**Abstract**

Between AD 649 and 651, Bishop Braulio of Zaragoza († 651) and King Recceswinth (r. 649-672) exchanged four letters about a manuscript which was sent to the bishop, amended, and returned to the king. In the letters, the title of the work is not explicitly stated and no information is provided that would allow the text’s accurate identification. However, the letters do describe the deplorable condition of the manuscript. Braulio explains the work he carried out on the text, correcting and organizing it based on a particular pattern: the division of the work in *tituli* and its edition using tables of contents (*aeras*). The aim of this essay is to analyze the organization and edition of this manuscript by Braulio, based on the thesis that it is a copy of the *Liber Iudiciorum* presented by Recceswinth at the VIII Council of Toledo in 653 and promulgated shortly afterwards.

First, I will summarize the arguments supporting the idea that the manuscript sent by Recceswinth is, in fact, a copy of the *Liber*, in order to underscore Braulio’s participation and responsibility in the king’s law-making activity. Furthermore, I will focus on the process of organization of the *Liber*’s contents, particularly on Braulio’s...
planning and description of this process. In so doing, I will compare Braulio’s activity on the *Liber* with similar efforts undertaken by the bishop to organize both his own work (mainly his *Epistolae* and *Renotatio*) and that of different authors (e.g. Isidore of Seville’s *Etymologies*). The results will be combined with studies on the *Liber*’s manuscript tradition, focused on both its external (paratextual elements such as the aforementioned *tituli* and *aeras*) and internal (changes or additions in the content’s distribution) organization. By studying Braulio’s activity on the organization of several texts, this essay analyzes a key aspect of Braulio’s contribution to the formal elaboration of the *Liber Iudiciorum* promulgated by Recceswinth.

**ESSAY**

**Braulio of Zaragoza and his Role in Recceswinth’s *Liber Iudiciorum***

In AD 654 King Recceswinth (r. 649-672) issued a legal code, known as the *Liber Iudiciorum (LI)*, after its approval at the Eighth Council of Toledo (VIII Toledo) at the end of 653.² During the years before, between 649 and 651, Recceswinth and Braulio (Bishop of Zaragoza, 631-651) had exchanged a series of letters (*Ep.* 29, 30, 31 and 32³) concerning the sending and editing of a certain manuscript. In his letters, Braulio explains the amount of work that he devotes to the text, including correcting mistakes and organizing it into *tituli* according to tables of contents (*aeras*). Traditionally, the

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³ The letters’ numeration is cited according to its arrangement in Ruth Miguel Franco, *Epístolas: Braulio de Zaragoza* (Madrid: Akal, 2015), 77-166; also, the epistolary text cited will be according to this edition. For a structural explanation, ibid., 38-59. In the prior editions, as Luis Riesco’s, *Epistolario de Braulio de Zaragoza. Introducción, edición crítica y traducción* (Sevilla: Universidad de Sevilla, 1975), 150-53, the letters are given the following numeration: 29 = 38; 30 = 39; 31 = 40; 32 = 41. This is the numbering that has been used traditionally by historians, but is inconsistent with the *Epistolario*’s textual tradition. Unless otherwise noted, all quotations in this essay are from Braulio and, therefore, only the letter’s number will be indicated.
referenced manuscript sent by Braulio to the king has been thought to be a copy of the *LI* and a way for Braulio to participate in Recceswinth’s legislative power. An essential obstacle to confirming this is that the codex’s name is neither mentioned in the letter, nor are its content or characteristics explained. In addition, the extent and consequences of Braulio’s work on the *LI* are uncertain.\(^2\) The aim of this essay is to examine, from several perspectives, the extant data regarding Braulio’s literary and cultural activity, and to connect that with his potential contribution to Recceswinth’s legal compilation.

