: “viventium ac non viventium, immobilium quoque et moveri valentium corpore vel specie, forma vel genere.”

This information reveals the nature of the rewards received by the *fideles* of the king. In 638, defrauding them of their rewards was considered unfair, as they were considered *res* of human or divine nature. The future kings were also ordered not to deprive those who “through faithful obedience and sincere service have been open to the will or commands of the prince and with their whole intent have maintained watchfulness and care for his safety” of their offices without cause. These words show that offices and dignities were also rewards. In addition, it was decreed that heirs to the throne would treat each of the *fideles regis* in accordance with the *utilitas* of each of them and would foretell if they were necessary for the homeland. Finally, it was guaranteed that all the things obtained fairly would be put at the disposal of their will and could be donated to those they chose. This canon complemented the Fifth Council of Toledo promulgated three years earlier, whose words determined that the kings would respect the goods acquired by *fideles* of past kings, so that fidelity would be encouraged when noting that nobody was deprived of their gifts.⁴⁵

The regal attribution of distributing gifts can be observed in the sixth century in the actions of Reccared;⁴⁶ it is also reflected in the words of the Fourth Council of Toledo when referring to the mercy of Sisenand and later repeated in the Eighth Council of Toledo, as noted. In 653, the council assembly ordered that the goods appropriated by the predecessor of Recceswinth had to be recorded as patrimony of the crown and distributed among the chosen ones,⁴⁷ as those who were gathered had not received any benefits; they had not served the treasury nor had been offered as a convenient help to the palatine officers.

Not only did the kings own the attribution of giving goods to their *fideles* and promised to take care of them, but they also had the capacity to confiscate them. As regards regal confiscations, Céline Martin posits that confiscation of assets and the subsequent repression toward the enemy aristocracy which took place in the coregencies of Chindaswinth/Recceswinth and Egica/Witiza were behaviors considered normal events.⁴⁸ In the same line, Castellanos claims that the regal confiscating law had been a legal weapon to punish those who had expressed any sort of irreverence for the highest authority, which

⁴⁵ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo V, 284–85: “fidei obsequio et sincero servitio voluntatibus vel iussis patuerint principis totaque intentione salutis eius custodiam vigilantiam habuerint.”

⁴⁶ Santiago Castellanos, *Los godos y la cruz: y la unidad de Spania* (Madrid: Alianza, 2007), ch. 7.

⁴⁷ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 455.

⁴⁸ Martin, “Des fins de règne incertaines,” 221.

was fairly common among the aristocrats.⁴⁹ Díaz Martínez also claims that the appropriation of assets from political enemies and its subsequent distribution among the *fideles* was a typical mechanism of the political dynamics of the Visigothic kingdom which caused tensions.⁵⁰

I understand confiscations as normal practices of the Visigothic kings, which fit into the logic of taking goods from their enemies to then offer them to their allies in order to gain political support. On many occasions, intra-aristocratic competition for goods and privileges provoked struggles for the power of the kingdom. A result of such gift exchange was that goods which entered the regal circle would circulate among the hands of royalty temporarily. In this sense, the patrimonial accumulation of the kings was obstructed. In fact, the aristocracy harshly criticized those kings who did not distribute riches.

Chintila presented the explicit petition for not stealing gifts granted to any faithful survivor of the king because if that occurred, nobody would desire to serve the kings promptly and faithfully.⁵¹ In turn, *Liber Iudiciorum* 5.3.4 prohibited confiscation of the goods of servants of past kings.⁵² However, it also ordered the appropriation of all the goods of the *fideles* acquired as gifts in case of an eventual act of perfidy or in case somebody did not fulfil what had been entrusted. Similarly, if after the death of the king it was discovered that a *fidelis* had conspired against his security, everything acquired from the liberality of the king would be confiscated and distributed among the loyal ones.⁵³ Furthermore, in *Liber Iudiciorum* 5.2.2, Chindaswinth rules that royal donations would be confiscated only because of infidelity.⁵⁴ In the Seventh Council of Toledo in 646, Chindaswinth promulgated that any member of the

⁴⁹ Santiago Castellanos, "The political nature of taxation in Visigothic Spain," *Early Medieval Europe* 12, no. 3 (2003): 227–28.

⁵⁰ Pablo Díaz Martínez, "Confiscations in the Visigothic Reign of Toledo. A Political Instrument," in *Expropriations et confiscations dans les royaumes barbares. Une approche régionale*, ed. Pierfrancesco Porena and Yann Rivière (Rome: École Française de Rome, 2012): 93–112. Following this line of thought, Pablo Poveda Arias, "Relectura de la supuesta crisis del fin del reino visigodo de Toledo: una aproximación al reinado de Egica a través de sus fuentes legales," *Anuario de historia del derecho español* 85 (2015): 13–46.

