



Núm. 23 (Primavera 2024), 62-88 | ISSN 2014-7023

PATERNO TRAENS LINEA GETARUM. LITERARY INFLUENCE OF LINEAGE ON ARISTOCRATIC DEFINITION IN VISIGOTHIC SPAIN (6TH-7TH CENTURIES)

PATERNO TRAENS LINEA GETARUM. LA INFLUÈNCIA LITERÀRIA DEL LLINATGE EN LA DEFINICIÓ ARISTOCRÀTICA A LA HISPÀNIA VISIGODA (SEGLES VI-VII)

Oriol Dinarès Cabrerizo

Grup de Recerques en Antiguitat Tardana (GRAT), Universitat de Barcelona
odinaries@ub.edu

ORCID: 0000-0002-8494-5524

© Oriol Dinarès Cabrerizo, 2024 – CC-BY-NC-SA

Rebut: 21 febrer 2023 | Revisat: 10 juliol de 2024 | Acceptat: 15 juliol 2024
| Publicat: 21 juny 2024 | doi:10.1344/Svmma2024.23.4

Abstract

The concept of nobility or aristocracy in Visigothic Spain is a very complex and nuanced one, as it is in any post-Roman kingdom, furthermore it has undergone long and intense debates. What makes an aristocrat in the *regnum Gothorum*? The answer is, at best, ambiguous, as they can be defined in different ways. This paper explores the extent in which lineage was an established means of ensuring one's status as noble in literary texts from Visigothic Spain. Rather than being a poetic choice of some provincial aristocrats, high birth claims were a well-established custom in literary sources, and they influenced social and legal structures on some occasions.

Keywords:

Visigoths, nobility, lineage, Isidore of Seville, Visigothic Spain

Resum

El concepte de noblesa o aristocràcia a la Hispània visigoda és complex i amb molts matisos, com ho és en qualsevol regne del període postromà. A més, ha estat objecte de llargs i intensos debats. Com són els aristòcrates del *regnum Gothorum*? La resposta és, com a molt, ambigua, ja que es poden definir de diferents maneres. Aquest article explora fins a quin punt el llinatge era un mitjà per assegurar l'estatus de noble en els textos literaris de la Hispània visigoda. En comptes de ser una elecció poètica d'alguns aristòcrates provincials, les reclamacions d'ascendència noble eren un costum ben establert en les fonts literàries, i van influir en les estructures socials i legals en algunes ocasions.

Paraules clau:

Visigots, noblesa, llinatge, Isidor de Sevilla, Hispània visigoda

Recently, D. Fernández has stated that when the links between imperial service or legal rights and Roman *nobilitas* were severed, Spanish aristocrats looked for new “subtle” strategies of distinction such as «good family origins, office holding, land-owning (and tax collection)» (Fernández 2017: 173). Other studies point in the same direction. Nobility encompassed, in post-Roman times, a combination of markers: wealth, service to the king, moral virtues, privileges, birth...¹ This work, however, does not intend to weaken any other aristocratic marker, but to strengthen some points of view (such as C. Wickham, C. Badel, and D. Fernández’s) that could indicate that lineage was not only a self-distinction informal strategy used by some aristocrats, but also a coherent rhetoric model that may be linked to social characterisation of post-Roman elites and affected both rhetorical approach to ethnicity and the way in which privilege was regarded in legal dispositions.

1. Defining birth in Visigothic sources

As it will be shown, lineage in Visigothic Spain can be indicated by words such as *genus*, *natio*, *ortus*, or *progenies*. However, there is only one author that theorises explicitly the semantics of these terms: Isidore of Seville, who wrote in the first decades of the 7th century. He states, in his *Etymologiae*, that: «genus aut a gignendo et prognerando dictum, aut a definitione certorum prognatorum, ut nationes, quae propriis cognationibus terminate gentes appellantur»².

It is worth noting that Isidore includes the *genus* in his epigraph *de ciuibus*, jointly with *ciuis*, *domus*, *familia*, and *populus*. In fact, Isidore also relates *genus* with *familia*: «est autem domus genus, familia, siue coniunctio uiri et uxoris»³. On the *natio*, apart from this passage, he also writes:

gens est multitudo ab uno principio orta, siue ab alia natione secundum propriam collectionem distinctae, ut Graeciae, Asiae. Hinc et gentilitas dicitur. Gens autem appellata propter generationes familiarum, id est a gignendo, sicut a natio nascendo⁴.

1. A list of nobility markers, in Wickham 2005: 240-242; and King 1972: 183: «birth, office, wealth, and power». The literary and rhetoric models of birth nobility in post-Roman sources, in Badel 2005: 376-410. Asserting the importance of landowning, Martin 2003: 106-7; Fernández, Martínez, Tejerizo 2013: 164. A view more focused on service and relationship to the king (but not excluding other markers), in Dumézil 2013: 13-21, which can be seen as an updating of the thesis of Werner 1998: 150 (who sees the public service a key element both in Roman and post-Roman nobility definition). Finally, although acknowledging the diversity of features, King 1972: 184-185, believes that wealth was the main distinctive trait of Visigothic nobility.

2. Isid., *Etym.*, IX, 4, 4.

3. Isid. *Etym.*, IX, 4, 3. In this passage, the *domus/genus-familia* is the equivalent residence/resident concept of *civitas/populus* and *orbis/genus humanum*.

4. Isid., *Etym.* IX, 2, 1.

And, on progenies, *sicut autem inferius longe editi progenies dicuntur, ita superius proau, atau qui et progenitores appellantur, quasi porro generantes*⁵.

And, on *progenies*, «*sicut autem inferius longe editi progenies dicuntur, ita superius proau, atau qui et progenitores appellantur, quasi porro generantes*»⁶.

Isidore clearly states that all these words have much to do with birth and ascendancy –unquestionably–, but also relates the concepts with others that share biological ascendancy ideas as well: *genus* and *natio* are explicitly related with *gens* (people⁷); but some, if all, concepts of lineage appearing in Isidore’s *Etymologiae* are also related to nobility and aristocracy⁸: in Rome,

*primi ordines senatorum dicuntur inlustres, secundi spectabiles, tertii clarissimi. Iam inferius quartum aliquod genus non est. Quamuis autem senatoria quisque origine esset, usque ad legitimos annos eques Romanus erat; deinde accipiebat honorem senatoriae dignitatis*⁹.

Although here the use of “*genus*” is generic (“type, class, species”), Isidore remembers well that the senatorial status came with the ascendancy (*origo*)... and conveniently forgets the wealth and imperial granting requirements. This is more explicitly stated in another etymology: «*nobilis, non vilis, cuius et nomen et genus scitur*»¹⁰. Accordingly, some lowborn definitions are also linked to genealogy, but in a negative sense: «*nam filii ex libero et ancilla seruilis condicionis sunt. Semper enim qui nascitur deteriolem parentis statum sumit*»¹¹.

In summary, Isidorian thoughts on lineage make a good point of departure for this study, since the author not only defines the idea, but also relates some other ideas (ethnicity and nobility) to the family and the ascendancy¹². Despite his thought

5. Isid., *Etym.* IX, 2, 1.

6. Isid., *Etym.*, IX, 5, 28.

7. This is even clearer if we compare the definition of *gens* already given (Isid., *Etym.*, IX, 2, 1: «*gens est multitudo ab uno principio orta*») with the actual *populus* (Isid., *Etym.*, IX, 4, 5: «*populus est humanae multitudinis, iuris consensus et concordi communionem sociatus*»). Instead of being a community that shared the same *ortus* (birth), the *populus* is a concept linked to law and citizenship. That is in fact derived from Cicer., *De re publ.*, I, 39, pp. 24-25.

8. Isidore’s conception of *nobilitas* as linked to the *genus* has been already surveyed by Badel 2005: 404-408, who discusses most of the passages quoted here, and I subscribe his observations.

9. Isid., *Etym.*, IX, 4, 12.

10. Isid., *Etym.*, X, 184. And this is something specifically related to *nobilis* in Isidore’s mind, because *vilis* (the Isidorian basic etymology for *nobilis*) has nothing to do with lineage: «*vilis, a villa, nullius enim urbanitatis est*» (Isid., *Etym.*, X, 279); as Badel 2005: 404-405 clearly points out.

11. Isid., *Etym.*, IX, 5, 18.

12. Similar tendencies are observed in the 8th-century *Francia* onwards, by Le Jan 1995: 34.

is suggesting, Isidore is a very unique author, even in Visigothic Spain's *milieu*. His works, especially the *Etymologiae*, are antiquarian and erudite ones¹³, and we must not take for granted that what Isidore wrote reflected general late 6th- and early 7th-century views on lineage, aristocracy, and ethnicity. For instance, the Sevillan's conceptualisation of *gentes* and *nationes* is strongly derived from Christian and Biblical models, their definition contains many philosophical nuances and, thus, it is aimed at enforcing a political programme depicting the *gens Gothorum* as a "people" chosen by God to rule in *Spania*¹⁴ – not necessarily regarding them, on this purpose, as an aristocratic-ethnic chaste. Nor does he reflect every actual use and meaning of the words *gens*¹⁵ and *genus*¹⁶ in Late Antiquity. Given that, can one argue that a coherent rhetoric model exists in Visigothic Spain that unites *actual* lineage claims with aristocratic status? To correctly explore the issue, we must examine literary (mostly ecclesiastical) sources other than Isidore.