In contrast to the argument supporting the mentioned manuscript as the *LI* is the claim that Recceswinth summoned VIII Toledo in order to revise the new legal text, which would not have been necessary if Braulio’s edition had effectively been carried out.\(^4\) However, the council’s purpose seems to have been to ratify the content of the law and its adequacy to Christian doctrine and justice, whereas Braulio explicitly references a formal revision of the text. Its presentation before the bishops has been seen as a mere formality, as can be gleamed from the royal letters attached to the documents. Recceswinth’s letter is similar to those presented with their respective later revisions of the *LI*, by King Erwig at XII Toledo (681) and by King Egica at XVI Toledo (693): each has a series of formulas referring more to the sense of the text than to its form, and that, undoubtedly, were presented to ask for the code’s approval by the council or synod assembly. In this way, the bishops did not revise the text word by word, but rather ensured that the laws were consistent with the ruling principles. That is, a series of legal

regulations was presented before the council to be read and used, and able to be returned to their sees by the prelates and duces after the council, not a text to be edited.\(^5\)

Apart from its identification, it is also argued whether Braulio corrected the whole text or whether he left his work incomplete. Remember, the bishop died in 651, three years before the issuing of the LI, and already had been weak and ill while working on the king’s assignment: “so often I despaired to correct it and so many times I left whenever my several illnesses waylaid me.”\(^6\)

Nevertheless, in his last letter Braulio presents his work as finished and Recceswinth thanks him “the errors hidden in this book […] have been shown clearly enough, not in vain we praise your work […] you wisely focused on its usefulness in such a way that it is ready to be used.”\(^7\)

Recceswinth uses simple-perfect, past-tense verbs (exercuisti, collegisti) that convey that the action is finished. This is not an obstacle to thinking that, between Braulio’s death and VIII Toledo other people could have adjusted the text; however, although the LI could have been subsequently modified, the version Recceswinth assigned to Braulio was able to be considered finished before his death.\(^8\)

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\(^6\) “Quotiens de emendation eius (cf. libri) disperauerin quotiensque aegritudibus diuresis obuiantibu cessauerim.” \(\text{Ep. 29}\).

\(^7\) “Denudatum ignauam quae erat occulta in hoc libro […] manifiesta est […] non inmerito laudamos opus quod exercuisti […] eius (cf. libri) efficaciam in procinctu sapienter collegisti.” \(\text{Ep. 32}\).

\(^8\) The later corrections could have been made by Tajo of Zaragoza or Eugenius II of Toledo: see, Kelly, *Writing History*, 33-35.
Leaving aside hypotheses that claim the text mentioned by Recceswinth and Braulio was not the *Liber Iudiciorum*, or that Braulio’s edition had not been corrected as planned, one wonders what the work was truly about. Most of the content of the quoted letters can be summarized in the following phrase, which Braulio uses to describe the text sent by Recceswinth: “Actually, it is so corrupted by scribal neglect that hardly can be found a phrase not able to be modified and, then, it would have taken less time to write it again than to correct it.”

The terms *emendare* and *emendatio*, belonging to the copy’s technical lexicon and to the book’s editing, appear several times in the letters between Braulio and Recceswinth: they reference a text with errors able to be easily corrected through a scholarly linguistic revision. In addition, the king asked Braulio to arrange the text in sections and to endow it with a practical and manageable structure. The bishop describes this task in his last letter: “I arranged in titles the text of this codex, as you ordered […]. If by chance what I compiled seems not clear enough to any of our people, he will not have to hesitate in resorting to the tables of indexes upon which the text’s editing is based.”

Thus, it is likely that Braulio had engaged with the *LI*. As such, the next task in the argument is to determine the process for the *LI*’s revision and arrangement into chapters. The following sections will elaborate these issues and demonstrate how Braulio’s life and work further indicate his association with the construction of the *LI*.

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9 “Nam tantis obrutus est neglegentiis scribarum uix reperriatur sentential quae emendari non debeat, ac sic compendiosius fuerat demum scribe quam possit scriptus emendari.” *Ep.* 29.
11 “Huius quidem codicis textum, ut praecipistis, sub titulis misi […] Sicubi forte minus absoluta alicui seruorum uestrorum quae college uideretur, ad eras, de quibus edita sunt, recurrere non deditetur.” *Ep.* 31.
**Method and Organization in Braulio of Zaragoza’s work**

Conditioning a text by endowing it with a new frame was as much a common praxis in late antique and medieval writing as in today’s postmodern aesthetics. The task is accomplished either by re-setting materials into a group in which it did not originally belong, by adding prologues or epilogues, or by other means. The structure and arrangement of the elements provide cohesion and a global sense to the text, enabling the reader to correlate the individual elements. Braulio used this method in several works that, in one way or another, show his signature.

