

Constructing Legitimacy and Using Authority. The Production of Cartularies in Braga during the 12th Century¹

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*Incipit cronica eorum que, pro magna parte, spectant vel spectare debent ad ecclesiam bracharensem et eius diocesim, sive provinciam, et vocatur liber fidei, id est: cui fides debet adhiberi, vocatur etiam: liber testamentorum*²

Such are the opening words of the «Liber Fidei», one of the most famous cartularies preserved in the archive of the archdiocese of Braga, if not the most famous one. It is, undoubtedly, the oldest one from that cathedral's *scriptorium*, but its significance does not derive from its age alone, but rather from its contents and dimension, unparalleled by any of the subsequent cartularies written in that same intellectual environment. This makes it an invaluable source of information, allowing us insights into worlds normally obscured from the eyes of historians.

The words in the *incipit* of what is commonly known as the «Liber Fidei» introduce us directly to the question of the motivation and stimulus for the production of such an instrument, i. e., to the basis of the need to create a cartulary, in the privileged form of a *liber*, where written proof of all important things would be noted down in authoritative form. They would hence serve as 'unquestionable testimony' – one which could *fides adhiberi* – to Braga's possessions, rights and interests within the boundaries of its province. This was to be done, of course, by copying 'faithfully' all the relevant documents, the *testamenti*, into one single piece of evidence, a book, which would, in itself, certify, or, in a word, give faith to, the acts related and the correlated facts it contained, organized in a specific order, according to the purpose it served.

It is widely known that the production of cartularies – an instrument still lacking a definition which can characterise it properly³ – is almost always de-

1 I would like to thank André O. Marques, Hugh Denman and Peter Linehan for their suggestions, information and comments to my text, as well as the badly needed corrections to my English. All the mistakes are my responsibility, of course.

2 *Liber Fidei Sanctae Bracarensis Ecclesiae*, vols. I–III, ed. Avelino de Jesus da COSTA, Braga 1965–1990, vol. I, p. 3.

3 The definition of 'cartulary' adopted in 1994 by the *Vocabulaire International de Diplomatique* (cura Maria Milagros CÀRCEL ORTI), Valencia 1994, pp. 35–36 is a good

rived from the basic need to collect sufficient evidence, in order to enable the institutions which produce it to prove the legitimacy of their claims to a very wide range of rights.

The motivations for this effort of compilation of documents into a single cartulary can range from the simple need to prove entitlement to property or to determine the possession of jurisdictional rights, to rather more complex questions. Quite often, the *raison d'être* for the production of these complex instruments, outshines, by far, the simpler territorial proof of entitlement to land.⁴ Indeed, this seems to have been the case with many of the documents contained in the «Liber Fidei» itself, which also reflects other types of needs and interests. 'Propaganda' being a strong word, it has been used in this meeting to describe the function of other cartularies being produced in Spain in even earlier chronologies⁵, and as we will try to prove here today, it was also one of the driving forces to the production of a considerable part of the «Liber Fidei».

In producing 'their' cartulary, the canons of Braga were only following a relatively common trend, in the 12th century of increasing the legal strength of the written records, by engraving them in a lasting, prestigious and reliable 'new' format, in a form closer to the notion of 'register' as we conceive of it today. A cartulary, a codex in which all those pieces of written evidence could be gathered and available in just one piece, was probably perfect for that task.

example of how wide ranging and vague this 'type' can be. If on the one hand it defines it as: „un recueil de copies de ses propres documents, établis par une personne physique ou morale, qui, dans un volume ou plus rarement dans un rouleau, transcrit ou fait transcrire intégralement ou parfois en extraits des titres relatives à ses biens et à ses droits et des documents concernant son histoire ou son administration, pour en assurer la conservation et en faciliter la consultation“. On the other hand it then adds other meanings to the word *chartularium*: it may just mean a record of a group of things, like the cargo of a ship, or a record of debts, or even a register of notarial minutes. Then there is the question of the institution or person who ordered it, and the immense variety of names which are given to cartularies.

- 4 On the composition of cartularies and their study, it may also be of use to browse through Paul BERTRAND/Caroline BOURLET/Xavier HÉLARY: *Vers une typologie des cartulaires médiévaux*, in: *Les Cartulaires Méridionaux*, publ. par Daniel LE BLÉVEC, Paris 2006, pp. 7–20. Cf. moreover, David WALKER: *The Organization of Material in Medieval cartularies*, in: *The Study of Medieval Records. Essays in Honour of Kathleen Major*, ed. by Donald Auberon BULLOGH/Robin Lindsay STOREY, Oxford 1971, pp. 132–150. *Charters, Cartularies and archives: The Preservation and Transmission of Documents in the Medieval West. Proceedings of a Colloquium of the Commission internationale de diplomatique (Princeton-New York 16–18 September 1999)*, ed. by Adam J. KOSTO/Andreas WINROTH, Toronto 2002. *Les Cartulaires. Actes de la table ronde organisée par l'École nationale des chartes et le GDR 121 du CNRS (Paris, 5–7 décembre 1991)*, publ. par Olivier GUYOTJEANNIN/Laurent MORELLE/Michel PARRISSE, Paris 1993.
- 5 I am referring to the article by María Josefa SANZ FUENTES, on the cartularies of Oviedo, also published in these proceedings (pp. 219–232).

We know that Braga's *scriptorium* possessed other such codices, but have no means of assessing their date of production or their exact numbers. When, in 1187, before the judge delegates who were arbitrating the quarrel between Braga and Compostela, the men from Braga displayed cartularies which contained the evidence they wanted to offer as proof for the justice of their cause, they brought forward, together with what they name as «Liber Testamentorum», which is an important part of the «Liber Fidei», a «Liber Iudiciorum» and a «Liber Parvulus», which are now, apparently, lost.⁶

Returning to the interesting prologue to the cartulary, and to the way in which it seems to hint at the existence of a further agenda in its specific production, one should, perhaps, wonder about the reasons underlying the decision of the canons of Braga for choosing the word *Cronica* to introduce the cartulary: *cronica eorum que, pro magna parte, spectant, vel spectare debent, ad ecclesiam bracharensem*. The mere use of the word *cronica* should immediately lead us into enticing speculations on the use of such a word for this specific purpose. It is surely tempting to read the choice of that particular term as an indication of a certain attempt to convey the idea that the deeds recorded in that specific cartulary were more than a compilation of documents, and served to authorise the past as 'history', to re-create it, or, at least, to legitimise the version they wanted to promote of the past as 'it really happened', in what concerned Braga.

To assemble this collection of acts under the designation of 'chronicle', would, no doubt, provide the codex with an added sense of purpose, a narrative-like compilation of authoritative documents which would definitively clarify any doubts about the property and possessions of Braga. Yet the term 'chronicle' is not the only element that leads us to the conclusion that the production of the «Liber Fidei» must have been driven by more reasons other than providing entitlement to property and enumerating all the goods and chattels belonging to Braga.

The scribe who penned the words in the prologue, knew that he had to mention that the «Liber Fidei» hadn't only been produced in order to prove what belonged to Braga (*spectant*) but also to prove what 'should' belong to the diocese 'and its province', (thus the *spectare debent*).

This seems to reinforce, in strong terms, the idea that the «Liber Fidei» was produced having in mind something more than the will to list and record the property of the archbishopric. In my opinion, the *spectare debent* part of the title, strongly suggests the need to prove entitlement to property and rights which were being challenged. And, indeed, we have sufficient elements to confirm that assumption, beyond any reasonable doubt.

6 Carl ERDMANN: Papsturkunden in Portugal im ersten Jahrhundert der portugiesischen Geschichte, Berlin 1927 (Abhandlungen der Akademie der Wissenschaften zu Göttingen, Philosophisch-historische Klasse, Neue Folge XX, 3), doc. 110, pp. 312–313.

We do not need to look very far to understand the need, for Braga, by the end of the 12th century, to be able to produce proof of its patrimony and rights. The disputes over jurisdictional and territorial rights between Braga and Compostela, since 1120, when Pope Calixtus II had granted the see of Santiago the metropolitan dignity, had always been instrumental for the political harmony between the two Western most Iberian monarchies and their archbishops, but they became particularly relevant and virulent from the end of the 1170s onwards. The ease in the Toledo primacy question, after the sixties of the 12th century, would allow the disclosure of how much more fundamental such opposition was, especially for the political survival and affirmation of both archdioceses and their 'respective' Kings and Kingdoms, with very similar, but politically opposed agendas.⁷

The particular virulence that the quarrels assumed from the 50s to 80s of the 12th century must derive from the fact that, after the successful campaigns of Afonso Henriques of Portugal, in the mid-12th century, in the south of his recently created kingdom, the subsequent restoration of too many sees which belonged to the jurisdiction originally given to Compostela, alienated from that see's obedience all the bishops consecrated by Braga, as well as the income of those dioceses. This must have poisoned the relations between the two archbishoprics and would mark the rivalry indelibly. It would eventually also determine the definition of the famous „five items“ on which the dispute was to be centred.⁸

7 This prominence of the Santiago/Braga quarrels over the ones between Braga, Santiago and Toledo for the primacy was first noticed by Peter FEIGE: *La primacía de Toledo y la libertad de las demás metrópolis de España. El ejemplo de Braga*, in: *La Introducción del Cister en España y Portugal, La Olmeda 1991*, pp. 61–132, and also in his thesis: *Die Anfänge des portugiesischen Königtums und seiner Landeskirche*, in: *Spanische Forschungen der Görresgesellschaft 29 (1978)* pp. 85–436. See also, evidently, the classical work by Carl ERDMANN: *O Papado e Portugal no primeiro século da História Portuguesa*, Coimbra 1935 and the traditional Demetrio MANSILLA: *Disputas diocesanas entre Toledo, Braga y Compostela en los siglos XII al XIII*, *Anthologica Annua 3 (1955)* pp. 89–143.

