

***Between Arles, Rome, and Toledo:
Gallic collections of canon law in Late Antiquity***

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Late Antiquity, and the sixth century in particular, was the great age of church councils in Gaul. Over forty are known to have been held¹; undoubtedly, many others met as well. The legislation created by these councils became part of an increasingly large corpus of canon law, with which Gallic ecclesiastics, and especially bishops, were expected to be intimately familiar, not only so they could enforce it, but also so they could participate in discussions at church councils. For example, a letter of Pope Celestine of AD 429 to the bishops of Italy began with the words, «It is not permitted to any bishop to be ignorant of the canons»². The Council of Orléans of 511 declared, «We believe that earlier statutes must be renewed by reading the ancient canons»³. And the Council of Orléans of 541 stated, «Let parish clerics learn from their bishops material from the *statuta canonum* that is necessary for them to read»⁴.

In Gaul as elsewhere, canon law included not only the *statuta canonum* of church councils but also selected *epistulae decretales* of the bishops of Rome⁵. The need to preserve this material resulted in the compilation of many *Libri canonum* in Gaul during the sixth century. Several of them still are extant in manuscripts written during the sixth and seventh centuries, including the *Coloniensis* 212, or «Cologne collection»; the *Parisinus* 12097, or «Corbie collection»; the *Tolosanus* 364, or «Albi collection»; and the *Berolinus* 1745, or «Lyon collection». From the

¹ See C. Munier ed., *Concilia Galliae a.314-a.506. Corpus christianorum latinorum* 148 (Turnholt, 1963), hereafter *CCL*.

² Celestine, *Epist. «Nulli sacerdotem»*: *PL* 50.436.

³ «*Antiquos canones religentes priora statuta credidimus renovanda...*» (can.14: *CCL* 148A.9).

⁴ «*Ut parrochiani clerici a pontificibus suis necessaria sibi statuta canonum legenda percipiant...*» (can.6) (*CCL* 148A.142-146).

⁵ Confusingly, both kinds of material could at this time be referred to either as «canones» or as «epistolae».

eighth century come the *Vaticanus Palatinus* 574, or «Lorsch collection»; the *Berolinus* 1743, or «Reims collection»; the *Parisinus* 1564, or «Pithou collection»; the *Parisinus* 1451, or «St-Maur collection»; and the *Parisinus* 3846, or «St-Amand» collection⁶.

This study will begin by identifying some of the underlying characteristics of the *Libri canonum* that developed in Gaul during the sixth century. It then will look at how the development of the Gallic canonical collections was influenced first, by the church of Arles; second, by Italy and the bishops of Rome; and third, by the churches of Spain.

A look at the sixth-century Gallic *Libri canonum* indicates that they are rather different from collections of canon law that survive from other areas of the western Roman world. Outside Gaul, there was a strong tendency to create standardized collections that were used by many different churches. In Italy, for example, one finds the *Dionysiana*, a collection of eastern councils and papal *decreta* compiled at Rome by Dionysius Exiguus in the early sixth century. Another standardized Roman corpus was a collection of Chalcedonian documents assembled by the deacon Rusticus in 549⁷. The Italian church, however, did not create a standard collection, or any collection at all, of Italian church councils.

Standardized collections of canon law also were made in Spain. By the late sixth or early seventh century a compilation known as the *Epitome* (or «*Vetus*») had appeared, and by the end of the seventh century the monumental Spanish collection of councils and papal decretals known as the *Hispana* had been created⁸. This collection was widely disseminated and seems to have become standard throughout Spain.

In Gaul, at the end of the fifth century, the bishops of the Visigothic kingdom also seem to have attempted to create a standard text of canon law, which survives as the so-called «Second Council of Arles»⁹. This endeavor necessarily

⁶ For detailed discussion of all of these collections, see F. Maasen, *Geschichte der Quellen und der Literatur des canonischen Rechts in Abendlande*, vol. 1 (Graz, 1870), s.v.

⁷ Maasen, *Geschichte*, 745-751.

⁸ For the *Epitome*, see G. Martínez Díez, *El Epítome hispánico una colección canónica española del siglo VII*, Madrid 1966, 325-465. The *Hispana* is thought to have been based on a lost collection, the *Isidoriana*, which draws its name from Isidore of Seville; see G. Martínez Díez (ed.), *La colección canónica Hispana*, Madrid 1966; *PL* 84.241-242; and Maasen, *Geschichte*, 667-716.

⁹ *CCL* 148.111ff. It has been suggested that this was the compilation of «a certain private individual»: see the Ballerini, *PL* 56.154, «collectionem esse privatam»; followed by G. Morin, «Les Statuta ecclesiae antiqua, sont-ils de s. Césaire d'Arles?», *Revue bénédictine* 13,

would have entailed the compilation of the canons of past church councils, and in particular those of Arles in 312, Nicaea in 325, Valence in 374, Orange in 441, and Vaison of 442, all of which were cited in the canons of Arles II.

