



The Text of Visigothic Law in Practice

GRAHAM BARRETT
UNIVERSITY OF LINCOLN

ABSTRACT

This essay is a case study in the textual transmission of the Visigothic law code or *Book of Judgements (Liber Iudiciorum)*. Rather than relying solely on manuscript copies, I draw on charters as sources for the text, and by tracking the citation of treason law across the corpus of documentation from early medieval Asturias-León and Navarra, I identify three new witnesses. On the basis of this methodology and its results, I then propose a new approach to reading the code through its use in practice which should be taken into account in the revision of the standard *Monumenta Germaniae Historica* edition.

ESSAY

Charters from early medieval Iberia are more than just written records of transactions: they are intertextualities, their combination of sources establishing their full meaning. They are intersections in a network of texts which encompasses other charters, secular and canon law, Holy Scripture, and monastic rules, and thereby also witnesses to the transmission of each component of that network of texts. For secular law, the text is the Visigothic code or *Book of Judgements (Liber Iudiciorum)*: promulgated by Recceswinth (649/53-72) in 654, revised and reissued by Ervig (680-87) in 681, a



defining part of the cultural inheritance of the post-Visigothic kingdoms and counties in the north of the Peninsula. What I propose to offer here is a case study in this channel of that textual transmission – an exercise in juristic papyrology or, better, “juristic diplomatics” – by tracking the citation of one law through the corpus of documentation.¹ The code was edited by Karl Zeumer (1849-1914) in 1902, and though remaining the edition of reference its shortcomings are well known.² For now what matters is that he printed the text neatly divided into columns representing the Recceswinth and Ervig recensions, the latter either “pure” or including sundry novels of Egica (687-702), but each based on only four manuscript witnesses; a further twenty codices he classified as “inferior forms,” marking them down with a V for having been “compiled in varied manner.”³ Since then, the seminal work of Manuel Díaz y Díaz and Yolanda García López has not only identified fifteen more manuscripts, but also drawn out how “inferior” form and “varied” compilation in fact reflect three broad traditions of use made of the Visigothic code in Catalunya, La Rioja, and León-Castilla.⁴ This insight is crucial; the logical next step is to apply both copies and uses of the code to its textual transmission, and I aim to make a start for the early Middle Ages.

¹ José Luis Alonso Rodríguez, “Juristic Papyrology and Roman Law,” in *The Oxford Handbook of Roman Law and Society*, ed. Paul J. du Plessis, Clifford Ando, and Kaius Tuori (Oxford: Oxford University Press, 2016), 56-69.

² Manuel C. Díaz y Díaz, “La *Lex Visigothorum* y sus manuscritos: un ensayo de reinterpretación,” *Anuario de Historia del Derecho Español* 46 (1976): 163-282; Roger Collins, *Visigothic Spain, 409-711* (Oxford: Blackwell, 2004), 223-46.

³ Karl Zeumer, *Leges Visigothorum*. MGH Leges 1. Leges Nationum Germanicarum 1 (Hanover-Leipzig, 1902), xix-xxv (at xix).

⁴ Díaz y Díaz, “La *Lex Visigothorum*,” 183-224; Yolanda García López, “La tradición del *Liber Iudiciorum*: una revisión,” in *De la Antigüedad al Medioevo: siglos IV-VIII. III Congreso de Estudios Medievales* (Ávila: Fundación Sánchez Albornoz, 1993), 381-415; Yolanda García López, *Estudios críticos y literarios de la “Lex Visigothorum”* (Alcalá de Henares: Universidad de Alcalá de Henares, 1996), esp. 7-37.

The study of the Visigothic code is by definition post-Visigothic: the oldest surviving copy (Vatican City, Biblioteca Apostolica Vaticana, Reg. lat. 1024) dates to the early eighth century.⁵ Down to the end of the eleventh century another nineteen copies are known, twelve of them from the Catalan or “occidental” tradition.⁶ As such, even a handful of additional witnesses would be significant in proportion, especially so for outside of Catalunya, which is where I shall focus this essay. The study of Visigothic diplomatics is by necessity post-Visigothic too: from before 711, five parchment charters and the *pizarras* (slate texts), all fragmentary.⁷ In contrast, just over 4,000 charters survive from the early medieval kingdoms of Asturias-León and Navarra, taking the fall of the caliphate at Córdoba in 1031 as a cut-off date; the richness of documentation from contemporary Catalunya needs no belaboring.⁸ The afterlife of the code in these corpora has been the object of much valuable scholarship, especially for the Catalan material.⁹ But none of the work on Asturias-León and Navarra has encompassed either all the charters or the full range of legal citations.¹⁰ In fairness, the

⁵ See https://digi.vatlib.it/view/MSS_Reg.lat.1024.

⁶ García López, *Estudios*, 35-36.

⁷ Miguel Calleja-Puerta, Pilar Ostos-Salcedo, María Luisa Rodríguez, and María Josefa Sanz Fuentes, *Chartae Latinae Antiquiores* 114. *Spain III. Portugal* (Dietikon-Zürich: Urs Graf Verlag, 2018), 1-5; Isabel Velázquez Soriano, *Las pizarras visigodas. Entre el latín y su disgregación. La lengua hablada en Hispania, siglos VI-VIII* (Burgos: Real Academia Española, 2004).

⁸ Graham Barrett, *The Written and the World in Early Medieval Iberia* (Oxford: Oxford University Press, forthcoming), ch. 1; Adam J. Kosto, “Laymen, Clerics, and Documentary Practices in the Early Middle Ages: the Example of Catalonia,” *Speculum* 80.1 (2005): 44-53.

⁹ See e.g. Michel Zimmermann, “L’usage du droit wisigothique en Catalogne du IX^e au XII^e siècle: approches d’une signification culturelle,” *Mélanges de la Casa de Velázquez* 9 (1973): 233-81; Walter Kienast, “La pervivencia del derecho goda en el sur de Francia y Cataluña,” *Boletín de la Real Academia de Buenas Letras de Barcelona* 35 (1973-74): 265-95; Aquilino Iglesia Ferreirós, “La creación del derecho en Cataluña,” *Anuario de Historia del Derecho Español* 47 (1977): 99-423; García López, *Estudios*, 41-118; Jeffrey A. Bowman, *Shifting Landmarks: Property, Proof, and Dispute in Catalonia around the Year 1000* (Ithaca: Cornell University Press, 2004), 33-55.

¹⁰ See e.g. Roger Collins, “*Sicut lex Gothorum continet*: Law and Charters in Ninth- and Tenth-Century León and Catalonia,” *English Historical Review* 396 (1985): 489-512; Walter Graf von Plettenberg, *Das Fortleben des Liber Iudiciorum in Asturien/León (8.-13.Jh.)* (Frankfurt am Main: Peter Lang, 1994); García López, *Estudios*, 119-54; Claudio Rodiño Caramés, “A *Lex gótica* e o *Liber Iudicum* no reino de León,” *Cuadernos de Estudios Gallegos* 44.109 (1997): 9-52; Emiliano González Díez, “Decir el derecho en el Medievo en el reino de León (910-1230),” in *La aplicación del derecho a lo largo de la historia: Actas III Jornadas de Historia del Derecho de la Universidad Jaén*, ed. Juan Ángel Sáinz Guerra, Miguel Ángel Chamocho Cantudo, and Isabel Ramos Vázquez (Jaén: Universidad de Jaén,

editions themselves present part of the problem: few identify even explicit citations of law, let alone implicit allusions.¹¹ My own survey suggests that slightly more than one-tenth of this corpus cites the code in direct or indirect form.¹² In spite of the scant material from the Asturian period (718/22-910), the earliest instances date from the eighth century, indicating unbroken continuity of practice from the Visigothic era, rather than renewal by “Mozarabic” immigration or royal initiative as has been proposed, but either could have contributed to its intensification.¹³ Over time, citation of law became more frequent, rising fourfold in incidence across the Leonese period (910-1031/37); it was twice as common in Galicia and Portugal as in Asturias and León, twice again as in Castilla and La Rioja, reflecting a steadily decreasing level of “textuality” from the west to the east.¹⁴

1998), 30-53; Amancio Isla Frez, “La pervivencia de la tradición legal visigótica en el reino asturleonés,” *Mélanges de la Casa de Velázquez* 41.2 (2011): 75-86.

¹¹ Notable exceptions: Emilio Sáez, *Colección documental del Archivo de la Catedral de León (775-1230), I (775-952)* (León: Centro de Estudios e Investigación “San Isidoro,” 1987), 411; Manuel Augusto Rodrigues and Avelino de Jesus da Costa, *Livro Preto: Cartulário da Sé de Coimbra. Edição crítica. Texto integral* (Coimbra: Universidade de Coimbra, 1999), 973-74.

¹² Barrett, *The Written and the World*, ch. 5.

¹³ Santos M. Coronas González, “El derecho de Asturias en la Alta Edad Media,” in *Libro del I Congreso Jurídico de Asturias* (Oviedo: Academia Asturiana de Jurisprudencia, 1987), 73-95; Gonzalo Martínez Díez, “Los fueros leoneses: 1017-1336,” in *El Reino de León en la Alta Edad Media 1* (León: Centro de Estudios e Investigación “San Isidoro,” 1988), 289-91; José Sánchez-Arcilla Bernal, “El derecho especial de los fueros del reino de León (1017-1229),” in *El Reino de León en la Alta Edad Media 2* (León: Centro de Estudios e Investigación “San Isidoro,” 1992), 226-36; Alfonso Prieto Prieto, “La potestad judicial de los reyes de León,” in *El Reino de León en la Alta Edad Media 2* (León: Centro de Estudios e Investigación “San Isidoro,” 1992), 527-52; cf. Rafael Gibert, “Enseñanza del derecho en Hispania durante los siglos VI a XI,” *Ius Romanum Medii Aevi*, I 5 b cc (Milan: Giuffrè, 1967), 35-36.

¹⁴ Roger Collins, “Visigothic Law and Regional Custom in Disputes in Early Medieval Spain,” in *The Settlement of Disputes in Early Medieval Europe*, ed. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 1986), 97-104; Luisa Laffón Álvarez, “Arenga hispana: una aproximación a los preámbulos documentales de la Edad Media,” *Historia, Instituciones, Documentos* 16 (1989): 149-50; Ernesto Pastor Díaz de Garayo, *Castilla en el tránsito de la Antigüedad al feudalismo. Poblamiento, poder político y estructura social: del Arlanza al Duero (siglos VII-XI)* (Valladolid: Junta de Castilla y León, 1996), 186-95; Félix Martínez Llorente, “La aplicación del Derecho en la Castilla altomedieval (s. IX-XIII),” in *La aplicación del derecho a lo largo de la historia. Actas III Jornadas de Historia del Derecho de la Universidad Jaén*, ed. Juan Ángel Sáinz Guerra, Miguel Ángel Chamocho Cantudo, and Isabel Ramos Vázquez (Jaén: Universidad de Jaén, 1998), 56-93; Eva María Castro, “Aspectos literarios y jurídicos en las *Leges Wisigothorum*,” *Minerva* 13 (1999): 134-39; Jeffrey A. Bowman, “From Galicia to the Rhône: Legal Practice in Northern Spain around the Year 1000,” in *Culture and Society in Medieval Galicia: a Cultural Crossroads at the Edge of Europe*, ed. and trans. James D’Emilio (Boston and Leiden: Brill, 2015), 343-60.

What did citing law entail?¹⁵ On the surface, the Visigothic code is a basic element of the legitimizing rhetoric of charters. Some citations recur so often as to be formulaic: legal passages or precepts quoted in the preamble or corroboration clause to authorize or rationalize the text or transaction, or else invoked in the sanction clause to assess or assign penalties for any interference with it.¹⁶ They enhance the charter, lend to it a legal patina; they need not have involved consulting the code, but they draw on its authority, and (since not all point to actual provisions found in it) that of written law generally, betokening an audience attuned to legally resonant language. At a deeper level, many more individual citations imply a first-hand engagement with the code: unique or too extensive or adapted in wording to be template in circulation, they presuppose at some stage an encounter with or consultation of it. Laws on inheritance, property ownership, procedures, and punishments here provide not determinants of transactions or resolutions to disputes but a baseline, a complex of operational parameters, bearing witness to a general yet flexible acceptance of written rules for the social interactions involved. This in turn has a quieter manifestation, in implicit rather than explicit citations, the signs of internalization of legal norms into the language of custom, shaping the construction of a charter and the processes which it records and enacts with terms and tenets from relevant legislation. Clearly the contents of the code were always to hand, and enjoyed the authority to define, or least to frame, truth and justice.¹⁷ Who would not wield such power? More than any others, it was kings and

¹⁵ See Barrett, *The Written and the World*, ch. 5, for what follows.