13. See Fontaine, *Isidore de Seville et la culture*, 819-21. According to his philosophical view, for instance, the words' etymology and their meaning are related.

14. Pöhl, Dörler 2015: 136-137, state that the "lineage" vocabulary concerning Isidore's *gentes* derives from the Christian view that all peoples descend from Biblical ancestors (being the Goths descended from Japhet, just like the Romans); and this does not really mean that actual genealogical ascendancy was required for a *gens* to be seen as such. The Biblical inspiration for the depiction of the Gothic *gens* as a chosen Christian people instead of a Germanic lineage can be found also in Martin 2008: 81-84; Nagengast 2011: 259; and Wood 2013: 123-168. This was already pointed out, but not further developed, by Gillett 2002: 121: «propagandistic projections of ethnic identities - for example, in the Visigothic church councils - assimilate this common label with concepts of the Christian *populus* derived from Old Testament models: a salvific, not an ethnic, discourse of authority».

15. See, in *ThLL*, c. 1844, s. v. *Gens*, the extremely complex definition of *gens* in a wide variety of sources.

16. See *ThLL*, c. 1886, s. v. *Genus*. Jointly with *natio*, *origo*, or *ortus*, these words had indeed wide senses and didn't only mean "family ascendancy". An example of this has been already provided in Isidore (Isid., *Etym.*, IX, 4, 12), where the *genus senatorum* is the "type" or "class" of senators. In the *Lives of the Fathers of Merida*, we can see one of the few examples in which the *natio* is simply the "place of birth" of someone: bishop Paulus of Merida was «sanctum uirum nomine Paulum, natione Grecum», *Vit. sanct. patr. Emer.*, IV, 1, p. 25. A similar example can be found in *Conc. Hisp. II*, can. 12, c. 598, a bishop «natione Syrus». One can see the clearly different uses of the term in Isid., *De uir. ill.*, 31, p. 151: «Iohannes Gerundensis ecclesiae episcopus, natione Gothus, prouinciae Lusitaniae Scallabi natus». Valerius of Bierzo also gives a secondary example, in which the *genus* is the "species" in a wider sense, when he speaks about the «genus humanum» (Val. Berg., *De uana saec. sap.*, 2, p. 172). This expression, originally Roman (for instance, Symm., *Epist.*, I, 52, p. 114: «pars melior humani generis senatus audiuit»), is vastly used in Visigothic Spain: Isid., *Etym.*, IX, 4, 3: «orbis domicilium totius generis humani». Also Eug. Tol., *Carm.*, 5, v. 28, p. 213: «O genus mortale». Braul., *Epist.*, 16, 90, p. 72: «Callidus enim et ubique insidiosus humani generi inimicus»; and Braul., *Epist.*, 19, 9, p. 78: «Redemptor humani generis», have the same sense as the previous quotes. In all these examples, the literal meaning is still "lineage" or "birth", however. *Gentilis* came to express, in later times, apart from "pagan", concepts such as "free", "noble", "elegant"... (See Du Cange, p. 57-58, s. v. *Gentilis*).

2. The *genus* as a social marker

Circa AD 632, a certain individual was buried in Lusitania (*Salacia*, nowadays Alcácer do Sal, Portugal) under this epitaph:

Sinticio famulus d(e)i / cognomento Didomum / paterno traens linea Getarum / huic rudi tumulo iacens / qui hoc seculo XII conpleuerat lustris / dignum deo in pace commendauit spiritum / sub d(ie) VI Id(us) A(u)gustas / (a)er(a) DCLXX tibi detur pax a d(e)o (ICERV 84)¹⁷.

D. Fernández correctly observed that, although no status marker was provided, the claims of Sinticius/Deidonum of being of Getic (*i. e.*, Gothic) descent, might imply that he was an aristocrat, for it was a common custom of Lusitanian nobles to emphasize their ethnic ancestry to enhance their noble status¹⁸. Also, by that time, inscriptions were commissioned almost entirely by high-ranking individuals¹⁹. Once more we see the features of lineage, aristocracy, and ethnicity. Are those customs more widely spread than Fernández suggests? I intend to prove, with other examples, that, at least from our Visigothic sources' point of view, these words embodied a strong aristocratic bias.

2.1. The *genus* as an aristocratic marker

Starting by hagiographies, some interesting examples of lineage employed on individuals can be found there. References to some individuals' *genus* often appear in the *Lives of The Fathers of Mérida*²⁰, that were already considered in D. Fernández's work, for this source is of Lusitanian origin: the main character of the Lives himself, bishop Masona, is an «antestis nobilis ortus in hoc seculo origine [...] genere quidem Gotus»²¹. Again, the relationship between *nobilis ortus* and ethnic (Gothic) *genus* is repeated: Masona is of noble birth, and he is also of Gothic lineage – although both concepts are not linked in the text. Masona's successor, bishop Renovatus, is described the same way: «uir denique natione Gotus, generoso stigmatate procreatus, familie splendore conspicuus»²². The insistence on nobility and ethnic

17. I follow Vives' reading and I prefer not to correct the misspellings.

18. Fernández 2017: 171-172. The author acutely observes that, in other cases, the claimed ethnic ancestry was not necessarily Gothic, other examples can be found applied to Romans.

19. De Santiago Fernández 2009: 24-25; which fits in contexts outside Hispania: Carletti 2001: 386-387.

20. This source is dated in early 7th century, and it is contemporary to Isidore's: Velázquez 2008: 12.

21. *Vit. sanct. patr. Emer.*, V, 2, p. 48.

22. *Vit. sanct. patr. Emer.*, V, 14, p. 100. It can be noted that here, unlike another bishop's origin, Paulus («sanctum uirum nomine Paulum, natione Grecum», *Vit. sanct. patr. Emer.*, 4, 1, p. 25), *natio* is a genealogical origin, not a geographical one.

adscriptio is not exclusive to the Goths, as it can be seen from the example of *dux* Claudius in the same source: «idem uero Claudius nobili genere hortus Romanis fuit parentis progenitus»²³. But that is neither exclusive of Lusitanian aristocrats. If we proceed to analyse other Spanish hagiographical works, we may observe that the use of the word *genus* or similar is related to nobility as well. Another hagiography, the *Life of Didier of Vienne*, written by king Sisebut, expresses the same idea with different words: «hic uir de stimate (sic) claro Romanis a parentibus ortus ab ipsis conabulis Deo sacratus nobilissimam satis trahebat prosapiem»²⁴.

Once more, in the *Life of Fructuosus of Braga*, with a more complex periphrasis, the same link between the holy man and his noble *genus* can be observed: «ex clarissima regali progenie exortus, sublissimi culminis atque ducis exercitus Spaniae prolis»²⁵. Birth is also praised concerning his acquittance, the lady Benedicta, «claro genere exorta»²⁶. Another author, Valerius of Bierzo, tells that: «utroque sexu genere nobiles» embrace monastic life following the martyrs' example²⁷; and that: «beatus autem Arsenius, quum ex genere clarissimo nobilis et ex genti opulentia sublimatus»²⁸.

However, it must be noted that praise of illustrious ascendancy is absolutely absent from both Isidore's and Ildephonsus' *De uiris illustribus*. If some, Christian, erudite, and moral virtues are insistently praised in the accounts of eminent churchmen²⁹. The letters of Braulio of Saragossa provide similar examples of praising without mentioning *genus* when it comes to churchmen or religious contexts³⁰. There is one and only example which could point in a different direction: Braulio writes to Apicella explaining the dignity of widowhood through Biblical examples, and he concludes with these words on the matter: «Benedictionem gentis fideique tuae consequaris et in futura posteritate in nomen memoriamque perpetuam benedicta habearis»³¹.

23. *Vit. sanct. patr. Emer.*, V, 10, p. 83.

24. Siseb., *Vit. Desid.*, 2, p. 53.

25. *Vit. Fruct.*, 2, p. 82. In this very case, the lineage of Fructuosus is royal: Martin 2003: 178-179; Frighetto 2014: 46-48.

26. *Vit. Fruct.*, 15, p. 106: Valverde Castro 2009: 32, who defends her Roman origins.

27. Val. Berg., *De uana saec. sap.*, 8, p. 178.

28. Val. Berg., *Quod de super. quer. resid.*, 5, p. 318. It is worth noting that here, the words *gens* and *genus* complement and stress each other as social superiority markers. Also, *genus* is applied to an ancient Roman hereditary noble status, that of *clarissimus*.

29. As a model, see the praise of Leander of Seville made by his brother (Isid., *De uir. ill.*, 28, p. 149), which is emulated by Ildephonsus' work.

30. The praise of clergymen such as Taio (Braul., *Epist.*, 35, p. 107-8) or Fructuosus (Braul., *Epist.*, 37, p. 130); or the exhortation to Christian virtue to aristocrats such as Ataulfus (Braul., *Epist.*, 20, p. 80: «consolatio and fortitudo animi») or Wistremirus' wife (Braul., *Epist.*, 22, 11-12, p. 83: «Decus tuus, nostra laus et ornamentum tuum, nostra exultation erat»).