But after the collapse of the Visigothic kingdom of Toulouse in 507 and the resultant expansion of the Frankish kingdom, the compilation of canon law in Gaul became a primarily local matter¹⁰. With Gaul divided up among Visigoths, Ostrogoths, Burgundians, and Franks during the first quarter of the sixth century, and with the lack of opportunity for Gallic bishops to meet outside of their own kingdoms, it could hardly have been otherwise. The quarreling over authority between the bishops of Arles and Vienne also would have prevented any agreement over a standardized corpus of canon law¹¹.

In late antique Gaul, therefore, there never was a standard *Liber canonum*. Which is not to say that the various collections did not contain some common elements, such as many of the same Gallic councils as well as the same dossiers of papal *decreta*, which circulated under titles such as *Canones urbicani*¹². But the Gallic collections are far more noteworthy for their differences, whose significance has not been fully appreciated.

The best evidence for lack of standardization comes from the texts themselves. No two early collections are alike, or even nearly so. As seen in the appended table, different choices were made regarding what material to include, and the order in which to include it. These choices must have been made locally, under the authority of the bishops who would use the collections. One indication of how

1913, 334-342, at 340 n.2; C.H. Turner, «Arles and Rome: The First Developments of Canon Law in Gaul», *Journal of Theological Studies* 17, 1916, 236-247, at 239-240; and Munier, CCL 148.111; and K. Schäferdiek, «Das sogenannte zweite Konzil von Arles und die älteste Kanonensammlung der arelatenser Kirche», *Zeitschrift für Rechtsgeschichte der Savigny-Stiftung, Kanonistische Abteilung* 71, 1985, 1-19; but see now R. Mathisen, «The 'Second Council of Arles' and the Spirit of Compilation and Codification in Late Roman Gaul», *Journal of Early Christian Studies* 5, 1997, 511-554.

¹⁰ For «l'intérêt d'une 'localisation' des collections, en rapport avec les réunions conciliaires des VI^e et VII^e siècles», see P. Ourliac, «Le manuscrit toulousain de la collection d'Albi», *Revue de droit canonique* 28, 1978, 223-238, at 234 n.42.

¹¹ See R. Mathisen, *Ecclesiastical Factionalism and Religious Controversy in Fifth-Century Gaul* (Washington: Catholic Univ. Press, 1989) *passim*; and Idem, «Second Council of Arles».

¹² At least two collections circulated under this title. One of them appears under this title in the Lorsch collection (n^{os}. 3-4) and in the Cologne collection (n^{os}. 23-26), and both of them were incorporated into the Albi collection. Note also the *Epistulae arelatenses*, also known as the *Liber privilegiorum ecclesiae Arelatensis*, discussed below.

local authority was used in the creation of these compilations is seen in the inclusion of letters and other documents that do not appear in other collections and do not seem to meet the usual criteria of canonicity, that is, they were neither church councils nor papal decretals. These atypical documents not only provide examples of local preferences, but they also can offer indications of the provenance of a collection at the time the material was incorporated.

In the late sixth century, for example, the original collection preserved in the Corbie manuscript was supplemented with four letters, three of which are found nowhere else, including one written in the late fifth century by the exiled clergy of Verdun¹³, two by the Frankish kings Childebert and Clovis II¹⁴, and one sent to Childebert by bishop Leo of Sens¹⁵. And sandwiched between the rulings of Childebert and Clovis II are the otherwise unknown canons of the Council of Paris of 573. All of which could indicate that this manuscript was created somewhere in north-central Gaul, not in the Rhone area, as generally thought¹⁶. These letters, all of which were squeezed into the blank spaces at the ends of several of the quaternions, perhaps were extracted from a single, now-lost compilation akin to the *Epistulae austrasicae*¹⁷.

The Pithou collection likewise incorporates several unconventional documents, including, in order, the monastic rule of Teridius; followed by one letter of Lupus of Troyes and Euphronius of Autun; and another of Leo of Bourges, Victurus of Le Mans, and Eustochius of Tours, both from the mid fifth century; as well as a third letter, of Trojanus of Saintes, from the early sixth century. The Albi manuscript includes an otherwise unknown letter of Viventolus of Lyons of AD 518. The Cologne manuscript includes a unique early sixth-century letter of Cyprianus of Toulon. And the Lorsch collection contains the earliest known example of Avitus of Vienne's «De basilicis recipiendis.» These documents, many

¹³ See G. Morin, «Castor et Polychronius: un épisode peu connu de l'histoire ecclésiastique des Gaules,» *Revue bénédictine* 51, 1939, 31-36; and PLS 3.831-832.