¹⁶ Álvaro Carvajal Castro, “Secular Sanctions and Sales in Early Medieval León (9th-11th c.): Beyond Diplomatic Practice,” *Al-Masāq* 29.2 (2017): 151-71. cf. André Evangelista Marques, “Between the Language of the Law and the Language of Justice: the Use of Formulas in Portuguese Dispute Texts (Tenth and Eleventh Centuries),” in *Law and Language in the Middle Ages*, ed. Matthew W. McHaffie, Jenny Benham, and Helle Vogt (Boston and Leiden: Brill, 2018), 128-64.

¹⁷ Isabel Alfonso, “Judicial Rhetoric and Political Legitimation in Medieval León-Castile,” in *Building Legitimacy: Political Discourses and Forms of Legitimation in Medieval Societies*, ed. Isabel Alfonso, Julio Escalona, and Hugh Kennedy (Boston and Leiden: Brill, 2004), 78-85; Wendy Davies, “Judges and

counts who realized the potential for Visigothic law as a tool of lordship, and reaped the rewards.¹⁸ In doing so, they left rich evidence of its early medieval textual transmission, and it is the use of treason law by the kings of Asturias-León against their rebellious subjects which constitutes the example for this case study.¹⁹

Treason Law in the Code

From its own internal evidence, the fundamental Visigothic law on treason was issued by Chindaswinth (642-53) in the second year of his reign (643-44), then modified either under his son Recceswinth or in the production of the Ervig recension, which most notably featured the repeal of execution and blinding as prescribed modes of punishment.²⁰ The codified text is to be found in Book 2, Title 1, Sentence 6 of the *Book of Judgements* (numbered as 2.1.8 in the Zeumer edition), and is reinforced by canon law decreed at the Seventh Council of Toledo (646), amongst others.²¹ As a piece of legislation, it is bombastic and expansive, paranoid and xenophobic, involved and oddly precise, in practical terms surely unworkable. At points there is also noticeable

Judging: Truth and Justice in Northern Iberia on the Eve of the Millennium,” *Journal of Medieval History* 36.3 (2010): 193-203.

¹⁸ Wendy Davies, *Windows on Justice in Northern Iberia, 800-1000* (Abingdon: Routledge, 2016), 181-203.

¹⁹ Hilda Grassotti, “La ira regia en León y Castilla,” *Cuadernos de Historia de España* 41-42 (1965): 5-135; Aquilino Iglesia Ferreirós, *Historia de la traición. La traición regia en León y Castilla* (Santiago de Compostela: Universidad de Santiago de Compostela, 1971), 83-146, 269-85; Rodiño Caramés, “A *Lex gótica*,” 26-28; Mariel Pérez, “*Rebelles, infideles, traditores*. Insumisión política y poder aristocrático en el reino de León,” *Historia, Instituciones, Documentos* 38 (2011): 361-82.

²⁰ Iglesia Ferreirós, *Historia*, 21-81; Federico Gallegos Vázquez, “El delito de traición en el derecho visigodo,” in *Análisis sobre jurisdicciones especiales*, ed. Manuela Fernández Rodríguez, Erika Prado Rubio, and Leandro Martínez Peñas (Valladolid: Asociación Veritas para el Estudio de la Historia, el Derecho y las Instituciones Omnia Mutantur, 2017), 35-60.

²¹ Zeumer, 53-57; S. P. Scott, trans., *The Visigothic Code (Forum Judicum)* (Boston: Boston Book Company, 1910), 17-18; Joan Bellès i Sallent, Jesús Alturo i Perucho et al., trans., *Llibre dels judicis: traducció catalana moderna del “Liber Iudiciorum”* (Barcelona: Parlament de Catalunya, 2008), 42-43; Rafael Ramis Barceló and Pedro Ramis Serra, trans., *El Libro de los Juicios (Liber Iudiciorum)* (Madrid: Agencia Estatal Boletín Oficial del Estado, 2015), 71-79; VII Toledo (646), in Gonzalo Martínez Díez and Félix Rodríguez, *La colección canónica Hispana* 5 (Madrid: C. S. I. C., 1992), 1. The new English translation of the *Liber Iudiciorum* in preparation by Noel Lenski and Damián Fernández is much anticipated.

contamination between the two recensions, such that the presentation of the respective versions may in part be an artefact of the editorial method which Zeumer applied. As context for what follows I provide here a simplified text based on that edition, punctuated for comprehension and subdivided for reference, and an accompanying translation.

[Recceswinth recension]

[Ervig recension]

VI. FLAVIUS CHINDASVINDUS REX. VI.²²

[1] De his qui contra principem vel gentem aut patriam refugi sive insultentes existunt.

[2] Quantis actenus Gotorum patria concussa sit cladibus, quantisque iugiter quatiatur istimulis profugorum hac nefanda supervia deditorum, ex eo pene cunctis est cognitum, quod et patrie diminutionem agnoscunt, et hac hoccasione potius quam expugnandorum hostium externorum arma sumere sepe compellimur.

[3] Ut ergo tam dira temeritas tandem victa depereat, et in huiusmodi transgressoribus manifesta iscelera non relinquuntur ulterius impunita, hac omne per evum valitura lege sancimus, ut quicumque, ex tempore reverende memorie Chintilani²³ principis usque ad annum Deo favente regni nostri secundo vel amodo et ultra, ad adversam gentem vel extraneam partem perrexit sive perrexerit, aut etiam ire voluit vel quandoque voluerit, ut sceleratissimo ausu contra gentem Gotorum vel patriam ageret, aut fortasse conetur aliquatenus agere, et captus sive detectus extitit vel

²² Zeumer notes five manuscripts reading Recceswinth.

²³ Zeumer notes two manuscripts reading Swinthila (621-31).

extiterit, sive ab anno regni nostri primo vel deinceps quispiam infra fines patrie Gotorum quamcumque conturbationem aut scandalum in contrarietatem regni nostri vel gentis facere voluerit, sive ex tempore nostri regiminis tale aliquid agere vel disponere

[Recceswinth]

[Ervig]

conatus est aut fuerit, atque quod indignum dictum

videtur, in necem vel abiectioem nostram sive subsequentium regum intendere vel intendisse proditus videtur esse vel fuerit: horum omnium scelerum vel unius ex his quisque reus inventus

[Recceswinth]

[Ervig]

inretractabilem sententiam mortis et si nulla mortis ultione plectatur aut excipiat, nec ulla ei de cetero sit vivendi libertas indulta. Quod si fortasse pietatis intuitu a principe fuerit illi vita concessa, non aliter quam effossis oculis relinquatur ad vitam, quatenus nec excidium videat, quo fuerat nequiter delectatus, et amarissimam vitam ducere se perenniter doleat.

et si nulla mortis ultione plectatur aut effosionem perferat oculorum, secundum quod in lege hac hucusque fuerat constitutum, decalvatus tamen C flagella suscipiat, et sub artiori vel perpetuo erit religandus exilio pene, et insuper nullo umquam tempore ad palatini officii reversurus est dignitatem. Sed servus principis factus et sub perpetua servitutis catena in principis potestate redactus,

eterna tenebitur exilii religatione
obnoxius.²⁴

[4] Res tamen omnes

[Recceswinth]

[Ervig]

vel eius, qui morte est pro tali iscelere huius tam nefarii transgressoris²⁵

perimendus, vel huius, qui vite propter

suam nequitiam infelicissime

reservabitur,

in regis ad integrum potestate persistent, et cui donate fuerint ita perpetim securus possideat, ut nullus umquam succedentium regum, causam suam et gentis vitiaturus, has ullatenus auferre presumat.

[5] Verum quia multi plerumque repperiuntur qui, dum his et talibus pravis meditationibus occupantur, argumento quodam fallaci in ecclesiis aut uxoribus vel filiis adque amicis seu in aliis quibuscumque personis suas inveniantur transduxisse vel transducere facultates, etiam et, ipsa que fraudulenter in dominio alieno contulerant iure precario reposcentes, sub calliditatis studio in suo denuo dominio possidenda recipiant, unde nihil de suis rebus visi sunt admisisse, nisi solum concinnacione falsissima fictas quasi veredicas videantur scripturas conficere.

[6] Ideoque hanc nequissimam argumentationem presentis legis decreto amputare elegimus, ut, calcatis vel evacuatis seu rescissis scripturis ac fraude confectis, quidquid

²⁴ Zeumer notes nine manuscripts showing contamination between [Recceswinth] and [Ervig].

²⁵ Zeumer notes eight manuscripts showing contamination between [Recceswinth] and [Ervig].

eo quisque tempore possidere repperiatur quo fuerit in predictis criminibus deprehensus, totum continuo fisci viribus ad integrum adplicetur, ut concedere iam dictas facultates, sicut supra dictum est, cui rex voluerit vel facere exinde quidquid elegerit in sue potestatis consistat arbitrio.

[7] Alia vero quecumque ab hac fraude aliena inventa extiterint, ordinata legibusque confecta, vigore legum maneat solidata, illis ab huius legis sententia personis evidenter exceptis, quibus a precedentibus regibus culpa dinoscitur fuisse concessa. Nam si humanitatis aliquid cuicumque perfido rex largiri voluerit, non de facultate eius sed unde placuerit principi, tantum ei solummodo concessurus est quantum hereditatis eiusdem culpati vicesima portio fuisse constiterit.

[Recceswinth]

[Ervig]

6. King Flavius Chindaswinth.

6.

[1] On those who prove to be deserters or dissidents against the king or people or land.

[2] By how many catastrophes the land of the Goths has to date been shaken, and by how many provocations from exiles and how much cursed arrogance on the part of traitors it has continually been troubled, is known to nearly everyone, because they perceive a lessening of the land, and we are often obliged to take up arms on this account, rather than that of vanquishing foreign foes.

[3] Therefore, in order that such appalling recklessness – at long last crushed – may be permanently destroyed, and that the flagrant crimes by offenders of this type may no

longer be left unpunished, we decree by this law to stand for all time that whosoever, from the era of King Chintila of honored memory down to the second year (God willing) of our reign and from now onwards, has traveled or will travel to a hostile people or foreign parts, or has even wished to go or will someday wish to go, so as to take action with the most criminal audacity against the people of the Goths or the land, or perhaps so that he may try for a while to take such action, and has been or will be captured or exposed, or if someone from the first year of our reign or henceforth has wished to cause any unrest or intrigue whatsoever within the frontiers of the land of the Goths to the misfortune of our kingdom or people, or from the time of our rule

[Recceswinth]

[Ervig]

is seen to take or set in motion any such action,

has tried or will try to take or set in motion any such action, and (what seems unworthy of mention)

is seen to have been or will be revealed to be aiming or have aimed at our murder or overthrow or that of future kings: let anyone found guilty of all these crimes, or one of them,

[Recceswinth]

[Ervig]

receive an irrevocable sentence of death, nor let any right to live be granted to him otherwise. But if perhaps in the interest of mercy life has been allowed to him by the king, let him be left to his life in no state

though he should not be punished by any vengeance of death or suffer the gouging out of his eyes, according to what had hitherto been instituted by this law, scalped even so let him receive 100

other than with his eyes gouged out, such lashes, and he must then be bound over that he may not see the downfall in which into a still stricter and nigh permanent he had evilly taken pleasure, and also that exile, besides which he will at no time he may ever grieve to lead so very bitter ever return to the honor of palatine a life.

office. Instead, made a slave of the king and brought into the power of the king under the permanent chain of slavery, he will be held liable by the perpetual bond of exile.

