

Poems, prologues, paratexts. The Arabic *Collectio Hispana* (RBME, MS Ar. 1623) and its Potential Latin Models

Matthias MaserInstitution: Friedrich-Alexander-Universität Erlangen-Nürnberg  <https://dx.doi.org/10.5209/anqe.107619>

Received: 3 June 2025 • Accepted: 5 December 2025

ENG Abstract. The mid-eleventh-century MS Ar. 1623, held at the Royal Library in El Escorial, preserves a unique canon law collection in Arabic language. The manuscript is a valuable source for studying the Christian communities of al-Andalus. Although ultimately derived from the Latin *Collectio Hispana*, the Arabic code represents a distinct variant of this early medieval canon law collection, differing from the extant Latin versions in many respects. However, it is still unclear whether the Arabic collection's unique features resulted from a deliberate adaptation of the traditional canon to the living conditions of Arabised Christians in a Muslim-dominated environment, or whether these features had already emerged in an earlier Latin archetype intended for use in a Christian-ruled society outside of al-Andalus. Through analysing two paratextual prefaces from the Arabic manuscript, this article examines the interrelations between the Arabic collection and the surviving Latin tradition of the *Collectio Hispana* in more detail.

Keywords: Canon law; Andalusi Christians; *Collectio Hispana*; translation; manuscripts; Arabisation.

ES Poemas, prólogos, paratextos. La *Collectio Hispana* árabe (RBME, MS Ar. 1623) y sus posibles modelos latinos

Resumen. El manuscrito árabe Ar. 1623, de mediados del siglo XI, conservado en la Biblioteca Real de El Escorial, conserva una colección singular de derecho canónico en lengua árabe. El manuscrito constituye una fuente de gran valor para el estudio de las comunidades cristianas de al-Andalus. Aunque deriva en última instancia de la *Collectio Hispana* latina, el códice árabe representa una variante diferenciada de esta colección canónica altomedieval, que difiere en numerosos aspectos de las versiones latinas conservadas. No obstante, sigue sin estar claro si los rasgos singulares de la colección árabe son el resultado de una adaptación deliberada del canon tradicional a las condiciones de vida de los cristianos arabizados en un entorno dominado por el islam, o si, por el contrario, tales características ya se habían desarrollado en un arquetipo latino anterior concebido para su uso en una sociedad cristiana situada fuera de al-Andalus. Mediante el análisis de dos prefacios paratextuales del manuscrito árabe, este artículo examina en detalle las interrelaciones entre la colección árabe y la tradición latina conservada de la *Collectio Hispana*.

Palabras clave: Derecho canónico; cristianos andalusíes; *Collectio Hispana*; traducción; manuscritos; arabización.

Summary: 1. The Metrical Prologue to Book II. 2. The preface to Book VII. 3. Conclusions. Bibliography.

How to cite: Maser, Matthias (2026). Poems, prologues, paratexts. The Arabic *Collectio Hispana* (RBME, MS Ar. 1623) and its Potential Latin Models". *Anaquel de Estudios Árabes* 37(1), 17-29. <https://dx.doi.org/10.5209/anqe.107619>

Sources on the history of the Christians of medieval al-Andalus are generally sparse. In particular, there is a dearth of information on the internal organisation of Andalusi-Christian communities, their political self-administration, or their legal affairs. In view of this lack of tradition, the value of the unique Arabic canon law code *al-Qānūn al-Muqaddas* or *Collectio Canonum Arabicorum Ecclesiae Andalusiae* (henceforth abbreviated as CCAEA), surviving in the mid-eleventh-century codex MS Ar. 1623 of the Royal Library of San Lorenzo de El Escorial,¹ can hardly be overestimated.

¹ For the current state of research on the CCAEA in general, see the contributions to the collected volume *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin, (Turnhout: Brepols 2024). For a comprehensive bibliography of previous literature, see in particular: Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin: "Introduction: Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts", in *ibid.*, 11–26. See also most recently: Juan Pedro Monferer-Sala, "Algo más sobre la nota de posesión de la versión árabe de la colección canónica y la datación del códice 1623 de La Real Biblioteca de El Escorial", *Isidorianum* 33/2 (2024): 273–287. Any further literature relevant to the scope of this study will be cited at the appropriate point in the text.

However, the interpretation of this extraordinary source raises difficult methodological questions. In what ways and to what extent may we read *al-Qānūn* as a direct reflection of Christian life in al-Andalus? Is the Arabic canon collection an innovative creation that purposefully reworks an inherited set of norms to capture the specific living conditions of Arabised Christians in Muslim environments? Or does it simply preserve – albeit in translated form – a traditional legal order originally conceived for a Christian-ruled society outside al-Andalus? To answer such questions, it is crucial to determine the extent to which the Arabic collection in its surviving form is dependent on preceding models.

It has long been clear that the basic structure of *al-Qānūn* was not developed from scratch but was based on earlier attempts to organise the legal material in the collection. The arrangement of more than 1600 legal 'chapters' ('capitulum' or 'bāb/abwāb') into thematic 'books' ('liber' or 'muṣḥaf/maṣāḥif') and 'titles' ('titulus' or 'rasm/rusūm') in the Arabic collection largely follows the model of the so-called *Excerpta Hispana*, which were created c. 656–66 CE as an index for the chronologically ordered *Collectio Hispana*.² However, the Arabic collection was not compiled directly from this index but represents a variant of the slightly younger *Collectio Hispana Systematica*, which originated around 675–81 CE, when the individual 'inscriptions' (identifying a given canon by synod and chapter number) and 'rubrics' (shortly summarising its relevant legal content) of the *Excerpta* were fleshed out by adding the corresponding legal texts from the *Hispana* corpus. The Arabic *al-Qānūn* is therefore not a completely independent canon collection in its own right but is closely related to the Latin *Collectio Hispana*.

Yet at the same time, the CCAEA is not simply an Arabised reproduction of the Latin systematic collection known today. Building on the extensive preparatory work of Miguel Casiri, who discovered the Arabic manuscript in the Escorial Library in 1755 CE, Gonzalo Martínez Díez checked the legal repertoire of the Arabic collection against the known exemplars of the Latin *Hispana Systematica*. The results of this comparison led him to assess *al-Qānūn* as a distinct subtype of the systematic collection, clearly differing from the surviving Latin version(s) in many details.³ However, since this subtype uniquely survives in the Arabic form known from RBME, MS Ar. 1623, it is difficult to reconstruct its genesis. At this point, we cannot say with certainty whether the distinctive features of *al-Qānūn al-Muqaddas* were already present in an earlier (Latin) archetype, or whether they emerged only in the Arabic version as the result of a deliberate adaptation of a traditional legal order to the lived reality of the Arabic-speaking Christians of al-Andalus.