8 The question, historically, progressed into a varied quantity of topics, among which the following five were the most important ones: 1) the possession of the four episcopates: Lamego, Viseu, Coimbra and Egitânia (belonging originally to Mérida but traditionally in Braga); 2) Lisbon and Évora (undoubtedly within Mérida's jurisdiction); 3) Braga (the right to the churches of San Frutuoso and San Victor and the half of Braga); 4) Zamora and 5) the question of the Raised Cross. Since the establishment of Santiago as archdiocese and until 1182–1187, when the judge delegates came to Tui to install the process which would definitively solve the matter, all these five questions had been brought up to Rome as separate issues. They had all previously been brought to the attention of the Papacy, and, in the vast majority of the cases, Braga had managed to receive the most favourable sentences. That had been the case in 1148 (ERDMANN: *Papsturkunden* [see note 6] doc. 47, pp. 211–213), 1153 (ERDMANN: *Papsturkunden* [see note 6] doc. 50, pp. 215–217), 1157 (ERDMANN: *Papsturkunden* [see note 6] doc. 57, pp. 225–227), 1163 (ERDMANN: *Papsturkunden* [see note 6] doc. 63, pp. 233–

Yet it was not until 1177 that the opposition really started to be seriously addressed by Rome. In that year, Alexander III issued a bull in which he re-energized the Lisbon and Évora question, by reaffirming their obligation to obey the see of Compostela.⁹ From that moment onwards, the whole quarrel seems to have taken a different turn, and from then to the end of his pontificate, every New Year saw the reissue of a different papal letter on that same topic, seeking to implement the necessary procedures for the case to be definitively solved.¹⁰ By the end of the 12th century, nominating judge delegates for the instruction of the processes was, of course, the correct form of ‘doing things’. The procedures of law demanded that this sort of case should be dealt with in the correct form, i.e. credible, attested, valid, authentic and legitimate evidence on the items being challenged, produced by both parties. After the evidence had been gathered, the judges could then elaborate the report or reports which would then be sent to Rome, where the Pope could finally issue his definitive sentence, based on real, palpable and, above all, legitimate evidence.

It was not Alexander III, however, the Pope when the judge delegates started collecting evidence¹¹, in Tui, and instructing a process proper, but rather Lucius III, his successor. And the ‘final’ sentences derived from that evidence, would not, however be issued before the pontificate of Innocent III.¹²

Regardless of those delays, in 1182 and 1187¹³, the papal judge delegates did come to Tui (*locum satis aptum* for this purpose, as they themselves inform

234), and 1177 (ERDMANN: Papsturkunden [see note 6] doc. 72, pp. 244–246), and on all of these occasions the Popes had decided favourably for the archbishops of Braga’s claims. As a consequence, Braga was granted all the Episcopal sees ‘under’ or ‘inside’ the ‘Portuguese territory’ even before the ‘official’ recognition of the Kingdom by Rome (which wouldn’t happen until 1179), including those which had belonged to the ancient see of Braga, when Braga headed the Roman and Visigothic church of the Roman province of Gallaecia, many of which were, by then, within the political boundaries of the Leonese Kingdom. In 1148, Eugenius III granted Astorga, Lugo, Tui, Mondonhedo, Valabria, Orense, Porto, Coimbra, Viseu, Lamego and Idanha to Braga; in 1153 Eugenius III added to those the sees of Britonia and Zamora. Lisbon and Évora, however, had never been a pacific case. No Pope had ever recognised them as legitimately belonging to Braga. In 1177, therefore, Alexander III reaffirms their allegiance to Santiago of Compostela and the need to obey and pay homage to their archbishops.

9 See ERDMANN: Papsturkunden [see note 6], doc. 72, pp. 244–246.

10 In 1178, 1180 and 1181 (ERDMANN: Papsturkunden [see note 6], doc. 7, pp. 246–247; doc. 77, pp. 251; docs. 78–80, pp. 252–254, doc. 82, pp. 255–256) letters were sent to the contending parties and judge delegates were appointed in order to make the necessary enquiries and define the final state of affairs.

11 See ERDMANN: Papsturkunden (see note 6), docs. 85–87, pp. 258–26, for the nomination and definition of the duties of these judge delegates.

12 See note 20.

13 ERDMANN: Papsturkunden (see note 6) doc. 91, pp. 266–282; doc. 110, pp. 303–324.

us) in order to collect sufficient and good evidence to be sent to Rome. And it is in the copies of their reports, sent to Rome after those ‘campaigns’, that we may recognise an important part of the evidence which supports our reasoning today, and the assumption, based on what those documents say, that i) at least one of the cartularies mentioned in the reports, the «Liber Testamentorum», is the first part of the first cartulary which would, later, be copied into the «Liber Fidei» and that ii) it was probably compiled, in its pristine form, precisely with the intent of being displayed as one single piece of evidence on the items dispute before the audience of those specific judge delegates.

It seems likely that the turn of the events and the demands of a process which was growing in complexity and seriousness promoted the need to produce updated and authoritative records of entitlement to possession of patrimony and rights, like the one provided by the «Liber Testamentorum» presented to the judge delegates in Tui, which is, in fact, preserved until this day in the first book of the «Liber Fidei». Moreover, we may also testify to a similar concern in the *scriptorium* of the canons of Santiago de Compostela, who were acting along comparable lines, at much the same time. They, too, were producing similar cartularies in chronologies close to the one of the «Liber Testamentorum».¹⁴

Faced with serious threats to their respective jurisdictions, limits and rights, the contenders were asked, by the Pope himself, to prove, their ‘true’ entitlement to the privileges and possessions, which they both claimed as theirs by legitimate right. In the late 12th century, solving this sort of jurisdictional problems meant fighting the cause with the means and the ways considered more appropriate for the specific situation they were faced with, making extensive use both of written and oral testimonies, which had to be brought forward as definitive authorities before the judges, thereby legitimating the ambitions and claims of each of the contestants.¹⁵ Thus the importance of possessing, and

14 I am referring, not only to the very famous Tumbos of the Cathedral of Santiago, but also to the cartularies presented by the archbishop of Compostela, in precisely the same hearings where we learn that the Braga men brought their cartularies (*libri*) to serve as proof of entitlement to rights. *Dominus compostelanus produxit quedam librum quem apellat corpus canonum (...). In quo libro continetur Emeritense concilium, cuius rubrica sic incipit: (...). Item ante initium eiusdem libri est quidam caternus sub eadem ligatura cum libro alterius scripture et littere quem dominus Compostellanus dixit non esse de libro in quo diuisiones metropolium Yspanie antiquam, litteram dissimilem tamen a libro in hunc modo describe sunt (...). Item in eodem caterno continetur quedam scriptura quam dominus Bracarenensis uocat Lucense concilium quod sic incipit (...)* (ERDMANN: Papsturkunden [see note 6] doc. 110, pp. 310–311).

15 During the 12th century the relation and hierarchy of the elements of proof presented by contenders to judge delegates was a fundamental element in establishing the truthfulness of the claims presented. For a long period of time, precedence was given to oral testimony over the written evidence, in general terms. Cf. ‘Preuve’, *DDC*, t. VII, cols. 205–213, for the analysis of the hierarchy of the different types of proof in Canon Law. Not until the advent of public notaries would this reality change considerably. Michael CLANCHY: *From Memory to Written Record: England, 1066–1307*, Oxford

being able to exhibit, before everyone and anyone, not only a multitude of oral witnesses, but also a multitude of written evidence, preferably papal and royal grants or privileges, old authoritative monuments like ‘Chronicles’ or ‘Histories’ dating from Antiquity or the Visigothic times, *acta* of Visigothic Councils, divisions of ecclesiastical provinces, and all sorts of other evidence which could serve to testify to the justness of what was being contested against the other party.¹⁶

When Erdmann published his *Papsturkunden*¹⁷, he studied the structure of the «Liber Fidei», concluding that this 13th century cartulary was actually a copy of two pre-existing ones, dating from the 12th century.¹⁸ This is a fundamental factor for any approach or study of the «Liber Fidei», which needs to be taken into account at all times. The original date of production of the cartularies which were later to be integrated in the cartulary we possess today is a determinant factor for the approach to the motivations and characteristics of its compilation and structure. In this paper I will focus my attention only on the study of the contents and organisation of the ‘first’ of those two cartularies, the «Liber Testamentorum I», whose existence as one single previously compiled piece is perfectly attestable, not only from close study of the structure of the «Liber Fidei», itself, but also from evidence provided by other secondary sources.

²1993, pp. 206–211 and pp. 304–308, also seems to have found the same relation between oral statements and the written word, in the documents he analysed. But he also concludes that both oral and written statements and documents were submitted to strict analysis, in search of falsification or forgeries. See Marta MADERO: *Façons de croire. Les témoins et le juge dans l’œuvre juridique d’Alfonse X le Sage, roi de Castille*, in: *Annales HSS*, janvier–février 1999, n. 1, pp. 197–218, for the role of the witnesses as indisputable proof of truthfulness and an irreplaceable and much valued element in each and every case, since Antiquity. See also Linda FOWLER–MAGERL: *Ordines Iudicarii ad libelli ordinem iudiciorum*, col. *Typologie des sources du Moyen Age Occidentale*, fasc. 63, Turnhout 1994, p. 45, for an analysis of the evolution of these two types of proof and their intimate relationship to the development of notarial validation. We can recognize the renewed prestige and strength of the written document as a source of proof, but these very documents are also submitted to as much critical evaluation and as many rigorous validation tests as the oral testimonies and the witnesses themselves.

16 For the ways in which the processes of law were handled, especially in the Iberian Peninsula, see António GARCÍA GARCÍA: *El proceso canónico medieval en los archivos españoles*, in: *Iglesia, Sociedad y Derecho*, vol. III, Salamanca 2000, p. 481, and *El proceso canónico en la documentación medieval leonesa*, *Iglesia, Sociedad y Derecho*, vol. III, pp. 272–279. There is much evidence on how these processes should be dealt with, as opposed to the evidence on how they were actually applied in real-life cases. Cf. also Antonio PÉREZ MARTÍN: *El Ordo Iudicarius’Ad summariam notitiam y sus derivados*. *Contribución a la historia de la literatura procesual castellana*, in: *Estudio, Historia. Instituciones. Documentos* 8 (1982) pp. 195–266.

17 ERDMANN: *Papsturkunden* (see note 6) pp. 146–147.

18 Later reconfirmed by COSTA (see note 2) vol. I, xi.

Until recently it has been claimed that the ‘original’ cartularies copied into the «Liber Fidei» in the 13th century lack any form of organization and that the internal order of the compilation is quite chaotic. My aim is to try to understand the ‘rationale’ behind the organization and inclusion of the documents gathered in the «Liber Testamentorum I», and the possible motives for this specific form of ‘disorderly order’.

In a word, to try and assess the ‘project’, more than that, the ‘programme’ that such organization reveals, and to compare it with what we know about the use of this specific material in the actual law suits that took place in the late 80s of the 12th century, so that we try and determine that it was made specifically for that purpose and try and identify how effective it may have been for the purpose of defending Braga’s case against Compostela.