¹⁴ *MGH Legum sectio II. Capitularia regum Francorum* (Hannover, 1888) 1.2-3, 18-19.

¹⁵ *Epist. Merov.* 3: *MGH Epist.* 3.437-8.

¹⁶ *CCL* 148.vi; Lowe, *Codices latini antiquiores (CLA)* 8.1162 and 5.619 (written at «Arles or Lyons»); Ph. Jaffé, W. Wattenbach, *Ecclesiae metropolitanae Coloniensis codices manuscripti*, Berlin, 1874, 93; C. Turner, *Ecclesiae Occidentalis Monumenta* 1.1.2a (Oxford, 1913) p.vii; Maasen, *Geschichte*, 576; J. Gaudemet, *Les sources du droit de l'église en occident du IIe au VIe siècle*, Paris, 1985, 142.

¹⁷ Which likewise survive only in a single manuscript, the *Vaticanus Palatinus latinus* 869.

of them unique, would seem to reflect efforts to endow documents of local interest with some degree of canonicity and authority.

Other applications of local authority to the contents of canonical collections resulted in alterations to existing texts. In some manuscripts, for example, the canons of the Council of Agde of AD 506 were reworked to edit out references to the Visigothic king Alaric II¹⁸. And in the mid 540s the compilers of the Lorsch collection not only omitted many canons, but also often greatly summarized and renumbered the canons that were included¹⁹.

An even more egregious revision was made circa the late 540s in the same Lorsch manuscript, where the letter of Pope Zosimus «Placuit apostolicae» of AD 417, which granted extraordinary privilege to bishop Patroclus of Arles, was altered to read as if it had been written in the early fourth century by Pope Sylvester to bishop Reticus of Autun²⁰. This has led to the assumption that the Lorsch collection was originally created for the church of Autun.

These and other examples indicate that the creation of *Libri canonum* in sixth-century Gaul was very much of a local affair. The church of each bishop decided what to include, what to exclude, and what to alter in its own collection. There is no indication that there was anything approaching a standardized text, or any over-all authority that determined how each compilation was to be created and developed.

Given such extensive evidence for the application of local preferences to the creation of Gallic *Libri canonum*, one might question the degree to which any particular city, church, or bishop was able to dictate or control the contents of canonical collections in sixth-century Gaul. In particular, one might wonder about the extent of the influence of bishop Caesarius of Arles. For it often has been presumed not only that early sixth-century Gallic *Libri canonum*, but also that many other compositions dealing with church law, doctrine, and discipline, somehow reflected Caesarius' efforts²¹. It also has been argued that there existed in the sixth

¹⁸ See Mathisen, «Second Council of Arles», 662-553.

¹⁹ CCL 148.111-130.

²⁰ Discussed by the Ballerini, PL 20.641.

²¹ See G. Morin, «Le 'Breviarium fidei' contre les ariens produit de l'atelier de Césaire d'Arles?» *Revue d'histoire ecclésiastique* 35, 1939, 35-53; Idem, «Statuta»; Turner, «Arles»; and Schäferdiek, «Zweite Konzil», 10, suggests that Arles under Caesarius assumed «eine neue übergeordnete kirchliche Rolle als eine Art von Primatialsitz der katholischen Kirche im Westgotenreich».

century «schools of canonists» at Arles who attempted to create standardized corpora of canon law that then were circulated throughout Gaul²².

There is no doubt, of course, that Caesarius participated in church councils and in the creation of canon law compilations. But so did many other bishops, and Gallic councils such as Agde in 506 affirmed the rights not only of other metropolitans besides Caesarius, but even of provincial bishops²³. Given the differences among the various canonical collections, one might hesitate to suggest that all, or even many, of them derived directly from an Arlesian source. For example, the Cologne collection may have been compiled under the supervision of bishop Cyprianus of Toulon, who served not only as Caesarius' representative at the Council of Valence in 528 but also as his hagiographer²⁴. This is suggested by the very striking inclusion in the collection of Cyprianus' own letter to bishop Maximus of Geneva²⁵. Similar observations could be made about other collections, and it would appear that the many *Libri canonum* represent not a centralized initiative of the church of Arles, but a pervasive phenomenon representative of a spirit of compilation and codification that pervaded the period.