The aim of this study is to examine in more detail the interrelations between *al-Qānūn al-Muqaddas* and the Latin tradition of the *Hispana* collection in order to assess the degree of originality of the Arabic collection or its dependence on older models, respectively. Such interrelationships have already been examined in previous research at various levels: firstly, at the structural level, through systematic comparisons of the legal repertoires of the different variants;⁴ secondly, at the textual level, by comparing individual Latin legal texts with their respective Arabic renderings.⁵ In this article I will take a third approach by focusing on the paratextual level: Drawing on two remarkable prefaces from the CCAEA, I will examine elements of the collection that were not part of the actual corpus of normative texts, but were intended to guide the reading of the collection and to prefigure the users' understanding of the canonical material. Such paratextual elements are particularly relevant to the question of the authorial design of a canon collection. The demand for completeness and fidelity to authentic texts restricted the compilers' scope to intervene in the body of legal norms. However, they were (more) free to model the paratextual framing of the canonical corpus according to their particular aims and interests.

1. The Metrical Prologue to Book II

After the completion of Book II, MS Ar. 1623 continues on fol. 147^v with the heading «*Translation of the well-metred poem that was placed at the head of this second Book*», followed by six lines of continuous Arabic text. Since Miguel Casiri ignored this section in his Latin re-translation of the Arabic text,⁶ the poem is also missing from Martínez Díez's

² The *Collectio Hispana* is one of the earliest and most comprehensive codes of canon law from the early Middle Ages. It was the authoritative ecclesiastical law book during the Visigothic period and remained significantly influential in Hispanic churches until it was largely superseded by other collections introduced to the Iberian Peninsula during the 'Gregorian Reform' of the 11th century. Its original version, lost today, originated c. 633–635 CE. The code survives in two later chronologically ordered versions (the *Versio Julianus*, c. 681–683 CE, and the *Versio Vulgata*, c. 694–702 CE), as well as in various thematically arranged adaptations. On the later, so-called 'systematic' variants of the *Collectio Hispana*, see most recently: Cornelia Scherer, "Looking over the Editor's Shoulder. Strategies and Processes Applied to the Systematic Arrangement of the *Collectio Hispana*", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin, (Turnhout: Brepols 2024), 127–150, with a comprehensive bibliography of previous literature.

³ Gonzalo Martínez Díez, *La colección canónica Hispana. II: Colecciones derivadas*, 2 vols. (Madrid: CSIC, Instituto Enrique Flórez, 1976), vol. II, 617–715 (henceforth: CCH II).

⁴ CCH II, 595–606 and 617–715, cf. the revisions suggested by Thomas Deswart, *Une chrétienté romaine sans pape: L'Espagne et Rome (586–1085)*, (Paris: Classiques Garnier, 2010), 553–558. More recently: Matthias Maser, "Papal Decretals in the Arabic Canon Law Collection from al-Andalus. Patterns of Selection, Arrangement, and Indexing", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin, (Turnhout: Brepols 2024), 151–172.

⁵ An approach followed most recently by, e.g., Francisco J. Cintrón Mattei, "Insights into the Judicial Organization and Social Authority of an Ecclesiastical Judiciary in al-Andalus", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin, (Turnhout: Brepols 2024), 269–294; Juan Pedro Monferrer-Sala, "Liturgia Mvzarabica. Traducción árabe del símbolo niceno-constantinopolitano incluido en *al-Qānūn al-muqaddas* (El Escorial, MS ár. 1623)", *Al-Andalus Magreb* 31 (2024): 49–65.

⁶ Biblioteca Nacional de España Madrid, MSS 8985 and 8986.

synopsis of the Arabic collection and has therefore not received any scholarly attention to date. The Arabic text is largely vocalised, which allows the following reading:⁷

ترجمة القصيدة المؤذنة التي وضعت على رأس هذا المصحف الثاني
قد نطقت الجماعة الزادحة بضياءً لامع،
ووَقَتَ الْوَاجِبَ عَلَى حَقِّهِ، وَالْحَقَّ عَلَى مَقْدَرِهِ.
فَهَذَا نَظَامُ أَنْكَارِ اللَّهِ وَعَذَّارَاهُ،
وَقَوْلُ الْبَلْ حَمْنَ وَسَرِيفُ زِيَّنَهُ، الْمَعْفُولُ بِهِ.
وَأَنَا فَسَرْتُ لِلنَّادِمِ النَّادِمِ مَسَالَكَ، طَرَاقِنِ تَوْبَتِهِ وَغَيْرِ بُكَائِهِ،
وَعَقَّتِ الْأَرْمَلَةِ النَّابِلَةِ لِلْسُّنَّةِ الْوَاضِخَةِ
فَهَذَا طَرِيقُ الْمَسَافِرِ وَمَنَاجِعُ عَابِرِ [الْأَسْبَلِ]
وَقَدْ وَرَنَّا لَهُ الْأَوْرَانِ وَعَدَلَنَا لَهُ الْأَعْدَانِ،
فَعَسَى بِهِ أَنْ يَرْضَاهُ، تُصْغَى نَفْسُهُ إِلَيْهِ.
أَوْصَلَكَ اللَّهُ إِلَى الْهَمَّةِ الشَّرِيفَةِ وَالْأَجْتَهَادِ الْمُصْطَفَى وَالصَّيْرِ الْمُحْمُودِ،
وَوَرِثَ تَارِكُ هَذِهِ عَقِيلًا مِنْ بُعْدِكَ، أَمِينٌ.

In English translation:

Translation of the well-metred poem that was placed at the head of this second Book.

*The community, illuminated by bright light, has spoken,
and established duty according to its rightness, and rightness according to its measure.
This is the rule of the virgins of God and of his celibates,
the model of their rightness, and the honour of their adornment, which is valid.
I laid out to the remorseful penitent the ways (and) paths for his repentance and the abundance of his weeping.
The penitent widow devotes herself to the obvious way of life (sunna).
This is a (right) way for the traveller, and a path for the passer-by,
we gave it a good measurement and adjusted its standards.
Perhaps (the traveller) will be pleased with it, (and) his soul will turn towards it.
May God led you to honourable zeal, upright striving, and blessed steadfastness.
And may he, as a prudent bequeather of all this, appoint as heirs those who come after you. Amen.*

The heading alone provides valuable information. The entire paragraph is referred to as a ‘translation’ (*tarğama*): Apparently, the creator of the Arabic collection did not compose the poem on his own but modelled it on an already existing text. In a broader sense, the Arabic root *t-r-ğ-m* could mean ‘interpretation by explanation’⁸ without necessarily involving a change of languages. A cursory examination, however, shows that the Arabic root *t-r-ğ-m* in the CCAEA regularly denotes inter-idiomatic translations.⁹ The term thus indicates that the text labelled as ‘*tarğama*’ was originally written in another language, certainly in Latin, and then rendered into Arabic. We also learn that the text is considered a ‘poem’ (*qaṣīda*), although in its extant manuscript form it shows no visual traces of a verse structure (the line breaks in the text given above are mine). The term *qaṣīda* does not seem to refer to a specific poetic form in this context: in the CCAEA’s lexicon, *qaṣīda* usually denotes poetry in general as opposed to prose and refers to texts as diverse as the biblical «Song of Solomon», liturgical chants and hymns, or metrical versifications of ancient poets.¹⁰ Consequently, the poem on fol. 147^v does not adhere to any of the established meters of classical

⁷ I thank Hanna Kabalan for his help in transcribing the text. For a critical diplomatic edition, see: Hanna Kabalan, *Al-Qānūn al-Muqaddas (El Escorial, codex 1623). Édition diplomatique, étude codicologique, paléographique et linguistique, avec une section d'index complémentaire* (PhD, Universidad de Córdoba, 2025) (forthcoming).