⁵¹ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo V, 284: "Ut regum fideles a successoribus regni a rerum iure non fraudulentur pro servitutis mercede."

⁵² Claudio Sánchez Albornoz, *El "Stipendium" hispano-godo y los orígenes del beneficio prefeudal* (Buenos Aires: Instituto de Investigaciones Históricas. Departamento de Historia de España, 1947).

⁵³ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VI, 319–320.

⁵⁴ For an interpretation of this law, see Abilio Barbero and Marcelo Vigil, *La formación del feudalismo en la Península Ibérica*, 111.

Church who participated in an attempt against the king or against “the Gothic people and country”⁵⁵ would be removed from their position and could only recover one-twentieth of the goods suggested by the king.⁵⁶ Toward the end of the seventh century, Egica proclaimed that traitors would be excluded from the palatine service and would eternally serve the treasury, being subjected to paying tributes and separated from the goods that the king would distribute at his will.⁵⁷ On several occasions, these warnings were materialized: confiscation was a tradition in the Visigothic kingdom.

The first royal confiscation ever recorded was the one carried out by Liuvigild (r. 569-586). When Isidore of Seville wrote about Reccared, he pointed out that one of his qualities was the restitution of the confiscated riches associated with the treasury by his father to their legitimate owners.⁵⁸ In 633, the Council assembled in Toledo under the command of Sisenand punished Suinthila, his wife and children for their offenses, which, according to the report of the assembled, consisted of the appropriation of goods. The discharged king and his family were excommunicated, deprived of their dignities and confiscated goods, except for the part that Sisenand wanted to leave him out of mercy. Geila, Suinthila’s brother, was sentenced to lose his properties and suffered excommunication due to his infidelity.⁵⁹ Chindaswinth implemented the charges stipulated by his law, as is evident in Recceswinth’s rectifying the policy in the Eighth Council of Toledo.⁶⁰

In 683, Erwig forgave those implicated in the rebellion of Paulus, whom Wamba had sentenced as traitors. The assembly gathered in Toledo ordered the restitution of their right to testify, urged to forgive the trace of treason to their lineage and determined that they had to be assisted in the distribution of goods in the following way: they would be given their possessions back if they had not been delivered by donation or stipend to a third party.⁶¹

Erwig later used confiscations as a political weapon. In the Fifteenth Council of Toledo, in 688, Egica repudiated the attitude of Erwig of depriving a group of aristocrats who had been reduced to serfdom and subdued to violent judgement of their goods and honors.⁶² Egica also acted like all his

⁵⁵ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VII, 341: “contra gentem Gotorum vel patriam.”

⁵⁶ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VII, 341.

⁵⁷ *Concilios visigóticos*, ed. Vives, Toledo XVI, 487.

⁵⁸ Isidore of Seville, *Historiae Gothorum*, ed. Rodríguez Alonso, 264.

⁵⁹ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo IV, 257–58.

⁶⁰ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 453–54.

⁶¹ *Concilios hispanos VI*, ed. Martínez Díez and Rodríguez, Toledo XIII, 246.

⁶² *Concilios hispanos VI*, ed. Martínez Díez and Rodríguez, Toledo XV, 295.

predecessors: the Mozarabic Chronicle of 754 recalls that Wittiza returned the lands that his father and predecessor to the throne had confiscated.⁶³ A concrete report of the use of confiscations as mechanisms to eliminate political enemies can be found in the Sixteenth Council of Toledo in 693. That year, Egica sentenced Sisbert, the bishop of the See of Toledo, to exile for attempting to assassinate him and his family, and he was subsequently stripped of all his honors and possessions.⁶⁴ Lastly, information about confiscations is found in the writing of Valerius of Bierzo, who narrates the destiny of a farm called Ebronato which had belonged to the illustrious Reccimirus. The property had been devastated and destroyed by the rage of the king, and its heirs were sentenced to exile.⁶⁵

The royal practice of confiscation did not grant the kings an exhaustive control of the riches which fell under their control. The aristocracy waited for the distribution of such goods as part of royal politics. In the Eighth Council of Toledo in 653, it was warned that the kings may not combine their private and official royal patrimony, per the request of aristocrats to keep these funds independent of each other.⁶⁶ Their objective was to establish that fiscal patrimony had to be used for the honor and glory of the kingdom, that is to say, to meet the needs of the treasury or help the palatines.⁶⁷ Likewise, in a speech with an incriminating tone, the aristocracy complained that the kings had appropriated the goods that they had received for occupying their position.⁶⁸ Grandees of the kingdom considered that the king had to rule for the benefit of all; and in turn questioned harshly the appropriation of goods⁶⁹ and acted accordingly, obstructing such practice.⁷⁰ On the other hand, they venerated, and hoped, that the kings were generous with their *fideles*.