A similar caveat might be expressed regarding the assumption that much of the Gallic work on canon law was intended to increase the Gallic authority of the bishop of Rome²⁶. Indeed, one thing that is striking about the Gallic *Libri canonum* is the relative dearth of recent Italian material. No fifth-century Roman councils are found, and for the sixth century, one finds only, in the Pithou collection, a small dossier relating to the troubles of Pope Symmachus in the early sixth century, and, in the manuscript of St-Maur, the Council of Rome of 595. The Gauls also took

²² Turner, «Arles»; see also H. Mordek, *Kirchenrecht und Reform im Frankenreich. Die collectio vetus gallica, die älteste systematische Kanonensammlung des fränkischen Gallien*, Berlin, 1975; and M. Coquin, «Le sort des 'Statuta ecclesiae antiqua' dans les Collections canoniques jusqu'à la 'Concordia' de Gratien», *Recherches de Théologie ancienne et médiévale* 28, 1961, 193-294 at 195.

²³ Note Agde, Canons 3 («*a vicinis episcopis*»), 7 («*apud duos vel tres comprovinciales vel vicinos episcopos*»), and 25 («*apud episcopos comprovinciales*»).

²⁴ *VCaesarii* praef., 2.1, 1.60. Cyprianus was the only bishop to receive anything in Caesarius' will (*Testamentum Caesarii*: Morin, *Caesarius* 2.289).

²⁵ *Epist. merov.* 1: *MGH Epist.* 3.434-436.

²⁶ See Turner, «Arles», 236, for a «school of canonists that flourished [at Arles] active in the Roman interest»; and Morin, «Statuta», 341, who sees at Arles «un mouvement nettement accentué vers Rome».

excerpts from the *Dionysiana*, such as the *Canones apostolorum*²⁷ and translations of eastern church councils.

More to the point, there are many papal *decreta* in the Gallic collections. Most appear in two collections entitled «*Canones urbicani*» and in a dossier related to the Council of Chalcedon, but all of these pre-date the mid 450s²⁸. Nearly all the later papal letters incorporated in Gallic *Libri canonum* were excerpted from the self-serving *Epistulae arelatenses*, a collection of documents supporting the authority of the church of Arles²⁹. One finds two letters of Pope Hilarus (461-468), one of them in but a single manuscript³⁰; none of Simplicius (468-483), Felix (483-492), or Gelasius (492-496); and a single letter of Anastasius (496-498), again in a single manuscript³¹. From the sixth century, a few letters of Pope Symmachus (498-514) were inserted, but none of Hormisdas (514-523), John I (523-526), or Felix IV (526-530), and only one each of Boniface II (530-532) and John II (532-535). For the remainder of the sixth century one encounters a single copy of a letter of Pelagius II (579-590)³² and, at the very end of the Lorsch collection, a brief exchange between Augustine of Canterbury and Gregory the Great.

The omission of Italian and papal material from the sixth century cannot be attributed merely to a breakdown in communications. It would seem, rather, to have resulted from a conscious choice. For the Gallic compilers of the sixth century, documents promulgated by early popes had historical, or even sentimental, value, as did the Greek and other non-Gallic councils. But both kinds of documents virtually ceased to be included in Gallic collections as of the 450s, at the very time that the Gauls had begun to create a critical mass of their own councils and other documents³³. It would seem that, for the Gauls, the most important recent material

²⁷ Found, e.g., in the Cologne collection; in Paris BN 1451; and in the Lorsch collection.

²⁸ These letters also are known as «*epistolae decretales*» (Lorsch collection) or «*epistolae sedis apostolicae*» (Corbie collection). In aggregate, the Gallic collections include a single document each from the time of popes Damasus (366-384) and Siricius (384-399), and many letters of popes Innocent (401-417), Zosimus (417-418), and, in particular, Leo (440-461).

²⁹ *MGH Epist.* 3.: altogether, there are 56 letters. The Albi collection 8 (nos. 1, 9, 11, 13, 19, 25-26, and 28); the Cologne collection has 7 (nos. 8, 1, 13, 25, 28, and 34); the Lyon collection has 2; and others have just one. *MGH Epist.* 3.2-4.

³⁰ «*Movemur ratione*», in the Corbie (no. 35), Pithou (no. 66), and Albi collections, and «*Qualiter contra sedis*» (= *Epist. arel.* 13), also in the Albi collection.

³¹ «*Bonum atque iucundum*», only in the Cologne collection.

³² «*Laudanda tuae*», in the Pithou collection (no. 98).

³³ See *CCL* 148, *passim*.

was what they created themselves. For them, the significance of non-Gallic documents lay in the past. Such material may have had the same authority as Roman imperial secular legislation, which also was included here and there in Gallic canonical collections³⁴.

All of this suggests that, in Gaul, extra-Gallic ecclesiastical legislation certainly had validity, but it was not at all pre-eminent and had no exceptional status. It is difficult, therefore, to see, in the sixth century, any widespread effort at all on the part of the Gauls to draw authority for their canonical collections from Rome or Italy, or give any extraordinary status to the bishops of Rome.