31. Braul., *Epist.*, 8, 10-12, p. 51.

Here, the sense of *gens* is ambiguous, although the translation is, again, clearly, “lineage”. But which lineage is Braulio evoking? I am finding it difficult to interpret it, but I may point at this quote as a possible reference to Apicella’s – who is indeed a noblewoman – illustrious family ties, enhanced by her faith.

It is, thus, a common practice to praise the *genus* or the *progenies* of aristocrats in hagiographical works, for, when it comes to praise any character – and that is precisely what hagiographies do –, it is imperative to also praise the illustrious origins of the praised one³². It seems that it is not the case neither in Isidore and Ildephonsus’ *De viris illustribus*, nor in some of Braulio’s letters, which may suggest an alternative literary Christian model rather than a genuine contempt for *genus* as a positive marker: both Isidore and Braulio (see below) are perfectly fine with the idea that birth implies nobility in other contexts.

Let us turn to poetic sources, such as Eugenius of Toledo’s poems. There, we also find some reference to illustrious *genus* in the praises of some individuals, even churchmen: in bishop John’s epitaph, «Nobilis hunc genuit clara de matre sacerdos factis egregius, nomine Gregorius»³³; or in Basilla’s epitaph, «clara parentatu, clarior et merito»³⁴, and here it can be also seen that noble origins are enhanced by personal merits. Eugenius himself does not praise his origins or his social status in his own epitaphs³⁵, but he speaks of his father Nicolaus as «nobilis et magno uirtutum culmine celse»³⁶, and he seems to imply that his nobility also came from illustrious origins: «quisquis Romulidum fasces clarumque senatum / concelebrare cupis, quod ueneris habes»³⁷. Also, in another *laudatio funebris*, that of *comes* Bulgar to Queen Hildoara, among other virtues, the deceased was «generositate preclaram»³⁸. Another verse epitaph, that of Oppila’s, written by an unknown author, points out at the same idea: «glorioso ortu natalium»³⁹. In the same category one could also fit Sinticius/Deidonum’s epitaph, already discussed. In Visigothic *formulae*, we can find another example in a versified dowry agreement during the wedding of two aristocrats in Sisebut’s time. Nobility is specified in the depiction of the groom: «insigni merito et Getice de stirpe senatus». The aristocratic condition of the bride and groom is also deduced through the context of the wedding and the agreements

32. And this is confirmed by treaties like Menan. Rhet., *Epidict.*, 370, 10-13, p. 80, and it was indeed a common practise in Roman panegyrics. See, in general, the rhetoric models in Nixon, Rodges 1994: 10-26.

33. Eug. Tol., *Carm.*, 21, vv. 17-18, p. 237. John is one of Braulio of Saragossa’s brothers.

34. Eug. Tol., *Carm.*, 23, v. 4, p. 240.

35. See Eug. Tol., *Carm.*, 16; 17; 18; 19, p. 233-235.

36. Eug. Tol., *Carm.*, 28, p. 245.

37. Eug. Tol., *Carm.*, 27, p. 244, although I am not sure of it.

38. Bulg., *Epist.*, 15, l. 8-16, p. 42.

39. ICERV 287. I will not insist on the suggestions made by Martin 2003: 149, and Fontaine 1991: 168, about the possible royal origins of Oppila. It is enough noting the character’s *ortus gloriosus*, in an obvious genealogical sense.

made (references to *morgingeba*, for instance)⁴⁰. This kind of statements are neither uncommon nor exclusive of sources from Visigothic Spain, of course: there are many literary examples in post-Roman sources in which nobility and birth are linked. Visigothic aristocrats were reproducing the same discourse strategies as their late Roman counterparts... but not all Romans: praises of noble birth were especially common among provincial and traditional Roman senators⁴¹. Rarely was this sense of superiority through noble ancestry shared by other *clarissimi* more linked to imperial service than to landowning nobility, nor was birth a major requirement for office holding or senatorial legal rights and privileges⁴².

Through the previous examples, it can be clearly seen that *genus* or a similar word is used denoting noble ascendancy; and curiously, in some cases – Masona, Claudius, Renovatus, Desiderius, and so forth – this *genus* is linked to the *gens* to which each character belongs (*Gothus, Romanus*). In any case, these examples show that claiming noble ancestry was a commonplace in Visigothic literature, maybe more widespread than the bibliography believed.

2. 2. The aristocratic bias: humble condition as a negative marker

Not all references to ascendancy, however, are related to highborn people, and there remains additional evidence for the aristocratic bias of the term. Braulio of Saragossa himself needs to make the following statement when it comes to praise Saint Aemilianus:

ego autem non altius repetam, neque auorum et proauorum eius, iuxta rethores, prosequar laudes, quum, iuxta eosdem, si ignobilibus ortus sit natalibus, magis efferendus est laudibus quod sui ignobilitatem generis, morum dignitate ornauerit⁴³.

An interesting point for two different reasons. The first one, because it confirms the adjusting of Spanish hagiographers to classical rhetoric normative when it

40. *Form. Wis.*, 20, v. 1, p. 90. This is suggested by García Moreno 2009: 115-122. *Senatus* could be a corrupted manuscript form of *natus*.

41. It is entirely out of the scope of this paper to insist on the overwhelming amount of Roman senatorial sources that remark ascendancy as a major feature of their social position. Jones 1964: 523-524, with notorious examples. See, also, Badel 2005: 382-383, for the survival of these birth claims in post-Roman senatorial Italy.

42. Jones 1964: 528-532: although it is true that Roman public law recognised the rights of senators' offspring to be listed as members of the *ordo senatorius*, theirs was the lowest rank (*clarissimus*) and the emperor firmly supported and controlled the rise through service: «the senate had thus by the sixth century become a relatively small and select body once more, but unlike the senate of the early fourth century it was no longer in law a hereditary body: membership depended on imperial nomination to an illustrious office, active or honorary» (*Ibid.*, 529). Here, K. F. Werner's thesis (1998: 150), already mentioned, could be challenged.

43. Braul., *Vit. Aemil.*, praef., p. 13.

comes to praise illustrious origins. The second one, because it will be noted that the *genus ignobilis* is an absolute and negative term⁴⁴. Back to Aemilianus' matter, rhetoric normative states that his origins must be praised, but having no chance to do so, Braulio decides to praise another virtue that clearly counteracts the humble biological origins of Aemilianus, which could be considered reprehensible: his sanctity.

Usually, some other meek or humble characters appear in the narrative, about whom no further commentary is needed, apart from being pious people and devout to the saint. However, in the *Life of Fructuosus*, a vile character that tells off the saint shows up, and he is depicted as a *rusticus ac plebeius uir*⁴⁵. In another hagiographical example, the humble and rustic clothing of a character is a negative trait even to those people of lower strata: abbot Nanctus is rejected by the very labourers of his estate only because he seems poor, regardless of his actual background: «quumque fuissent et uidissent eum ueste sordidum, crine deformem, contemnentem eum dixerunt mutuo: Melius est nobis mori quam tali domino seruire»⁴⁶.

Another example – that will be discussed later – which does point out negative consideration of humble ascendancy can be found in royal characters. Isidore of Seville tells that both Gesaleic and the son of Recared, Liuva II, were of ignoble mother, and this stained the virtue of both kings⁴⁷. To the Sevillian author, the humble condition of their maternal lineage was something reprovable. It is never questioned the right to rule of neither two of the kings, even if this circumstance stresses their negative consideration and their doom at the hands of rivals to the throne. In the following lines we will see that, later on in the 7th century, our sources will not stop at moral censure of those not possessing noble *genus*, when it comes to gain the Gothic throne.

2.3. Conclusion: aristocratic discursive bias

Just as Isidore pointed out, Visigothic sources widely believed that «nobilis, non vilis, cuius et nomen et genus scitur». Therefore, it is not noble he whose *genus* is unknown. It would be unfair to state that Visigothic authors always regard humble people badly, but I cannot find a single praise of the humble origins of any

44. See Röckelein 2009: 192-200, who states that hagiographies are apparently addressed to a popular audience, but essentially confirm and preserve, instead of confronting, the social *statu quo*.

45. *Vit. Fruct.*, 11, p. 98. One cannot help but remember here the very similar upper-class prejudices of Greg. Tur., *Hist.*, 9, 6, p. 418, in which rustic manners are put forward to discredit a suspicious preacher.

46. *Vit. sanct. patr. Emer.*, III, p. 23. Sales Carbonell 2023, states that there is even a clear distinction in Visigothic sources between a seemingly humble, but actually “aristocratic-approved”, monastic habit, and truly despicable garments that are too meek and not fit for monks: they should avoid too much ostentation of poverty, an aristocratic idea which obviously departs from the original condition of late antique monasticism.