I shall do so, by looking not only at the structure and composition of the «Liber Testamentorum I», but also at the use made of it in a judicial context, where we can actually understand the legal and political use of these documents, as performed by the men in charge of defending the legitimacy of the dioceses they were representing.

1. The «Liber Testamentorum I» in the context of the «Liber Fidei»: tradition, structure, organization

As said, it was Carl Erdmann, who first analysed the structure of the «Liber Fidei». He was able to define, from the outset, that the «Liber Fidei» was no more than the latest copy we possess of two previous cartularies.¹⁹ It was him, and not Avelino Jesus da Costa²⁰, its later editor, who first re-traced the tradition of the cartulary, by studying its composition and organization, and by further detecting the direct and indirect references to the use of this codex as evidence, both in the law suit which opposed Braga to Compostela in Tui, in 1182 and 1187²¹, and in the mention made of it by Innocent III, in the bulls containing the final sentence on the dispute, all issued in July 1199.²²

Based on the analysis of the documents copied into it, both Erdmann and Costa agreed that the production of the «Liber Fidei» must be set in the end of the 13th century, and that the two different cartularies it contains must have been compiled, one in the late 12th century and ‘probably’ during the prelaty

19 ERDMANN: *Papsturkunden* (see note 6) pp. 143–148, where a detailed description of the contents of the «Liber Fidei» is given.

20 COSTA (see note 2) pp. xi–xxiii.

21 ERDMANN: *Papsturkunden* (see note 6) docs. 91; 110, pp. 267–283; 303–324.

22 Especially *In causa duorum*, issued 2nd July 1199; *Licet unum*, issued 12th July 1199, publ. in: *Bulário Português*. Inocêncio III (1189–1216), ed. Avelino de Jesus da Costa/Maria Alegria MARQUES, Lisbon 1989, docs. 45, 49, 63 pp. 69–74, 82–91, 106.

of John Peculiar²³, with whose documents it ends, and the second one later on, as it lists documents up to the times of archbishop João Viegas de Portocarreiro (1245–1255) in its first composition. They were then, afterwards, both continuously supplemented, presumably until the time when they were finally copied into the «Liber Fidei», by the end of the 13th century. Although they were both transcribed in the same codex, at the same time, and although they are apparently on the same topic, they are quite different in their respective internal structure, and probably also in the reasons and ways in which they were compiled, separately, and originally not intended to be linked in any manner.

The «Liber Fidei» incorporates 957 documents of very different typologies. As António Emiliano noticed, when working on the acts of that same cartulary for the period 1050–1110, the vast majority of the acts transcribed in it, and, consequently, already present in one or the other of the previous two «Libri Testamentorum», are of a notarial nature.²⁴ They are also, therefore, basically concerned with acquisition and transmission of property by the diocese of Braga.

The fact that these cartularies seem to have been added and continued after their first compilation, will not surprise anyone who has ever worked with this sort of instrument. Although we are not in the presence of a simple register, it is hardly surprising to find in it a considerable number of interpolations, scratched acts, rewritten or corrected documents. The reality that those ‘inserts’ are often chronologically incomprehensible, in the middle of otherwise fairly coherent sets of documents, should not come as a total surprise. It is very often the case in this sort of documents, as archbishop Godinho (1175–1188) himself, during the course of the process in Tui, tried to explain to the judge delegates, claiming that any scratched and overwritten documents derived basically from the fact that every time the archdiocese got rid of a property or exchanged it, the record had to be altered²⁵... poor justification indeed, especially when consider that he was facing accusations of forgery put forward by the archbishop of Compostela. But justification, nevertheless.

23 COSTA (see note 2) p. xii.

24 António EMILIANO: *Latim e Romance na segunda metade do século XI. Análise scripto-linguística de documentos notariais do Liber Fidei de Braga, de 1050 a 1110*, Lisbon 2003, pp. 81–82.

25 ERDMANN: *Papsturkunden* (see note 6) doc. 110, pp. 331–332: The accusation by the compostelan archbishop was that: (...) *Contra librum quem dominus Bracarensis dicit testamentorum, multa obicit. Dicit enim librum esse multarum scripturarum et quod rasuram pluribus locis contineat, et quod quidam caterni sint uetustiores aliis et quod per tempora augeantur et quod quedam transcripta continentur ibi, et quod professiones episcoporum non sint scripte per ordinem, et ista omnia uera sunt.* (...), to which: *His respondebat dominus Bracarensis: Non est mirum, si augeatur per tempora, cum ecclesia Bracarensis loco registri eum habeat, et sic preciosissimus liber ille in ecclesia illa rasuram ideo continet, quia, cum permutamus rem aliquam cum aliquo, non prius traditur nobis res, quam in causam permutacionis accipimus, quam instrumentum illius rei, quam alienamus alteram recipiendo, deletum fuerit.*

When we first browse through the documents of the «Liber Fidei», the first feeling we get is that of a confused mixture of things, a complete lack of sense of order, or organizational logic. Almost all of those who have worked at some stage with the contents of the first «Liber Fidei» seem to have felt the need to try and detect, in its internal organization, a logic of composition which might better suit contemporary concepts of what an orderly record should be like. This feeling is even more striking when the two «Liber Testamentorum» are compared, because the second, is far more orderly than the first, with its sections organized by archbishop, listing the acquisitions and property in segments initiated by titles and rubrics, in a much clearer chronological order.²⁶

A preliminary approach to the first «Liber Testamentorum (I)», could lead to the idea that the documents are not organised according to any clear chronological order, any geographical criterion, any type of document or in specific topics.

Yet, a closer analysis of the sequence of documents seems to show that both the «Liber Testamentorum» appear to have been compiled according to the traditional concept of ‘dossiers’, groups of documents gathered together under a certain heading or topic in order to provide a particular insight into the tradition of a property or right. In fact, it is as if the compilers were intent on proving their argument by showing how old the properties were, how well documented the entitlement to property was, and all the tradition related to each of them. It is as if they were trying to retrace their ‘genealogy’, by demonstrating the origin of each property or right, thereby validating the legitimacy of the claims.

Whenever it was considered useful or necessary to prove the possession of a property or rights by the archbishopric, the compiler seems to have tried to find the original document of donation or purchase to or by Braga, but there are also cases in which the compiler decided to gather all the documents he could, thereby providing proof of all the previous purchases of that property as far back in time as he could, until it comes to its last property owner, in this case, obviously and always, the archbishopric of Braga.

Accepting that the compilation was made according to this ‘rationale’, it is easier to understand the ways in which the documents were organized.²⁷

Travelling backwards in time, as far as the memory can reach, and furthermore, in this case, recovering a memory with an attestable written record to certify its credibility, seemed to be the only right thing to do. And the one

26 COSTA (see note 2) vol. I, p. xiii has given the complete list of documents and its order, which EMILIANO (see note 24) p. 86, adapted in tables where the order and systematization of the copied documents is visibly more organized in the «Liber Testamentorum II» than in the previous cartulary. Cf. Annex 4, where the tables made by António Emiliano are reproduced and translated by me and where the structure of the main plan of «Liber Fidei» becomes apparent.

27 Cf. Annexes 1–2, for the contents of Part 1 of «Liber Testamentorum I», where these elements become apparent and exemplify what has been said.

which surely would have more impact in the circumstances, and no doubt more acceptance in its own time and circumstances, or it wouldn't have been made in this way, at all.

This near 'obsession' with retracing the tradition of the control of rights or properties is very much in accordance with the new demands of the renewed 12th century legal practice, and its requirement for tangible proof of everything.²⁸ But it is also consistent with a widely spread notion which seems to have (in-)formed most concepts of property and entitlement to it, from owning land to the *Reconquista*: the argument of tradition.

Whenever a doubt arose on whatever question – whether it dealt with the true identity of a knight, who had 'forgotten' his name in a chivalric novel, the possession of a castle, or of a feud by noblemen or monasteries, the entitlement to jurisdiction over a territory or the right to rule over a Kingdom – the correct way to handle the question, any question, always seems to have been proving the tradition, the history of the quarrel, and that meant going back to the roots of the problem, whether by means of witness enquiries, written documents, trials, people's memory, or any other way of making the 'history' of the question both clear and trustworthy. To resort to memory and written record as the means to prove that a certain use or right 'had always been like this', seems to be the most commonly accepted form of proof to entitlement of most rights or properties.²⁹ It is therefore not unwise to state that it would even be better for the sake of one's arguments, in this case, of Braga's arguments, if a cartulary (or several cartularies), were made up expressly with the intention of gathering and displaying all the authoritative instruments on one or several related topics, in a written support as revered as a codex. A cartulary was surely a much more reliable and symbolically strong form of preserving and exhibit-

28 Cf. The classic Richard SOUTHERN: *Scholastic Humanism and the unification of Europe*, vol. I, Oxford 1995, Sergio MONCHI ONORY: *Fonti canonistiche dell' idea moderna dello Stato*, Milan 1951 and Stephan KUTTNER: *Gratian and the Schools of Law (1140–1234)*, London 1980. For a more modern approach, cf. Jacques LE GOFF: *La longue durée de L'État*, Paris/Seuil 2000 (*Histoire de la France*, publ. par André BURGUIERE/Jacques REVEL, vol. III.), p. 129–132 where the influence of the legal scholars is enhanced. For the Portuguese and Iberian scenario cf. Ingo FLEISCH: *Sacerdotium – Regnum – Studium. Der westiberische Raum und die europäische Universitätskultur im Hochmittelalter. Prosopographische und rechtsgeschichtliche Studien (Geschichte und Kultur der Iberischen Welt, 4)*, Münster 2006, and Peter LINEHAN: *The case of the impugned chirograph and the juristic culture of early thirteenth-century Zamora*, in: *Manoscritti, editoria e biblioteche tra medioevo ed età moderna. Studi offerti a Domenico Maffei, a cura di Giuseppe COLLI*, Roma 2006, pp. 461–513.

29 For an example of similar behavior pattern, see Maria João BRANCO: *Memory and Truth. The Strange Case of the Witness Enquiries of 1216 on the Braga-Toledo Dispute*, in: *Historical Research* 79, n. 203 (February 2006) pp. 1–20.

ing the relevant acts than a collection of individual documents simply bundled together.³⁰

When any doubt was shed on possession of a property or if a quarrel like the one which was ongoing for decades between Braga and Compostela was revived again and the need to issue a sentence is again renewed, the best protection was undoubtedly making the judges understand how things got to the situation where they were. Flaunting the tradition of entitlement to jurisdiction and power, showing off the ‘lineage’ and ‘genealogy’ of that ownership, was surely a guarantee of security and authority to the custodians of such instruments.³¹

This ‘genealogic’ approach rises almost to the status of universal category during these years. We just need to consider instances like the correct way of preparing a case in any legal process, the forms used for presenting the evidence, the form in which the royal enquiries were set up, the confirmation of possessions, or even the ‘narratives’ in the final sentences of Popes such as Innocent III, Honorius III, Gregory IX or Innocent IV, to understand the importance of the need to describe the historical process which lead to a particular situation as one of the major operative categories in the processes of Law.