This leaves the interaction between Gaul and Spain. The Visigoths had planned to hold a church council at Toulouse in 507 that would have united both Gallic and Spanish bishops³⁵. But the Frankish defeat of Alaric II in the same year and subsequent occupation of most of Visigothic Aquitania prevented this or any other such meeting from happening. Afterwards, the Gallic and Spanish churches developed independently of each other.

But in other regards there are many examples of relations between the Visigothic and Frankish kingdoms during the sixth and seventh centuries, ranging from dynastic marriages to open warfare³⁶. As for ecclesiastical interactions, one

³⁴ The Pithou collection included the constitution «Inter publicas necessitates» of the emperor Honorius (395-423); the Cologne collection incorporated not only two Novels of Valentinian III (425-455): «De primatibus ecclesiae catholicae», and «De ordinatione episcoporum»), but also Honorius' «Constitutio saluberrima» of 418; the Corbie collection included the thirteenth of the *Constitutiones Sirmondianae*, and the Lyon collection concluded with the entire Sirmondian collection.

³⁵ Caesarius of Arles, *Epistula* «Dum nimium»: CCL 64.402-403; CSEL 21.448-449; MGH AA 8.274-275.

³⁶ See J. Orlandis, «Communications et échanges entre l'Espagne wisigothique et la France mérovingienne», *Annales de la Faculté de Droit et des Sciences économiques de Toulouse* 18, 1970, 253-262; Idem, *La Iglesia en la España visigótica y medieval*, Pamplona, 1976; Idem and D. Ramos-Lissón, *Historia de los concilios de la España romana y visigoda*, Pamplona, 1986; B. Saitta, «I Visigoti nella visione storica di Gregorio di Tours», *AC* 3, 1987, 75-103; J. Suberiola Martínez, *Nuevos concilios hispano-romanos de los siglos III y IV. La colección de Elvira*, Málaga, 1987; F. Salvador Ventura, *Hispania Meridional entre Roma y el Islam*, Granada, 1990; J. Vives, *Concilios visigóticos e hispanorromanos*, Barcelona-Madrid, 1963; A. Chavasse, «Les lettres de pape Léon le Grand (440-461) dans l'Hispana et la collection dite des Fausses Décretales», *Institutions de l'église en évolution. Etudes offerts à René Metz*, Strasbourg, 1975, 28-39; Z. García Villada, «Las colecciones canónicas en la época visigótica», *Razón y Fe* (Madrid) 102, 1933, 473-480; and Ch. Munier, «Nouvelles recherches sur l'Hispana chronologique», *Revue des sciences religieuses* 40, 1966, 400-410.

would expect that there would have been ready contact by way of the Visigothic territory of Septimania, which was centered on the important Gallic center of Narbonne³⁷. And contacts there must have been, for by the seventh century, Gallic councils appear in Spanish collections, and Spanish councils begin to appear in Gallic collections.

An exchange of conciliar canons already is attested in the early sixth century, when canons from the Gallic councils of Agde in 506 and Orléans in 511 were cited in 516 at the Council of Tarragona³⁸. It has been suggested that the Gallic documents had been transmitted to Spain by Caesarius of Arles, who in 514 was told by Pope Symmachus to be vigilant «regarding matters that emerge in the matter of religion both in Gaul and in Spain.»³⁹ But there is no direct evidence that Caesarius ever exercised this authority so magnanimously granted by the pope.

What is clear is that at some later period a collection of nine Gallic councils, beginning with the First Council of Arles in 312 and ending with the Third Council of Arles in 524, also made its way to Spain, where it ultimately was included in Spanish collections such as the *Epitome*, in the late sixth or early seventh century, and the *Hispana*, by the late seventh century⁴⁰.

Another contact is seen in the transmission to Spain of a small collection of canon extracts, primarily from the Gallic Council of Epaon in 517, that were incorporated into the *Hispana* as an addendum to the Council of Agde of 506. The Spanish compilers did not quite know what to do with them, and prefaced them with the heading, «Citations that are not found in the ancient copies of councils, but

³⁷ Nevertheless, some have suggested that there was «surprisingly little» Gallic influence upon the development of the Nicene church of Spain, and that only the writings of Caesarius of Arles had any great influence there: see R. Collins, *Early Medieval Spain: Unity in Diversity, 400-1000*, New York, 1983, 59-60.

³⁸ Note Canon 16 of the Council of Tarraco, which commented, «*canonum ante omnia Gallicanorum de eius constitutione servata*», and cited can. 27 of Agde and can. 19 of Orléans (511) (*PL* 84.312).

³⁹ «*Manentibus siquidem his, quae patrum statuta singulis ecclesiis concesserunt, decernimus, ut circa haec, quam tam in Gallica quam in Spania provinciis de causa religionis emergerint, sollertia tuae fraternitatis invigilet...*»: Symmachus, *Epist.* «*Qui veneranda*» = *Epist. Arl.* 28: *MGH Epist.* 3.41-42. See Turner, «Arles».