⁸ See, for example, Hans Wehr, *A Dictionary of Modern Written Arabic. (Arabic–English)*, ed. J. Milton Cowan (Wiesbaden: Harrassowitz, 1961), 93, s. v. ‘تُرْجِمَ’: ‘... to interpret (♦ of s.th.); to treat (♦ of s.th.) by way of explanation, expound (♦ of s.th.) ...’.

⁹ Cf., for example: chap. I.12.3 = c. 1 from Pope Zosimus’s letter to Bishop Hesychios of Salona, (MS Ar. 1623, fol. 21^v-22^r): ... *brīṣṭār wa-huwa ism yunānī wa-tarğamatuhu šayḥ muqaddam* ... (‘... presbyter, this is a Greek word, its meaning is «a venerable man, summoned as overseer» ...); chap. II.16.5 = Saint Jerome’s letter (no. CXLVI) to Priest Evangelos (MS Ar. 1623, fol. 136^v): ... *turğimat ism al-usquf fi al-rūmiyya al-nāzir min al-nażar wa-l-taṭallu‘ wa-l-tadbīr li-umūr Allāh wa-l-nażar ilayhi wa-ṣalāḥ al-ra‘īya* ... (‘... in Latin, the term «bishop» translates to «overseer» [deriving] from «supervision», «observation», «administrating the issues of God», «observing them» and «herding the flock» ...); chap. CCAEA III.51.8 = c. 2 from Pope Leo’s letter to Emperor Marcian (MS Ar. 1623, fol. 221^v): *Al-bāb al-tānī min risālat Liyūn al-ğātūliq yas‘alu fīhi Marġiyān al-malik an yāmura bi-tarğamat allātī katabahā ilā Flābiyān al-usquf al-quṣṭānī min al-lafz al-laṭīnī ilā al-lafz al-yūnānī al-ğrāqī* ... (‘Chapter II of the letter from Leo, the Catholic, in which he asks the ruler Marcian to order a translation from Latin into Greek wording of what he had written to Bishop Flavian of Constantinople ...’); and further on: ... *fa-li-ḍalika atlubu ilā ‘azīm hurmatika an tāmura Yulyān al-usquf ahī wa-sāhibi aw ḡayra-hu mimman tar‘a-hu muktafiyan qawīyan ‘alā tarğamatihā fi al-luġa al-ğrīqiyā li-yatarğamahā tarğamatān kāmilatān muhaddabatān ṣāḥiḥatān* ... (‘...for this reason I beg the Excellency of your Holiness to summon Bishop Julian, my brother and companion, or whomever you see as capable of its translation into the Greek language, to produce a complete, decent, and true translation of it...’); chap. V.12.4 = can. 4 from the Council of Ancyra (MS Ar. 1623, fol. 285^v): *Wa-hadīhi al-mas’ala katabahā asāqīfat Anqīra bi-l-lafz al-rūmī, wa-ka-ḍalika turğimat fi al-laṭīnī wa-min al-laṭīnī fi al-‘arabī* ... (‘This issue was written by the bishops [attending the synod] of Ancyra in Roman [= Greek] wording, and so it was translated into Latin and from Latin into Arabic ...’).

¹⁰ For example: chap. III.41.15: c. 11 of the *Decretum generale* by Pope Gelasius I (letter no. 84) (MS Ar. 1623, fol. 224^v): ... *haytu qāla al-kitāb fi qaṣīdat Sulaymān: nażzimū fiya al-muhibba nażīman* ... (‘... as the Book says in the «Song of Solomon»: «Create charity in me» [Cant. 2,4] ...); chap. IV.3.7: c. 1 of Ps.-Hormisda’s decree «*De libris recipiendibus et non recipiendibus*» (MS Ar. 1623, fol. 232^v): ... *li-Sulaymān talāt maṣāḥif wa-hiya al-amṭāl wa-l-ğāmī‘ wa-qaṣīdāt id al-a‘šār* ... (‘... three books by Solomon, namely the «[Book of] Proverbs», the «Ecclesiastes [Kohelet]», and the «Song of Songs» ...’); chap. IV.3.7: c. 3 of Ps.-Hormisda’s decree «*De libris recipiendibus et non recipiendibus*» (MS Ar. 1623, fol. 135^v): ... *al-qaṣīda min mi‘a bayt fi l-masīḥ al-mulaffaqa min aš‘ar Birğilyān al-ṣā‘ir al-maġūs* ... (‘... the fictitious poem of hundred verses on Christ from among the versifications of Virgilian, the heathen poet ... [= Centro de Christo, Virgilianis compaginatus versibus] ...’); chap. IV.15.3: c. 14 of Toledo IV on liturgy (MS Ar. 1623, fol. 252^r): *Fī qaṣīdat al-ṭalāṭ ḡilma an tunṣada fi ḡamī‘ a‘yād al-miṣāṭ* (‘On the Hymn of the Three Young

Arabic poetry. Finally, the heading tells us that the entire paragraph is actually misplaced in MS Ar. 1623: it should have originally appeared at the beginning of Book II, not at its very end.

This information provides a starting point for searching for the original text in the Latin versions of the collection. The Latin *Hispana Systematica*, which of all the derivatives of the *Hispana* collection is generally closest to the Arabic *al-Qānūn*, survives in three medieval manuscripts: Paris, Bibliothèque nationale de France, MS lat. 11709 (9th century), of which Lyon, Bibliothèque municipale, MS 336 (9th century) is a direct copy; and Paris, Bibliothèque nationale de France, MS lat. 1565 (10th-11th century). Indeed, all three codices preserve a short metrical poem placed between Books I and II of the collection.¹¹ However, these verses clearly pick up on the theme of Book I, namely the clerical hierarchy,¹² rather than introducing Book II with its focus on (female) monasticism and penance. They can therefore be ruled out as the model for the Arabic *Qaṣīda* appended to Book II of the CCAEA.