It was important to show what the reasoning behind each of the sentences was, to everyone involved in it, so that they could be accepted by those to whom they were addressed, but also recognised and therefore validated by all the remaining members of the community.

This ‘operational’ category seems to bear some of the answers for something which has puzzled researchers for many years: the apparent lack of ‘order’³² of the first «Liber Testamentorum», either in absolute terms or, especially, when compared to its next of kin, the «Liber Testamentorum II». There seem to be functional reasons for its disorderly nature, which may very well derive from the fact that it was composed in order to serve as proof in a court.

30 Constance BOUCHARD: *Monastic Cartularies: organizing eternity*, in: *Charters, Cartularies and Archives. The preservation and Transmission of Documents in the Medieval West*, ed. by Adam J. KOSTO/Anders WINROTH, Toronto 2002, pp. 22–33, points out (especially pp. 26–29) that the production of a cartulary implies that the living memory has already been transformed in written memory at some stage before the writing of the cartulary and to the intentions and uses of these special type of documents.

31 Bernard GUENEE: *Histoire et Culture historique dans l’Occident Médiéval*, Paris 1980, pp. 350–354.

32 When we mention ‘order’ we must bear in mind that these considerations have merely been expressed by modern researchers who tend to wish that the cartularies in front of them had a discernible organized organization, but usually tend to forget that what is considered orderly today does not necessarily has to be intelligible as such for 12th century mentality. In fact, I have never encountered such accusations made by contemporaries of the composition of those cartularies. The authenticity of the copies transliterated into the cartularies is often challenged, but the ‘order’ of those same documents never seems to have troubled anyone involved in such questions.

Notarial documents may be the more numerous of those from the cartularies copied into the «Liber Fidei», but they were not the only, and above all, they were not the most important ones. On the contrary, as far as it is possible to appreciate, they may be there expressly to enhance the strength of what is being shown by other means – and let us remember the words of the *incipit* of the *liber* – where it is clearly affirmed that its main purpose was to certify the vastness, quantity and quality of the possessions of the see of Braga.³³

This idea is reinforced by the occurrence in the «Liber Fidei», of most of all the other types of document which are usually present in so many other cartularies of this period: Papal, Royal and Episcopal acts, containing old and significant special grants, charters of privilege, final sentences, juridical acts, procedural pieces, ancient divisions, narrative extracts, foundational documents or even *acta* of councils or solemn *curiae*.³⁴

It is only fair to recognise that the display of these acts seems to be quite chaotic within the «Liber Testamentorum I», as Erdmann had already noticed, when he remarked on the apparent incongruence of the opening and closing pieces of «Liber Testamentorum I», which do not seem to be even roughly in accordance with the remaining order of the cartulary.³⁵ Yet, this is perhaps not completely true, as there may be some quite relevant reasons for that specific non-order.

The cartulary starts with 23 documents which occupy the first 16 folios (two *quaterni*), and then it is followed by a series of ‘dossiers’ on the archbishops, from Geraldo to João Peculiar, which contain the most relevant documents for those periods. Immediately after the neat set of two *quaterni* in which the 23 initial documents are contained, we are then introduced, by an Index, to a set of 39 further documents (documents 24 to 62) which enumerate them in sequential order, using Roman numerals, of course. This is only the first of a series of partial indexes of documents. In the course of the remaining 599 documents of the «Liber Testamentorum I», we will still find seven other indexes of documents, listing, yet again, clusters of around ten to 20 documents each, grouped either around what happened to a particular property, or around the acquisitions of a certain bishop.³⁶ The order may seem random, but in fact, in general terms, it is not that random. The logic of the remaining pieces copied into this ‘first’ cartulary seems to observe the will to draw together the documents pertaining to the administration accomplishments of every archbishop of Braga, from Pedro (1071–1091) to João Peculiar (1138–1175). Apart from the obvious indication that the acts were being copied from earlier ‘dos-

33 Cf. COSTA (see note 2).

34 Cf. Annex 3, with the list of sources quoted as authorities in the processes of 1182 and 1187 and check one of the uses of it in ERDMANN: Papsturkunden (see note 6) doc. 91, pp. 280–281.

35 ERDMANN: Papsturkunden (see note 6) pp. 146–147.

36 Cf. Annex 1 for the composition of «Liber Testamentorum I».

siers' that must have been previously headed by a thematic, place name or 'property rationale', we can also detect that there are some individual pieces which seem to be placed at a particular point, for very specific reasons, and others which seem to have been placed there with no reason whatsoever.³⁷ That is the case of document number 145, which displays a rubric stating that the document deals with the acquisitions of archbishop Pedro.³⁸ When we proceed to analyse it, it contains just the historicised version of the election of archbishop Geraldo (1099–1108) and his work in expanding the properties of his metropolitan see, after the troubles derived from Pedro's 'errors'. Only the documents preceding number 145 which actually deals with the acquisitions of Bishop Pedro. The following ones are all related to acquisitions by, or at least during the times of archbishop Geraldo.³⁹ This seems to suggest that the original work was in different *quaterni*, and that, when the copyist gathered them in one piece only, he mistakenly added the 'rubric' stating that the documents were Pedro's acquisitions in the heading of the 'dossier' on Gerald's properties and deeds, as opposed to having it placed in the 'end' of the 'file' on Pedro? It is a possibility.

But there are other, more puzzling elements in the composition of this first cartulary, like the apparently very distant (in terms of the cartulary *folios*) clusters of oaths of obedience of bishops of the suffragan churches of Braga to their 'legitimate' archdiocese, spread throughout the whole «Liber Fidei» with no recognizable logic, if we think in terms of a *mise en scène*. The first group shows up in documents 212–14 and 216–17 and the others in documents 510–517, 548–550, 561–63, 570–77 and 584–590A. Eight clusters of oaths of obedience, grouped in very logical terms, within themselves, completed by singular individual acts of obedience to Braga, in other parts of the cartulary, like the ones in documents 371, 418.⁴⁰

In order for these particular clusters of documents to make sense, we need to accept that the component elements of the «Liber Testamentorum I» derive from previous small 'dossiers', put together in order to answer the whole set of

37 Cf. Annex 1, although the really 'random' documents aren't many.

38 *Hec sunt que adquisiuit Petrus bracaraensis episcopus* (COSTA [see note 2] doc. 145).

39 Cf. Annex 2.

40 Cf. Annex 1. Here are the details of the oaths, following the publication in COSTA (see note 2) (doc, date and see): 139–1109-Coimbra; 212–1130-Tui; 213–1158-Tui; 214–1168-Tui; 216–1147-Coimbra; 217–1148-Lisboa; 371–1128-Coimbra; 418–1147-Lamego; 510–1176-Mondonhedo; 511–1156-Astorga; 512–1174-Tui; 513–1176-Lamego; 548–1128-Coimbra; 549–1162-Coimbra; 550–1169-Mondonhedo; 561–1169-Mondonhedo; 563–1213-Viséu; 564–1213-Santa Marinha da Costa; 565–1155-Mondonhedo; 570–1100-Orense; 571–1102-Tui; 572–1113-Mondonhedo; 573–1128-Coimbra; 574–1166-Viséu; 575–1171-Viséu; 576–1179-Viséu; 577–1176-Porto; 583–1138-Porto; 584–1144-Astorga; 585–1146-Porto; 586–1147-Viséu; 587–1154-Porto; 598–1113-Porto; 590–1113-Mondonhedo; 590A–1123-Astorga.

different questions which were at stake in the conflict between Braga and Compostela in the late 12th century.⁴¹

The lack of order must derive from the will to copy into one single cartulary what must have effectively been quite a few separate little «Libri Testamentorum»⁴² in their own time of production.

How else do we explain the presence of the marriage arrangement which was settled between Afonso Henriques and Raimundus Berenguer in 1160⁴³, interpolated in the middle of other apparently non related materials, in this case two bulls by Eugenius III and documents dated from 1124 to 1151? Or how do we explain the small groups of bulls copied amidst the other documents, or even the sentence of 1124, by Cardinal Deusdedit, on the hot question of Zamora's obedience⁴⁴, which were copied apparently totally decontextualized in the likely structure of the cartulary?⁴⁵

Why shouldn't we assume that what we have in the composition of the «Liber Fidei» is not, as we have so often been told, a copy of two ancient cartularies, but rather two copies of two very different cartularies: the first one a miscellaneous assemblage of several bits and pieces compiled in a certain order by reasons related to its production in the years when it was being fabricated, i.e., when the questions between Braga and Compostela were being stirred again and being heard in Tui by the Popes' judge delegates, in 1182 and 1187, and the second one much more carefully organised, also 'costume made', but much more in conformity with what Monique Bourin classifies as the *mise en scène*⁴⁶ of this sort of documents, arranged with a care just as meticulously planned as the *mise en page* was?

Why spend so much time debating over the reasons for the many different parts in the original cartulary, conceived of as a full copy of one single previous piece, as opposed to considering it for what it actually seems to be, a first, or perhaps second compilation of several different 'files' or small cartularies?

In fact, that approach would make much more sense, in every respect. We possess more than enough proof that similar 'files' or 'groups of documents' or their certified copies were being used by proctors and delegates of the bishops

41 It is perhaps necessary to state here that this explanation cannot cover all the documents present in the cartulary under scrutiny, like the marriage contract, or the interpolations of 1202. 1218 documents, but it can account for the vast majority of them. Maybe we should be sufficiently.

42 This is, of course, the most common designation for most of the cartularies, which makes it extremely difficult to assess to which the contenders are referring to.

43 COSTA (see note 2) doc. 218.

44 COSTA (see note 2) doc. 317.

45 Cf. Annex 1: a first group of 7 bulls in docs. 2–8; another group of 2 bulls in docs. 207–208; yet another group of four bulls in docs. 554–557.

46 Monique BOURIN: Conclusion, in: *Les Cartulaires Méridionaux*, publ. par Daniel LE BLÉVEC, Paris 2006, pp. 264–265.

and archbishops themselves, during the 12th and 13th century, near the Curia.⁴⁷ What would be so strange in their being used once more at this instance?