47. Isid., *Hist. Goth.*, 37, p. 232 (Gesaleic, in his case his mother was a concubine); Isid., *Hist. Goth.*, 57, p. 268 (Liuva II, in his case, his mother was, at least, a lowborn).

individual – if anything, lower-class people are laudable despite being so. These sources’ prejudices, however, should not be seen as if all noblemen appearing in literary sources claimed illustrious ascendancy: there are exceptions, for example, in *De uiris illustribus*, Braulio’s letters, or some inscriptions. As mentioned before, aristocratic self-consciousness could be stressed in many ways; but there is a widespread consideration that birth is a praiseworthy quality in individuals. As for the ethnic implications of this, Gothic or Roman ascendancy was also regarded as a positive lineage marker, since both *gens* and *genus* were similar concepts in Isidore’s works and both of them could imply birth claims. It should be pointed out that this is an extremely controversial point. Whereas individuals who claimed Gothic lineage were overwhelmingly nobles, the idea that the Goths, in general, or the *seniores Gothorum*, specifically, are defined by noble birth, is much rarer: apart from some specific normative dispositions (see below), Gothic aristocracy and birth are related only sporadically in Spanish sources: *e. g.*, the *primores Gothicae gentis* attending to the III Council of Toledo were «maiores natu»⁴⁸. It must be remembered that the definition of the *gens Gothorum* is enormously complex and changing over time. Adscription to the Gothic people not only derived from lineage claims, but also from political loyalty, office holding, belonging to the army...⁴⁹ Despite this, apart from being seen as a *patria, gens et regnum*, Gothic identity was also clearly an aristocratic marker, claimed not necessarily only by actual non-Roman, “Gothic” individuals⁵⁰.

48. *Conc. Tol. III, prof. fid. Goth.*, p. 75. Unfortunately, references to Gothic “*minores*” are missing in 6th-7th-century Spanish sources. Other passages in the same council referring to the Gothic, or even Suevic, *gens* do not imply explicitly that they are, by birth, neither noble aristocrats nor lowborn: *Conc. Tol. III, prof. fid. reg.*, p. 57-58: «adest enim omnis gens Gotorum inclita et fere omnium gentium genuine uirilitate opinata [...] et Sueuorum gentis infinita multitudo» (although see above for the lineage implications of the term “*gens*”).

49. And is a much-debated historical issue, see Deswarte 2014: 63-78; and Buchberger 2017, esp. 99-100, for updated exhaustive surveys on the idea of *gens Gothorum*.

50. Classical ethnicist (Thompson 1969) and national unity (Teillet 1984) perspectives must be softened. Chronologically, Heather 1996: 289: «a wide variety of evidence suggests that what really emerged in the sixth and seventh centuries was an elite which called itself Gothic, but which was, in biological terms, a mixture of Goths and Hispano-Romans»; and Claude 1998: 127: «admittedly all references to Gothic origins [...] refer to persons of noble origin». However, Claude did not fight the notion that the Goths were a Germanic ethnic group. Even more recently, Martin 2008: 85: «il est probable que le mot *gens* a suivi la même évolution, qui en fait une étiquette sociale et non ethnique» (following the mentioned work by D. Claude); Koch 2012: 410-409: «[the *gens Gothorum* became the *Staatsvolk*, but] in besonderem Masse fand der Begriff [*Gothus*] darüber hinaus für alle jene Anwendung, die potent genug waren, um innerhalb des Reiches politische oder gesellschaftliche Macht auszuüben. Mit anderen Worten: Man wurde nicht als Gote zu einem Teil der Führungsschicht, sondern als Teil der Führungsschicht wurden man zu einem Goten»; Frighetto 2012: 138: «It initially seems right to state that the nobility mentioned in Hispano-Visigothic sources almost always seems defined by the term *gens*, which is generally associated with the concepts of *regnum*, *patria* and *natio*, all of which take a unitary perspective»; and later, with similar ideas, Frighetto 2015: 177-208. All theories can be easily complemented.

However, we must remember that we lack information about the actual reach of the “Gothic” ethnic marker: we have no source applying it to specific individuals of humble origins, but, as we have seen, the aristocratic bias of the sources themselves may be hiding the existence of *inferiores* who considered themselves as “Goths” or “Romans” or “Greeks” according to, for example, religious traditions. We cannot be sure of how ethnicity worked outside aristocracy. The so-called Visigothic slates, some of them epigraphic sources presumably concerning lower-strata individuals, contain lists of names, some of which are linguistically gothic, but no specific ethnicity is linked to them: are those people seen as “humble Goths”? Are those people of Gothic descent, but their social condition forbids them to pose as “proper” Goths? Is it only a matter of naming trends with no ethnic implications?⁵¹

3. Individual *genus* and social privileges

Until now we have been discussing *moralia* and literature, but the true question is whether aristocratic lineage claims can be linked to different rights and prerogatives in a more normative context. Lineage claims have always been boasted by aristocrats, and the literary models of Visigothic authors could draw back to late Roman senators or even further, as it is also the case in Merovingian Gaul or post-imperial Italy, for instance. This alludes to a debatable question: was this self-representation as strong in 7th-century Spain as to influence legal definitions of aristocracy and privilege? Can we observe in Visigothic Spain what B. Dumézil defined, as in Frankish Gaul, as an attempt by landed and birth nobles to control access to high rank and office⁵²?

The Arian bishop Sunna is described as a *Gothus* without further comments, but during his controversy with Masona,

irritatus a diabolo quosdam Gotorum nobiles genere opibusque perquam ditissimos, e quibus etiam nonnulli in quibusdam ciuitatibus comites a rege fuerant constituti, concilio diabolico peruasit eosque de catholicorum hagmine ac gremio catholice ecclesie cum innumerabile multitudine populi separauit et contra famulum Dei Masonam episcopum fraudulenta consilia, qualiter eum interfeceret, commentabit⁵³.

Once more, a useful hagiographical reference comes in handy to introduce the topic: the author of the *Life of Masona* tells that the fellow noble plotters convinced

51. For instance, slate 46 (Velázquez 2000: 222-225), a *uectigale rerum rusticarum*, in which people with Gothic names (Rodericus, Theodulfus, Ranila) and Roman ones (Elisinus, Marcellus) are listed without distinction.

52. Dumézil 2013: 190, who follows C. Martin for the Spanish context.

53. *Vit. sanct. patr. Emer.*, V, 10, p. 81.

by Sunna were not only «Gotorum nobiles genere», but also «opibusque perquam ditissimos and nonnulli in quibusdam ciuitatibus comites a rege fuerant constituti». Nobility, ethnic adscription (*Gothi*), wealth and public office are put together. Another complementary example in the *Life of Masona* involves also other aristocrats in a conspiracy against King Recared:

duo denique comites, incliti licet opibus et nobiles genere, prophani tamen mentibus et ignobiles moribus, Granista uidelicet et Vildigernus, una cum Arrianorum episcopum nomine Atalocum uel alios multos conpares errorum suorum grauiorem in eadem regionem fecerunt turbationem⁵⁴.

The same link between *genus*, *opes* and public office comes to mind. In any case those are always commendable personal virtues or traits, even if the character is vile or reprehensible for other reasons. This depiction can be even compared with that of Saint Aemilianus: the rebel noblemen are *incliti* and *nobiles* due to their wealth and lineage, but *ignobiles* through their *mores*, just unlike Aemilianus.

3.1. Up for debate: lineage as a legal aristocratic feature

Could the idea of aristocratic *genus* be as widespread as to influence legal discourse about nobility and privilege? This did not necessarily happen in Roman age: although prejudices against *paruenus* existed⁵⁵, legal definition of *ordo senatorius* in the Late Roman Empire and its different ranks depended on a well-established system of prestige, office holding, wealth and formal titles. Only in the case of the *clarissimi*, birth could be legally put forward⁵⁶. So, we must turn to Visigothic legal sources. Traditional Spanish views on the subject are mostly focused on institutional definition of nobility, and I believe that a rhetoric analysis could clarify and even put into context the long-discussed debate on Visigothic elite. Traditional theories around the so-called Visigothic “proto-feudalism”, according to which landed – *i. e.*, lineage, old and new – nobility was in constant struggle/negotiation with the monarchy, and the Visigothic kings countered their power by promoting a loosely defined service nobility (*fideles*, later *gardingi*) through royal service (palatine office), personal *sacramenta* of loyalty, and *beneficia*, sometimes inheritable demesne (based on the older *patrocinium* and *commendatio*). This, in turn, by the later 7th century, made these *fideles* increasingly powerful and protective of their privileges and rank against the theoretical arbitrary power of the king, ultimately based on the special personal relationship with the king (the

54. *Vit. sanct. patr. Emer.*, V, 12, p. 92.

55. See, for example, the common prejudices of Roman *clarissimi* towards some *paruenus*, lacking, especially, illustrious birth claims: Enjuto Sánchez 2004: 145.

56. See Salzman 2004: 20-21.

three mentioned features of service, oath, and *beneficia*⁵⁷. Aristocracy would eventually become “hereditary” through laws enforced by the kings to protect their privileges (both office and tenure of the *beneficia* given by the king) as a bargain to preserve their support. Did rhetoric on lineage and illustrious origins play a role in all this?