The main extant work of Braulio is his *Epistolario*. This set of letters has been passed down through a *codex unicus*, the important Leon manuscript Archivo Capitular 22, from the ninth century. Its first editor, Father Risco (1775) analyzed the letters chronologically and edited them following such a method. However, in the manuscript, the letters are arranged in a quite sophisticated way, combining the chronological and the thematic aspects, reflecting, undoubtedly, Braulio’s work. The *Epistolario* is cut in two by the central letter, *Ep. 16*, which was written by Braulio and sent by his fellow bishops at VI Toledo (638) to Pope Honorius I (625-638). The letter establishes an imagined boundary in Braulio’s biography: the culmination of his fame both as a writer and in religious and cultural influence. The letter is placed exactly in the middle and, if the set is folded with *Ep. 16* as a base the image of the structure is as follows:13

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13 For a more detailed version of this table and further explanation of the letters’ order see Miguel Franco, *Epístolas: Braulio de Zaragoza*, 38-44. Leon’s manuscript poses some textual problems due to an error in the copy, but it is possible to reconstruct this order by following the copyist’s indications.
The first and second parts maintain a mirrored-like correspondence. A’s letters, in both halves, are addressed to religious men (among them is Tajo, in both groups) and deal with topics such as relics or the comprehension of certain passages of the scriptures. B’s letters are consolatory ones, for a widowed woman, in the first part, and for a widowed man, in the second. The discourse between Ep. 8 and Ep. 29–32 (C groups) and Ep. 9, on the one hand, and Ep. 23–27, on the other (D groups), are those in focus here. In them, Braulio discusses with King Chindaswinth (r. 642-649/653), Reccesswinth’s father and royal successor, the episcopal ordination of Eugenius II and later, in another letter, Braulio and Recceswinth speak about the preparation of the LI manuscript. These two groups are separated by Ep. 28: in it Braulio writes in the name of a collective author to ask for Recceswinth’s affiliation to the throne by Chindaswinth. Then, there is another group of consolatory letters, 1st E and 2nd E, and, finally, the F group, letters to other clergy on varied topics related to religion, for example, the interchange of books or the calculation of Easter dates. In brief, Braulio carried out a
careful selection of his letters, chose the most interesting ones and arranged them in opposite groups following a thematic plan so that the links made between the letters direct alternative meanings to the whole series.

In addition, it is worth mentioning a text Braulio did not write but that in some way belongs to him: the *Etymologiae*. Braulio arranged and edited the contents of the Isidorian text, to what extent is unknown. Isidore, Bishop of Seville (c. 600-636), shortly after his death in 636, sent Braulio *ad emendandum* a codex from the *Etymologiae* that he defined as *inemendatum prae ualitudine*, that is, lacking revision and correction. However, Braulio, in his *Renotatio librorum domini Isidori*, where he describes the Sevillan’s works, colors this claim by defining the book as *imperfectum*, and attributes to himself the division into the books and *tituli* that Isidore had imposed. The nature of this intervention and the resulting number of books remain a point of discussion by scholars. The oldest manuscripts, which could contain features prior to Braulio’s intervention, show a tripartite division into ten books. The text of the *Renotatio* suggests fifteen books, but most of the *Etymologiae* tradition says twenty, excepting some cases with different divisions. What is certain is that Braulio’s intervention happened: there was a before and an after in the organization of the *Etymologiae*, a product of Braulio’s editing. Apart from this, he added elements to the encyclopedia: he inserted his letters with Isidore at the beginning of the work, as a prologue, and suggests to the reader that he himself was responsible for the ultimate

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14 José C. Martín, *Scripta de uita Isidori*, 73-89.
correction of the volume.\textsuperscript{17} It is in keeping with Braulio’s style and his dynamic conception about the literary collection: to arrange a written work was an essential part of his creation, as was the desire to endow it with a frame convenient for the type of subsequent reception he imagined.