Like the *Hispana Systematica*, the *Excerpta Hispana* have introductory verses at the beginning of individual books. It is here that we find the Latin model for the translated poem. In the *Excerpta*, the first five books are preceded by metrical prologues composed in hexameters and elegiac distichs, respectively. All prologues take the form of short dialogues between the personified Collection (or Codex) and its anonymous Compiler (or Reader). Like a conversation between a teacher and a pupil, the Book tells its user what lesson is to follow and encourages him to continue his zeal for learning the sacred canons.¹³ In most of the manuscripts the prologues are split into two parts by the insertion of a list of the thematic 'tituli' contained in the respective book, referred to as 'capitulatio'. On closer inspection, the Arabic *Qaṣīda* shows clear similarities with the *Excerpta*'s metrical prologue to Book II. However, the Arabic text only covers the second part of the original Latin poem; the first part, including a list of titles, is missing:

[...] *Compinxi turmam celebratus lumine fulvam,*
Queve sibi debent ordine cuncta dedi.
Sistit praeclare solidatus virginis ordo,
Atque decus eius permanet inde sacrum.
Respxi dignis poenitentem fletibus omnem,
Curvavi viduam legibus ipse sacris.
Estne placens itiner viatoris cruce] subactum,
Condigno quae sunt pondere dicta manent?
Haec ad fines te mittat intentio constans,
*et posteris coeptum fingeris sospes opus.*¹⁴

[...] *I described solemnly the community illuminated by light,*
I recounted in right order everything that they have imposed upon
themselves.
The order of the virgin(s) stands firmly in magnificent fashion,
thus, their holy adornment endures.
I have considered all who repent with worthy tears,
I also made the penitent widow bow under the sacred laws.
Is the path of the traveller, which is subject to the cross, pleasant?
Does all that has been said remain with dignified significance?
This steadfast intention may guide you to the end,
and you will make the work you have begun a prosperous one for those who come after you.

The affinity between the Arabic *Qaṣīda* and the Latin verses is evident. Both texts share central motifs. For example, the 'community illuminated by (bright) light' features in both versions of the poem, as do the 'order of virgin(s)' and its '(holy) adornment', the 'repentant widow', or the 'path for the traveller'; finally, both versions end with a reference to 'those who come after you'. Nevertheless, the two versions of the poem differ in significant ways that demand explanation. Two deviations in particular are noteworthy: (a) the loss of a greater part of the text and (b) the striking changes in phrasing, content, and speaker roles.

Although none of the surviving manuscripts of the *Hispana Systematica* contain the introductory verses to Book II, the compiler(s) of the Arabic collection did not necessarily draw on the *Excerpta* for the metrical prologue. Traces of both the 'versificationes' and the 'capitulationes' from the *Excerpta* also appear in the Latin redactions of the *Hispana systematica*, albeit to different extents. The Parisinus MS lat. 11709 contains a list of titles only for Book I but consistently omits the 'capitulationes' for all subsequent books. Moreover, we find no trace of the 'versificationes' in this manuscript. In contrast, MS lat. 1565 systematically includes the title lists from the *Excerpta* at the beginning of each book, with the sole exception of Book IX. At the beginning of Book III (and only there), the scribe also copied the corresponding 'versificationes', thus testifying to the adoption of the metrical prologues from the *Excerpta* in certain branches of the systematic *Hispana* collection. It is therefore plausible that *al-Qānūn* too was ultimately derived from a version of the systematic *Hispana* that contained the paratextual verses, although the extant Parisinus MS lat. 1565

Boys, it must be sung in every celebration of mass').

¹¹ Paris, BNF, MS lat. 11709, fol. 81^{ra}; Paris, BNF, MS lat. 1565, fol. 75^r. For a critical edition, see now: Paulo Farmhouse Alberto, "The Metrical Prologues to the Visigothic *Excerpta Canonum*", *Mittellateinisches Jahrbuch* 57 (2022): 339–383, here 378.

¹² Ibid.: *Narravi plene sacros ex ordine clericos, / Dixi que retinent vivida iura poli [...] (I have explained at length the holy [ranks of the] clergy, / and laid out the lively laws of heaven to which they abide. [...])*.

¹³ On the dialogical structure see: Farmhouse Alberto, *Metrical Prologues*, 345–348; Id., "Poesía y legislación en la Hispania del siglo VII", in *Nuevos estudios de Latín medieval hispánico*, ed. Carmen Codoñer Merino, María Adelaida Andrés Sanz, José Carlos Martín & David Paniagua, (Firenze: SISMEL, 2021), 3–20, here 12–16.

¹⁴ Farmhouse Alberto, *Metrical Prologues*, 379.

cannot represent the model for *al-Qānūn* in this respect. The Arabic Escorial manuscript preserves proper title lists for Books IV, IX (!), and X, but none for Books III, V, VI, and VIII; a peculiar summary of legal topics, preceding Book VII, will be discussed in more detail below. As for Book I, it is unclear whether it originally contained a 'capitulatio' due to the loss of folios at the beginning of the codex. Similarly, the beginning of Book II in MS Ar. 1623 is mutilated: the first sheet of parchment of this book, which is also the first folio of the corresponding quire, has been cut out of the manuscript. This must have happened before the codex was rediscovered in 1755 CE by Miguel Casiri, who already commented on the missing folio. We therefore do not know for certain whether Book II in MS Ar. 1623 originally began with a 'capitulatio'. In any case, however, the heading preceding the *Qasīda* in the surviving codex suggests that the versified prologue (probably including the list of titles) must have been present in its correct position, that is, 'at the head of the second book', at some stage in the manuscript transmission of this particular sub-type of the systematic collection.

Nevertheless, the loss of the first half of the metrical prologue and its relocation to the end of Book II was not caused by the removal of a folio from the already bound codex MS Ar. 1623. Rather, the scribe, who produced the surviving manuscript around 1049 CE, seems to have found the poem, in the fragmentary and dislocated form preserved today, already in the codex from which he copied his exemplar of *al-Qānūn*. This is evidenced, for example, by the consistent palaeographic handwriting on folio 147^v and the systematic use of visual aids to structure the text, such as different ink colours for headings, rubrics, and body text, which are fully consistent with the general layout of the manuscript. The *Qasīda* therefore appears to have been copied in its present form and position from an older model.

The loss of the first part of the poem and the shifting of the remaining verses to the end of Book II were probably related. The mutilation of the text may have been already caused by the loss of a folio in an earlier manuscript but is more likely to have resulted from the separation of quires to be distributed to different scribes for copying. Similar findings in BNF, MS lat. 1565 support this hypothesis. In this copy of the Latin *Hispana Systematica*, Book II begins on fol. 75^{r-v} with the heading '*Incipiunt capitulationes libri secundi de institutionibus monasteriorum et monachorum*', followed on fol. 75^v by a title list which, however, comprises only nineteen of the actual twenty-three 'tituli' of Book II. After this incomplete list, the second half of fol. 75^v is left blank, as are the following pages 76^r and 76^v, which together form the final folio of the respective quire. The 'capitulatio' continues with the four titles missing from fol. 75^v (nos. XX-XXIII) on the first page of the next quire, i.e. fol. 77^r. The different layout of the two parts of the title list (one vs two columns), as well as the unfinished lettering of Titles XX-XXIII on fol. 77^r (the Roman numbering and the initials of each title, which should have been added in red ink, are missing), suggest that they were not written in one go by the same scribe. Based on this evidence, it appears that a change of quires intersected the 'capitulatio' of Book II in both the MS lat. 1565 and its immediate 'Vorlage', resulting in the two parts of the title list being copied separately.