It must be recalled that the *Liber iudiciorum* focuses on civil law. It is not concerned about performing public office; it is neither concerned about the way of obtaining public charge, its possible requirements, nor status granting. It is never told how magistrates and magnates appearing in the laws became so – except for the position of *iudex*, about which is given an exhaustive account in book I, but no specific status requirements are mentioned, only moral ones⁵⁸. So, if we want to find evidence of legal links between lineage and public rights, we must turn to the Visigothic councils (especially those of Toledo), where matters of public interest – or, at least, of interest to the king, the kingdom, and high palatine officers – were often settled (Orlandis, Ramos-Lissón 1986; Stocking 2000). It is precisely in one and only conciliar canon, in 681, where we find evidence of a *titulus nobilitatis* which some characters must exhibit to enjoy testifying rights⁵⁹. Was this *titulus* obtained by claiming, among other features, noble birth? In 683, a very similar *titulus testimonii* – which I believe it is exactly the same – is put forward as a requirement to testify. In that case, the conciliar fathers do specify that this *titulus*, which *honestiores* possess, is meant for people of *generosa stirps*⁶⁰. It is obvious that there is some sort of title or document that allows nobles to testify, and that, as a punishment, the king could deprive them of it⁶¹. Although the legal document does not seem to include specifications about lineage, it was natural, in 683, to the conciliar fathers to assume that those rewarded with that title were of high birth. Be that as it may, the next canon – also concerning nobles – says nothing about birth: it prevents those who are «ex palatini ordinis gradu uel religionis sanctae conuentu» to be flogged, expropriated, harmed, or mistreated during a lawsuit, but it is not specified if those priests and *palatini* are of noble birth⁶². Indeed, later on, it becomes apparent that to be counted as a *palatinus*, one might only be appointed

57. Sánchez-Albornoz 1974: 167-172 (originally expressed in 1942); Barbero, Vigil 1974: 131-133 (originally expressed in 1970); Claude 1971: 118-120; García Moreno 1992: 28-36. See Díaz Martínez, Valverde Castro 2000: 82-89, for an updated view.

58. *Lex Vis.*, I, 1, 7-8, p. 39-40.

59. *Conc. Tol. XII*, c. 7, p. 172: «nobilitatis solitae titulum reportantes». It is not known anything about the way to obtain it.

60. *Conc. Tol. XIII*, c. 1, p. 229: «ut omnes quos scelerata condamnatio contra gentem et patriam coniuratio Pauli in perfidiam traxit et titulo testimonii honestiores abegit, ad statum dignitatis pristina redeant et nulla deinceps illis ob hoc catena iudici iudicialis obsistat, sed omnes ita generosae stirpis ac nobilitatis propriae subeant decus ut praeteritae infidelitatis nullus praeferant dedecus».

61. It is probably an effect of *Lex Vis.*, II, 1, 6, p. 50-51, by King Recceswinth, but there is no mention of a *titulus*.

62. *Conc. Tol. XIII*, c. 2, p. 231. It is the so-called Gothic *habeas corpus*.

to any palatine office⁶³. In addition, it is stated that this measure also affects those who possess «*ingenuae dignitatis titulum*», that is, those who are born free⁶⁴. Also, by the same time, King Erwig confirmed the right of the palatines' offspring to be dispensed from torture or physical punishment⁶⁵. It is obvious that high rank and lineage are intermixing in legal rhetoric. However, in year 681, it is asked to the king to appoint Emila as bishop of Mentesa, «*quia eum humilitas cum sanctitate adornat et origo generis reddit inlustrem*»⁶⁶. Following this, in 684, a controversy rises due to certain appointments to palatine offices, and it is revealingly stated that «*saepe ofuscatur nobilium genus suberectum seruitutis importabile dedecus*». Indeed, some *liberti* and *serui* were trying to pretend, through their charges, «*sublimitas honoris, quam illis subtrahebat natio offuscatae originis*»⁶⁷... although the council fathers make an exception with «*seruis uel libertis fiscalibus*», that is, the royal ones – which leaves us with the paradox that, discursively, *origo* matters for regular *liberti* and *serui*, but not for the fiscal ones. In a clearer way, in the 16th Council of Toledo (693), King Egica is reprimanded for allowing a certain Theodemund (appointed as *numerarius* by him) to hold a «*officium contra generis uel ordinis sui usum*»⁶⁸. These examples are very eloquent, given that all of them show how, in conciliar discourse, the *genus* and the ability to hold charges are related. It must be noted, however, that all these examples come from the later councils (the earlier, *Toletanum XII*, was held in 681). Therefore, it will be necessary to pay further attention to chronology if one wants to determine when these notions were established in normative texts.

Obviously, this very same examples show that, in daily reality, lineage and high office did not always meet (especially, as seen in the 13th Council of Toledo, in the case of the *serui* or *liberti fiscali*⁶⁹) and practical issues such as fidelity and proximity to

63. Since non-palatine *ingenui* are classified as «*qui palatinis officiis non haeserunt*» (*Conc. Tol. XIII*, c. 2, p. 233). See Sánchez-Albornoz 1971: 173-174, with the objections of García Moreno 1992: 35-36, for the notion that, by the second half of the 7th century, nobility was strongly identified with palatine officers and members of the *aula regia*.

64. *Conc. Tol. XIII*, c. 2, p. 233. As in the previous cases, the allusion of a *titulus* is rather unclear. It is a proper document or an informal statement of some sort?

65. *Lex Vis.*, VI, 1, 2, p. 247 (issued by Chindaswinth, but the specific clause appears in Erwig's recension). I cannot go, however, with this law, as far as Sánchez-Albornoz 1971: 221, or even King 1972: 184, according to whom the sons of the palatines acquired noble status – *i. e.*, without being themselves nor palatines, nor *fideles*, or *gardingi* –, being there the origin of the medieval Spanish blood nobility (the “*infanzones*”).

66. *Conc. Tol. XII*, app. Tol., 4, p. 213.

67. *Conc. Tol. XIII*, c. 6, pp. 239-240. And this can be compared to *Conc. Tol. VIII*, tom. reg., p. 222: «*quod otis nostris horribile et animis exacrabile semper est, quam nobilitate conditio libertorum et seruorum adaequata gentis nostrae statum degenerat*». It can be noted that, here, the word *gens* is used by the king.

68. *Conc. Tol. XVI*, *lex conf.*, c. 549.

69. One may recall *Lex Vis.*, II, 4, 4, p. 97, in which the king himself grants the *praepositi stabulariorum*, *gillonariorum*, *argentariorum*, and *coquorum* the ability to testify despite their servile condition, due to the trust the king has upon them (because they are, obviously, palatine personnel).

the king could be considered. The case of Theodemund could be evocative of examples provided by Gregory of Tours in Merovingian Gaul⁷⁰. Despite rhetoric complaints, king's patronage could be even more important than ascendancy to hold public office (Sánchez-Albornoz 1971: 165-167). Repeatedly, at least by the second half of the 7th century, these situations became increasingly denounced by literary and legal sources. Illustrious lineage requirements had been previously put forward concerning the highest rank, because from the 5th (636) and the 6th (638) Councils of Toledo, both held under King Chintila, it is established the belonging to the *gens Gothorum* as a requirement for anyone elected as king. In the 5th Council of Toledo, it is explained that this particular disposition has its reason because there are some pretenders who «nec origo ornat nec uirtus decorat», and it is further specified that:

ut quisquis talia meditatus fuerit, quem nec electio omnium prouehit nec Gothicae gentis nobilitas ad hunc honorem apicem trahit, sit a consortio catholicorum priuatus et diuino anathemate condemnatus⁷¹.

In the 6th Council of Toledo, the motivations are even clearer in ethnic terms, although not in lineage: in order to avoid anyone to assume the throne «tyrannica praesumptione, nisi genere Gothus et moribus dignus prouehatur ad apicem regni»⁷². If we assume that the words *gens* and *genus* are somewhat linked, it is seen here that what was only censure to ignoble women's sons in Isidore's narratives, in those councils the *genus Gothus* of the king has become a legal requirement, to which is also linked moral virtue. Those who attempt to obtain the *regnum* must be worthy of this honour, and this worthiness is proven by Gothic ascendancy. These two canons have been interpreted slightly differently, as intended to prevent that any non-Goth could obtain or usurp the Toledan throne⁷³. While this is true, it seems rather absurd to me to expect that, by that time, the Visigothic throne could be open to lowborn Gothic *paruenus*.

The links between high rank and high ascendancy, well observed in the aforementioned councils, are present in the Visigothic law code in a much lower and vague scale. People are usually defined as *honestiores* or *humiliores*, with no further

70. Two famous cases in which lowborn characters rise to high power offices through *patrocinium*: Greg. Tur., *Hist.*, 4, 46, p. 180-181; 5, 48, p. 257-258.

71. *Conc. Tol. V*, c. 3, p. 282. Here, once more, *origo* and *uirtus* are linked to *Gothicae gentis nobilitas*.

72. *Conc. Tol. VI*, c. 17, p. 326-327. No periphrasis here: neither *uirtus* nor *nobilitas*. It should suffice mentioning that any man who has not *genus Gothus* and of *moribus dignus*, is considered a tyrant. See Koch 2012: 407-408, for a thoughtful interpretation of this canon.