⁴⁰ Including the councils of Arles I (314), Valence (374), Turin (398), Riez (439), Orange (441), Vaison (442), Orléans (511), Arles II (ca.500), Agde (506), and Arles III (524). See Maasen, *Geschichte*, 651-654; Martínez Díez, *Hispana*, 26-49; and Schäferdiek, «Arles», 13-15.

which are inserted into them by certain persons»⁴¹. There also is the question of the *Statuta ecclesiae antiqua*, which generally is thought to have been created in Gaul in the late fifth century⁴². The *Hispana* not only includes it, but also adds an additional chapter⁴³. And appended at the end of the *Hispana*'s catalogue of 103 papal letters was the pseudo-Gelasian «Decreta Romanae sedis de recipiendis et non recipiendis», which likewise was actually written in southern Gaul, perhaps in the early sixth century⁴⁴.

The means by which this Gallic material made its way to Spain is unknown, but several ecclesiastical contacts between Gaul and the Visigothic kingdom are attested during the sixth century. For example, there is the case of Deutherius, a native of Bourges who moved to Visigothic Septimania and became bishop of Agde in the late 560s; ca. 581 he fled to Francia, where he became bishop of Vence in 588⁴⁵. There is no reason to believe that he would not have had canonical documents in his possession.

Not until the seventh century, however, does one find clear indications of Spanish influence on Gallic canonical collections. Circa 600, for example, the Spanish «Third Council of Toledo» of 589 made its way into the collection of St-Maur. The collection of Albi, which was created for bishop Dido of Albi, also ca.600, has several affinities with the *Hispana*. A section of the Council of Chalcedon, for example, is that of the *Hispana*⁴⁶. Furthermore, the index entries, rubrics, and texts of some councils are cited in the versions of the *Hispana*; for example, in two places there are references to the «Second Council of Arles,» a locution found only in Spanish collections⁴⁷. These observations suggest that by ca.600 Spanish canonical material was available at Albi, a conclusion supported by

⁴¹ «Sententiae quae in veteribus exemplaribus conciliorum non inveniuntur, sed a quibusdam in ipsis insertae sunt».

⁴² See Morin, «Statuta».

⁴³ Can.102 (*CCL* 148.185, cited in the apparatus only); see Coquin, «Statuta», 195.

⁴⁴ Martínez Díez, *Hispana*, 215.

⁴⁵ Greg.Tur. *HF* 9.24, *Glor.conf.* 12-13, *Glor.mart.* 81.

⁴⁶ See Maasen, *Geschichte*, 603. This section begins «Incipiunt capitula de canonis gallicanis» (fol.23).

⁴⁷ The index entry reads, «Canon. Arelatensis II», and the rubric, «*Incipit synodus Arelatensis secunda*»: see Lowe, *CLA* 6 no.836; and Maasen, *Geschichte*, 592-603.

the presence of sixteen extracts from the *Hispana* in a ninth-century manuscript of Albi⁴⁸.

Additional evidence for the penetration of Spanish influence into Gaul is seen in the collection of St-Amand, which was created ca.680⁴⁹. It is modelled on a form of the *Hispana* that made its way into Gaul in the second half of the seventh century. It includes Spanish councils from Elvira to the Eighth Council of Toledo of 653, and even the Gallic councils that do not appear in the *Hispana* are grouped according to location and given sequence numbers, as in the *Hispana*. Finally, it also may have been at this time that an additional group of Gallic councils comprised by Vaison II (529), Orléans V (549), Orléans III (538), Epaon (517), Carpentras (527), Orléans I (511), and Orléans III (533), and not found in the *Epitome*, made its way to Spain and was incorporated into the developing *Hispana*⁵⁰.

To conclude, one might emphasize, first and foremost, that the creation of *Libri canonum* in Gaul during Late Antiquity was a local matter. Compilers picked and chose what to include, even some rather uncanonical material. They also took the liberty, on occasion, of summarizing, editing, and rewriting existing documents. At this time, neither Arles nor any other city served as a center for the dissemination of «standardized» canonical collections. Moreover, the authority of documents issued by eastern councils and the popes in Rome lay primarily prior to the 450s.

The only significant outside influence on the development of Gallic canonical collections during Late Antiquity came in the late sixth and seventh centuries, and from Spain. Spanish councils came to be contained in some Gallic collections, and the Spanish method of organizing canonical material was adopted in at least some Gallic churches. In the eighth century, the *Hispana* itself was copied in Gaul⁵¹. But by this time, the creation of purely local compilations in Gaul was on the wane. In 774, Pope Hadrian had sent the so-called *Hadriana*, an updated *Dionysiana*, to Charlemagne, and systematic collections of canon law, such as the *Herovalliana* and the so-called «Collection of Angers»⁵², soon were to displace the older «historical» collections. By the end of Late Antiquity, the age not

⁴⁸ Albi BM no.41, IX, fol.17-32.