[4] Moreover, let all the possessions

[Recceswinth]

[Ervig]

either of him who must be destroyed by death for such a crime or of him who will be spared for a very unhappy life on account of his iniquity

of this so heinous offender

remain entirely in the power of the king, and to whomever they have been given, let him hold them unmolested forever, such that none of the future kings, compromising his own cause and that of the people, may ever dare to take these away in any respect.

[5] Nevertheless, many frequently come to light who are found, while implicated in these and similar such corrupt preparations, to have conveyed or be conveying their properties on some fraudulent basis to churches or wives or children and friends or to any other individuals whatsoever, and who even, reclaiming those very things which they had falsely transferred into the ownership of another by the law of revocable grant

(*iure precario*),²⁶ take them back through premeditated cunning into their own ownership to hold once more, whence they have been seen to have lost none of their possessions, but are only seen to pass off counterfeit documents as genuine by the most deceitful fabrication.

[6] And therefore, we have determined to eradicate this very malicious ruse by the enactment of the present law, in order that, once the documents put together by this trickery have been suppressed, voided, or annulled, whatever anyone is discovered to own at that time when he has been detained in the aforesaid offences may all be forthwith added entirely to the resources of the fisc, so that granting the properties already mentioned, as is said above, to whomever the king wishes or doing with them whatever he chooses may rest in the judgement of his authority.

[7] Now, whatever other things have been found unconnected to this trickery, arranged and carried out according to the laws, let them stand reinforced by the strength of the laws, manifestly exempting from the pronouncement of this law those individuals for whom guilt is acknowledged to have been pardoned by earlier kings. For if the king wishes to bestow some human consideration on any treacherous person at all, he will grant him, not out of his property but from wherever else it pleases the king, only so much as has been established to have been a twentieth portion of the estate of the same guilty party.

²⁶ Difficult to capture concisely in translation: see Mario Bedera Bravo, “Infurción y fórmulas jurídicas de apropiación campesina de la tierra en la Edad Media,” *Anuario de Historia del Derecho Español* 86 (2016): 12-20.

Treason Law in Charters

We catch our first glimpse of Visigothic treason law in post-Visigothic legal practice at the end of the ninth century. Alfonso III (866-910) granted three diplomas to Santiago de Compostela of property confiscated by law from traitors against his rule: in the earliest, from 886, he handed over possessions formerly belonging to Hermegildo and his wife Yberia, who had rebelled and consequently lost them “by the decrees of the laws and the teachings of our synod” (*per legum decreta et nostre sinodis instituta*).²⁷ The citation, if that is even the word, is general, imprecise, and indeed on three more occasions the king made no mention of the law at all, but simply gave away possessions previously owned by faithless subjects. Here he seems to have been relying implicitly on his legal right to do so, as when in 895 he made an exchange of a *villa* owned by Vitizane “the unfaithful” (*infideli*), who had lost it for his crime; according to a retrospective account from 1007, this troublemaker rebelled for seven years, until Count Hermegildo Gutiérrez delivered him in defeat to Oviedo, where all his land was confiscated and redistributed.²⁸ Yet few successors of Alfonso III adopted the same tactics. Ramiro II (931-51) gave three *villae* of Gonzalo Muñoz, rebel aristocrat, to San Cristóbal de Vega in 946, while Ordoño III (951-56) donated a district to bishop Rosendo which certain cousins or nephews (*suprini*) had lost on account of their “abominable disloyalty” (*execrabili infidelitate*) in 955, and Ramiro III (966-84) made

²⁷ Manuel Lucas Álvarez, *La documentación del Tombo A de la Catedral de Santiago de Compostela. Estudio y edición* (León: Centro de Estudios e Investigación “San Isidoro,” 1997), 13 (cf. 15, 18); Gonzalo Martínez Díez, “Las instituciones del reino astur a través de los diplomas (718-910),” *Anuario de Historia del Derecho Español* 35 (1965): 134-36; Emiliano González Díez, “Monarquía leonesa y conflictos de orden social (siglos X-XII),” in *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, 2 vols. (León: Centro de Estudios e Investigación “San Isidoro,” 2007), vol. 2, 204-22.

²⁸ Lucas Álvarez, *Santiago*, 16; José Miguel Andrade Cernadas, Marta Díaz Tie, and Francisco Javier Pérez Rodríguez, *O Tombo de Celanova. Estudio introductorio, edición e índices (ss. IX-XII)* (Santiago de Compostela: Consello da Cultura Galega, 1995), 3; Juan José Sánchez Badiola, “Terminología vasallática en la documentación altomedieval leonesa (ss. IX-XI),” in *Actas del III Congreso Hispánico de Latín Medieval*, ed. Maurilio Pérez González, 2 vols. (León: Universidad de León, 2002), vol. 2, 688; Alfonso, “Judicial Rhetoric,” 58-63; cf. Lucas Álvarez, *Santiago*, 5, 12.

a testament to the episcopal see of León in 981 of property impounded for comparable infidelity to the king.²⁹ Silent lurks the Visigothic code: behind these all is the same legal framework, a presumption that traitors forfeited their possessions to the crown, but it is implemented without direct citation of the law.

The text of Visigothic treason law first becomes explicit in documentation from the reign of Vermudo II (982/84-99), when royal authority had reached its nadir as he struggled against magnate insurgency and Umayyad incursion. The chronicler Sampiro, who had begun his career as a notary under this ruler, flagged a shift in practice, recording that “he confirmed the laws established by King Wamba [672-80] and ordered the canons to be disclosed” (*leges a Banbano principe conditas firmavit, canones aperire iussit*).³⁰ A notable attribution: some Visigothic legislation bears his name, and identifying him here presupposes a fair knowledge of the code in contemporary currency.³¹ More to the point, the picture of legal renewal tallies with the activity which we find in the diplomas, for Vermudo II cited treason law more often than any other king.³² The earliest case comes from 994, when he gave a *villa* to the

²⁹ Santiago Domínguez Sánchez, *Colección documental medieval de los monasterios de San Claudio de León, Monasterios de Vega y San Pedro de las Dueñas* (León: Centro de Estudios e Investigación “San Isidoro,” 2001), “Monasterio de Vega,” 2; Emilio Sáez and Carlos Sáez, *Colección diplomática del monasterio de Celanova (842-1230), II (943-988)* (Alcalá de Henares: Universidad de Alcalá de Henares, 2000), 110; Emilio Sáez and Carlos Sáez, *Colección documental del Archivo de la Catedral de León (775-1230), II (953-985)* (León: Centro de Estudios e Investigación “San Isidoro,” 1990), 482; cf. José M. Mínguez Fernández, *Colección diplomática del monasterio de Sahagún (siglos IX-X)* (León: Centro de Estudios e Investigación “San Isidoro,” 1976), 84.

³⁰ *Historia Silensis*, ed. Juan A. Estévez Sola, *Chronica Hispana saeculi XII. Pars III, Corpus Christianorum, Continuatio Mediaevalis 71B* (Turnhout: Brepols, 2018), 25.10; Justo Pérez de Urbel, *Sampiro. Su crónica y la monarquía leonesa en el siglo X* (Madrid: Escuela de Estudios Medievales, 1952), 11-125.

³¹ *Liber Iudiciorum*, 4.5.6-7, 6.5.21, 9.2.8; cf. Amancio Isla Frez, “La monarquía leonesa según Sampiro,” in *Historia social, pensamiento historiográfico y Edad Media. Homenaje al Prof. Abilio Barbero de Aguilera*, ed. María Isabel Loring García (Madrid: Ediciones del Orto, 1997), 53-54.

³² José Orlandis, “Huellas visigóticas en el derecho de la Alta Edad Media,” *Anuario de Historia del Derecho Español* 15 (1944): 644-58; José Orlandis, “La pervivencia de la legislación visigótica sobre la seguridad del reino en la Alta Edad Media,” in *Estudios Visigóticos* 3 (Rome: C. S. I. C., 1962), 125-36; José Manuel Ruiz Asencio, “Rebeliones leonesas contra Vermudo II,” *Archivos Leoneses* 45-46 (1969):

Galician monastery of Celanova which Suario Gundemáriz had appropriated “without my instruction or assent” (*extra mea iussione vel voluntate*) before rising in revolt; after God had restored the king, all property of the rebel was his to do with as he pleased “as the holy canons and Gothic law provide and judge in such matters” (*sicut canones sancti et lex gotica de talibus ordinat et iudicat*).³³ Though drafted by Sampiro himself, the diploma does not draw directly on the text of the relevant legislation, but a year later, when one Erus Fofiz was discovered to have joined the insurgency and his possessions were seized pursuant to “the canon and Gothic law” (*canonem et lex gotica*), the unnamed scribe of this act paraphrased its opening words.³⁴

[Celanova 223]

[*Liber Iudiciorum* 2.1.8]

Dum autem pervenit talis auditus in
 presentia regis, mandavit ad sagiones suos
 et preserunt illi omnia quicquid invenerunt
 tam villas quam et omnem rem suam, sicut
 in canonem et lex gotica docuisset:

Qui bona minime agunt et ad regis [1] De his **qui** contra principem vel
 ordinationem **insolentes existunt.** gentem aut patriam refugi sive
insulentes existunt.

233-34; Claudio Sánchez-Albornoz, *En torno a los orígenes del feudalismo* (Madrid: Ediciones Istmo, 1993), 66-71; Pascual Martínez Sopena, “Reyes, condes e infanzones. Aristocracia y *alfetena* en el reino de León,” in *Ante el milenario del reinado de Sancho el Mayor. Un rey navarro para España y Europa* (Pamplona: Institución Príncipe de Viana, 2004), 132-40.

³³ Emilio Sáez and Carlos Sáez, *Colección diplomática del monasterio de Celanova (842-1230), III (989-1006)* (Alcalá de Henares: Universidad de Alcalá de Henares, 2006), 221.

³⁴ Sáez and Sáez, *Celanova III*, 223.

The joint citation of secular and canon law in these cases is noteworthy, suggesting an awareness that Visigothic treason law had been reinforced by subsequent Church councils in its compact to support the crown.³⁵ The two authorities were intended to be complementary, and Vermudo II drew on them as such, underlining this in a donation to Celanova from 996 of property taken “by authorization of the decrees of Catholic law” (*per auctoritatem catolice legis decretum*).³⁶ Osorio Díaz had joined with the Saracens “against our people and land” (*adversus gentem et patriam nostram*), two-thirds of the secular trinity of *princeps*, *gens*, *patria* which animates the legal pronouncements of the Visigothic Church and crown; he had been expelled and lost all his possessions, for it is only, as the confirmation clause observes, “ignorant and uneducated men who know nothing of the law, like they reject the decrees of kings” (*idiote homines et imperiti qui nesciunt legis principum decreta quasi reprehendunt*).³⁷ By deploying these twin bodies of law, a ruler could not only regain his position materially, impoverishing his enemies and enriching faithful supporters, but also reassert his legitimacy on a symbolic level via the spectacle of consulting and announcing its provisions. Vermudo II held one such council in 998, as recorded by a chancery copy from 1020, to denounce “sons of perdition” (*fili perditionis*) who had sought out Muslim allies and overthrown his rule for an interval: “to be done by way of example to the others of this persuasion” (*ut ceteris de hac opinione in exemplo fiat*), he disposed of all the property of Gonzalo Vermúdez, a captured conspirator, on the authority of “what is found in the most sacred canon and Gothic law on rebellions and opponents of the king and their belongings, as is known to be instituted and inscribed

³⁵ Peter Linehan, *History and the Historians of Medieval Spain* (Oxford: Oxford University Press, 1993), 22-50.

³⁶ Sáez and Sáez, *Celanova III*, 229.