**Braulio and the Liber Iudiciorum Edition**

Revealing Braulio’s specific work on the *LI* is not an easy task. Recceswinth’s laws later underwent several revisions, mainly in Erwig’s edition (681) and Egica’s (693), with other additions by Wittiza at the turn of the eighth century.\textsuperscript{18} The different editions overlap in the tradition, and the *contaminatio* remaining in the preserved copies makes it difficult to determine the key features of Recceswinth’s *LI* and to separate them from latter editions.\textsuperscript{19} Primarily, apart from the division into *tituli* and *aeras*, mentioned in Braulio’s letters, it has been argued that the first book of the *LI* (*LI I*) could be the work of Zaragoza, as the book has evident Isidorian traces.\textsuperscript{20}

In studies about the *LI*’s transmission, questions about its formation and structure occupy a large space. In the most widely extant form, the *LI* opens with *tituli* and an


\textsuperscript{18} It is not my aim here to analyze the *LI*’s complex tradition, but only to relate some of the characteristics manifested through the Braulian context. Karl Zeumer, from the various versions of the *LI* developed a tripartite division of the exemplars that has been refuted by Manuel C. Díaz y Díaz, “La *Lex Visigothorum* y sus manuscritos. Un ensayo de reinterpretación,” *Anuario de Historia del Derecho Español* 46 (1976): 164-71; García López, *Estudios críticos*, 19-26. For a recent approach see: Martin, “Le *Liber Iudiciorum*,” 19-20.


index within certain circles repeated in several manuscripts: each book begins in a similar way, with its name and number in the series; in a book, each title is followed by *eras*, a table with chapters of the laws.\footnote{García López, *Estudios críticos*, 36-37.} The particularities of some testimonies (due to the *contaminatio* in numerous cases) have made some scholars think that neither *LI* I nor the division into *tituli* can be linked for sure to Recceswinth’s edition.\footnote{Díaz y Díaz, “La Lex Visigothorum y sus manuscritos,” 204-209.} Nevertheless, more recent studies of the *LI*’s copies seem to confirm that both features are connected with Recceswinth’s edition and, therefore, with Braulio’s work.\footnote{Deswarte, “Le code du roi Récéswinthe,” 71-72.}

Apart from this succinct analysis of the manuscript tradition, the issues of Recceswinth’s assignment to Braulio of the editorship could be settled by placing it in the general context of his intellectual work, as described above. Braulio mastered composition techniques and combined the aesthetic with the practical – a unique feat in his setting – as seen in the *Epistolario* and the *Etymologiae*.

The *LI*’s arrangement was not only related to the practical aspect of its being written down, but it was also aligned with the great cultural works being constructed in the period. For instance, the *LI*’s division into twelve books is reminiscent of the *Codex Iustinianus* and therefore suggests an ideological association with imperial authority;\footnote{Deswarte, “Le concile de Tolède,” 153.} and, the number 12 is linked to VIII Toledo’s documents.\footnote{Kelly, *Writing History*, 65, n. 149;239.} An external feature, such as the number of books in a work, allows it to be read within the framework of others using the same symbolic associations. In addition, it is worth remembering that the first book of the *LI* is attributed to Braulio, and by the divisions he established the legislative
contents needed to fit within eleven books. The act of interpretation relies on an awareness – conscious or not – of textual structure, of which literary aesthetics are a central component. The *LI* is a literary codification through its division into *tituli*, as are other contemporary texts produced by Braulio who, by this, is a conspicuous figure in this setting.

*Liber Iudiciorum I*

The first book of the *Liber Iudiciorum* has been attributed to Braulio and is of crucial importance for understanding the work. The *LI*, apart from being a compilation of laws, can be read as an ideological historical text through which Recceswinth legitimized his kingship and ancestry by means of textual mechanisms. In this respect, the contents of *LI I*, containing strong Isidorian roots, frames the legal set and its reading.26