Already in 1177, archbishop Godinho, in his trip to Rome, presumably to receive confirmation of his election and the *pallium*, had taken the opportunity to deal with the questions connected with the bishoprics under contest with Compostela. He was armed with copies of papal privileges granted to Braga, and that impressed Pope Alexander III, who granted Pedro Soares de Deza, then archbishop of Compostela, the right to receive the obedience of Lisbon and Évora, but of none of the other sees at issue, which he strongly confirmed as legitimately belonging to Braga.⁴⁸

The use of papal documents as a source of authoritative argument was a very common procedure, of course, as was the copying of documents in order to present them to the judges which were going to appreciate the cases. This is evidently one of the reasons why the presence of so many papal privileges in the cartulary under analysis is so normal, and why the existence of clusters of these documents in places quite apart from each other, is not so strange, either.

Just as «Liber Testamentorum I» is initialised by the display of papal bulls benefiting Braga, it is also closed by yet another group of papal privileges, although less extensive. Once more, they were issued by Paschal II, and still, all

47 A very sticking example of a similar instrument may be found in a small 13th century booklet with the transcription of the most important documents related to the quarrel between Afonso II, King of Portugal (1211–1223) and his sisters (Lisbon, TT, *Gavetas da Torre do Tombo*, Gav. XVI, mç. 2, n. 15). Certainly produced in the early 13th century, it provides an illuminating light on this way of preparing one's case. In a very thin compilation we find the transcription of 12 documents, all relevant to the arguments that the lawyers were going to present before the curia on behalf of the Portuguese King. They may seem disorderly, but for someone inside the process, the fact that Sancho I's royal wills and all the *Manifestis probatum est* issued and re-issued by all the Popes until 1212 are transcribed, together with previous sentences, make it all have an extra added sense and value, although it might be perfectly senseless for eyes unaware of what was going on.

48 This is told in *Cum uenerabilis* of 2nd January 1177, addressed to the archbishop of Compostela, in which Alexander III explains that, in a hearing in the papal court, in which archbishop Godinho was defending in person Braga's rights against the proctor of Compostela, a certain „M“ had alleged that all the episcopates were Compostelan. Godinho claimed that Lisbon and Évora belonged to Compostela, but not the others and he displayed a whole array of papal privileges to authorize his claims. Here is what the bull recalls of that moment, reproducing what Godinho said: *De aliis uero episcopatibus, quos idem M. [the representative of Compostela] dicebat ad ecclesiam tuam [archbishopric of Compostela] pertinere, dixit [the archbishop of Braga], quod ad ecclesiam suam spectant et sibi iure metropolitico debent subesse, et super hoc priuilegia Romanorum pontificum multa produxit. Cumque ab eodem M. instantius requisissemus, si qua exinde priuilegia ecclesia tua haberet, et ipse asseuerasset, se id omnino nescire, statuimus, ut episcopi, quos Bracharensis non recognouit ad te pertinere, asserens ad ecclesiam suam ipsos spectare, ei et ecclesie sue, quousque hoc iudicio diffiniatur (...)*, in: ERDMANN: Papsturkunden (see note 6) doc. 72, p. 245.

of them, from the early 12th century. No copy of any of the papal privileges of Calixtus II at all, as surely the *Bracharensis* did not want to remind to judge delegates or to his opponents of the Pope who had granted Compostela its metropolitan status.

In mid-cartulary, two bulls by Pope Eugene III, dating from 1148 and 1149, don't seem to have any relation with the direct quarrels between Braga and Compostela, just as other papal documents seem to show up incidentally, included in the compilation in places where they must have been before, being copied into the «Liber Testamentorum I», as integral parts of those specific dossiers on the acquisition of property from specific noblemen and others.

After this brief and preliminary approach to the structure, organisation and contents of the «Liber Testamentorum I», I tend to argue that what we have here is a compilation of several different, smaller and surely much older pieces of evidence, gathered together in a later period, amongst which we can count in the smaller books made expressly to prove the rights and possessions of Braga at the time of its contest with Santiago, and probably during the aggressive pontificates of Godinho of Braga (1176–1188) and Pedro Soares de Deza of Compostela (1173–1206).

2. The use of the «Liber Testamentorum I» in the specific context of the Braga-Compostela conflict: on the uses of Authority to Construct Legitimacy

It seems, furthermore, that the production of the compilation which we can identify today as 'the first cartulary' of «Liber Fidei», the «Liber Testamentorum I», was determined by the need to challenge the contention of the archbishop of Santiago of Compostela. From what we just saw, it also looks as if we should argue that the compilation we possess doesn't derive from one single previous *codex*, but rather from the reunion of a group of formerly scattered 'dossiers' or documents which may have been grouped together traditionally for decades, if not centuries, in very different forms, from small *libri*, or *quaterni*, to individual acts, or to clusters of documents grouped together as part of the same file, perhaps in an *arca* or *armario*, as it was so often the case in ecclesiastical archives. The presence of the eight indexes of documents which precede the documents transcribed, as well as the seven clusters of oaths of obedience to Braga by the suffragans, seemingly not logically connected or chronologically ordered, seem to confirm the hypothesis that these were 'files' brought in for copying, not necessarily in a logical order. In a strange form, this would even help to justify, up to a point, something which has puzzled researchers, the strange and incomprehensible repetition of transcriptions of the same documents, sometimes twice, sometimes three times, and even, in certain

cases, four times in the same cartulary. Of the interpolations added later, there is no need to explain how common and natural these are.

Presumably, therefore, at the time of the compilation of the «Liber Testamentorum I», they were brought out from the archive or the library of Braga and transcribed into the *codex* where they assumed a completely different shape and function. Perhaps they weren't all as relevant for the points needing to be proven in front of the pontifical judges, but when taken as a whole, it makes good sense to have a combination where you alternate papal privileges, oaths of obedience by suffragan bishops, purchases and sales by all the preceding archbishops, title deeds, sentences by cardinals, texts of councils from the 6th century, and *alia miscelania*, including works of History, Geography or Natural Sciences, all of which added to the verification that Braga owned all it claimed as its own from times so far back into the past that they would be totally lost in the memory of men if it weren't for the fact that written documents attesting to these facts have been preserved since those times. The fact that Braga kept these documents, dating back to the times when there wasn't even the slightest possibility of there being another archbishopric in the region, would in itself, be a major argument for precedence in the rights they were claiming. This could be an explanation for the fact that the current documents transcribed in the «Liber Testamentorum I» go back to 1071, to Archbishop Pedro and the date of the restoration of the archdiocese of Braga, almost precisely 150 years before the concession of the metropolitan dignity to Compostela.

And this accounts only for the private documents of the archbishops, because if we look into the composition of other parts of this cartulary, then the intent in proving Braga's legitimacy is brought to acts dated from the 5th and 6th century, and to authoritative sources which prove the entitlement to the 'sovereign' dominion of the region.

In this context, the opening piece of this cartulary assumes a very special role, and its structure and contents is so different from the rest that it seems plausible to advocate its pre-existence as a singular little cartulary before its inclusion in the «Liber Testamentorum I».

It seems rather obvious that there must have been a strategic reason for initiating this cartulary by such a title as the one we have already analysed, immediately followed by the two *quaterni* we already mentioned, containing 23 documents, all directly linked to the question of the jurisdictional rights of Braga. They include the chapters of the Curia/Council of León, followed by seven bulls by Paschal II, all in favour of Braga's claims, the division of Wamba, the text of the council of Lugo, with the *Parochiale Suevum* and the *Diuisio Theodomiri*, privileges granted by the Asturian Kings Alfonso II, Alfonso III and Ordonho III to Braga or related to it, the delimitation of the borders of Braga, dated from 835 accompanied by a narrative version of it, and another of Dume, dated from 911, another history of the diocese of the Iberian Peninsula

and Braga, until its restoration by Pedro, in 1071, a sentence and two other judicial processes between the archbishop Pedro and some serfs.⁴⁹

This particular 16 folios, corresponding to those two *quaterni* are quite significant within the economy of the «Liber Testamentorum I», in that they present the only internal organization which could correspond to the idea of ‘dramatization of action’ which was already mentioned before, the enacting effect of transcribing documents in a certain order and offering them to an audience, in this case composed of both the contenders and the judge delegates to whom they were very likely made for.

It is surely not by chance that the cartulary mentions, in its *incipit*, that that was precisely what it was supposed to do: to prove the justice of Braga’s claims. The rest follows, in quite a consistent form, if we accept the premises that it must have been compiled to make proof of all the property and rights of the dioceses within Braga’s jurisdiction.

This belief comes not just from the attentive study of the cartulary, or what we believe it might have been the cartulary in itself, but also from the references to it and to the importance of its contents as proof of truth as we find it in the most detailed record we possess of its actual use as a procedural piece, in the already mentioned audience, before the papal judges expressly sent to the Iberian Peninsula in order to produce a report which was to enable the Pope to issue the final sentence on the question.

I am, of course, referring to the pieces of evidence which Erdmann published in his *Papsturkunden*, as numbers 91 and 110, the hearings of the papal judge delegates sent to Tui, in 1182 and 1187, mentioned above.

In the reports sent to Rome by the judges who arbitrated the cause between the two sees, which we still possess, in the Braga archives⁵⁰ the references to the importance of the papal, royal, legal and historical materials contained in the cartularies, brought forward to the judges audience by both the Compostela and the Braga archbishops is undeniable, and as important as the large number of witnesses produced. Either in 1182 or in 1187⁵¹, both contenders bring their own materials organized in *libri* and the comparison of the

49 For more details, cf. Annex 2.

50 Published by Erdmann, as we saw, their copies are in *rotuli* dated from the 12th and 13th centuries kept in Braga, Arquivo Distrital, *Gaveta dos Arcebispos*, n. 8, 43 and 95. It is rather interesting that the archive has preserved these pieces in *rotuli*, for so long, and it is quite meaningful too, for the topic we are addressing here today, as if Braga had asked for copies of these instruments.