³⁷ Hélène Sirantoine, *Imperator Hispaniae. Les idéologies impériales dans le royaume de León (IX^e-XII^e siècles)* (Madrid: Casa de Velázquez, 2013), 81-122 (esp. n. 92).

in Book 2 and its titles, written by the holy fathers of old” (*quiquid in sacratissimum canonem et godicam legem invenitur de revellionibus uel contradictoribus regis sive de fagultatibus eorum, sicut in libro secundo et in eius titulis constitutum vel exaratum a prioribus sanctis patribus scriptus ecce decernitur*).³⁸ The beneficiary was none other than Sampiro, who also received another *villa* seized “by holy law” (*per legem sanctam*).

Such public acts had resonance. Osorio Iohanni, in a donation to Celanova from 1001, took care to relate how our friend Erus Fofiz had scorned the service owed his king in accord with “the canons and book of judges” (*canones et liber iudicum*), and Vermudo II had taken his property “by authorization of the law” (*per auctoritatem legis*) and “canonical and judicial opinion” (*canonica et iudicialis sententia*), giving one part of it to Osorio Iohanni.³⁹ Similarly, his son and successor Alfonso V (999-1028), when meditating on his father’s reign in 1012, recounted how Ablabel and his wife Gunterodo had agitated against him, going over to Count García Fernández of Castilla: the king seated himself before his court, and “enquiry was made through the whole volume of the law” (*facta est questio per omnem volumine legis*), like the Day of Judgement come early.⁴⁰ For our purposes, whereas the charters of Celanova, though rich sources for legal practice, offer limited gain in reconstructing the early medieval text of Visigothic

³⁸ José Manuel Ruiz Asencio, *Colección documental del Archivo de la Catedral de León (775-1230)*, III (986-1031) (León: Centro de Estudios e Investigación “San Isidoro,” 1987), 581; Manuel Carriedo Tejedo, “El diploma 3-4 del Archivo de la Catedral de León. Problemas cronológicos que suscita,” *Archivos Leoneses* 39.77 (1985): 72-77. Much of this diploma is repeated in Pilar Blanco Lozano, *Colección diplomática de Fernando I (1037-1065)* (León: Centro de Estudios e Investigación “San Isidoro,” 1987), 31.

³⁹ Sáez and Sáez, *Celanova III*, 246; cf. Ruiz Asencio, *León III*, 724.

⁴⁰ José Antonio Fernández Flórez and Marta Herrero de la Fuente, *Colección documental del monasterio de Santa María de Otero de las Dueñas, I (854-1108)* (León: Centro de Estudios e Investigación “San Isidoro,” 1999), 90; see also Alfonso García Leal, *El archivo de los condes Fruela Muñoz y Pedro Flaínez. La formación de un patrimonio nobiliario en la montaña asturleonera (854-1048)* (León: Universidad de León, 2010).

law because of their secondary transmission through the twelfth-century Tumbo de Celanova, this diploma is an early witness to it, surviving in the original in the monastic archive of Otero de las Dueñas and proceeding to quote treason law nearly verbatim.

[Otero 90]

[*Liber Iudiciorum* 2.1.8]

Et dum talia previderet rex, sedente in solio suo et omnis cetus in sinodo, facta est questi[o] per omnem volumine legis:

De is contra principem vel gentem aut patriam refugi vel insolentes existunt. [1] **De his qui contra principem vel gentem aut patriam refugi sive insolentes existunt.**

In ipsa setencia dicit:

[Ervig]

[Et rem] **uius tamen nefarie transgressoris in regis ad integrum potestate persistant et cui donate fuerit ita perpetim secure possideat ut nullus unquam succedencium regnum causam suam et gentis viciaturus ullatenus auferre presumat.** [4] **Res tamen omnes huius tam nefarii transgressoris in regis ad integrum potestate persistant et cui donate fuerint ita perpetim securus possideat, ut nullus umquam succedentium regum, causam suam et gentis vitiaturus, has ullatenus auferre presumat.**

The omissions and discrepancies are minor (orthography aside, *securus* has become *secure*, a plausible adverb, *regum* has become *regnum*, a simple error), while the whole clearly reflects the Ervig recension, mobilized effectively. When Alfonso V gave this sequestered property to Munio Muñoz on Easter Sunday at Oviedo, he participated in the self-fashioning narrative of authority and legitimacy articulated by his father before him, and thereby gained the same advantage over his own rebellious subjects.⁴¹ By the same token, each property involved took on a “legal history” as it passed from rebel to king and king to faithful subject.

Yet there was more than one way to cite the law, and in other contemporary cases of treason and confiscation the code justified and enabled royal action purely through language, silent or implicit citation discreetly endowing the diplomatic text with words of power. The earliest instance of all from the reign of Vermudo II falls under this heading: he explained in 990 that a certain Conanzo had begun spreading rumors of his death while he was in Galicia and had raised uproar around León; returning and arresting the bad lad, the king extracted a promise by written agreement (*placitum*) that he would offer no further opposition, or forfeit his possessions. As such, when Conanzo resumed his life of villainy, all his property passed by virtue of that charter to the king, and he was free to dispose of it however he wished.⁴²

⁴¹ Álvaro Carvajal Castro, *Bajo la máscara del regnum: La monarquía asturleonense en León (854-1037)* (Madrid: C. S. I. C., 2017), 273-82.

⁴² Ruiz Asencio, *León III*, 541.

[León 541]

[*Liber Iudiciorum* 2.1.8]

Post non multum temporis, mentiti sunt
 ipsum placitum et revocabit ab
 infidelitate et cum adversariis nostris
 vastabit et depredabit et latrocinabit
 amplius quam dudum; in populis nostris
 sceleribus comisit multis et supra modum
 multis, propter quam a nobis concessum
 [et per ves]trum scriptum est ut:

[Ervig]

Res tamen uius omnes tam nefarie [4] **Res tamen omnes huius tam nefarii**
transgressoris in regis ad intecrum **transgressoris in regis ad integrum**
potestate persistat et cui donate fuerint **potestate persistent et cui donate**
ita perpetim secure posside[at talis et **fuerint ita perpetim securus possideat**
 non traditis] nobis. [...]

Another early witness surviving in the original in the cathedral archive of León, the diploma is signed by the notary Munnio *frater* and *iudex*, but it also bears the monogram of Sampiro. We can perhaps detect his hand in the composition of the narrative, which reflects not only the terms of treason law but also its text; even without any citation, “the so heinous offender,” one of its more memorably baroque formulations, leaps straight off the parchment.

In other words, Visigothic legislation frames both the action and its presentation, and diplomas into and through the reign of Alfonso V report rebellions by and confiscations from other rogues in the same discursive mode, quietly predicating the legitimacy of appropriation on the law.⁴³ Even his mother Queen Velasquita, widow of the late king, seized land from the rebel Felix Agelazi after he had resourcefully escaped royal wrath by Viking barque.⁴⁴ It was simply part of the mentality of royal diplomatics, and this may explain a curious outlier from 906, preserved in an imitative twelfth-century copy with interpolations, which describes how Alfonso III, after putting down a Galician insurrection, announced at Lugo his legal right to seize all the property of his enemies and bestow it on anyone of his own choosing.⁴⁵

[Valencia de Don Juan 1]

[*Liber Iudiciorum* 2.1.33]

Placuit mihi ex animo ac voluntate
 omnium magnatum visum est, tam
 nobelium personarum quam etiam
 infirmarum, ut inimicis nostris
 inquirerem et in legali sententia mitterem
 sed liber iudicialis, stantia sexta de liber
 secundo et de secundus titulus dicenti:

⁴³ See e.g. Ruiz Asencio, *León III*, 719, 741; Lucas Álvarez, *Santiago*, 63, 90; Gregoria Cavero Domínguez and Encarnación Martín López, *Colección documental de la Catedral de Astorga, I (646-1126)* (León: Centro de Estudios e Investigación “San Isidoro,” 1999), 230B; José María Fernández del Pozo, “Alfonso V, rey de León,” in *León y su historia* 5 (León: Centro de Estudios e Investigación “San Isidoro,” 1984), S.

⁴⁴ Pedro Floriano Llorente, *Colección diplomática del monasterio de San Vicente de Oviedo* (Oviedo: Monasterio de San Vicente de Oviedo, 1968), 30.

⁴⁵ Pedro Floriano Llorente, “El fondo antiguo de pergaminos del Instituto ‘Valencia de Don Juan’. Documentos reales, primera serie: (año 875-1224),” *Boletín de la Real Academia de la Historia* 168.3 (1971): 1; Manuel Lucas Álvarez, *La documentación real astur-leonesa (718-1072). El Reino de León en la Alta Edad Media* 8 (León: Centro de Estudios e Investigación “San Isidoro,” 1995), 152-53.

**De aliis personis qui regiam De his, qui regiam contempserint
contempserint iussionem, invenimus iussionem.**

quidam ex ipsis nefandus et sacrilecus

qui ad nostris male fecerunt in tempore Quicumque ingenuorum regiam
revelionis, quos a me fecerunt in terra iussionem contemnere **invenitur** [...]

Gallecie simulque in multisque partibus

unde loncum per sinacula conscribere sed

sub brevitate claudendum est.

Although the reference is in fact to a related law on those who disobey a royal command, the citation given is to Book 2, Title 2, Sentence 6 of the “judicial book” (*liber iudicialis*), one off from the treason law which the scribe, or interpolator, must have had in his mind.

The immediate successors of Vermudo II faced equal unrest in their reigns, and they followed his lead in deploying Visigothic law to meet the challenge.⁴⁶ In a diploma of 1023 surviving in the Tumbo de León, a cartulary compiled in the first third of the twelfth century, we find Alfonso V granting a donation, once again to Sampiro, of property formerly owned by Eicta Fosatiz. He had betrayed his king, joining with Count Sancho García of Castilla in rebellion, and so, as “the law authorizes” (*lex abtorigat*), he lost his lands to the crown.⁴⁷

⁴⁶ Fernández del Pozo, “Alfonso V,” 135-37; Amancio Isla Frez, “Warfare and Other Plagues in the Iberian Peninsula around the Year 1000,” in *Europe around the Year 1000*, ed. Przemysław Urbańczyk (Warsaw: Wydawnictwo, 2001), 233-46; Martínez Sopena, “Reyes, condes,” 141-50.

⁴⁷ Ruiz Asencio, *León III*, 802 (see also 748); Carvajal Castro, *Bajo la máscara del regnum*, 132-36.

[León 802]

[*Liber Iudiciorum* 2.1.8]

Propter hanc rem adprehendimus ipsam
 hereditatem de iure illius propter ipsam
 infidelitatem vel scandalum quam misit
 in finibus nostris, sicut nos lex aborigat
 atque canit in liber secundus vel in titulis
 eius:

Ut **tam nefarius** sceleratores **qui contra**
principem gentem vel patriam nostram
 mentientes atque contradictores extrant
in principis potestate permaneant ipsi **et**
 omnia bona illorum ut quid de illis vel
 de rem suam **facere** voluerit **sui** fuisit
incostanter arbitri.

[1] De his **qui contra principem vel**
gentem aut **patriam** refugi sive
 insulentes existunt.

[Ervig]

[4] Res tamen omnes huius **tam nefarii**
 transgressoris **in** regis ad integrum
potestate persistent **et** cui donate fuerint
 ita perpetim securus possideat, ut nullus
 umquam succedentium regum, causam
 suam et gentis vitiaturus, has ullatenus
 auferre presumat.

[6] [...] ut concedere iam dictas

facultates, sicut supra dictum est, cui rex

voluerit vel **facere** exinde quidquid
 elegerit in **sue potestatis** consistat
arbitrio [...]

The scribe Viliulfus may have offered a rather vague citation of “Book 2 and its titles,” but in what follows he demonstrates a thorough internalization of treason law, drawing recognizably on the language of three discrete passages from its text to fashion his own summary.