In addition to its redaction and contents, *LI I* is noticeable for its particular formal features. Initially it appears as the rest of the code: divided into two *tituli*, the first consisting of an eight-law *aera* and the second, a seven. However, the text is quite unique from the rest of the books: it seems to be a continuous redaction written according to the flow and format of the law.27 In the constitutions of *LI I* there are several textual mechanisms supporting the cohesion of a unitary text, such as textual marks (*I.1.3 tunc primo*; *I.1.4 consequenter*; *I.1.9 tunc deinde*; *I.2.1 item*) or anaphoras (*I.1.4 to I.1.8*, describing the legislator, beginning by *erit*). This does not happen in the rest of the book: the other laws have closed redactions that do not belong to a unified textual unit and, when coinciding in the beginning of their redaction, do so through

27 Martin, “La réforme wisigothique,” 45-46
frequent constructions in the legislative language like conditional sentences (*Si; si quid*). It appears, then, that *LI* I was written as a self-contained text intended as a prologue and then was adapted to the divisions of the rest of the volume.

This analysis provides the significance of the structure in this written work and of Braulio’s task through his method: a non-strictly-legal text fragment, which, by arrangement in *tituli* and *leges* and insertion into a pre-existing written work, becomes other, changing its genre to be considered as belonging to a legislative corpus. Likewise, when Braulio added his letter correspondence with Isidore at the beginning of the *Etymologiae*, he framed it so as to propose a reading of the two texts as a unit, for them to have significance as a set.

*LI* I’s structure can be compared to texts such as the *Epistolario*, which has been given a double codification. A text, like a letter or a preamble for a collection of laws, is written according to a determined genre’s rules and is conferred a first codification making it fit within the genre. This enables the message to meet the communicative functions as planned from the beginning. The text is also able to receive a second codification that can be seen in its internal logic and its embedding into a meta-structure. At this point, a letter becomes part of a series or is added to a written work as a prologue; it is no longer a self-contained text functioning as part of the meta-structure. Also, ties should be created among the pieces conveying cohesion for the whole text, for instance, with a similar visual format such as the division of the first book into *tituli* and *aeras*. Braulio’s written works are given this double codification: the *LI* and its first book, a prefatory text gaining a legal appearance, fit perfectly into Braulio’s composition techniques.
References to the LI in Braulio’s Oeuvre

As shown above, Braulio’s Epistolario hides a detailed structure collating similar pieces and directing them towards one another in a mirror-like fashion. If one is to elaborate on this reading it is possible then to realize that Braulio used such topical architecture in order to elicit subtle allusions to his relationship with the monarchy and his work on the LI. Throughout the second part of his text, a series of letters between Braulio and kings Chindaswinth and Recceswinth are found. What I referred to above as the 2C block is constituted by Ep. 23 and 24, those letters interchanged between Braulio and his disciple Eugenius II de Toledo (646), and of Ep. 25 – 27 between Braulio and Chindaswinth about Eugenius’s episcopal ordination. In them, the king and the bishop confronted one another, as Braulio appealed to the former not to take his dear disciple Eugenius to Toledo, a request ignored by Chindaswinth. The disagreement was deeper than what is expressed in the letters, in which the correspondents’ tone is formal and amiable. For instance, the last letter from Braulio to Chindaswinth begins with a citation from Augustine of Hippo’s Enarraciones in psalmos (138.26, 11.16-19); a person who had mastered Augustine’s works would have identified the passage, where the inflati iustitiae nomine kings, “arrogant in the name of justice,” are criticized. This follows Ep. 28, where Braulio and other people ask for Recceswinth’s affiliation to the throne (649). This piece of writing serves as a transition between two blocks of correspondence dedicated to Chindaswinth (C) and Recceswinth (D). The D group is composed of the letters in which Braulio apologizes for his tardiness with editing the codex, which eventually is sent, and the king thanks him for the finished task.

As noted by different scholars, besides its practical role the *LI* was a political instrument meant to legitimize and create history. Throughout its varied composite layers are *damnatio memoriae*. For example, there are no references to non-Catholic legislators, that is, the laws prior to King Reccared’s (r. 586-601) conversion to Catholicism are anonymous, although they are not removed. Moreover, the *Liber* had a retroactive effect and could have been applied to soothe the consequences of Chindaswinth’s repression against the aristocratic groups who had contested his rise to power. Braulio was related to or kept relationships with members of these groups. After his affiliation to the throne in 649, as requested in *Ep.* 29, and his father’s death, Recceswinth positioned himself as restorer of a just monarchical order: the *LI* is part of an ideological campaign to delegitimize his father in order to legitimize him.