⁴⁹ See Lowe, *CLA* 8 no.1060; and Maasen, *Geschichte*, 780-784.

⁵⁰ See Martínez Díez, *Hispana*, 237, for «infiltraciones francas del reinado de Egica».

⁵¹ See the *Codex Vindobonensis* 411.

⁵² See Mordek, *Kirchenrecht*, who dubs this collection the «Vetus Gallica.»

only of Gallic councils but also of the compilation of local *Libri canonum* had passed, and Gaul became part of a larger world of canon law.

Order of Appearance of Selected Documents in Some Early Gallic Manuscripts

(Heading includes Manuscript number / Collection name / Date of original collection / Date of manuscript)

<i>Cologne 212</i> "Cologne coll." LV/ca. 550 c.600	<i>Paris 12097</i> "Corbie coll." ca. 525/526 VI/VII	<i>Berlin 1745</i> "Lyon coll." ca. 550 VII	<i>Vatican 574</i> "Lorsch coll." ca. 550 VIII	<i>Paris 1564</i> "Pithou coll." ca. 580 IX	<i>Toulouse 364</i> "Albi coll." ca. 550 ca. 650/675	<i>Paris 1451</i> "St-Maur coll." ca. 595 800/816
1 <i>Can.Apost.</i> 2 Nicaea		11] <i>Can.Apost.</i> [2] Nicaea	1 Nicaea 2 Arles		1 <i>Can.Apost.</i> 2 Nicaea 325 3 Constant 381 4 Chalcedon 451	1 Nicaea Chalcedon Ephesus 431 Rome 595 10 Serdica
3 Serdica					5 Serdica 6 Carthage 419 Ancyra Neocaesarea	2 Ancyra 3 Neocaesarea 4 Gangra
	1 Ancyra 2 Neocaesarea 3 Gangra (1)	3 Ancyra [4] Neocaesarea 5 Gangra			30 Orange 441 31 Vaison 442 32 Arles II 33 Agde 506 35 Clermont 535 39 REGULA TERIDIO 40 LUPUS TRICAS. 41 Vannes 465 42 LEO BITURICENSIS &C 43 TROJANUS SANTONENSIS Honorius 48 <i>Brev.Hipp.</i> 49 Carthage 50 Thelepte 418 52 Epaon 517 53 Arles 524	
	<i>Canones urbicani</i> <i>Canones urbicani II</i> /13 <i>Brev.Hipp</i> 14 Telepte 15/ Gangra (2) /16 Nicaea		<i>Canones urbicani</i>	<i>Canones urbicani</i> <i>Canones urbic. II</i> 62 Orléans 511 63 Orléans 538	<i>Decreta</i>	
	/17 Antioch 16/18 Laodicea 17/19 Constant	6 Antioch [7] Laodicea 8 Constant 381 9 Chalcedon [10] Serdica [11] Carthage	11 Symmachus 12 John II			5 Antioch 6 Laodicea 7 Constant. 8 Chalcedon 9 <i>Can.Apostol.</i> 11 Carthage <i>Statuta</i> 12 Telepte 418
4 Carthage <i>Statuta</i> 5 <i>Nov.Val.</i> 6 <i>Nov.Val.</i> 7 Arles 314	Carthage 18/20 <i>Statuta</i> /21 [Nicaea] /22 [Arles] /23 [Carth] 19/25 Valence 374 20/ ["Fréjus"]	13 Ancyra 14 Arles 314 ----- 15 Valence 374 [16 "Fréjus"]	13 <i>Statuta</i> 14 Valence 374 15 "Fréjus" 374		Arles 314 <i>Capitula</i> Valence 374 "Fréjus" 374 Riez 439 Arles II Viventiolus <i>Canones urbicani</i> <i>Canones urbicani II</i> <i>Brev.Hipp.</i>	