On a similar occasion four years earlier, Alfonso V had given property taken from his enemies to his loyal Pedro Flaínez, and in the written record, another original from Otero de las Dueñas, we find “Gothic law” (*lex godicat*), cited chapter and verse, still more present.⁴⁸

[Otero 124]

[*Liber Iudiciorum* 2.1.8]

De profanus et abesarius et scelus acius
 factis dici nobis lex godicat et octoriga,
 secundum dici in liber II et titulo I
 kapitula VI:

**De iis qui contra pricipie gente vel [1] De his qui contra principem vel
 patria refuca aut mentitus fuerit vel ars gentem aut patriam refugi sive
 insulentes existunt.**

⁴⁸ Fernández Flórez and Herrero de la Fuente, *Otero I*, 124; Alfonso Prieto Prieto, “Documentos referentes al orden judicial del monasterio de Otero de las Dueñas,” *Anuario de Historia del Derecho Español* 44 (1974): 644-46; Pascual Martínez Sopena, “Reyes y nobles en León (ca. 860-1160),” in *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, 2 vols. (León: Centro de Estudios e Investigación “San Isidoro,” 2007), vol. 1, 165-68, 192-96.

fecerit tam compleri quam consiliarit vel
insolenter exsistant.

[Ervig]

Sic **inventus** fuisset **aut effusione** [3] ...horum omnium scelerum vel unius
auculorum at **dekalbatum tamen** aut ex his quisque reus **inventus**, et si nulla
exilio perditurus **dignitate set serbus** mortis ultione plectatur, **aut effusionem**
principe factus et sum perpetua perferat **oculorum**, secundum quod in
sebitutis catena in pricipis potestate lege hac hucusque fuerat constitutum,
retus eterna tenebitur exilio **decalvatus tamen** C flagella suscipiat et
relicacionem obnoxius. sub artiori vel perpetuo erit religandus

exilio pene et insuper nullo umquam
tempore ad palatini officii reversurus est
dignitatem; sed servus principis factus
et sub perpetua servitutis catena in
principis potestate redactus, eterna
tenebitur exilii religatione obnoxius.

[Ervig]

Res tamen vel omnes nefarii [4] **Res tamen omnes** huius tam **nefarium**
trascresoriis in regis ad intecrum **transgressoris in regis ad integrum**
potestatem persistent et cui donate **potestate persistent et cui donate**
fuerit de manu pricipis **ita perpeti** **fuerint ita perpetim securus possideat,**
securi possidiat ut nulus umquam **ut nullus umquam succedentium**

**succedecium recum causam suam regum, causam suam et gentis
egentis viciaturus facia. vitiaturus, has ullatenus auferre
presumat.**

The notary Veila evidently knew his law: here he has both expanded on the title and distilled (if overly concisely) the treatment of penal slavery and exile with keywords from the text.⁴⁹ But when reiterating the royal privilege of seizing and disposing of the property of the rebel, he has also clarified that privilege, complementing the passive “they have been given” with a statement of agency, “by the hand of the king,” to eliminate any source of ambiguity.

The final early medieval example, from the reign of Vermudo III (1028-37), takes the practice one step further by citing treason law not in isolation but supported by other relevant legislation. The colorful narrative of 1029 retails how Ovecus and his wife Adosinda refused to do service (*servitium*) for properties which they held in contract of labor (*ad operandum*), or to acknowledge the new king when he demanded their return, and barricaded themselves in the fortified *castro* of Aguilar in Galicia, looking to Count Rodrigo Romániz as their new patron and protector.⁵⁰ The king intervened to take back a church of San Salvador in Maceda in the midst of the warzone and hand it to Bishop Pedro of Lugo, confirming a grant made by his father, and the diploma, transmitted by the thirteenth-century *Tumbo Viejo*, stipulated in support that royal donations may not legally be vacated without fault by the beneficiary.

⁴⁹ Alice Rio, *Slavery after Rome, 500-1100* (Oxford: Oxford University Press, 2017), 42-74.

⁵⁰ José Luis López Sangil and Miguel Vidán Torreira, “*Tumbo Viejo de Lugo (transcripción completa)*,” *Estudios Mindonienses* 27 (2011): 16; see also Luis Núñez Contreras, “Colección diplomática de Vermudo III, rey de León,” *Historia, Instituciones, Documentos* 4 (1977): 3.

[Lugo 16]

[*Liber Iudiciorum* 5.2.2]

Et pro hanc scelus que nobis feci iterum,
 detruncavimus hac confirmationem sicut
 dicitur in libro V titulo II et sententia II
 ubi dicitur:

De donationibua regis quod non oportet statuta convelli quia convellenda esse percipientis culpa non fecerit. **De donationibus regis. [...] quia non oportet principum statuta convelli, que convellenda esse percipientis culpa non fecerit.**

Et iterum in libro II titulo I et sententia VI [*Liber Iudiciorum* 2.1.8]
 ubi dicitur:

De his qui contra principem aut gentem patriam refugium vel insolentes existunt. **[1] De his qui contra principem vel gentem aut patriam refugi sive insolentes existunt.**

Ibi dicitur:

Res tunc omnes huius tam nefarie transgressoris in regis ad integrum potestatem persistent et cui donate **[4] Res tamen omnes huius tam nefarii transgressoris in regis ad integrum potestate persistent et cui donate**

fuerint ita perpetim potestate **fuerint ita perpetim** securus **possideat possideat.** [...].

The unnamed scribe handled both laws the same way, running together the title with the main provision: for royal donations, the pertinent text came from the end of the statute, for treason, the middle, twofold legal cover for an act of both confirmation and appropriation.

The three original diplomas which we have reviewed (dating to 990, 1012, and 1019) increase the number of non-Catalan early medieval witnesses to the text of Visigothic treason law from seven to ten.⁵¹ With no pretension to offering a new edition, I consolidate their legal citations here, presenting them in date order and highlighting words independent of the code.

Liber Iudiciorum 2.1.8

[Otero 90] De is contra principem vel [1] De his qui contra principem vel gentem aut patriam refugi **vel** insolentes gentem aut patriam refugi sive insolentes existunt. existunt.

[Otero 124] De iis qui contra pricipie gente vel patria refuca aut **mentitus fuerit vel ars fecerit tam compleri quam consiliarit vel** insolenter exsitant.

⁵¹ Ruiz Asencio, *León III*, 541; Fernández Flórez and Herrero de la Fuente, *Otero I*, 90, 124; cf. García López, *Estudios*, 35-36.

[Otero 124] **Sic** inventus **fui**set aut [3] ...horum omnium scelerum vel unius
 efusione auctorum **at** decalbatum ex his quisque reus inventus, et si nulla
 tamen **aut** exilio **perditurus** dignitate mortis ultione plectatur, aut effusionem
 set servus principis factus et sum perpetua perferat oculorum, secundum quod in
 sebitutis catena in principis potestate retus lege hac hucusque fuerat constitutum,
 eterna tenebitur exilio relicacionem decalvatus tamen C flagella suscipiat et
 obnoxius. sub artiori vel perpetuo erit religandus

exilio pene et insuper nullo umquam
 tempore ad palatini officii reversurus est
 dignitatem; sed servus principis factus et
 sub perpetua servitutis catena in principis
 potestate redactus, eterna tenebitur exilii
 religatione obnoxius.

[León 541] Res tamen uis omnes tam [4] Res tamen omnes huius tam nefarii
 nefarie transgressoris in regis ad transgressoris in regis ad integrum
 intecrum potestate persistat et cui donate potestate persistent et cui donate fuerint
 fuerint ita perpetim secure posside[at ita perpetim securus possideat, ut nullus
talis et non traditis] nobis. umquam succedentium regum, causam
 suam et gentis vitiaturus, has ullatenus
 auferre presumat.

[Otero 90] [Et rem] uis tamen nefarie
 transgressoris in regis ad integrum

potestate persistent et cui donate fuerit ita
 perpetim secure possideat ut nullus
 unquam succedencium regnum causam
 suam et gentis viciaturus ullatenus
 auferre presumat.

[Otero 124] Res tamen **vel** omnes nefarii
 trascesoriis in regis ad intecrum
 potestatem persistent et cui donate fuerit
de manu pricipis ita perpeti securi
 posidiat ut nulus unquam succedecium
 recum causam suam egentis viciaturus
 facia.

This is a snapshot of the text of Visigothic treason law in practice around the millennium. On the whole that text shows a fairly high degree of fidelity, but it is also very partial, a fragment of the whole, shorn of any context. By a comparable process of carrying over only what was most relevant, “case law” initially issued *in extenso* became the telegraphic statements which characterize many late antique and early medieval codes.⁵² Here in early medieval Iberia the full text of treason law had been

⁵² Patrick Wormald, “*Lex scripta and verbum regis*: Legislation and Germanic Kingship, from Euric to Cnut,” repr. in *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience* (London: Hambledon Press, 1999), 1-43; Thomas M. Charles-Edwards, “Law in the Western Kingdoms between the Fifth and the Seventh Century,” in *The Cambridge Ancient History, XIV. Late Antiquity: Empire and Successors, A.D. 425-600*, ed. Averil Cameron, Bryan Ward-Perkins, and Michael Whitby (Cambridge: Cambridge University Press, 2001), 260-87; Caroline Humfress, “Cracking the *Codex*: Late Roman Legal Practice in Context,” *Bulletin of the Institute of Classical Studies* 49.1 (2006): 241-54.

winnowed down to just two subsections, maybe three, with one simple, forceful message: all property of traitors belonged to the king.

Texts as Fragments

When the kings of Asturias-León had their diplomas equipped with legal citations, the code was a sure ally in the consolidation of power. But it was something of a free agent, and when their counts took action in the same line, the benefits accrued to them, with predictably destabilizing results.⁵³ An embattled king facing a restive aristocracy, Alfonso V might seem an unlikely stepfather to early medieval Iberian law, promulgating the *Fuero de León* in 1017 to confirm, supplement, and revise the Visigothic code.⁵⁴ All his predecessors had retained the laws of their predecessors to perform legitimate succession to the Visigoths; he attempted more, a legislative restatement of royal power, spoken in the familiar language of authority.⁵⁵ But who was there to interpret it for him? The legal fluency which made possible citation of the code in charters was the gift of those responsible for their creation and dissemination. It was the scribes who, just as the clergy could “write Scripturally” from their deep immersion

⁵³ Fernández del Pozo, “Alfonso V,” 147-51; Pascual Martínez Sopena, *La Tierra de Campos occidental. Poblamiento, poder y comunidad del siglo X al XII* (Valladolid: Diputación Provincial de Valladolid, 1985), 327-67; Pascual Martínez Sopena, “La justicia en la época asturleonense: entre el *Liber* y los mediadores sociales,” in *El lugar del campesino en torno a la obra de Reyna Pastor*, ed. Ana Rodríguez (Valencia: Publicacions de la Universitat de València, 2007), 239-55; Wendy Davies, *Acts of Giving: Individual, Community, and Church in Tenth-Century Christian Spain* (Oxford: Oxford University Press, 2007), 143-49, 181-85.

⁵⁴ Gonzalo Martínez Díez, “*Decreta Adefonsi regis y Fuero de León*,” in *Fueros locales del reino de León (910-1230): Antología*, ed. Santos M. Coronas González (Madrid: Agencia Estatal Boletín Oficial del Estado, 2018), 35-91; see also Francisco Javier Fernández Conde and Xosé Lluís García Arias, “*Forum Legionense y Fuero de León*,” *Lletres Asturianas* 117 (2017): 207-33.

⁵⁵ José Manuel Pérez-Prendes y Muñoz de Arracó, “La potestad legislativa en el reino de León,” in *El Reino de León en la Alta Edad Media 1* (León: Centro de Estudios e Investigación “San Isidoro,” 1988), 502-17, 527-45; Fernando López Alsina, “Reyes y obispos en el reino de León,” in *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, 2 vols. (León: Centro de Estudios e Investigación “San Isidoro,” 2007), vol. 1, 95-98; Amancio Isla Frez, “El proyecto político regio de las leyes de León de 1017,” in *El Reino de León hace mil años. El Fuero de 1017*, ed. Ramiro López Valladares (Madrid: C. S. I. C., 2018), 172-75; Félix Martínez Llorente, ed., *En el milenario del Fuero de León, 1017-2017. La ciudad de León y su derecho* (León: Ayuntamiento de León, 2018).

in the Bible, had the capacity to “write legally” from the regularity of their engagement with the law. In the background of the rising incidence of legal citation across the Leonese period is another development, the consolidation of the scribal profession in the later tenth century, which brought to the fore career notaries such as Sampiro, who has featured so prominently in this review.⁵⁶ It is not merely correlation; as scribes graduated from occasional technicians to recurrent assistants, faithful retainers worthy of reward, their employers came to recognize the advantage in their expertise.⁵⁷ The diplomas of Vermudo II and his successors make such use of written law to seize property from traitors because they had advice to hand.