51 José Augusto FERREIRA: *Fastos episcopales da igreja primacial de Braga* (sec. III–sec. XX), vol. I, Braga 1928, pp. 344–345, had also mentioned this fact, the allusion to the contents of «Liber Fidei» in the course of this process, as Erdmann had, already in 1927, and gives us an abridged enumeration of those elements, but neglected to see that the same reasoning and arguments could already be spotted on the 1182 report. It is also bluntly pro-Braga and not only all of his work seems to be a pro-Braga pamphlet, but it also contaminates and distorts his view of the topic.

documents mentioned in the report of the judge delegates, the contents of the «Liber Testamentorum I», and especially of the first part of it, namely those 23 documents gathered in the two *quaterni*, doesn't seem to leave much space for doubts on their purpose, use and function, in their own times, if not on its structure and organization itself.⁵²

Following the Pope's instructions⁵³, who had commanded the judge delegates to find out what the basis for the claims of the prelates were, and what the diocesan limits were, both archbishops presented a long list of authorities to prove the antiquity and legitimacy of the rights they both claimed to belong to them. More than enlightening the case in their own time, these elements enlighten us on the mechanics of the medieval juridical culture and on the basis of their historical and geographic reasoning, on the contents of their archives and libraries, and, what is more to our concern in this specific paper, on the composition and function of the cartularies they presented in front of the judges.

In this specific process of inquiry, in fact, in both of them, but especially obvious in the one of 1187, both the contenders presented small and big cartularies to prove their points. We are told that, in the reports that describe the complete proceedings, that, after it had been established which were the conflict issues, a multitude of witnesses was brought forth, to attest what each of the archbishops, present in person, was claiming. It would only be after that phase that the written evidence came into play, and it is at that stage that we can recognize the elements that the report is referring to:

First the Compostelan brought forward his cartularies:

*(...) produxit quendam librum quem apellat corpus canonum (...). In quo libro continetur Emeritense concilium, cuius rubrica sic incipit: (...) Item ante initium eiusdem libri est quidam caternus sub eadem ligatura cum libro alterius scripture et littere quem dominus Compostellanus dixit non esse de libro, in quo diuisiones metropolum Yspanie antiquam, litteram dissimilem tamen a libro in hunc modo descripte sunt(...) Item in eodem caterno continetur quedam scriptura quam dominus Bracarenensis uocat Lucense concilium quod sic incipit (...).*⁵⁴

And then it was Godinho of Braga's turn to present his evidence:

*(...) Dominus uero Bracarenensis pro se inducit ex eodem corpore canonum concilium Bracarense secundum, cuius rubrica incipit: (...) Item dominus Bracarenensis produxit libros duos quos dixit iudiciorum et librum quem dixit testamentorum et alium librum paruulum (...).*⁵⁵

52 Cf. Annexes 1, 2 and 3. The use of the materials listed in Annex 1 and 2 by the representatives of Braga, as listed in Annex 3 is evident, either by Braga, or by Compostela.

53 ERDMANN: Papsturkunden (see note 6) docs. 86, 87, 104, pp. 259–261, 297–299.

54 ERDMANN: Papsturkunden (see note 6) doc. 110, pp. 310–311.

55 ERDMANN: Papsturkunden (see note 6) doc. 110, pp. 312–313. (bold and underlined are mine).

We are, therefore, informed that the archbishop of Braga displayed the evidence contained in the «Corpus Canonum», like the Compostelan archbishop, but also the remaining three cartularies, one called the «Liber Iudiciorum», the other one called «Liber Testamentorum» and a third one which they simply call «Liber Paruulus». This would be very deficient if we didn't happen to have the description of the contents of these, but luckily the information contained in them was considered sufficiently important to deserve being detailed.

(...) *In illis duobus quos appellat libros iudiciorum continentur diuisiones metropolium Hyspanie hoc modo: 'Incipiunt nomina ciuitatiumuel sedem pontificium Hyspanie, quibus Gothorum genus cum propriis regibus usa est'(...) 'Qui duo libri ex antiqua scriptura scripti esse uidentur, et eiusdem scripture sunt diuisiones cum reliqua libri scriptura. Iste diuisiones similiter reperiuntur in libro quem Bracarense dicunt testamentorum. In libro paruulo hec alia diuisio continebatur cuius rubrica sic incipit.*⁵⁶

We do find three such 'divisions' in the first two *quaterni* of the first «Liber Testamentorum» copied into the «Liber Fidei», the always useful «Diuisio Wambae»⁵⁷ and the *Diuisio Theodemiri*⁵⁸, even if the incipit mentioned here does not coincide with the ones we can find in the «Liber Testamentorum I». And then the report proceeds:

(...) *Item produxit X priuilegia Romanorum pontificum, tres Paschalis pape II, unum Callisti pape II aliud Innocencii pape II, alterum Lucii pape II, duo Eugenii pape III, unum Adriani pape III et aliud Alexandri pape III. Sunt autem in primo Paschalis priuilegio hec uerba: 'Presentis itaque priuilegii pagina iuxte petitionem tuam, Karissime frater Girarde Bracarensi metropoli Galleciam prouinciam et in ea episcopalium cathedralium urbes redintegrans id est Asturicam, Lucum, (...)'*⁵⁹

We have seen the importance of the papal privileges present in the «Liber Testamentorum I», and the reference to these specific bulls, all of them granting Braga the jurisdiction of the dioceses under dispute, must have had great impact in the papal final decision. This passage seems to confirm the weight of the authority given by the possession of pontifical privileges, and thereby, the great care taken in order to make sure that they were safely copied into a cartulary. The relevance given to these papal bulls is such that the judge delegates

56 ERDMANN: Papsturkunden (see note 6) doc. 110, p. 313.

57 On the *Diuisio Wambae* and its presence and uses in the «Liber Fidei» and in Braga, see Luis VÁZQUEZ DE PARGA: La División de Wamba, Madrid 1943, p. 68, and Pierre DAVID: Le Pontifical de Braga, in: IDEM: Études Historiques sur la Galice et le Portugal du VI^{ème} au XII^{ème} siècles, Paris 1947, pp. 540–541, where the differences between the several versions of this *diuisio* are explained in detail.

58 Cf. Annex 3, where the detailed description of the contents of these 23 documents may be found. The closeness is sticking. As to the *Diuisio Theodomiri*, see Pierre DAVID: L'Organisation ecclésiastique du royaume suève au temps de Saint Martin de Braga, in: DAVID (see note 57), Paris 1947, pp. 1–82.

59 Ibidem.

actually transcribed into the report the contents of the most important of these, detailing with great care the parts which concerned the suffragan churches ascribed to Braga by those papal privileges.

The other important element in the «Liber Testamentorum I», also copied in clusters, were the oaths of obedience of the suffragan cathedrals. This derived no doubt from the value that these records added to the argument of antiquity and of its repercussion in the legitimacy granted to very old practices. This surely accounts for the oaths of obedience of so many of the bishops whose dioceses should legally belong to Compostela, but which had, for a very long time, in fact for more than 40 years, obeyed to Braga. The strategy of proving that in the controversial cases of Lisbon, Évora, Coimbra, Lamego and Viseu, the practice of obeying to Braga was attestable from the times of its conquest and reinauguration, and the evidence also given, that the followers of those ‘first’ bishops had always been in accordance with this obedience, would most certainly be derived from the intent to prove its validity from tradition and use. Peter Feige found more than 40 oaths of obedience in «Liber Fidei», which he confirmed independently.⁶⁰ Copying these specific acts into the «Liber Testamentorum I» was surely a deliberate action. And the judge delegates in Tui did not fail to notice it:

*(...) Item ex libro quem dicunt testamentorum produxit dominus Bracarenis professiones episcoporum Colimbriensium Gundisaluui, Bernaldi, Iohannis, Michaelis, Vermuti et Martini et episcoporum Lamacensis ecclesie, scilicet Menendi et Godini, et episcoporum Visensis ecclesie, scilicet Odorii, Gunsalvi, Godini et Iohannis, et Giliberti Vlixbonensis episcopi (...).*⁶¹

Immediately after this phrase, the judge delegates add another sentence, which, if there were to be any doubts about the correspondence between the composition of the «Liber Testamentorum I» and the hearings before the papal judges, would surely dismiss it. They add:

*(...) et aliam quandam scripturam quam dicunt sententiam fuisse datam a Deosdedit cardinali et legato Yspanie super episcopatu Zamorensi. Et ista continetur in fine transcriptorum priuilegiorum suorum que transcripta de priuilegiis eorum in conspectu meo sunt sumpta. Professiones quoque et scriptum quod dicunt sententiam de libro illo quem testamentorum appellant transscripta sunt in quo alie professiones eorum episcoporum qui indubitanter sunt sui, scripte sunt (...).*⁶²

It is difficult not to see in these lines of the audiences of 1187 the structure of the «Liber Testamentorum I» and the first 23 documents. The reference to the divisions of provinces, and papal bulls, which we can actually retrace in the

60 Peter FEIGE: Die Anfänge des portugiesischen Königtums und seiner Landeskirche, in: Spanische Forschungen der Görresgesellschaft 29 (1978) analysed all the 40 professions of obedience which he found in «Liber Fidei», and traced them in the Braga archive with success, concluding that those were verifiable documents.

61 ERDMANN: Papsturkunden (see note 6) doc. 110, p. 315.

62 ERDMANN: Papsturkunden (see note 6) doc. 110, pp. 314–315.

«Liber Testamentorum I», just as much as this last phrase, which tells us of a cluster of oaths of obedience, followed by the sentence of cardinal Deusdedit on Zamora, and yet again more oaths of obedience, leave hardly any space for doubting on the relevance and usefulness of such compilation.⁶³ It also seems to leave the «Liber Testamentorum I» and its production totally alien to the production of this first piece, even if it was considered relevant when the copy of the cartulary which is the «Liber Fidei» was made, almost a century after these events.

The quantity and quality of the research and preparatory work that the personnel of each of the two institutions (Braga and Compostela) had to undertake in order to compile and produce all the evidence we have access to, *via* these reports, was massive.

It shows the mentality behind it, a mentality which reflects the habits and the tradition of the most refined critical exegesis in the study of Theology and Law according to scholastic methods. The production of authoritative texts and documents and the use of those testimonies to exemplify and justify the arguments put forward is exhaustively performed by the archbishops, but had to be prepared by those involved in the selection and compilation of all the pieces of evidence.

In this process we observe how, apart from the acts and documents already analysed, they also and mostly resort to History, in the form of all the Hispanic chronicles available at the time, as well as to the works of ancient geographers, grammarians, astronomers, the acts of Visigothic and Suevic councils, and even to canon and civil Law codifications, in order to complement the allegations with as much rigor and erudition as you possibly could by the end of the 12th century. Gracian and Justinian could not be missed by either of the contenders.⁶⁴ And they were not.