<i>Cologne 212</i> "Cologne coll."	<i>Paris 12097</i> "Corbie coll."	<i>Berlin 1745</i> "Lyon coll."	<i>Vatican 574</i> "Lorsch coll."	<i>Paris 1564</i> "Pithou coll."	<i>Toulouse 364</i> "Albi coll."	<i>Paris 1451</i> "St-Maur coll."
					Telepte 418 Gangra Nicaea 325 Valence 374 Turin 398 Innocent Riez 439	
8 Nîmes 394/6	21/26 [Turin] 22/27 Innocent /28 [Riez]	17 Riez 439	16 Riez 439			
9 Orange	/29 [Orange]	18 Orange 441	17 Orange 441			
10 Vaison	/30 [Vaison]	19 Vaison 442	18 Vaison 442			
						14 Agde 506 15 Angers 453 16 Orléans 511
11 Orléans						
12 Valence 374	/31 [Arles II]	20 Arles II	19 Arles II 21 Orange 529		Arles II 20 Boniface II Agde 506	17 Arles II 18 Orange 441
13 Agde 506	/32 [Agde]	21 Agde 506	22 Agde 506			
14 Innocent						
15 Innocent	/33 [Orléans 511] /34 Leo /35 Hilarus	[22] Orléans 511	23 Orléans 511		Leo Hilarus	
16 Epaon 517	/36 Arles 314 /41 Arles 314	23 Epaon 517	24 Epaon 517			19 Valence 374
17 Riez 439						
18 Arles II						20 Riez 439
19 Symmachus						21 Vaison 442
Arles 524	/42 [Ar] 524] / [Epaon 517] Constant 448 (Chalcedon dossier) <i>BREVIARIUM</i>	24 Arles 524	25 Arles 524		Arles 524	
				74 Constant 448 (Chalcedon dossier) 86 <i>BREVIARIUM</i> 87 Chalcedon 451 89 Siricius 88 Rome 502 91 Theoderic 92 Theoderic 93 Rome 94 Theoderic 96 Rome [97] Symmachus' 98 Pelagius II 99 Augustine Vaison 529 Carpentras 527		
20 Carpentras 527		Carpentras 527	26 Carpentras 527 27 Vaison 529 28 Rome 502	Orange 529		
21 Vaison 529		Orange 529			Orléans 541 <i>Statuta</i> <i>Statuta</i> Vaison 442 Agde 506 Arles 524 Vaison 529 Clermont 535 Vaison 442	
22 Gennadius						22 Arles 314
<i>Canones urbicani</i>						
30 Turin 398						
	Clermont 535 Policronius	Clermont 535	30 Clermont 535			23 Clerm 535
31 Orléans 538		Orléans 538	31 Orléans 538 32 Orléans 541	Orléans 538 Orléans 541	Orléans 538	
32 Orléans 541			----- Silvester Zosimus			

<i>Cologne</i> 212 "Cologne"	<i>Paris</i> 12097 "Corbie"	<i>Berlin</i> 1745 "Lyon"	<i>Vatican</i> 574 "Lorsch"	<i>Paris</i> 1564 "Pithou"	<i>Toulouse</i> 364 "Albi"	<i>Paris</i> 1451 "St.Maur"
		Orléans 549	Avitus Vienn. Orléans 549 <i>Can.Apost.</i> Carthage 525 ARLES 451/2	Orléans 549	Orléans 549 Leo Manichees	24 Orléans 549
33 LYON 518	Vaison 529	Vaison 529				25 Epaon 517 BONIFACE II 26 Orange 529
34 Oran 529	Childebert	Arles 554			Orange 529	
	Paris 573 CLOTHAR II	<i>Notitia</i> Leo Macon 581/583			Gangra	<i>Canones urbicani</i> 27 Leo &c 28 Zosimus &c 28 Siricius &c ----- 30 Toledo 589 -----
35 Arles I			<i>De incestis</i> Gregorius Mag <i>Brev.ord.</i>		Chalcedon Marcian Leo	
36 Honorius	Orléans 549					
37 Anastasius	Capitula					<i>Capitula</i>
38 Cyprianus						
39 Orléans 549						
40 Zosimus	Virgo lapsa					
41 Leo						
42 Symmachus	Nicaea					
43 Symmachus	<i>Sirm.</i> 13	<i>Sirm.Const.</i> -----				
44 Nicaea	Leo					
45 JOHN II	Leo					
46 Siricius	Siricius					
47 Valence 374	<i>Tituli</i>					
48 Riez 439	Leo Sens					
49 Augustine	Vannes 461/91			Orléans 511		Auxerre 567
50 Marseilles 533 -----	Orléans 511 Arles II Agde 506 Epaon 517 Carthage 418 <i>Statuta</i> Orléans 538			Tours 461 Vannes 461 John II		Chalon I Tours II
51 Theoderic	Nicaea				Epaon 517	
52 Zosimus	Serdica			Bordeaux 662?		<i>Statuta</i>
53 Constantinople 448 (Chalcedon dossier)						
58 Constantinople 381					PARIS 614	Lautunum 673/5
62 Ancyra						
63 Neocaesarea						
64 Gangra						

1) Councils that appear in only one manuscript are outlined; those found in only two mss. are in small capitals.

2) Numbers are those that appear in the index or rubric.