73. Orlandis 1962: 49, thought that these provisions were made in order to fight usurpations – and that is what the text literally says – and to set aside some characters of obscure origins (in this very case, to ensure Tulga's succession of his father Khintila). See also García Moreno 1989: 226-228. I do not believe that this circumstance is contradictory to the issue that I would like to remark.

explanation⁷⁴, and when formal definitions are given, as P. D. King and C. Martin have argued, wealth is the key feature of *honestiores* in normative texts⁷⁵. Nevertheless, I will examine some specific dispositions in which birth is regarded as a valid marker of the social status of an individual.

Firstly, there is a law about individual *genus* that could be interesting to remark: «qui sibi nomen falsum inponit uel genus mutat aut parentes finxerit aut aliquam inposturam fecerit, reus falsitatis habeatur»⁷⁶.

Obviously, the literal sense of this law is trivial: it is a liar he who lies about his identity; but I believe important to consider this law while keeping in mind what it has been said about the *genus* as a nobility marker: he who lies about his *genus* could be lying about his social condition and certain privileges that are considered to be related to it⁷⁷... and also obligations:

nam iustum est, ut qui nobilitatem sui generis et statum patriae, quod prisce gentis adquisiuit utilitas, constanti animo uindicare nequiuisset, legis huius sententiae feriat, qui notabiliter superioribus culpis adstrictus, degener atque inutilis repperitur⁷⁸.

If we also examine laws about marriage, we will observe that the *genus* and, specifically, the relationship between *genus* and social position, has a special role in it. Firstly, a *lex antiqua* reminds us that: «puella, que, fratrum calliditate prespecta, maritum natalibus suis equalem crediderit expetendum, tunc integram a fratribus, que ei de parentum hereditate debetur, percipiat portionem»⁷⁹.

The husband must be equal to the wife *natalibus*, so it is, again, by family origins. The same law states that if the bride chooses an *inferior* husband, «honestatis sue oblita», she may lose claims to her brothers' inheritance. At first, the lawmaker only alludes to birth to explain the social condition of the eventual groom. This can remind us of another association between birth and social position: the derogation of the prohibition of Roman and Gothic marriages, «que incongrue diuidere maluit personas in coniuges, quas dignitas conparet exequabit in genere»⁸⁰. The *genus* is

74. For instance, *Lex Vis.*, VI, 1, 2, p. 248-249: «ut persona inferior nobiliorem a se uel potentioris inscribere non presumat» with no further explanation about why someone is *inferior* and someone other is *nobilior* or *potentior*.

75. *Lex Vis.*, II, 1, 33, p. 79, where the *inferior* is someone «qui non habet»; or, in the more subtle *Lex Vis.*, II, 4, 6, p. 99, the *humilior* is regarded as such because he does not have «unde conponat» to pay fees. See King 1972: 185; Martin 2003: 106-107. On the contrary, Le Jan 1995: 31, recalls that the *Lex Salica* regards all *ingenui* (Franks) as equals without distinction: distinction between *honestiores* and *humiliores* came later, in Carolingian times.

76. *Lex Vis.*, VII, 5, 6, p. 306.

77. See the conciliar canons' examples above.

78. *Lex Vis.*, IX, 2, 8, p. 372. Although this particular law contains plenty of rhetorical assertions.

79. *Lex Vis.*, III, 1, 8, p. 131.

80. *Lex Vis.*, III, 1, 1, p. 122.

clearly linked to social position, which is based on property – *i. e.*, usually, land (Díaz Martínez 2012a: 171-189; Díaz Martínez 2012b: 94-95). These are rare dispositions (both *antiquae*) in which birth and social pre-eminence are explicitly linked, whereas most Visigothic laws on marriage and inheritance are not concerned with status (other than free or slave) and, if they do, there are no clarifications on the nature of the status of *nobilis*, *maior*, or *principalis*. However, there is a law forbidding freedmen to marry their former owners that is surprisingly insistent in birth purity rhetoric:

sicque in aduersum parte conuersa, quia ingenua libertas gratie dono fit nobilis, ideo generosa nobilitas inferiori tactu fit turpis; adque inde claritas generis sordescit conmixtione abiecte conditionis, unde abdicate seruitus adtollit titulus libertatis. Ut ergo et nature splendor ortus sui dignitatem non careat, et seruitus si(b)imet reminiscens indebita et inconcessa non adpetat⁸¹.

Freedmen and their *stirps* are not to marry any person of the *genus* of their former masters, even in forthcoming generations⁸². Although high-ranking individuals are not explicitly mentioned (I assume that the former master could be either *maior* or *minor loci*), the law, issued by King Recceswinth, insists on the staining of noble lineages by their association to unworthy freedmen families – even generations ahead, in which status should not be different between bride and groom. Its most recent precedent (both chronologically and thematically), a law by Emperor Anthemius (468)⁸³, makes my point clearer: the same prohibition to freedmen to marry their former female masters is explicitly addressed to senatorial *ordo* women, due to both dignity and inheritance of status and patrimony, since Roman *clarissime* (and its legal privileges) could be passed on to the offspring. In the Visigothic law, there is no such specification about the legal privileged status of the bride... Should we assume that a former Roman law aimed at the senatorial *clarissimi* is now addressed to any *ingenui genus*⁸⁴? C. Badel has already put forward that Isidore, in his *Etymologiae*, mixes the old Roman distinction between free and slaves with the also old Roman conception of nobility as genetically derived, for example, in his definition of bastardy. Thus, according to Badel, Isidore does not clearly separate the legal idea of freeman from the idea of noble, a key and controversial concept

81. *Lex Vis.*, V, 7, 17, p. 242-243.

82. Its precedent in the Roman law (*Lex Rom. Vis.*, *Paul. Sent.*, II, 20, 6, p. 868: «libertus, si ad coniunctionem patronae uel uxoris filiaeque patroni affectauerit, pro dignitate personae, metalli poena uel operis publici coerceri placuit») only prohibited male freedmen to marry their former female masters, *pro dignitate*.

83. *Novell. Anth.*, 1, p. 203-205.

84. That is the opinion of King 1972: 181, which I do not share: it is unlikely that expressions such as “*generosa nobilitas*” or “*claritas generis*” had been, in the mind of the lawmaker, fitting for any Visigothic freeborn.

in the forthcoming Middle Ages⁸⁵. The discussed dispositions could support Badel's assertions: Isidore's seemingly intentional confusion between *nobilis* and *ingenuus* could also explain the ideological intention of these laws in which the link between lineage purity and social status is considered in some Visigothic marriage regulations. The previously discussed laws, both civil and canonical, make specific and clear differences between free (*ingenui*) and not free (*serui, liberti*) in terms of status and privilege (King 1972: 159-160), but the law writers in many cases play with the idea that *ingenui* – a condition clearly linked to *genus* – are or should be *nobiles, seniores, splendi ortu, generosa stirpe...*

Explicit and obvious links between lineage, status, ethnicity, or wealth are found earlier in literary sources than in legal ones. It is significant to question that maybe this literary model was only later adopted by legal texts. As well, maybe Visigothic upper society was undergoing a process of re-definition by mid-7th century? The same chronology was long ago observed by C. Sánchez Albornoz for another phenomenon: it is after Chindaswinth's reign (653) when the kings increasingly strengthen the prominence of the *palatini* and the *gardingi*. These were believed to be the aristocratic royal retinue of *fideles* who pledged loyalty to the king through the concession of *beneficia*⁸⁶. In any case, revindication of *genus* as a marker of privilege is much more common in conciliar texts than in the *Liber iudiciorum*, in which only sporadic but noteworthy cases can be displayed, almost all of them concerning marriage. The scarcity of references to lineage nobility in the Visigothic Code also compels me to think that what I have proposed as a coherent and widespread model in literary, ecclesiastical, and even to some extent in conciliar sources, did not essentially affect Visigothic legal reality, in which social pre-eminence (*maiores, honestiores, seniores*) was more loosely defined and was mostly based on wealth. However, just as B. Dumézil has proposed for Merovingian Gaul, it seems that, by the second half of the 7th century, Visigothic elites believed that public office was somehow their prerogative and defended before the king their right to be elected against "intrusion" of lower people or officers "unfairly" promoted and enriched by the king⁸⁷. This could be easily explained through the emergence of a clash between king and aristocracy at the end of the Visigothic kingdom that has been long debated⁸⁸, but my point here is that, outside *Lex Visigothorum*, aristocrats tend to assert their claims by remarking their noble birth. This is by no means ground-breaking or revolutionary: Visigothic elites relied on land ownership (which is basically transmitted through

85. Badel 2005: 406-407. The author believes, as I have already mentioned (see n.10), that Isidore ignores the Late Roman concept of senatorial status as a wealthy-defined service nobility and only considers classical thoughts on the old Roman lineages of the senatorial *nobilitas*.

86. See, above, n. 60.

87. Dumézil 2013: 367-372. This model was well established in Carolingian times: Le Jan 2001: 190-191.

88. See n. 60.

inheritance), marriage strategies, or patronage over domestic servants⁸⁹ to ensure their social pre-eminence. As a natural consequence, family and origins were often coincident with these elite features, and legal sources had a strong literary aristocratic model to rely on. Actual laws, especially in the *Liber iudiciorum*, were reluctant to officially link noble status and legal privileges with birth, other than being born free (*ingenuus*). Since this is the case, all previously discussed birth claims become blurred and subjective: there is no regulation for who has or has not a distinguished lineage; but just as wealth and moral superiority, *genus* is informally accepted as a feature of *honestiores* and *seniores*.