In a process like this, of which we possess a detailed description, we can actually have an insight on the processes of Law, and observe how both the archbishops move so easily within these processes and even manage to make

63 Cf. Annexes 1 and 2 for this.

64 Godinho tries to defend his views when he states, at a certain point, that the Compostelan archbishop couldn't have claimed dioceses which didn't belong to Mérida when Mérida's jurisdiction was attributed to Compostela, resorting to the text either of the Justinian Code or of the Decretum of Gracian. Erdmann identified the references in Justinian's Code (Cod. 2. 52.7) as well as in Gracian's *Decretum* (C. 16 q.3 c. *prima actione*). It is, however, remarkable to see the level of Godinho's professionalism and familiarity with these sources in his closing arguments in 1182: *Ad ultimum uero, ita concludit dominus Bracarenis dicens: Cum ergo dominus Compostellanus nichil de his, que aduersus eum intentabat, probauit, quoniam nec possessorium, quod ab initio proposuit, neque rei uendicationem, manifesta patet equitatis ratio, quod absoluendus est ab eius impetitione. Actore quippe non probante reus, etsi nichil prestiterit, absoluendus a iure Codicis censetur, et fauorabiliores magis rei quam actores in regulis iuris describuntur.* (ERDMANN: Papsturkunden [see note 6] doc. 91, p. 282).

use of the same sources to prove totally opposed theories⁶⁵, displaying both great subtlety in their argumentation and also great knowledge in textual criticism techniques.⁶⁶ They themselves and the people who support their claims behind the scenes.

The resulting conception of reality and its evolution, which exhumes from these reports is that of one in which the historical dynamics may sometimes be changed by disturbing factors, like royal interference or violence, but in which the study of the evolution in the past still seems to provide the best way to recognize the roots, the ancestry and pedigree of the 'truth'. Both parties claim to be entitled to the best truth, which has to be, of course, the most ancient one.

The use made of what is called 'ancient historians' derives from this mental approach to possession of privilege. Original and *apocrypha* are mentioned as authorities placed at the same level, as long as they provide good material for proving each of the contender's truth. This is what happens with the division

65 The most important of these being the use made by both of the texts of the councils of de Braga, Lugo and Mérida. Both parties use the texts according to the two distinct *quodam uolumine quod corpus canonum uocamus* in the case of the one presented by Compostela (ERDMANN: Papsturkunden [see note 6] doc. 91, p. 267) and *quodam uolumine quod corpus canonum uocatur* in the case of the one used by Braga (Ibidem, p. 270) Same source, theoretically, same councils. Yet the Compostelan accuses the Braga archbishop, based on the texts of the councils, of having received the suffragans of Merida when King Miro conquered Lusitania, abusively, because such division was done illegally, for it is not for Kings to interfere with ecclesiastical boundaries. He then proceeds through the analysis of the texts of the councils and of the bishops present and absent in the acts of the councils of Braga I, II and III, as well as the Lugo one, trying, through a complicated series of accounts, to prove that the consecutive changes in the suffragan churches of Braga was illegal. The archbishop of Braga picks up these arguments and dismisses the one of royal violence without much detail, proceeding, with a similar approach, to the analysis of the same elements of the same councils, but going so far as to stating that the archbishop of Compostela had made a false statement, by ignoring the subscriptions in the councils. He then proceeds to try and prove how the council of Lugo was in fact the one of Braga and explains how the presence or absence of a bishop in such gathering was irrelevant, because it did not contribute to the topic of obedience, and the reasons for not being summoned for a council and for not being present may be multiple and not related to the obedience topic. He finishes his speech by claiming that if that analysis were to be correct, then we would have to conclude that the bishops who couldn't be present at the council of Lateran (III) did not belong to the jurisdiction of the Apostolic See, which was definitely an error. (Ibidem, pp. 268–270). The examples repeat themselves throughout the text.

66 Both contenders try to show how some of the documents which could damage their case could be falsifications. They take great care in explaining why they think so, by observing the formal details of the acts, like the intrinsic and extrinsic factor, and analysing the formal details, letters, hands, validation signs, scratches, defects in the composition of a text, the forms and types of the seals, signatures, autographs and the state of the parchment, ink, letters, hands and contents, whose veracity is often challenged. (Cf. ERDMANN: Papsturkunden [see note 6] doc. 91, pp. 280–281).

of Wamba and the council of Lugo, in different versions according to their source of production (Braga or Compostela). Resorting to Histories and Chronicles like Rufus Festus, Hidatius, Orosius, Johannes Biclarensis and Sampiro⁶⁷, amongst others, is so common that they even transcribe the relevant passages in order to ascertain what the shape of the provinces were and, finally, which diocese belonged to which province in the Roman and Visigothic pre-711 times. Although, unfortunately we do not have any record of the holdings of the Libraries of Braga or Compostela it is hardly conceivable that they could use these texts without having them in their own *scriptoria*.

All these arguments added, all these juridical skills displayed in front of the *vicedominus* from Brescia, were still not enough to solve the question in 1187, as they had proven incapable of doing in 1182.⁶⁸

The unsettled political situation in the Iberian Peninsula, in the archbishoprics of Braga and Compostela and in Rome prevented a 'final sentence' from being issued before Innocent III.⁶⁹ This would only happen in July of 1199, when the Pope issued a considerable group of bulls⁷⁰ concerning the questions which opposed Braga and Compostela, and putting a final stone in the matter... for the time being.

The most substantial bulls of this group, issued in the first 15 days of July, are the ones which deal with the questions of the Lisbon and Évora, the question of Zamora, and the question of the four episcopates and the possession of Braga and San Frutuoso.⁷¹

All of these have long narrative blocks enlightening the question in terms of their tradition, and reconstituting the steps of the quarrel until that moment. More importantly, the details given on the subjects under evaluation, just as the analysis, study and decision about the several different topics shows a direct

67 Cf. ERDMANN: Papsturkunden (see note 6) pp. 276–279. For a more exhaustive table of all the arguments used by both contenders in this particular hearings, cf. Annex 3.

68 In 1182, the only result was to book the final hearing for 1184, but the final sentence was immediately contested by the archbishop of Braga on the grounds of bad will and partiality in favour of Compostela from the part of the two judge delegates involved.

69 Both Clement III, in April 1190 (ERDMANN: Papsturkunden [see note 6] doc. 121, pp. 339–340) and Celestine III, in May 1194 (ERDMANN: Papsturkunden [see note 6] doc. 138, pp. 358–359) tried to solve the question definitively, but it was never possible to gather all the intervenients or manage to finalize the matter. In January 1197 Celestine III summons the archbishop of Braga to come to the Curia for the final solution of the question (ERDMANN: Papsturkunden [see note 6] doc. 152, pp. 374–376) but he died in the meantime, leaving the task to Innocent III.

70 From the end of June to the 14th of July, the Pope issued eleven documents related to these quarrels (COSTA/MARQUES [see note 22] docs. 44–54, pp. 66–97).

71 They are the *In causa duorum* (2nd July 1199 – COSTA/MARQUES [see note 22] doc. 45, pp. 69–74), on Lisbon and Évora, the *Cum simus* (5th July 1199 – COSTA/MARQUES [see note 22] doc. 46, pp. 74–79) on the question of Zamora, and the *Licet unum sit* (12th July 1199 – COSTA/MARQUES [see note 22] doc. 49, pp. 82–91) on the question of the four episcopates, Braga and San Frutuoso.

dependency from the reports sent to Rome by the judge delegates of the enquiries of 1182 and 1187, especially from this last one, and ultimately, from the elements brought forward as proof by the archbishops of Braga and Compostela to that meeting.

It all makes sense, in the end of this cycle. The production of an important cartulary containing pieces of fundamental evidence, or of several smaller cartularies, as it seems rather to be the case, was surely instrumental, especially for Braga, who apparently invested more seriously in the production of written acts of privilege and in the presentation of the oaths of obedience in a form which could be seen as more authoritative, than Compostela. It seems to have conveyed itself to Rome, and the fact that the Pope takes into account evidence from the meetings in Tui is surely significant.

The relevance of the «Liber Testamentorum I» in the economics of this quarrel appears, then, under a new light, when we try to trace it in the acts of the audiences of the papal judges in Tui, and in the final papal sentences. The still mysterious reasons for its labyrinthic structure seem a little less incomprehensible, and its symbolic and practical functions seem clearer and more evident, more effective and more intelligible.

Although a great deal of grey areas are still begging to be studied in more detail, this brief glimpse allowed us, nevertheless, the possibility of having a deeper approach and insight into the mentality of the men involved in the production of the cartularies in Braga, in the 12th century, into the mechanisms of the promotion of the legitimacy of Braga and into the uses and manipulations of the written memory of an ecclesiastic institution, for the purpose of its self-preservation and glorification.

Annex 1

Composition of «Liber Testamentorum I»

#1	n°s 1–23	Miscellaneous documents (among which seven bulls of Pascal II) Index of 39 documents [n°s 24–62]
#2	n°s 24–144 [n°s. 139, 141–144: out of place] n° 145	Documents of archbishop Pedro (1071–1091) <i>Hec sunt que adquisivit Petrus</i> (election of Geraldus)
#3	n°s 146–380	Documents of archbishop Geraldo (1099–1108) [n° 205–218 – documents of the years 1119–1161] [n° 207/208 – two bulls of Eugenius III – sententiae for Oviedo and Lugo] [n° 218 – Marriage contract between the daughter of A. Henriques and Ramón Berenger of Aragon] [n° 316–319] – documents of 1124–1151] [n° 317 – Sentence of cardinal Deusdedit on Zamora-1124]

- Nº 319 – Index with 18 documents
 Nº 337 – Index with 19 documents
 Nº 361 – Index with eight documents
 Nº 369 – Index with 25 documents
- #4 n°s 381–401 Documents of archbishop Maurício Burdino (1109–1118)
 Nº 395 – Index with 14 documents
- #5 n°s 402–477 Documents of archbishop Paio Mendes (1119–1137)
 [n°s 416–418 date from 1142–1148]
 [n° 417 – ‘Council’ of Braga 1148]
 Nº 418 – Index with 22 documents
- #6 n°s 478–546 Documents of archbishop João Peculiar (1138–1175)
 [n°s 493–500 – interpolation of documents from 1202–1218]
 [fol. 138 missing – followed by a set of eight obedience oaths]
 Nº 518 – Index of 17 documents
- #7 n°s 547–592 Several assorted documents
 [n° 554–557 – four bulls of Pascual II (1114/15)]
 [563–564 – interpolations from the years of archbishop Estêvão 1213–1228]
 [593–598 – Interpolation from the years 1112–1121]
 [599 – one document in a 14th–15th century hand]

Oaths of obedience by suffragan bishops to Braga: docs. n.: 139, 212–14, 216–217, 371, 418, 510–517, 548–550, 561, 563–565, 570–577, 583–587, 588–590A.