Throughout Braulio’s *Epistolario* his views on both Chindaswinth’s and Recceswinth’s legislative actions are evident. For example, following my proposed plan for the correspondences, section 2C would be consistent with *Ep.* 9 in the first half. The structure makes sense: in this letter Braulio apologizes to Bishop Wiligildus for having made one of his diocese’s monks take priestly holy orders without due authorization. This is the same case as Eugenius II, whose priestly ordination Chindaswinth performed against his will and that of Braulio.

The *Epistolario*’s table of relationships on the *LI*’s editing, demonstrated in *Ep.* 28 to 32, can be matched, in the first part, to *Ep.* 8. Traditionally it has been included among

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the consolatory pieces, but, although being addressed to Apicella, a recent widow, it has none of the genre’s tropes, which Braulio systematically repeats in the rest of the consolatory writing. In this letter, the bishop explains: “Although this codex had been copied for another person, nevertheless, as we could not disregard your request, we have sent it to you. I think, by the way, that this happens by divine will: that, having been intended for a different person, it is given to you instead.” That is, in his scriptorium a thematic series of selected biblical texts was being prepared, among which were Judith’s book and Tobias’s history. This manuscript had, primarily, a planned addressee who never received it, as Apicella’s request interposed. This note is remarkable for its brevity and anodyne nature of its wording and contents; neither due to the developed topics nor to its register does it conform with the setting. Therefore, its falling into the set can be ascribed to its crucial role as a conditioning piece for the meaning of its subset (which I call 2D).

This coincidence can be connected to Chindaswinth’s legislative action prior to Braulio’s collaborative work with Recceswinth. The judicial reforms carried out during the son’s reign had begun already during the father’s; Chindaswinth was responsible for the first legal reform after Leovigild. Although Chindaswinth probably did not get around to issuing a legal compilation able to be considered as a first edition of the Li, he could have given birth to a greater part of the elements that later would make up the Liber Iudiciorum. From internal references between Chindaswinth’s law one can

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perceive new divisions in Recceswinth’s revision overlapping a preexisting structure; therefore, an organized volume containing the seeds of \textit{LI} had to have existed.\footnote{García López, \textit{Estudios críticos}, 10-11.} Remember, the letters talk about a \textit{codex} and so one should not imagine loose sheets or compilations of heterogeneous elements, since they had to be already copied into a volume of some sort.

With the subtle connection between \textit{Ep.} 1C and 2C, Braulio might have been indicating that the \textit{LI}’s compilation and revision had not begun with Recceswinth, but that, essentially, the king’s \textit{codex} “had been copied for another person”: out of the closeness between the king’s letters and their gathering into a block it is conceivable to see them as a reference to the legal reforms started by Chindaswinth. Probably, Recceswinth made use of available elements as a base for his legislation; these elements, perhaps inherited from his father, had not been through a detailed revision or arranged by an expert. No connection among written pieces within Braulio’s \textit{Epistolario} appears placed at random; matchings between the letters suggest that, in a way, Braulio wanted to convey a prior purpose for the manuscript that he sent to Recceswinth after revision. Because of this, the continuity of the legislative action and the discontinuity of the two reigns are highlighted in the \textit{Epistolario}, which also contains Braulio’s opinions on the monarchs.

\textbf{Conclusions}

The task supposed to be carried out by Braulio in the \textit{Liber Iudiciorum} corresponds to the composite techniques evident throughout his works: he arranged a series of pre-existing elements according to a culturally determined structure, corrected their formal
aspects and added elements that forced a particular interpretation of the materials. The *LI’s* arrangement and *LI I’s* inclusion transcend a mere formal revision, since the place of the contents in the code represents a crucial role not only in directing their judicial use, but also in their adequacy within a series of patterns dictating the code’s reception. Finally, remember that the *LI*, and other legal texts at that time, are works with an eye to the practical, but they are also effective literarily and aesthetically: as in Braulio’s *Epistolario*, historical narrative and ideological expression are united.\(^{37}\)

Bibliography

Primary


Secondary