4. Discussion: the *genus* as model of aristocratic post-Roman self-representation

It has been made plain clear by previously mentioned authors (C. Wickham, C. Badel, D. Fernández) that illustrious ascendancy was often claimed by certain aristocrats to assert their social pre-eminence, alongside other features such as wealth, proximity to the court, moral virtue, or palatine service (as pointed out by C. Sánchez-Albornoz, C. Martin, or B. Dumézil). Likewise, this practice was common in late Roman Spain, and Visigothic aristocratic authors tended to cling on this model, reproducing the prejudices of landowning provincial aristocracy. At least by the second half of the 7th century, *genus* was a key feature of self-recognition as a nobleman or noblewoman. As D. Fernández explained, the loss – or, better, the fading – of Roman aristocratic definition parameters forced the Spanish aristocracy to forge new ones in the Visigothic kingdom, although with their eyes set on the Roman past (Fernández 2017: 227). Lineage had become, at least at the end of the 6th century, common evidence of nobility in literary sources. During the 7th century, this did nothing but intensify, as we find widespread praises of noble birth in hagiographic works, poetry, and other literature. The very authors of these texts were without exception aristocrats themselves, and their upper-class bias (not unlike that of late Romans such as Libanius, Ausonius, or Sidonius Apollinaris) is easily tracked in their writings: not only highborn are praised and lowborn are vilified, but the concept itself of lineage (*genus, natio, ortus, progenies...*) is aristocratized, alongside ethnic markers. Terms such as *gens* and *genus*, are “usurped” by the social elite and defined at their pleasure (for instance, in Isidore’s *Etymologies*). The humble *genus* lowers the person, as does any other humble trait (*e. g.*, Nactus’ humble garments), it is not related to any right or citizen prerogative, a concept that, in the 7th century is useful no more, despite archaic evocations to Roman citizenship in Visigothic

89. To form military private retinues, which could be a problem for the king: *Lex Vis.*, IX, 2, 8-9, p. 370-379. See Pérez Sánchez 1989: 155-170.

manumission *formulae*⁹⁰. Because of the evolution of Visigothic aristocracy during the 7th century, which both included traditional landed elites and created new landed elites out of promoted *fideles*, traditional senatorial attitudes towards aristocratic self-representation (especially, birth) were embraced by the Visigothic upper class. This could include ancient Roman or Gothic awareness (whether real or not): it is also by the second half of the 7th century that Gothic-flavoured vocabulary appeared, perhaps, to enhance social prestige and not only, as C. Martin suggested, as a revival of warriorlike ideals⁹¹.

Indeed, at least by the end of the 7th century, this aristocratic mentality can be seen in actual legal dispositions, that state that illustrious ancestry, or simply honourable origins, can be put forward as a requisite for being chosen as king, as a public officer, or as a suitable husband or wife. It seems that the aristocratic bias on *genus* tended to infiltrate Visigothic legal conception of high rank and nobility, so as to cause that moral, social, and family backgrounds were taken into account in some legal definitions of a Visigothic nobleman. This did not forbid non-nobles to hold offices (presumably relying on the king's favour), nor banned more open-minded definitions of *honestiores* in the law code. Thus, it is not possible to conclude that 7th-century Visigothic nobility was unmistakably and officially defined by its birth. On the contrary, discursive insistence on lineage may be interpreted as evidence for the increasing, even absolute, control of the definition of nobility, virtue, and worthiness of rule and office-holding by the 6th/7th-century Spanish equivalents of Sidonius. "Noble ancestry" could be as arbitrary as being true only after one generation: since blood nobility was not legally established, one could claim to have *clarus genus* only because their father happened to become a *senior palatii*, regardless of his previous background. However, if *genus* becomes a desired feature among aristocrats when it comes to literary praises, pleas to the king to appoint officials, to be a valid candidate to the throne, or strict chaste-like marriage laws, the effect is to shrink rather than increase social mobility within the upper Visigothic class.

90. *Form. Wis.*, 2; 3; 4; 5; 6, p. 72-77, with the usual form «ingenum te ciuemque Romanum esse constituo». Granting Roman citizenship to manumitted slaves has no practical effect in any Visigothic law, where the idea of citizenship is absent, although not that of freedom (formally making them *ingenui*).

91. The introduction in normative vocabulary of *gardingi* (Sánchez-Albornoz 1974: 171); *thiufadus* (Martin 2003: 180), or the *morgingeba* in *Form. Wis.*, 20, p. 92.

Sources

BRAULIO CAESARAUGUSTANUS, *Epistulae*, ed. R. Miguel Franco; J. C. Martín-Iglesias, *Braulionis Caesaraugustani epistulae*, CCSL 114B (Turnhout 2018).

—, *Vita Aemiliani*, ed. L. Vázquez de Parga, *Sancti Braulionis Caesaraugustanis episcopi Vita S. Emiliani* (Madrid 1943).

BULGARANUS, *Epistulae*, ed. J. Gil, *Miscellanea Wisigothica* (Sevilla 1972).

CICERO, *De re publica*, ed. K. Ziegler, *M. Tullius Cicero, de re publica*, Teubner (München-Leipzig 1969).

CONCILIUM HISPALENSE II, ed. F. A. González, *Sancti Isidori Hispalensis episcopi opera omnia tomus VIII*, PL 84 (Paris 1862).

CONCILIA TOLETANA III-XV, ed. G. Martínez Díez; F. Rodríguez, *La colección canónica hispana*, 5 (Madrid 1992); ed. F. Rodríguez, *La colección canónica hispana*, 6 (Madrid 2002).

CONCILIUM TOLETANUM XVI, ed. F. A. González, *Sancti Isidori Hispalensis episcopi opera omnia tomus VIII*, PL 84 (Paris 1862).

EUGENIUS TOLETANUS, *Carmina*, ed. P. F. Alberto, *Eugenii Toletani opera omnia*, CCSL 114 (Turnhout 2005).

FORMULAE WISIGOTHICAE, ed. J. Gil, *Miscellanea Wisigothica* (Sevilla 1972).

GREGORIUS TURONENSIS, *Historiae*, ed. B. Krusch, *Gregorii episcopi Turonensis libri historiarum X*, MGH srm 1, 1, (Hannover 1951).

ISIDORUS, *De uiris illustribus*, ed. C. Codoñer Merino, *El “De uiris illustribus” de Isidoro de Sevilla* (Salamanca 1964).

—, *Etymologiae*, ed. W. M. Lindsay, *Isidori Hispalensis episcopi Etymologiarum sive Originum libri XX*, 1 (Oxford 1911).

—, *Historia Gothorum*, ed. C. Rodríguez Alonso, *Las Historias de los godos, vándalos y suevos de Isidoro de Sevilla* (León 1975).

LEX ROMANA VISIGOTHORUM, ed. G. Haenel, *Lex Romana Visigothorum*, Teubner (Leipzig 1849).

LEX VISIGOTHORUM, ed. K. Zeumer, *Leges Visigothorum*, MGH leg 1, 1 (Hannover-Leipzig 1902).

MENANDER RHETOR, *Epidicticum*, ed. D. A. Russell; N. G. Wilson, *Menander Rethor. A Commentary* (Oxford 1981).

NOVELLAE ANTHEMII, ed. P. M. Meyer, *Leges novellae ad Theodosianum pertinentes* (Berlin 1905).

SISEBUTUS REX, *Vita Desiderii*, ed. J. Gil, *Miscellanea Wisigothica*, (Sevilla 1972).

SYMMACHUS, *Epistulae*, ed. J. P. Callu, *Symmaque. Lettres, I-V*, Les Belles Lettres (Paris 1994).

VALERIUS BERGIDENSIS, *De uana saeculi sapientia*, ed. M. C. Díaz y Díaz, *Valerio del Bierzo: su persona, su obra* (León 2006).

—, *Quod de superius querimoniis. residunt*, ed. M. C. Díaz y Díaz, *Valerio del Bierzo: su persona, su obra* (León 2006).

VITA FRUCTUOSI, ed. M. C. Díaz y Díaz, *La vida de San Fructuoso de Braga: estudio y edición crítica* (Braga 1974).

VITAS SANCTORUM PATRUM EMERITENSIVM, ed. A. Maya Sánchez, *Vitas sanctorum patrum Emeritensium*, CCSL 116 (Turnhout 1992).