A similar procedure might explain the omission of the first half of the metrical prologue (perhaps including the list of titles) from the Arabic codex. At some point in the manuscript transmission, a scribe seems to have been confronted with a detached fragment of the versified preface at the head of his 'Vorlage'. He apparently decided to leave out the lines that did not make sense to him. It was only after he had completed Book II that he reversed his initial decision and appended the fragment at the end of his work. The heading that introduces the *Qasīda* in MS Ar. 1623 suggests that this relocation of the verses occurred precisely in the course of the translation of the collection into Arabic. A Latin copyist who had simply reproduced the original (Latin) text would not have marked the relocated poem as a 'translation'; nor would a later Arabic scribe have added this specification if he had copied an already Arabised text. Only the translator himself could have aptly formulated the title as it stands, since he appended not the original (Latin) verses themselves but their Arabic 'translation' ('tarğama') at the end of Book II.

However, further observations rule out that the extant MS Ar. 1623 is the 'original' of this translation.¹⁵ The Arabic version of the verses is not only mutilated but also seems to have undergone profound changes in the course of a multi-stage manuscript transmission. We can distinguish at least two steps in the transformation of the text. In its surviving form, the text is vocalised and thus specifies a reading that deviates significantly from the original Latin poem in certain respects. Whereas in the Latin verses the personified Codex and its Author/Reader each speak in the first-person singular (e.g. *compinxi, dedi, respexi, curvavi*), in the Arabic version most of the corresponding verbs are transformed into the third-person singular, feminine (e.g. *naṭaqat, waqqafat, 'akafat*). This involves a change of the grammatical subject in the respective sentences and obscures the originally dialogic character of the prologue: the Latin phrase '*I* [i.e. the Codex speaking] *depicted solemnly the community illuminated by light / and recounted in right order everything that they have imposed upon themselves*', for example, becomes '*The community illuminated by bright light has spoken / and has established duty according to its rightness, and rightness according to its measure*' in Arabic; the Latin phrase '*I also made the penitent widow bow under the sacred laws*', in turn, becomes '*The penitent widow devotes herself to the obvious way of life*' in the Arabic translation. In both cases, the accusative objects of the Latin sentences (*turمام..fulvam, viduam*) become the subject in the nominative case (نَسْعَة) in the Arabic rendering (*al-ğamā'atu al-zāhidatu, al-armalatu al-tā'ibatu*). It is worth noting, however, that this seemingly fundamental intervention in the text is primarily an effect of the vocalisation (*harakāt*). In unvocalised consonantal writing, the verb forms can be read as first-person singular in accordance with the Latin original (e.g. *n-t-q-t* thus reads *naṭaqtu* instead of *naṭaqat*; *waqqafu* instead of *waqqafat*; etc.). This suggests that the vocalisation was added in a subsequent step, when a copyist struggled to make sense of the complicated poetic text. Apparently ignorant of the Latin original, he misinterpreted the text and inserted vocalisations that altered both its syntax and meaning.

¹⁵ MS Ar. 1623 clearly is the copy of an older manuscript, see: Matthias Maser, "Whens and Whereabouts – Old and New Lights on the Genesis *al-Qānūn al-Muqaddas* (El Escorial, RBME ms. árabe 1623)", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin (Turnhout: Brepols, 2024), 27–57, here 29–37.

The Arabic scribe was not the only one to struggle with the obscure paragraph. Some Latin copyists, for example, found it necessary to explicitly mark the strangely detached lines as a continuation of the opening verses before the 'capitulatio' by inserting additional subheadings.¹⁶ Furthermore, the dialogic structure of the poem was apparently not clear to all: a marginal gloss in the famous *Albeldense* manuscript clarifies that the Codex and his Reader are talking to each other here, thus explaining the first-person pronouns.¹⁷ As for the text itself, the verses are of modest poetic quality in the Latin original. Various copying errors in the surviving manuscripts show that even Latin scribes simply did not understand certain terms or phrases in the poem.¹⁸ A whole branch of manuscripts, for example, shows a distortion seemingly similar to the vocalised Arabic translation: the erroneous change of the grammatical person of the first verb 'compinxi' to 'compinxit', which in this case, however, was simply the result of an incorrect word separation ('compinxi turmam' became 'compinxit urnam'). Unfortunately, none of the many copying errors in the Latin manuscripts allow the identification of a specific variant that would have served as the source text for the Arabic translation of the poem.

This, finally, brings us to the oldest layer of the Arabic text: the initial translation before the later addition of the vocalisation. The question arises as to whether the Arabic *Qaṣīda* in its initial form was a faithful translation of the original verses, or whether it is rather a free adaptation, only vaguely inspired by the Latin poem. A line-by-line comparison of the two versions reveals that the Arabic translator basically followed the Latin text, but chose rather independent solutions for numerous translation problems:

While the first line of the Arabic poem retains both the meaning and the structure of the Latin original (apart from the later change of the grammatical pronoun by vocalisation), the second line reformulates the content of the corresponding Latin verse rather freely: the Arabic noun *al-wāġib* (i.e. 'duty', 'obligation') adequately captures the meaning of the Latin relative clause 'quae sibi debent', whereas the rest of the sentence deviates largely from the original. In the second distich (lines 3 and 4), with the 'ordo virginis' (*nīzām abkār Allāh*) and its 'decus' (*zīnā*), the translator borrowed key terms from the Latin poem. However, he fundamentally changed the syntax, transforming the original verbal sentences into nominal phrases in both hemistichs. The main statement of the Latin verse, which emphasises the permanence and stability (*sistit...solidatus, permanent*) of the 'virgin order' and its monastic rules, is expressed in Arabic by a simple participle: *al-mā'mūl bihi* ('being valid'). The double rendering of the Latin term 'virgo' by two Arabic equivalents (*abkār*, '*adārā*') may have been for reasons of rhythm. The third distich begins correctly with a verb in the first-person singular (the personal pronoun *anā* enforced this even in the vocalised reading); moreover, the Latin expressions '*poenitentem*' (*al-tā'ib*), '*dignis...fletibus*' (*gāzīr bukā'ihī*), and '*viduam*' (*al-armala*) have their respective equivalents in the Arabic text. The rendering of '*sacris...legibus*' by the Arabic term *sunna*, with its strong Islamic connotations, is noteworthy.¹⁹ Beyond this, however, the couplet is at best a loose adaptation, introducing new motifs such as the 'ways [and] paths of repentance' (*masālik [wa-]ṭarā'iqa tawbatihī*), probably borrowed from the following distich. The discrepancy between the Arabic and the Latin versions is even more pronounced in the following distich, which in fact shares little more with the original text than the central motif of the 'path for the traveller' (*itiner viatoris; ṭarīq li-l-musāfir wa-minhāq ābir [al]-sabil*). In the Latin verse, the Codex asks its Reader whether the 'way' marked out appeals to him (*estne placens*), whereas the Arabic translation replaces this interrogative sentence with a declarative one, stating that a hitherto unmentioned grammatical subject ('we', certainly echoing the Codex speaking in the first person in the Latin original) has prepared the 'way' well. The second half of the verse then abandons the Latin hypotext altogether and further develops the idea from the first line, expressing the hope that the 'traveller' will follow the 'way' laid out for him. The verse is stylistically embellished by two etymological figures that repeat the essential message but have no equivalent in the Latin original. The fifth distich plays on the theme that a 'steadfast mind' will guide the reader to a successful conclusion of his endeavours. In contrast to the Latin text, however, the Arabic version formulates this as a pious plea to God. The triple variation of the Latin expression '*intentio constans*' in Arabic is certainly due to stylistic and rhythmic considerations. Finally, the last hemistich seems to be inspired by the Latin term '*posteris*', which reappears in Arabic as '*man ba'duka*', and develops the notion of a 'bequest' to future generations. It introduces several terms from the semantic field of 'bequeathing' (*warrāṭa, tārik*) which have no explicit parallel in the Latin original of the verse. Moreover, it is God who is addressed as the one who is to leave a beneficial legacy to posterity and not – as in the Latin original – the author (or reader) of the codex. An 'Amen' consistently concludes the two-line verse with its prayer-like appeal to God, once again unparalleled in the Latin original.

Overall, the *Qaṣīda* can hardly be considered a literal translation of the older Latin verses. The Arabic version recognisably takes up expressions, motifs, and themes from the original poem, but elaborates on them in a rather free form. In many ways, the Arabic verses can be seen as an innovative literary creation rather than a mere translation. The translator obviously sought to give his *Qaṣīda* a poetic quality of its own, e.g. by means of rhythmic language, stylistic figures, or poetic expressions, allowing his verses to deviate widely from the original in both wording and content. At the same time, however, there can be no doubt that the Arabic verses attest to the dependence of *al-Qānūn al-Muqaddas* on the Latin tradition of the *Collectio Hispana*. The Arabic *Qaṣīda* is a free interpretation of the Latin verses, but certainly not a completely independent composition. The verses appended to Book II therefore do not

¹⁶ See, for example: Madrid, BNE, ms. lat. 1872, fol. 13^r/14^r: 'De quo supra uersi'.

¹⁷ El Escorial, RBME, MS d-I-2 (*Codice Albeldense* or *Vigilano*), fol. 34^v: *Ubi loquitur codici respondenti lector* ('Where the reader talks to the answering codex').

¹⁸ See the critical apparatus by Farmhouse Alberto, *Metrical Prologues*, 379.

¹⁹ On the use of 'sunna' in the Arabised canon collection, see Francisco J. Cintrón Mattei, "Following the Sunna of the Canons: Canon Collections and the Self-Administration of Christian Communities in the Islamic Mediterranean", *Hispania Sacra* 77 (2024): 1-13.

provide evidence for a separate variant of the systematic *Hispana* with distinct paratextual prologues,²⁰ but rather link *al-Qānūn* to the textual history of the known Latin variants of this collection.

This, however, is not as clear with another paratextual element from the CCAEA that will be discussed in the following section.

2. The preface to Book VII

Of all the books of *al-Qānūn*, only Book VII is introduced by a preface in prose.²¹ The Arabic text has no equivalent in any of the known Latin variants of the *Hispana* collection. I suggest the following reading:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْمَصْحَفُ السَّابِعُ
فِي مَصَالِحِ الْأَمْلَاكِ وَشَأنِ مَمْكُتُومِ وَتَوْلِيَاتِهِمْ
رَسَوْمُهُ إِحْدَى عَشَرَ رَسْمًا

هَذَا الْمَصْحَفُ السَّابِعُ مِنَ الْقَانُونِ يَصْفُ فِيهِ كَيْفَ يَجُوزُ لِلْمَلِكِ أَنْ يُؤْمِنَ بِالشَّتَّابِ وَكَيْفَ يُجْمَعُ الْأَسَاقِفَةُ لِإِقَامَةِ الْإِيمَانِ وَتَكْبِيلُ أَهْلِ الْبَدْعِ
وَالْخَلْفَ وَكَيْفَ يُجَالِسُهُمْ إِذَا تَجَمَّعُوا لِإِنْتَاقِ الدِّينِ وَيَحْكُمُ بِنَيّْهُمْ وَمَعْهُمْ يُشَرِّعُونَ الْأَيَّاتِ الْأَفَاضِلِ
وَيَصْفُ فِيهِ كَيْفَ يَجُوزُ أَنْ يُفْضِلَ عَلَى أَصْحَابِهِ الْأَمْتَانَ وَخَادِمَهُ الصَّنَخَاءَ بِالْعَلْيَا وَكَيْفَ يَجُوزُ لَهُ أَنْ يَكُونَ مَعَ صَاحِبِهِ وَكَيْفَ يَنْتَغِي أَنْ
يَمْلِكَ رَعْيَتَهُ وَيَشَارُرُ وَجْهَ رَجَالِهِ وَذَوِي الْأَلْبَابِ مِنْ حَدَّامِهِ وَيَصْفُ فِيهِ كَيْفَ يُتَابِعُ الْعَامَةُ عَلَى الطَّاعَةِ وَمَوْعِدُ الْمَلِكِ لِالْعَاهَةِ بِسِيرَتِهِ
فِيهِمْ بِالْعَدْلِ وَالرَّأْفَةِ وَكَيْفَ يَجُوزُ أَنْ يَخْتَارَ الْمَلِكُ وَأَنْ يُطَلِّعَ الْأَسَاقِفَةَ فِي الْحَقِّ وَمَا يَلْزَمُ حَفْظَ ذَرَرِيَّتِهِ بَعْدَ وَفَاتِهِ عَلَى الْعَامَةِ وَإِكْرَامِهَا لَهُمْ
وَلَعْنَةُ كُلِّ مَنْ وَلَى الْمَلِكَ بَعْدِ تَوْلِيَةِ الْأَسَاقِفَةِ وَلَا اخْتِيَارِ وَمَا يَجُوزُ فِي الْبَيْنِ بِهِرُبُّونَ إِلَى الْأَعْدَاءِ
وَحَمَّمُوا هَذَا الْمَصْحَفَ إِنْ قَالُوا كُلُّ مَلِكٍ يَكُونُ مُؤْلِيًّا عَلَى هَذِهِ الْوَثِيرَةِ وَمَرْتَبَةً عَلَى هَذَا السَّبِيلِ أَنَّ اللَّهَ نَاصِرُهُ وَمُقَوِّيٌّ سُلْطَانِهِ وَمُطَهِّرٌ مِّنْ
أَعْدَاءِهِ وَنَافِلَةً بَعْدَ عُمْرٍ طَوِيلٍ بِنِ عَاجِلٍ مُلْكَهُ إِلَى مُلْكِ اللَّهِ الدَّائِمِ وَالسُّرُورُ الْأَزْلَى
فَهَذَا جَمَاعٌ مَعَانِي هَذَا الْمَصْحَفِ مِنَ الْقَانُونِ الَّذِي حَكَمَهُ بِهِ الْأَبْنَاءُ الْأَفَاضِلُ رَحْمَهُمُ اللَّهُ بِمِدِينَةِ طَلِيَّةٍ فَأَوْلَ مَلِكٍ جَمَعَ الْأَسَاقِفَةَ فُسْطَنَطِينِ
الْمَلِكُ الْقَيْصِرُ ثُمَّ بَعْدَهُ مَرْجِنُ الْقِبْرِسِيُّ ثُمَّ رَكِبَدَ الْمَلِكَ الْفَوْطِيِّ وَجَنْتَلَانَ وَشِسْبُوْطَ وَرِحْدَشُونَدَ وَأَرْبِيْشُ وَشَشَنْدَ وَقَدْ كَتَبْنَا مَا كَانَ مِنْ
رَسَائِلِ جَثَلَقَةِ مَدِينَةِ رُومَةِ إِلَى هُوَلَاءِ الْأَمْلَاكِ وَشَكَرُهُمْ عَلَى جَمِيعِهِمِ الْأَسَاقِفَةِ لِإِقَامَةِ الدِّينِ وَإِحْيَا الْحَقِّ وَإِمَاتَةِ الْبَاطِلِ