In most of the Visigothic councils where the defense of the gifts given by the king to his *fideles regis* was treated, canons about the protection of the royal

⁶³ *Chronica muzarabica anni 754*, ed. López Pereira, 63.

⁶⁴ *Concilios visigóticos*, ed. Vives, Toledo XVI, 509.

⁶⁵ Valerius of Bierzo, *Ordo querimonie prefati discriminis*, in Valerio del Bierzo. *Su persona. Su obra*, ed. Manuel C. Díaz y Díaz (León: Centro de Estudios e Investigación "San Isidoro," 2006): 267.

⁶⁶ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 462

⁶⁷ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 451: "[...] illud grauius innectentes quod ea quae uidentur acquirere non regni deputant honori uel gloriae [...]."

⁶⁸ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 451.

⁶⁹ *Concilios hispanos V*, ed. Martínez Díez and Rodríguez, Toledo VIII, 452.

⁷⁰ Pablo Díaz Martínez, "El reino visigodo en vísperas del 711: sistema político y administración," *Zona arqueológica* 15 (2011): 31–42, at 34.

figure and his family were stipulated as well and, interestingly, canons about the restriction in one way or another of the power of the king. The following table clearly illustrates the relationships among the referenced canons.

Council of Toledo	Participation of the <i>fideles regis</i>	Canons about gifts or confiscations	Canons limiting regal power	Canons of regal protection
IV	Opening Act	Closing Act	Closing Act	Canon LXXV
V	Opening Act	Canon VI	-	Canons III, IV and V
VI	-	Canon XIV	-	Canons XVI, XVII and XVIII
VIII	Signatures of the Minutes	Decree on confiscations	Canon X Decree on confiscations	-
XIII	Signatures of the Minutes	Canon I	Canon II	Canons IV and V
XV	Signatures of the Minutes	Regal Volume	Nullity of the oath that Egica swore to Erwig was not granted	-
XVI	Signatures of the Minutes	Canons IX and X	-	Canon VIII

This unifying thread among the canons about material goods, the protection of the kings and their families and the limitation of royal power reveals that the relationship between the monarchy and the aristocracy was not characterized by an absolute linearity nor by a complete subordination. The existing reciprocity between these dominant groups is evidenced in the fact that the delivery and defense of the corresponding gifts for sworn fidelity had as a counter-gift the promise of royal protection. This promise granted the kings and their family a privileged position and an immunity which restricted the acting capacity of magnates in front of a king proven to be inefficient. Therefore, the aristocracy counteracted the given power, limiting royal authority through canons. The dominant class experienced a fragile stability, as political hegemony was constantly disputed by the different aristocratic factions who used spaces of public socialization to permanently build their political power.

In addition, the confiscated goods of traitors were mainly the rewards delivered by the generosity of the king and they were not destined to increase the patrimony of the royal circle but to be distributed among those who had

remained faithful. Gifts were not transmuted into private or hereditary properties, as the favored ones had to persevere in the *fidelitas* or avoid failing in the mission entrusted to preserve them.

The practice of confiscating the properties of political enemies was carried out by almost every king, because while annulling competition, it also granted them acquiring properties that would later be distributed to guarantee loyalties. The delivery of gifts was the key element in the construction of political relationships. Kings had to deliver dowries to strengthen governmental and political ties. To do so, they expropriated the goods of their enemies and offered them to their allies, their *fideles regis*. By delivering confiscated properties, the kings got rid of obtained riches and destroyed part of them in an agonist act, in a ceremony densely crowded by the aristocracy, like the councils.⁷¹ Through the distribution of rewards (material goods, honors, and offices), the kings were legitimated before an aristocratic faction and strengthened their position, winning loyalties intended to be guaranteed by the oath of fidelity, regulated through legal means.

The kings committed to deliver to the aristocracy riches that would turn into benefits conditioned by their loyalty as well as to grant them a position within the central power, a position in the royal court, prestige, privileges, and prerogatives. In exchange, the aristocracy who had sworn fidelity to the kings owed them political support and military services. The oath of fidelity was not made of empty words; it emerged as a crucial element of the political fabric.

The delivery of gifts carried out by the kings was a defining element in their relationship with the aristocracy. However, this logic also entailed risks. The redistribution of goods fostered an intra-aristocratic competition which often created conflicts. The delivery of rewards to one aristocratic faction generated a negative reciprocity with another faction, and while the former amalgamated around royal power, the latter became potentially disruptive. At times, the king could control them, but not always. Constant attacks against royal figures were not always successful, but disputes for power were always latent, and hostilities among the different aristocratic factions were real: political conflict was an endemic feature of the Visigothic kingdom of Toledo.

⁷¹ This logic was not exclusively confined to the councils: trials held against perpetrators of crimes against the kings, or the enactment of laws provide additional examples of spaces where power negotiations occurred.

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