Bibliography

- BADEL, Claude (2005), *La noblesse de l'Empire romain: les masques et la vertu*, Seyssel.
- BARBERO, Abilio, VIGIL, Marcelo (1974), *Sobre los orígenes sociales de la Reconquista*, Ariel, Barcelona.
- BUCHBERGER, Erica (2017), *Shifting Ethnic Identities in Spain and Gaul, 500-700. From Romans to Goths and Franks*, Amsterdam University Press, Amsterdam.
- CARLETTI, Carlo (2001), “Dalla ‘pratica aperta’ alla ‘pratica chiusa’: produzione epigrafica a Roma tra V e VIII secolo”, in *Roma nell’Alto Medioevo, XLVIII Settimana di studio*, Centro Italiano di Studi sull’Alto Medioevo, Spoleto: 386-387.
- CLAUDE, Dietrich (1971), *Adel, Kirche und Königtum im Westgotenreich*, Jan Torbecke, Sigmaringen.
- (1998), “Remarks About Relations between Visigoths and Hispano-Romans in the Seventh Century”, in W. Pohl, H. Reimitz (eds.), *Strategies of Distinction. The Construction of Ethnic Communities, 300-800*, Leiden: 117-130.
- DE SANTIAGO FERNÁNDEZ, Javier (2009), “El hábito epigráfico en la Hispania visigoda”, in *VIII Jornadas Científicas sobre Documentación de la Hispania altomedieval: (siglos VI-X)*, Madrid: UCM: 1-54.
- DESWARTE, Thomas (2014), “Une nation inachevée: le royaume de Tolède (VIe-VIIe siècle)”, in *Nation et nations au Moyen Âge, XLIV^e Congrès de la SHMESP (Prague 23 mai-26 mai 2013)*, Éditions de la Sorbonne, Paris: 63-78
- DÍAZ MARTÍNEZ, Pablo de la Cruz (2012a), “La dinámica del poder y la defensa del territorio: para una comprensión del fin del reino visigodo de Toledo”, in *De Mahoma a Carlomagno. Los primeros tiempos (siglos VII-IX). XXXIX Semana de Estudios Medievales*, Pamplona: 167-205.
- (2012b), “Confiscation in the Visigothic Reign of Toledo”, in P. Porena; Y. Rivière (cords.), *Expropriations et confiscations dans les royaumes barbares*, Roma: 93-112.
- DÍAZ MARTÍNEZ, Pablo de la Cruz, VALVERDE CASTRO, Rosario (2000), “The Theoretical Strength and Practical Weakness of the Visigothic Monarchy of Toledo”, in F. Thews; J. Nelson (ed.), *Rituals of Power. From Late Antiquity to the Early Middle Ages*, Brill, Leiden: 59-93.

DUMÉZIL, Bruno (2013), *Servir l'état barbare dans la Gaule franque. Du fonctionnariat antique à la noblesse médiévale. IVe-IXe siècle*, Paris.

ENJUTO SÁNCHEZ, Begoña (2004), “Aproximación a la figura del ‘parvenu’ en el siglo IV d.C. A la búsqueda de una identidad”, *SHHA*, 22: 139-159.

FERNÁNDEZ, Damián (2017), *Aristocrats and Statehood in Western Iberia, 300-600 C.E.*, Philadelphia.

FONTAINE, Jacques (1983), *Isidore de Seville et la culture classique dans l'Espagne wisigothique*, II, Paris.

— (1991), “Un épitaphe rythmique d'un contemporain d'Isidore de Séville: l'éloge funèbre du Visigot Oppila” in M. van Uytffanghe; R. Demeulenaere (eds.), *Aevum inter utrumque. Mélanges offerts à Gabriel Sanders*, Steenbrugge: 163-86.

FERNÁNDEZ, Aitor, MARTÍNEZ, Javier, TEJERIZO, Carlos (2013), “Old and new elites in the Visigothic Kingdom (AD 550-650)” in E. van der Wilt; J. Martínez, *Tough Times: The Archaeology of Crisis and Recovery. Proceedings of the Graduate Archaeology at Oxford conferences in 2010 and 2011*, Oxford: 161-170.

FRIGHETTO, Renan (2012), “Considerations on the Concept of *gens* and its Relationship with the Idea of Noble Identity in the Thought of Isidore of Seville (7th century)”, *Imago Temporis. Medium Aevum*, 6: 117-140.

— (2014), “Um exemplo de *gens* na Hispania visigoda: Fructuoso de Braga e a sua *origo preclara* (século VII)”, *Revista Diálogos Mediterrânicos*, 7: 28-52.

— (2015), “Relações e distinções dos conceitos de *gens* e *populus* e a construção de uma identidade nobiliárquica na Hispania visigoda na Antigüedad Tardía (séculos VI-VII)”, in G. Da Silva; É. Da Silva (coord.), *Fronteiras e identidades no império romano. Aspectos sociopolíticos e religiosos*, Vitória: 177-208.

GARCÍA MORENO, Luis A. (1989), *Historia de España visigoda*, Madrid.

— (1992), “El estado protofeudal visigodo: precedente y modelo para la Europa carolingia”, in J. Fontaine, C. Pellistrandi (coord.), *L'Europe héritière de l'Espagne wisigothique*, Casa de Velázquez, Madrid: 17-43.

— (2009), “Orgullo de estirpe: la nobleza cordobesa en el 615 A. D.”, *Mainake*, 31: 115-122.

GILLET, Andrew (2002), “Was Ethnicity Politicized in the Earliest Medieval Kingdoms?”, in A. Gillett (ed.), *On Barbarian Identity: Critical Approaches to Ethnicity in the Early Middle Ages*, Turnhout: 85-121.

- HEATHER, Peter (1996), *The Goths*, Oxford-Malden.
- JONES, Arthur H. M. (1964), *The Later Roman Empire*, 2, Oxford.
- KING, P. D. (1972), *Law and Society in the Visigothic Kingdom*, Cambridge University Press, Cambridge.
- KOCH, Manuel (2012), *Ethnische Identität im Entstehungsprozess des Spanischen Westgotenreiches*, De Gruyter, Berlin.
- LE JAN, Régine (1995), *Famille et pouvoir dans le monde franc (VIIe-Xe siècle). Essai d'anthropologie sociale*, Publications de la Sorbonne, Paris.
- (2001), *Femmes, pouvoir et société dans le haut Moyen Âge*, Picard, Paris.
- MARTIN, Céline (2003), *La géographie du pouvoir dans l'Espagne visigothique*, Villeneuve d'Ascq.
- (2008), “La notion de *gens* dans la péninsule Ibérique des VIe-VIIe siècles: quelques interpretations”, in V. Gazeau; P. Bauduin; Y. Modéran (dirs.), *Identité et Ethnicité. Concepts, débats historiographiques, exemples (IIe-XIIe siècle)*, Caen: 75-89.
- NAGENGAST, Ulrike (2011), *Gothorum florentissima gens. Gotengeschichte als Heilsgeschichte bei Isidor von Sevilla*, Frankfurt am Main.
- NIXON, C. E. V. and RODGES, Barbara S. (1994), *In Praise of Later Roman Emperors. The Panegyrici Latini*, Berkeley.
- ORLANDIS, José (1962), *El poder real y la sucesión al trono en la monarquía visigoda*, Roma-Madrid.
- ORLANDIS, José and RAMOS-LISSÓN, Domingo (1986), *Historia de los concilios de la España romana y visigoda*, Pamplona.
- PÉREZ SÁNCHEZ, Dionisio (1989), *El ejército en la sociedad visigoda*, Universidad de Salamanca, Salamanca.
- POHL, Walter and DÖRLER, Phillip (2015), “Isidore and the *gens Gothorum*”, *AntTard*, 23: 133-141.
- RÖCKELEIN, Hedwig (2009), “L'hagiographie, élément d'une culture des élites?”, in F. Bougard; R. Le Jan; R. McKitterick (eds.), *La culture du haut Moyen Âge. Une question d'élites?*, Turnhout: 187-200.

SALES CARBONELL, Jordina (2023), “La moda monástica en la Hispania tardorromana: ¿una cuestión aristocrática?”, *Série Mvnera*, 3 (in press).

SALZMAN, Michele R. (2004), *The Making of a Christian Aristocracy. Social and Religious Change in the Western Roman Empire*, Harvard University Press, Cambridge-London.

SÁNCHEZ-ALBORNOZ, Claudio (1971), *Estudios visigodos*, Roma.

— (1974²), *En torno a los orígenes del feudalismo. Tomo I*, Editorial Universitaria de Buenos Aires, Buenos Aires.

STOCKING, Rachel L. (2000), *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633*, Ann Arbor.

TEILLET, Suzanne (1984), *Des Goths à la nation gothique. Les origines de l'idée de nation en Occident du Ve au VIIe siècle*, Paris.

THOMPSON, Edward A. (1969), *The Goths in Spain*, Oxford.

VALVERDE CASTRO, Rosario (2009), “Mujeres «viriles» en la Hispania visigoda. Los casos de Gosvinta y Benedicta”, *SHHM*, 26: 17-44.

VELÁZQUEZ, Isabel (2000), *Las pizarras visigodas (entre el latín y su disgregación. La lengua hablada en Hispania, siglos VI-VIII)*, Salamanca.

VELÁZQUEZ, Isabel (2008), *Vidas de los santos Padres de Mérida*, Madrid.

VIVES, José (1969), *Inscripciones cristianas de la España romana y visigoda*, Consejo Superior de Investigaciones Científicas, Barcelona (=ICERV).

WERNER, Karl-Ferdinand (1998), *Naissance de la noblesse*, Fayard, Paris.

WICKHAM, Chris (2005), *Framing the Early Middle Ages*, Oxford.

WOOD, Jamie (2013), “Religiones and gentes in Isidore of Seville’s *Chronica maiora*”, in W. Pohl; G. Heydemann, *Post-Roman Transitions: Christian and Barbarian Identities in the Early Medieval West*, Turnhout: 123-68.