If scribes were the personnel responsible for legal citation, where did they get hold of copies of the code to read? There has been a great deal of work on books in early medieval Iberia, but most of it has aimed at reconstructing the libraries of institutions or persons, or to trace the effects of the “Mozarabic migration” on literature and literary culture in the north of the Peninsula.⁵⁸ These “fixed libraries” in the treasuries of

⁵⁶ See Barrett, *The Written and the World*, ch. 2; Lucas Álvarez, *La documentación real astur-leonesa*, 219-33, 661-66.

⁵⁷ Luis Casado de Otaola, “Cultura escrita, dominio y ‘clases populares’ en la Alta Edad Media en Hispania,” in *Cultura escrita y clases subalternas: una mirada española*, ed. Antonio Castillo Gómez (Oartzun: Sendoa, 2001), 46-47, 53-55; Wendy Davies, “Lordship and Community: Northern Spain on the Eve of the Year 1000,” in *Rodney Hilton’s Middle Ages: an Exploration of Historical Themes*, ed. Christopher Dyer, Peter R. Coss, and Chris Wickham (Oxford: Oxford University Press, 2007), 23-26.

⁵⁸ See e.g. Barbara A. Shailor, “The Scriptorium of San Pedro de Cardeña,” *Bulletin of the John Rylands Library* 61.2 (1979): 444-73; Justo Pérez de Urbel, “Cardeña y sus escribas durante la primera mitad del siglo X,” in *Bivium. Homenaje a Manuel Cecilio Díaz y Díaz* (Madrid: Gredos, 1983), 217-37; Manuel C. Díaz y Díaz, *Códices visigóticos en la monarquía leonesa* (León: Centro de Estudios e Investigación “San Isidoro,” 1983), 149-246; Manuel C. Díaz y Díaz, *Libros y librerías en la Rioja altomedieval* (Logroño: Logroño Instituto de Estudios Riojanos, 1991), 53-276; Manuel C. Díaz y Díaz, *Manuscritos del sur de la Península. Ensayo de distribución regional* (Seville: Universidad de Sevilla, 1995), 63-91, 137-79; José Manuel Ruiz Asencio, “Escribas y bibliotecas altomedievales hispanos,” in *La enseñanza en la Edad Media. X Semana de Estudios Medievales*, ed. José Ignacio de la Iglesia Duarte, Francisco Javier García Turza, and José Ángel García de Cortazar (Logroño: Instituto de Estudios Riojanos, 2000), 151-74; Manuel C. Díaz y Díaz, *Asturias en el siglo VIII. La cultura literaria* (Oviedo: Suave, 2001), 19-30; José Joaquín Yarza Luaces, “‘Scriptoria’ y manuscritos iluminados en los reinos hispanos occidentales en el entorno del año mil,” in *La Península Ibérica en torno al año 1000. VII Congreso de Estudios Medievales* (Ávila: Fundación Sánchez-Albornoz, 2001), 65-88; Michel Zimmermann, *Écrire*

monasteries and churches can be inventoried from charters of endowment; they are typically approached from the perspective of the beneficiaries, but the same charters also witness the books, both liturgical and literary, of their royal, episcopal, ecclesiastical, and lay granters, the collections existing before those assembled by monasteries and churches.⁵⁹ Even so, the components of the network of texts cited in the charters, above all the Visigothic code, are rarely found to be catalogued in them. Only in Galicia, and only three times at maximum, do we read of codices circulating: Beatus *presbiter* gave a “book of judges” (*libro iudicum*), amongst many others, to San Salvador de Arnoya in 889, while the founding endowment of Celanova included “one Psalter book and one Gothic [legal? liturgical?] book” (*libros psalterio I et goticum I*) in 938, and Sisnandus *presbiter* donated a “Gothic book” (*librum goticum*) to Santa María de Barbadelo in 967.⁶⁰ Surviving copies of the code are scarcely more common:

et lire en Catalogne (IX^e-XII^e siècle), 2 vols. (Madrid: Casa de Velázquez, 2003), vol. 1, 467-618; Vicente García Lobo, “Caligrafos, códices y bibliotecas en el reino de León,” in *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, 2 vols. (León: Centro de Estudios e Investigación “San Isidoro,” 2007), vol. 2, 19-44.

⁵⁹ Emilio Sáez, “Inventario de bibliotecas medievales en el Tumbo de Celanova,” *La Ciudad de Dios* 155 (1943): 563-68; Manuel R. García Álvarez, “Los libros en la documentación gallega de la Alta Edad Media,” *Cuadernos de Estudios Gallegos* 20 (1965): 292-329; Claudio Sánchez-Albornoz, “Notas sobre los libros leídos en el reino de León hace mil años,” repr. in *Miscelánea de estudios históricos* (León: C. S. I. C., 1970), 273-91; Antonio Linage Conde, “Los caminares de la Benedictinización,” in *El Reino de León en la Alta Edad Media* 9 (León: Centro de Estudios e Investigación “San Isidoro,” 1997), 103-22; Manuel Gómez Moreno, *Iglesias mozárabes. Arte español de los siglos IX a XI. Edición facsímil* (Granada: Universidad de Granada, 1998), 345-53; Wendy Davies, “Local Priests in Northern Iberia,” in *Men in the Middle: Local Priests in Early Medieval Europe*, ed. Steffen Patzold and Carine van Rhijn (Berlin: De Gruyter, 2016), 139-42; cf. Justo Pérez de Urbel and Atilano González y Ruíz-Zorrilla, eds., *Liber Commicus. Edición crítica*, 2 vols. (Madrid: C. S. I. C., 1950-55), vol. 1, xiii-xxxii; Ángel Fábrega Grau, *Pasionario Hispánico (siglos VII-XI)* (Barcelona and Madrid: C. S. I. C., 1953-55), vol 1, 9-15; Roger Collins, “Literacy and the Laity in Early Medieval Spain,” in *The Uses of Literacy in Early Mediaeval Europe*, ed. Rosamond McKitterick (Cambridge: Cambridge University Press, 1990), 125-27.

⁶⁰ Emilio Sáez and Carlos Sáez, *Colección diplomática del monasterio de Celanova (842-1230)*, I (842-942) (Alcalá de Henares: Universidad de Alcalá de Henares, 1996), 7, 57; Manuel Lucas Álvarez, *El Tumbo de San Julián de Samos (siglos VIII-XII). Estudio introductorio, edición diplomática, apéndices e índices* (Santiago de Compostela: Caixa Galicia, 1986), 91; see also Sáez, *León I*, 75; Gibert, “Enseñanza del derecho,” 32-36; Díaz y Díaz, “La *Lex Visigothorum*,” 178-82.

outside Catalunya, six from before 1031.⁶¹ One-tenth of the charters cite the law; how many more copies of it must be lost?

This mismatch of codices and citations tells us something else: that access to a whole copy, a complete text, was not necessary for its use. In 950, a certain Fredesindo *confrater*, with his heirs, brothers, nephews, and *fratres*, made a donation to the Leonese monastery of San Pedro de Eslonza of some pasturelands (*bustos*), which a son of Alfonso III had marked out for his ancestors, in order to retire an outstanding debt valued at nine measures (*modii*) of wheat. Ordinary enough, it would seem, but transcribed on the reverse side of the original are two laws from the Visigothic code, regulating the care of animals on loan.⁶² Transaction and legislation are related, but the laws have been written by a hand and in a script distinct from the charter, indicating a different context or the involvement of another agent. Whatever the precise circumstances, the clear implication is that, at some point soon after this transaction had been completed, a scribe jotted down laws which he considered relevant to Eslonza and its affairs. And this is our missing link: texts in fragments. Yet the second scribe was working from a defective exemplar, and the copy which he made has a lacuna in the middle of each line of the law. Others will no doubt have had access to better, fuller exemplars, and there is a social history of transmission to be written. This fragment and others need to be reassessed, not as fragments but as access points.⁶³ Informally,

⁶¹ García López, *Estudios*, 35-36; Agustín Millares Carlo, Manuel C. Díaz y Díaz et al. eds., *Corpus de códices visigóticos*, 2 vols. (Las Palmas de Gran Canaria: Gobierno de Gran Canaria, 1999), vol 1., 48-49, 193, 247.

⁶² José Manuel Ruiz Asencio and Irene Ruiz Albi, *Colección documental del monasterio de San Pedro de Eslonza, I (912-1300)* (León: Centro de Estudios e Investigación “San Isidoro,” 2007), 24; *Liber Iudiciorum*, 5.5.1-2.

⁶³ See e.g. Fernández Flórez and Herrero de la Fuente, *Otero I*, 73; Manuel C. Díaz y Díaz, “De manuscritos visigóticos. Nuevos fragmentos en León,” *Archivos Leoneses* 53 (1973): 77-85.

partially, books could circulate piecemeal in such extracts written out on spare parchment by the same scribes who cited them.

What does this mean for the Visigothic code? Each scribe stocked the shelves of his mental library with charters, secular and canon law, Holy Scripture, and monastic rules, but how? By first-hand consultation: in the monasteries and churches of their royal, episcopal, ecclesiastical, and lay patrons – these libraries circulated constantly, changing hands with institutions and individuals. By memory: from some moment of exposure, like the verses of Scripture cited in charters by way of the liturgy.⁶⁴ By copying other charters: scribes mastered their craft by imitating models, the work of other scribes, conserved, consulted, copied, and circulated as needed. By this means the fragments of source texts which they cited were kept in currency; contact with a codex could have come as rarely as once in a generation or more, yet sufficed, and for some the code must have existed only in charters. Early medieval Iberia was bonded by text, but not text as we know it. For most writers, readers, and listeners, the part was the whole. We need to redefine what “knowing” a text meant in terms recognizable to the inhabitants of this world. For some, the fact of law was enough to shape behavior, for others, scattered passages, sentences, words originating in texts seen or heard directly perhaps just once, if ever, but transmitted at a distance were the reality of the larger work, what to us is its real, complete, perfect form. This is the textuality of fragmentary, imperfect knowledge: the minority with books and libraries within reach may have had a fuller armory of written resources for deployment, but personal access was not straightforwardly a limiting factor in the balance of power so long as texts lived too in

⁶⁴ See Barrett, *The Written and the World*, ch. 6.

fragments. We confront early medieval books as books, as discrete and integral, and so we interpret them, but for the majority of their audience, those who lived with and by them, they were scattered fragments. No edition which fails to reckon with this reality can claim to represent the text of Visigothic law in practice.

Bibliography

Primary

Andrade Cernadas, José Miguel, Marta Díaz Tie, and Francisco Javier Pérez Rodríguez. *O Tombo de Celanova. Estudio introductorio, edición e índices (ss. IX-XII)*. 2 volumes. Santiago de Compostela: Consello da Cultura Galega, 1995.

Blanco Lozano, Pilar. *Colección diplomática de Fernando I (1037-1065)*. León: Centro de Estudios e Investigación “San Isidoro,” 1987.

Calleja-Puerta, Miguel, Pilar Ostos-Salcedo, María Luisa Rodríguez, and María Josefa Sanz Fuentes. *Chartae Latinae Antiquiores 114. Spain III. Portugal*. Dietikon-Zürich: Urs Graf Verlag, 2018.

Cavero Domínguez, Gregoria, and Encarnación Martín López. *Colección documental de la Catedral de Astorga, I (646-1126)*. León: Centro de Estudios e Investigación “San Isidoro,” 1999.

Díaz y Díaz, Manuel C. “De manuscritos visigóticos. Nuevos fragmentos en León.” *Archivos Leoneses* 53 (1973): 57-97.

Domínguez Sánchez, Santiago. *Colección documental medieval de los monasterios de San Claudio de León, Monasterio de Vega y San Pedro de las Dueñas*. León: Centro de Estudios e Investigación “San Isidoro,” 2001.