Annex 2

List of documents contained in the first two *quaterni* of
«Liber Fidei» - «Liber testamentorum I»

Fls.	Doc. n ^o	Date	Place name	Contents
1-1v	1	1017/07/28	–	General canons from the Curia/Council of León.
1v	2	1103/04/1	Lateran	<i>Strenuitate tua</i> from Pascual II to count Raymond, asking him to protect the recently reinstated church of Braga.
1v-2	3	1103/04/1	Lateran	<i>Iustitie ordo</i> from Pascual II to the bishop of Mondoñedo ordering him to obey Braga as its metropolitan and to restitute Dume.
2-2v	4	1103/04/1	Lateran	<i>Et fratrum</i> from Pascual II to Diego Gelmirez, ordering him to return to the archbishop of Braga the part of the churches of S. Frutuoso and S. Vitor, for which purpose King D. Garcia, had granted a monastery to Compostela.
2v	5	1101/03/24	Lateran	<i>Apostolice Sedis</i> , from Pascual II, confirming to the bishop of Coimbra the ancient limits of the diocese and entrusting him the rule over Lamego and Viseu whilst they were not restored.
2v	6	1103/04/01	Lateran	<i>Conquestus est</i> , from Pascual II, to the bishop of Astorga ordering him to surrender to the archbishop of Braga the domains of Aliste and Bragança, and ordering him to respect the limits of the diocese of Orense.
2v-3	7	1103/04/1	Lateran	<i>Noveris nos</i> from Pascual II, ordering the bishop of Coimbra (Mauritius Burdinus) to obey to the archbishop of Braga as its metropolitan and to help him in the recovery of the diocesan wealth.

3	8	1100–1108	–	Bula <i>Eos qui</i> , from Pascual II, communicating to the archbishop of Braga that the ordaining of diaconi and presbiters done under the hispanic rite are still valid.
3–4	9	–	–	<i>Divisio Wambae</i> .
4–4v	10	–	–	<i>Paroquial suévico</i> or <i>Divisio Theodomiri</i> .
4v–6v	11	–	–	<i>Paroquial suévico</i> or <i>Divisio Theodomiri</i> .
6v–7v	12	832/03/27	–	Donation, by King Alfonso II, of the church of Braga and Orense to Lugo, from whom they would be spiritually dependent.
7v–8v	13	899/07/6	–	Confirmation by King Alfonso III to the bishop of Lugo, of the previous donation.
8v–9v	14	915/09/1	–	Confirmation by Ordonho II of the previous two documents.
9v	15	572/01/1	–	Delimitation of Braga.
9v–10	16	840/04/1	–	Order to populate and restore the city of Braga given by Alfonso III of Astúrias (problem in the date).
10	17	835/01/28	–	Delimitation of Braga and confirmation of its assignment to the bishop of Braga, then residing in Lugo.
10–10v	18	835/01/28	–	Narrative version of the previous donation.
10v–11v	19	911/09/28	Aliobrio	Delimitation of Braga by Ordonho II, on request of the diocese of Dume.
11v–12	20	–	–	<i>Notitia</i> of the Reconquest of the Iberian Peninsula and the problems which affected Braga until its restoration and the appointment as bishop of D. Pedro.
12–12v	21	1078/12/18	–	Judicial sentence over the case of Barrocelli. It had been given by Sesnandus, the consul of Coimbra, in delegation of Alfonso VI.
12v–15	22	1025/08/30	–	Process between bishop Pedro, residing in Braga, and some servants who refused to obey him.
15–16	23	1062/09/5	–	Letter in which some servants recognize the rights of the archbishopric of Braga over them.

Annex 3

Sources quoted and used in the two enquiries⁷²

1182	1187
Historical argument – King Miro took it by force and it took restoring the Visigothic rule to have them split between Lugo and Braga (no sources given)- but copied in «Liber Testamentorum I» (docs. 2,11)	«Corpus Canonum» (quoted by Braga and Compostela) (in Braga they were copied into the so called two «Libri Iudiciorum»)
Council of Lugo (in «Corpus Canonum») (quoted by Compostela and Braga)	Council of Emerita (quoted by Compostela)
«Corpus Canonum»	Little <i>in quarto</i> bound into the end of the «Corpus Canonum» <i>volumen</i> , containing the «Diuisio Wambae»
Councils of Braga I, II, IV (mistaken by III)	Council of Lugo (quoted by Compostela and Braga)
Braga II (quoted by Braga)	Council of Braga II (quoted by Braga)
Council of Emerita (quoted by Braga and Compostela)	Two «Libri Iudiciorum» (produced by the archbishop of Braga and quoted by him) – containing the <i>Diuisio Theodomiri</i> (quoted by Braga)
Councils of Toledo, II, VI, IX e X	One «Liber Testamentorum » («Liber Fidei») (produced by the archbishop of Braga and quoted by him)
Reference to recent Lateran III	«Liber Parvulus» (quoted by Braga), another <i>diuisio</i>
Councils of Toledo, III, IV, VIII, XI, XII, XIII, XV, XVI	Paulus Orosius (in the two «Libri Iudiciorum») (Braga)
«Codex Iustinianus» (on prescription and on restitution)	Isidore of Seville <i>Historia Gothorum</i> (in the two «Libri Iudiciorum») (extensively quoted by Braga)
<i>Decretum Gratiani</i> (c.3 C. VI qu. 3, Denique; Dist. 76 c.8, Scire debet; c.13 C. XVI qu.3) <i>et uariis iuris articulis</i>	Ten papal privileges from Pascal II to Alexander III (quoted by Braga) (in the two «Libri Iudiciorum»)

72 1182 – ERDMANN: Papsturkunden (see note 6) doc. 91, pp. 266–82; 1187 – Ibidem doc. 110, pp. 303–24.

<i>Diuisio Wambae</i> (described as such)	Professions of the bishops of Coimbra, Lamego, Viseu, Lisboa and a sentence by cardinal Deusdedit (in «Liber Fidei» – «Liber Testamentorum»)
Luc., 10,37	Hidatius, <i>Chron.</i> (in the two «Libri Iudiciorum») (quoted by Braga)
Isidore of Seville <i>Historia Gothorum</i> (quoted by Compostela)	John of Biclár, <i>Chronica</i> (in the two «Libri Iudiciorum») (quoted by Braga)
<i>Cronicis Regis hispaniarum</i> (pseudo-Itacius? Sampiro?) (quoted by Compostela)	<i>Ystoria Martinus Bracarenis</i> (in the two «Libri Iudiciorum») (quoted by Braga)
Rufi Festi <i>Breuiarium Rer. gest. populi Rom.</i> (quoted by Braga)	<i>Ystoria Festi ad Valentinianum</i> (in the two «Libri Iudiciorum») (quoted by Braga)
Paulus Orosius, <i>Historiarum adu. paganos</i> (quoted by Braga)	<i>Ystoria regum Hispaniarum</i> (in the two «Libri Iudiciorum») (quoted by Braga)
Two papal privileges (false) produced by the archbishop of Compostela and quoted by him	Paulus Orosius, <i>Hist. adv. paganos</i> (quoted by Braga)
Eight papal privileges produced by Braga (some of which also false)	Councils of Toledo I, II,III, VII, VIII, X, XI; Braga I; Emerita (quoted by Compostela)
	Isidore, Orosius and now also Iulianus of Toledo, <i>Historia Wambae & Chron. Adefons. Imp.& Sampiro & De bello gallico</i> (quoted by Compostela)
	Priscianus, <i>De arte grammatica</i> (quoted by Compostela)
	Martianus Capella, <i>De nuptiis Phil.</i> (quoted by Compostela)
	Alfagani, <i>Astrologia</i> (quoted by Compostela)
	Solinus, <i>Collect. rer. mem.</i> (quoted by Compostela)
	Isidorus, <i>Etimologiae, de gemmis</i> (quoted by Compostela)
	Isidorus, <i>De natura rerum</i> (quoted by Compostela)
	Martianus Capella, <i>De Geometria</i> , (quoted by Compostela)
	<i>Passio Sancti Facundi et Primitivi</i> (quoted by Compostela)
	Two papal privileges (quoted by Compostela)

Abstract

Constructing Legitimacy and Using Authority. The Production of Cartularies in Braga during the 12th Century.

The production of cartularies is almost always derived from the basic need to collect sufficient evidence in order to enable the producers to prove the legitimacy of their claims to a very wide range of rights. The motivation can range from the simple need to prove entitlement to property, or jurisdictional rights, to rather more complex issues. Sometimes, the *raison d'être* for the making of these compound instruments, surpass the simpler and narrower territorial or seigniorial topics, and, as it seems to have been the case with many of the documents contained in the cartulary analysed in this paper, they reflect other types of needs and interests. Such was the case in Braga, during the last quarter of the 12th century, when the quarrels against Santiago de Compostela, which had been brooding all through the previous five decades, would finally free themselves from the ever prominent question of the primacy of Toledo over the other Spanish sees, and reveal how much more “functional” and fundamental the opposition between Braga and Compostela would be, for the political survival and affirmation of both the archdioceses and their “respective” Kingdoms. The contenders had to prove the rights which they both claimed by legitimate right. Thus the importance of possessing, and being able to exhibit before the papal judges, evidence such as papal and royal grants or privileges, or old authoritative monuments like Histories from the Antiquity or Visigothic times, *acta* of Councils or even mythical divisions, which should be testimony, in themselves, of true, trustworthy veracity. This paper will study the cartulary generally called *Liber Fidei*, produced in Braga, in the 13th century, compiling previous cartularies, dated from the 12th century. The “*Libri Testamentorum*”, whose existence is attested to by secondary sources, appear as proof in several sentences dating from the end of that century, in causes related to the disputes for jurisdiction and territorial power between Braga and Compostela. The structure and contents of the cartularies is used in order to try and understand what the rationale of such compilations might have been, and then observe how well suited for the purpose of serving as authoritative evidence they might have been. In 1182 and 1187 reports were sent to Rome by the papal judge delegates, who arbitrated the cause between the two sees, in Tui. The references to the importance of the papal, royal, legal and historical materials contained in the cartularies do not seem to leave much space for doubts on their purpose, use and function, in their own times, if not on their structure and organization in the first place.