In English translation:

In the Name of God, the Gracious, the Merciful.
Seventh Book
on the affairs of kings, the prestige of their kingship, and their inaugurations.
The number of its titles is eleven.

This is the seventh book of al-Qānūn. It describes how he [i.e. the King] shall believe in the Trinity, and how he shall convene the bishops to establish the faith and punish the followers of heretical innovations and aberrations, and how he shall sit with them when they gather to establish the faith, and how he shall be in the midst of them and pass judgement with them in the tradition of the venerable fathers.

It describes how he is to reward his most loyal supporters and his faithful servants with gifts, and how he is to be with his royal consort, and how he is to govern his subjects and seek the advice of the notables among his men and the wise among his servants. It describes how the people give their consent to the king's promise and obligation to the community with regard to his conduct towards them in justice and mercy, and how the king is to be elected, and how he is to obey the bishops in matters of (doctrinal) truth, and what concerns the people's duty to protect the king's descendants after his death and their reverence for them, and the curse on all those who exercise kingship without being invested by the bishops and without election, and what is to be done with those who defect to the enemy.

They [i.e. the bishops?] made this book binding when they stated that every king must be elevated and invested in this way, so that God may be the one who grants him victory, who strengthens his reign, who frees him from his enemies, and who, after a long life of kingship in this world, leads him into the eternal kingdom of God and to eternal bliss.

This is the compilation of the meanings of this book of al-Qānūn, by means of which the venerable fathers – may God have mercy on them – judged in the city of Toledo. The first king to summon the bishops was the imperial ruler Constantine; after him, Emperor Marcian, and then the Gothic king Reccared, as well as Chintila, Sisebut, Recceswinth, Erwig,²² and Sisenand. We also wrote down the letters to these rulers by the popes of the city of Rome, as well as their (expressions of) gratitude to them for convening the bishops to establish the faith, to revive the truth, and to mortify the lie.

In its main part, the preface corresponds in function to the lists of titles ('*capitulationes*') that precede each book in most of the systematic variants of the *Collectio Hispana*: it provides a brief overview of the legal issues dealt with in the thematic titles of the respective book. However, a comparison with the Latin *capitulatio* for Book VII in the *Excerpta* (also identical in the systematic version preserved in BNF, MS lat. 1565, but missing from BNF, MS lat. 11709) shows that the Arabic text is not simply a translation of the original Latin title list. The differences are already

²⁰ Contrary to what I have said elsewhere: Maser, *Whens and Whereabouts*, 24.

²¹ MS Ar. 1623, fols 307v–308r. For Casiri's Latin translation see: CCH II, 700–701.

²² This identification is corroborated by the rubric of c. 2 of Toledo XII in chap. III.7.1, where 'Ervigius rex' is transliterated as 'Arbiyyūš al-malik'. Several marginal glosses in Latin and Arabic comment on this: one note corrects the Arabic spelling to 'Arbiyyūš', see MS Ar. 1623, fol. 154v.

apparent from the formal point of view: the Arabic preface is not a *capitulatio* in the technical sense of a numbered list of chapter headings but reads as a continuous and coherent text.

The author of the preface to Book VII must have been familiar with the original (Latin) list of titles. In several cases, the Arabic phrasing is a faithful translation of the respective Latin title rubric: 'mā yağuzu fī alladīna yahrubūna ilā al-*adā*', for example, corresponds almost *verbatim* to the Latin 'De his qui ad hostes configiunt' (Title VII.10);²³ 'kayfa yağuzu an yuhtāra al-malik', in turn, equals to the Latin 'Qualiter elegantur principes' (Title VII.2).²⁴ On the whole, however, the Arabic summary of Book VII is not simply an elaboration of the Latin *capitulatio*, but testifies to an independent attempt to capture the essential legal content of the book. For this purpose, the author did not simply rely on the information already provided by the paratextual headings of both the 'titles' and the legal 'chapters' but had detailed knowledge of individual canons and decretals themselves. In many cases, therefore, he emphasised provisions quite different from those highlighted in the Latin rubrics. Furthermore, in many instances, he did not adhere to the given structure of titles in the Latin *capitulatio* but constituted innovative thematic clusters by combining several canons from different sections of Book VII.

From the canons compiled in Title VII.1,²⁵ simply bearing the rubric 'De reverentia principum [Dei sacerdotibus exhibenda]'²⁶ in the Latin collections, the author of the prologue deduced quite specifically that the king must adhere to the Catholic faith and was responsible for summoning the bishops of his realm to synods to maintain orthodoxy and judge deviations. Indeed, Title VII.1 contains several chapters documenting the role of various Roman emperors and Visigothic kings in presiding over episcopal councils. Certainly, it was King Reccared's opening address to the Third Council of Toledo, included as Chapter VII.1.2,²⁷ that led the author to define Catholic orthodoxy explicitly as the Trinitarian faith ('yağuzu li-l-malik an yu'mina bi-l-tatlit') as opposed to the Homoian confession of the 'Arians' condemned by the Third Toledan Synod in Chapter VII.1.3.²⁸ Nothing of this appears in the Latin *capitulatio*.