Estévez Sola, Juan A. *Chronica Hispana saeculi XII. Pars III*. Corpus Christianorum, Continuatio Mediaevalis 71B. Turnhout: Brepols, 2018.

Fábrega Grau, Ángel. *Pasionario Hispánico (siglos VII-XI)*. 2 volumes. Barcelona and Madrid: C. S. I. C., 1953-55.

Fernández Conde, Francisco Javier, and Xosé Lluís García Arias. “*Forum Legionense y Fueru de Lleón*.” *Lletres Asturianas* 117 (2017): 207-33.

Fernández Flórez, José Antonio, and Marta Herrero de la Fuente. *Colección documental del monasterio de Santa María de Otero de las Dueñas, I (854-1108)*. León: Centro de Estudios e Investigación “San Isidoro,” 1999.

Fernández del Pozo, José María. “Alfonso V, rey de León.” In *León y su historia* 5, 9-262. León: Centro de Estudios e Investigación “San Isidoro,” 1984.

Floriano Llorente, Pedro. “El fondo antiguo de pergaminos del Instituto ‘Valencia de Don Juan’. Documentos reales, primera serie: (año 875-1224).” *Boletín de la Real Academia de la Historia* 168.3 (1971): 441-514.

Floriano Llorente, Pedro. *Colección diplomática del monasterio de San Vicente de Oviedo*. Oviedo: Monasterio de San Vicente de Oviedo, 1968.

García Leal, Alfonso. *El archivo de los condes Fruela Muñoz y Pedro Flaínez. La formación de un patrimonio nobiliario en la montaña asturleonés (854-1048)*. León: Universidad de León, 2010).

Liber Iudiciorum. In *Leges Visigothorum*, edited by Karl Zeumer, 33-456. Monumenta Germaniae Historica, Leges 1. Legum Nationum Germanicarum 1. Hanover and Leipzig: Hahn, 1902; S. P. Scott, trans. *The Visigothic Code (forum iudicum)*. Boston: Boston Book Company, 1910; Joan Bellès, Jesús Alturo i Perucho et al., trans. *Llibre dels judicis: traducció catalana moderna del "Liber Iudiciorum."* Barcelona: Parlament de Catalunya, 2008; Rafael Ramis Barceló and Pedro Ramis y Serra, trans. *El Libro de los Juicios (Liber Iudiciorum)*. Madrid: Agencia Estatal Boletín Oficial del Estado, 2015.

López Sangil, José Luis, and Manuel Vidán Torreira. "Tumbo Viejo de Lugo (transcripción completa)." *Estudios Mindonienses* 27 (2011): 11-373.

Lucas Álvarez, Manuel. *La documentación del Tumbo A de la Catedral de Santiago de Compostela. Estudio y edición*. León: Centro de Estudios e Investigación "San Isidoro," 1997.

Lucas Álvarez, Manuel. *El Tumbo de San Julián de Samos (siglos VIII-XII). Estudio introductorio, edición diplomática, apéndices e índices*. Santiago de Compostela: Caixa Galicia, 1986).

Martínez Díez, Gonzalo. "Decreta Adefonsi regis y Fuero de León." In *Fueros locales del reino de León (910-1230): Antología*, edited by Santos M. Coronas González, 35-91. Madrid: Agencia Estatal Boletín Oficial del Estado, 2018.

Martínez Díez, Gonzalo, and Félix Rodríguez. *La colección canónica Hispana* 5. Madrid: C. S. I. C., 1992.

Millares Carlo, Agustín, Manuel C. Díaz y Díaz et al. *Corpus de códices visigóticos*. 2 volumes. Las Palmas de Gran Canaria: Gobierno de Gran Canaria, 1999.

Mínguez Fernández, José M. *Colección diplomática del monasterio de Sahagún (siglos IX-X)*. León: Centro de Estudios e Investigación "San Isidoro," 1976.

Núñez Contreras, Luis. "Colección diplomática de Vermudo III, rey de León." *Historia, Instituciones, Documentos* 4 (1977): 381-514.

Pérez de Urbel, Justo, and Atilano González y Ruiz-Zorrilla. *Liber Commicus. Edición crítica*. 2 volumes. Madrid: C. S. I. C., 1950-55.

Prieto Prieto, Alfonso. "Documentos referentes al orden judicial del monasterio de Otero de las Dueñas." *Anuario de Historia del Derecho Español* 44 (1974): 619-74.

Rodrigues, Manuel Augusto, and Avelino de Jesus da Costa. *Livro Preto: Cartulário da Sé de Coimbra. Edição crítica. Texto integral*. Coimbra: Universidade de Coimbra, 1999.

Ruiz Asencio, José Manuel. *Colección documental del Archivo de la Catedral de León (775-1230), III (986-1031)*. León: Centro de Estudios e Investigación “San Isidoro,” 1987.

Ruiz Asencio, José Manuel, and Irene Ruiz Albi. *Colección documental del monasterio de San Pedro de Eslonza, I (912-1300)*. León: Centro de Estudios e Investigación “San Isidoro,” 2007.

Sáez, Emilio. *Colección documental del Archivo de la Catedral de León (775-1230), I (775-952)*. León: Centro de Estudios e Investigación “San Isidoro,” 1987.

Sáez, Emilio, and Carlos Sáez. *Colección diplomática del monasterio de Celanova (842-1230), III (989-1006)*. Alcalá de Henares: Universidad de Alcalá de Henares, 2006.

Sáez, Emilio, and Carlos Sáez. *Colección diplomática del monasterio de Celanova (842-1230), II (943-988)*. Alcalá de Henares: Universidad de Alcalá de Henares, 2000.

Sáez, Emilio, and Carlos Sáez. *Colección diplomática del monasterio de Celanova (842-1230), I (842-942)*. Alcalá de Henares: Universidad de Alcalá de Henares, 1996.

Sáez, Emilio, and Carlos Sáez. *Colección documental del Archivo de la Catedral de León (775-1230), II (953-985)*. León: Centro de Estudios e Investigación “San Isidoro,” 1990.

Velázquez Soriano, Isabel. *Las pizarras visigodas. Entre el latín y su disgregación. La lengua hablada en Hispania, siglos VI-VIII*. Burgos: Real Academia Española, 2004.

Secondary

Alfonso, Isabel. “Judicial Rhetoric and Political Legitimation in Medieval León-Castile.” In *Building Legitimacy: Political Discourses and Forms of Legitimation in Medieval Societies*, edited by Isabel Alfonso, Julio Escalona, and Hugh Kennedy, 51-87. Boston and Leiden: Brill, 2004.

Alonso Rodríguez, José Luis. “Juristic Papyrology and Roman Law.” In *The Oxford Handbook of Roman Law and Society*, edited by Paul J. du Plessis, Clifford Ando, and Kaius Tuori, 59-69. Oxford: Oxford University Press, 2016.

Barrett, Graham. *The Written and the World in Early Medieval Iberia*. Oxford: Oxford University Press, forthcoming.

Bedera Bravo, Mario. “Infurción y fórmulas jurídicas de apropiación campesina de la tierra en la Edad Media.” *Anuario de Historia del Derecho Español* 86 (2016): 9-60.

Bowman, Jeffrey A. “From Galicia to the Rhône: Legal Practice in Northern Spain around the Year 1000.” In *Culture and Society in Medieval Galicia: a Cultural*

Crossroads at the Edge of Europe, edited and translated by James D'Emilio, 343-60. Boston and Leiden: Brill, 2015.

Bowman, Jeffrey A. *Shifting Landmarks: Property, Proof, and Dispute in Catalonia around the Year 1000*. Ithaca: Cornell University Press, 2004.

Carvajal Castro, Álvaro. *Bajo la máscara del regnum: la monarquía asturleonense en León (854-1037)*. Madrid: biblioteca de historia, 2017.

Carvajal Castro, Álvaro. "Secular Sanctions and Sales in Early Medieval León (9th-11th c.): Beyond Diplomatic Practice." *Al-Masāq* 29.2 (2017): 151-71.

Carriedo Tejedo, Manuel. "El diploma 3-4 del Archivo de la Catedral de León. Problemas cronológicos que suscita." *Archivos Leoneses* 39.77 (1985): 71-84.

Casado de Otaola, Luis. "Cultura escrita, dominio y 'clases populares' en la Alta Edad Media en Hispania." In *Cultura escrita y clases subalternas: una mirada española*, edited by Antonio Castillo Gómez, 35-55. Oíartzun: Sendoa, 2001.

Castro, Eva María. "Aspectos literarios y jurídicos en las *Leges Wisigothorum*." *Minerva* 13 (1999): 127-39.

Charles-Edwards, Thomas M. "Law in the Western Kingdoms between the Fifth and the Seventh Century." In *The Cambridge Ancient History, XIV. Late Antiquity: Empire and Successors, A.D. 425-600*, edited by Averil Cameron, Bryan Ward-Perkins, and Michael Whitby, 260-87. Cambridge: Cambridge University Press, 2001.

Collins, Roger. *Visigothic Spain, 409-711*. Oxford: Blackwell, 2004.

Collins, Roger. "Literacy and the Laity in Early Mediaeval Spain." In *The Uses of Literacy in Early Mediaeval Europe*, edited by Rosamond McKitterick, 109-33. Cambridge: Cambridge University Press, 1990.

Collins, Roger. "Visigothic Law and Regional Custom in Disputes in Early Medieval Spain." In *The Settlement of Disputes in Early Medieval Europe*, edited by Wendy Davies and Paul Fouracre, 85-104. Cambridge: Cambridge University Press, 1986.

Collins, Roger. "*Sicut lex Gothorum continet*: Law and Charters in Ninth- and Tenth-Century León and Catalonia." *English Historical Review*, 396 (1985): 489-512.

Coronas González, Santos M. "El derecho de Asturias en la Alta Edad Media." In *Libro del I Congreso Jurídico de Asturias*, 73-95. Oviedo: Academia Asturiana de Jurisprudencia, 1987.

Davies, Wendy. "Local Priests in Northern Iberia." In *Men in the Middle: Local Priests in Early Medieval Europe*, edited by Steffen Patzold and Carine van Rhijn, 125-44. Berlin: De Gruyter, 2016.

Davies, Wendy. *Windows on Justice in Northern Iberia, 800-1000* (Abingdon: Routledge, 2016).

Davies, Wendy. "Judges and Judging: Truth and Justice in Northern Iberia on the Eve of the Millennium." *Journal of Medieval History* 36.3 (2010): 193-203.

Davies, Wendy. *Acts of Giving: Individual, Community, and Church in Tenth-Century Christian Spain*. Oxford: Oxford University Press, 2007.

Davies, Wendy. "Lordship and Community: Northern Spain on the Eve of the Year 1000." In *Rodney Hilton's Middle Ages: an Exploration of Historical Themes*, edited by Christopher Dyer, Peter R. Coss, and Chris Wickham, 18-33. Oxford: Oxford University Press, 2007.

Díaz y Díaz, Manuel C. *Asturias en el siglo VIII. La cultura literaria*. Oviedo: Suave, 2001.

Díaz y Díaz, Manuel C. *Manuscritos del sur de la Península. Ensayo de distribución regional*. Seville: Universidad de Sevilla, 1995.

Díaz y Díaz, Manuel C. *Libros y librerías en la Rioja altomedieval*. Logroño: Instituto de Estudios Riojanos, 1991.

Díaz y Díaz, Manuel C. *Códices visigóticos en la monarquía leonesa*. León: Centro de Estudios e Investigación "San Isidoro," 1983.

Díaz y Díaz, Manuel C. "La *Lex Visigothorum* y sus manuscritos: un ensayo de reinterpretación." *Anuario de Historia del Derecho Español* 46 (1976): 163-224.

Gallegos Vázquez, Federico. "El delito de traición en el derecho visigodo." In *Análisis sobre jurisdicciones especiales*, edited by Manuela Fernández Rodríguez, Erika Prado Rubio, and Leandro Martínez Peñas, 35-60. Valladolid: Asociación Veritas para el Estudio de la Historia, el Derecho y las Instituciones Omnia Mutantur, 2017.

García Álvarez, Manuel R. "Los libros en la documentación gallega de la Alta Edad Media." *Cuadernos de Estudios Gallegos* 20 (1965): 292-329.

García Lobo, Vicente. "Calígrafos, códices y bibliotecas en el reino de León." In *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, vol. 2, 19-44. 2 volumes. León: Centro de Estudios e Investigación "San Isidoro," 2007.

García López, Yolanda. *Estudios críticos y literarios de la "Lex Visigothorum"*. Alcalá de Henares: Universidad de Alcalá de Henares, 1996.

García López, Yolanda. "La tradición del *Liber Iudiciorum*: una revisión." In *De la Antigüedad al Medioevo: siglos IV-VIII. III Congreso de Estudios Medievales*, 381-415. Ávila: Fundación Sánchez-Albornoz, 1993.

Gibert, Rafael. "Enseñanza del derecho en Hispania durante los siglos VI a XI." In *Ius Romanum Medii Aevi*, I 5 b cc, 1-54. Milan: Giuffrè, 1967.

Gómez-Moreno, Manuel. *Iglesias mozárabes. Arte español de los siglos IX a XI. Edición facsímil*. Granada: Universidad de Granada, 1998.

González Díez, Emiliano. "Monarquía leonesa y conflictos de orden social (siglos X-XII)." In *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, vol. 2, 193-234. 2 volumes. León: Centro de Estudios e Investigación "San Isidoro," 2007.

González Díez, Emiliano. "Decir el derecho en el Medievo en el reino de León (910-1230)." In *La aplicación del derecho a lo largo de la historia. Actas III Jornadas de Historia del Derecho de la Universidad Jaén*, edited by Juan Ángel Sáinz Guerra, Miguel Ángel Chamocho Cantudo, and Isabel Ramos Vázquez, 30-53. Jaén: Universidad de Jaén, 1998.

Grassotti, Hilda. "La ira regia en León y Castilla." *Cuadernos de Historia de España* 41-42 (1965): 5-135.

Humfress, Caroline. "Cracking the *Codex*: Late Roman Legal Practice in Context." *Bulletin of the Institute of Classical Studies* 49.1 (2006): 241-54.

Iglesia Ferreirós, Aquilino. "La creación del derecho en Cataluña." *Anuario de Historia del Derecho Español* 47 (1977): 99-423.

Iglesia Ferreirós, Aquilino. *Historia de la traición. La traición regia en León y Castilla*. Santiago de Compostela: Universidad de Santiago de Compostela, 1971.

Isla Frez, Amancio. "El proyecto político regio de las leyes de León de 1017." In *El Reino de León hace mil años. El Fuero de 1017*, edited by Ramiro López Valladares, 172-75. Madrid: C. S. I. C., 2018.

Isla Frez, Amancio. "La pervivencia de la tradición legal visigótica en el reino asturleonés." *Mélanges de la Casa de Velázquez* 41.2 (2011): 75-86.

Isla Frez, Amancio. "Warfare and Other Plagues in the Iberian Peninsula around the Year 1000." In *Europe around the Year 1000*, edited by Przemysław Urbańczyk, 233-46. Warsaw: Wydawnictwo, 2001.

Isla Frez, Amancio. "La monarquía leonesa según Sampiro." In *Historia social, pensamiento historiográfico y Edad Media. Homenaje al Prof. Abilio Barbero de Aguilera*, edited by María Isabel Loring García, 33-57. Madrid: Ediciones del Orto, 1997.

Kienast, Walter. "La pervivencia del derecho godo en el sur de Francia y Cataluña." *Boletín de la Real Academia de Buenas Letras de Barcelona* 35 (1973-74): 265-95.

Kosto, Adam J. "Laymen, Clerics, and Documentary Practices in the Early Middle Ages: the Example of Catalonia." *Speculum* 80.1 (2005): 44-74.

Laffón Álvarez, Luisa. "Arenga hispana: una aproximación a los preámbulos documentales de la Edad Media." *Historia, Instituciones, Documentos* 16 (1989): 133-232.

Linage Conde, Antonio. "Los caminares de la Benedictinización." In *El Reino de León en la Alta Edad Media* 9, 39-217. León: Centro de Estudios e Investigación "San Isidoro," 1997.

Linehan, Peter. *History and the Historians of Medieval Spain*. Oxford: Oxford University Press, 1993.

López Alsina, Fernando. "Reyes y obispos en el reino de León." In *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, vol. 1, 85-102. 2 volumes. León: Centro de Estudios e Investigación "San Isidoro," 2007.

Lucas Álvarez, Manuel. *La documentación real astur-leonesa (718-1072)*. *El Reino de León en la Alta Edad Media* 8. León: Centro de Estudios e Investigación "San Isidoro," 1995.

Martínez Díez, Gonzalo. "Los fueros leoneses: 1017-1336." In *El Reino de León en la Alta Edad Media* 1, 283-352. León: Centro de Estudios e Investigación "San Isidoro," 1988.

Martínez Díez, Gonzalo. "Las instituciones del reino astur a través de los diplomas (718-910)." *Anuario de Historia del Derecho Español* 35 (1965): 59-167.

Martínez Llorente, Félix. "La aplicación del Derecho en la Castilla altomedieval (s. IX-XIII)." In *La aplicación del derecho a lo largo de la historia. Actas III Jornadas de Historia del Derecho de la Universidad Jaén*, edited by Juan Ángel Sáinz Guerra, Miguel Ángel Chamocho Cantudo, and Isabel Ramos Vázquez, 56-93. Jaén: Universidad de Jaén, 1998.

Martínez Llorente, Félix, ed. *En el milenario del Fuero de León, 1017-2017. La ciudad de León y su derecho*. León: Ayuntamiento de León, 2018.

Martínez Sopena, Pascual. "La justicia en la época asturleonense: entre el *Liber* y los mediadores sociales." In *El lugar del campesino en torno a la obra de Reyna Pastor*, edited by Ana Rodríguez, 239-55. Valencia: Publicacions de la Universitat de València, 2007.

Martínez Sopena, Pascual. "Reyes y nobles en León (ca. 860-1160)." In *Monarquía y sociedad en el reino de León. De Alfonso III a Alfonso VII*, vol. 1, 149-200. 2 volumes. León: Centro de Estudios e Investigación "San Isidoro," 2007.

Martínez Sopena, Pascual. "Reyes, condes e infanzones. Aristocracia y *alfetena* en el reino de León." In *Ante el milenario del reinado de Sancho el Mayor. Un rey navarro para España y Europa*, 109-54. Pamplona: Institución Príncipe de Viana, 2004.

Martínez Sopena, Pascual. *La Tierra de Campos occidental. Poblamiento, poder y comunidad del siglo X al XII*. Valladolid: Diputación Provincial de Valladolid, 1985.

Marques, André Evangelista. "Between the Language of the Law and the Language of Justice: the Use of Formulas in Portuguese Dispute Texts (Tenth and Eleventh Centuries)." In *Law and Language in the Middle Ages*, edited by Matthew W. McHaffie, Jenny Benham, and Helle Vogt, 128-64. Boston and Leiden: Brill, 2018.

Orlandis, José. "La pervivencia de la legislación visigótica sobre la seguridad del reino en la Alta Edad Media." In *Estudios Visigóticos* 3, 125-36. Rome: C. S. I. C., 1962.

Orlandis, José. "Huellas visigóticas en el derecho de la Alta Edad Media." *Anuario de Historia del Derecho Español* 15 (1944): 644-58.

Pastor Díaz de Garayo, Ernesto. *Castilla en el tránsito de la Antigüedad al feudalismo. Poblamiento, poder político y estructura social: del Arlanza al Duero (siglos VII-XI)*. Valladolid: Junta de Castilla y León, 1996.

Pérez, Mariel. "Rebelles, infideles, traditores. Insumisión política y poder aristocrático en el reino de León." *Historia, Instituciones, Documentos* 38 (2011): 361-82.

Pérez de Urbel, Justo. "Cardeña y sus escribas durante la primera mitad del siglo X." In *Bivium. Homenaje a Manuel Cecilio Díaz y Díaz*, 217-37. Madrid: Gredos, 1983.

Pérez de Urbel, Justo. *Sampiro. Su crónica y la monarquía leonesa en el siglo X*. Madrid: Escuela de Estudios Medievales, 1952.

Pérez-Prendes y Muñoz de Arracó, José Manuel. "La potestad legislativa en el reino de León." In *El Reino de León en la Alta Edad Media* 1, 495-545. León: Centro de Estudios e Investigación "San Isidoro," 1988.

Plettenberg, Walther Graf von. *Das Fortleben des Liber Iudiciorum in Asturien/León (8.-13.Jh.)*. Frankfurt am Main: Peter Lang, 1994.

Prieto Prieto, Alfonso. "La potestad judicial de los reyes de León." In *El Reino de León en la Alta Edad Media* 2, 519-64. León: Centro de Estudios e Investigación "San Isidoro," 1992.

Rio, Alice. *Slavery after Rome, 500-1100*. Oxford: Oxford University Press, 2017.

Rodiño Caramés, Claudio. "A *Lex gótica* e o *Liber Iudicum* no reino de León." *Cuadernos de Estudios Gallegos* 44.109 (1997): 9-52.

Ruiz Asencio, José Manuel. "Escribas y bibliotecas altomedievales hispanos." In *La enseñanza en la Edad Media. X Semana de Estudios Medievales*, edited by José Ignacio de la Iglesia Duarte, Francisco Javier García Turza, and José Ángel García de Cortázar, 151-74. Logroño: Instituto de Estudios Riojanos, 2000.

Ruiz Asencio, José Manuel. “Rebeliones leoneses contra Vermudo II.” *Archivos Leoneses* 45-46 (1969): 215-41.

Sáez, Emilio. “Inventario de bibliotecas medievales en el Tumbo de Celanova.” *La Ciudad de Dios* 155 (1943): 563-68.

Sánchez-Albornoz, Claudio. *En torno a los orígenes del feudalismo*. Madrid: Ediciones Istmo, 1993.

Sánchez-Albornoz, Claudio. “Notas sobre los libros leídos en el reino de León hace mil años.” Reprinted in *Miscelánea de estudios históricos*, 273-91. León: C. S. I. C., 1970.

Sánchez-Arcilla Bernal, José. “El derecho especial de los fueros del reino de León (1017-1229).” In *El Reino de León en la Alta Edad Media* 2, 189-380. León: Centro de Estudios e Investigación “San Isidoro,” 1992.

Sánchez Badiola, Juan José. “Terminología vasallática en la documentación altomedieval leonesa (ss. IX-XI).” In *Actas del III Congreso Hispánico de Latín Medieval*, edited by Maurilio Pérez González, vol. 2, 687-96. 2 volumes. León: Universidad de León, 2002.

Shailor, Barbara A. “The Scriptorium of San Pedro de Cardeña.” *Bulletin of the John Rylands Library* 61.2 (1979): 444-73.

Sirantoine, Hélène. *Imperator Hispaniae. Les idéologies impériales dans le royaume de León (IX^e-XII^e siècles)*. Madrid: Casa de Velázquez, 2013.

Wormald, Patrick. “*Lex scripta and verbum regis*: Legislation and Germanic Kingship, from Euric to Cnut.” Reprinted in *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience*, 1-43. London: Hambledon Press, 1999.

Yarza Luaces, José Joaquín. “‘Scriptoria’ y manuscritos iluminados en los reinos hispanos occidentales en el entorno del año mil.” In *La Península Ibérica en torno al año 1000. VII Congreso de Estudios Medievales*, 65-88. Ávila: Fundación Sánchez-Albornoz, 2001.

Zimmermann, Michel. *Écrire et lire en Catalogne (IX^e-XII^e siècle)*. 2 volumes. Madrid: Casa de Velázquez, 2003.

Zimmermann, Michel. “L’usage du droit wisigothique en Catalogne du IX^e au XII^e siècle: approches d’une signification culturelle.” *Mélanges de la Casa de Velázquez* 9 (1973): 233-81.