The thematic outline continues with the king's duty of generosity to his loyal followers and servants. The author probably drew this matter from c. 6 of the Fifth and c. 14 of the Sixth Councils of Toledo, which were included in the CCAEA as Chapters VII.10.1²⁹ and VII.10.3,³⁰ respectively. These canons do not actually oblige the king to reward his supporters but prohibit him from confiscating donations granted by his predecessors. However, the specific reinterpretation already appears in the Arabic rubric of Chapter VII.10.3 ('..fī al-badl al-mā'rūf wa-l-'atāyā li-nāsihīna al-malik wa-umanā'ihi'), which echoes the Latin 'De remunerazione conlata fidelibus regum', but misses its actual meaning.³¹

The following issue of the king's behaviour towards his wife ('kayfa yağuzu la-hu an yakūna ma'a sāhibatihi') seems to refer solely to c. 5 of Gregory the Great's letter to Reccared in Chapter VII.4.3,³² where the Pope exhorts the King to chastity and warns him against fornication. This canon is grouped with a number of quite different provisions in Title VII.4 under the rather unspecific Latin heading 'De institutione operum regalium'. The Arabic version of the title's rubric, in turn, sets a special focus on the practice of royal pardoning ('..fī farā'id mā yalzamu al-amlāk wa-mā yağibu 'alayhim min al-'afw'),³³ but not on the king's marital relations.

Next, the author lists the king's alleged duty to consult his loyal supporters and to take their advice into account in his government. This claim does not correspond exactly to any specific canon in Book VII. The author of the preface probably deduced this norm from various legal chapters that comment on the ranks of nobility at the royal court, such as c. 13 of Toledo VI (Chapter VII.10.2: '..fī mā yağibu min ikrām riğāl hidmat al-qāṣr alladīna lahum al-taqdīma fī al-ṣadr al-awāl').³⁴

The subsequent matter of the people's loyalty to their ruler seems to refer loosely to Title VII.8, titled 'De non violanda fide principibus promissa' or '..allā tunqida al-bay'a allatī tu'tiyaha al-ra'iya amlākahum',³⁵ respectively. Here again, the author of the preface actually reads the canons against the grain: What he presents as a positive obligation on the part of the subjects to pledge allegiance to their king *in return* for his promise of a fruitful reign, actually appears in several canons as a harsh threat against all who violate their vow of fidelity to their legitimate ruler. King Sisenand had set the tone in this respect in c. 75 of the Fourth Synod of Toledo, which, according to c. 7 of the following

²³ CCH II, 188 and 404; MS Ar. 1623, fol. 331^r: '..fī alladīna yahrubūna ilā al-a'dā' min al-qlāriqīna wa-l-lā'iqīna'.

²⁴ CCH II, 185 and 395; MS Ar. 1623, fol. 317^v: 'Kaifa yanbağī an yuhtārū al-amlāk li-l-mulk wa-fī 'azl Šintilān wa-iğtināb imrā'atihī wa-awlādihī wa-iħā'ihi Aylah, wa-damm ġamī amwālīhim'.

²⁵ Cf. CCH II, 701.

²⁶ The title appears in full only in the *Excerpta*. The manuscripts of the *Hispana Systematica* preserve the defective version, which was also the basis of the Arabic translation (see CCH II, 184 and 395). However, the translator misunderstood the original meaning. In his Arabic rendering, he mistook the Latin subjective genitive (i.e. 'the king's reverence *for* the bishops') for an objective one (i.e. 'reverence owed to the king'), see MS Ar. 1623, fol. 308^r: 'fī ta'azzum šān al-amlāk'.

²⁷ MS Ar. 1623, fols 311^r-313^r = Gonzalo Martínez Díez & Félix Rodríguez, *La Colección canónica Hispana. V: Concilios Hispanos (segunda parte)* (Madrid: CSIC, 1992), 49-73, lines 4-278 (henceforth: CCH V)

²⁸ MS Ar. 1623, fols 313^r-314^r = CCH V, 75-86, lines 305-418.

²⁹ MS Ar. 1623, fol. 330^v = CCH V, 284-285, lines 102-112.

³⁰ MS Ar. 1623, fols 330^v-331^r = CCH V, 319-321, lines 267-289.

³¹ Ibid.

³² MS Ar. 1623, fol. 322^v = *Collectio canonum ecclesiae Hispanae, ex probatissimis ac pervetustis codicibus. Vol. II: Epistolae decretales ac rescripta Romanorum Pontificum*, ed. Francisco Antonio González (Madrid: Typographia haeredum D. Joaquín Ibarra, 1821), 161 = *Gregorii I papae Registrum epistolarum*, ed. Paul Ewald & Ludo Moritz Hartmann, in *Monumenta Germaniae Historica, Epistolae* 1-2, (Berlin: Weidmann, 1887-1899), no. IX,228, vol. II, 224, lines 16-21.

³³ MS Ar. 1623, fol. 321^v; cf. CCH II, 185 and 399.

³⁴ MS Ar. 1623, fol. 330^v = CCH V, 319, lines 263-266.

³⁵ MS Ar. 1623, fol. 329^r; cf. CCH II, 187 and 403.

Fifth Synod of Toledo, was to be read aloud at all subsequent councils. Both canons were included in different titles of Book VII as Chapters VII.2.1,³⁶ VII.8.1,³⁷ and VII.5.3,³⁸ respectively; c. 2 of Toledo X in Chapter VII.8.2³⁹ repeats this provision with special respect to the clergy. The Arabic CCAEA emphasises this topic even more by additionally including the '*Iudicium in tyrannorum perfidia*' (Chapter VII.7.1),⁴⁰ i.e. Bishop Julian of Toledo's condemnation of the Visigothic Count Paul who had defected from King Wamba in 673 CE. In turn, the idea of a certain reciprocity in the mutual obligations between the people and their ruler, introduced by the author in this context, probably relates to Chapter VII.6.2, titled in Arabic '*fi nikāl al-amlāk idā ḡāwazū wa-ta‘addū*' (*On the punishment of kings if they disregard and violate [the law]*).⁴¹ This chapter contains c. 32 of the same Toledan synod, which in its original form does not address the possibility of sanctioning (*nikāl*) a king.⁴² In the Arabic translation, however, the canon is expanded by an additional final sentence, absent from all surviving Latin manuscripts: '*fa-in ḡāra al-malik al-‘azīm fa-qad fassarnā nikālāhu fi al-bāb alladī ḍakarnā fi-hi ‘azl Šintilān*' (*Should the great king act tyrannically, we have declared his punishment in the chapter in which we recalled the deposition of Suintila*). This refers to c. 75 of Toledo IV, which among other issues decrees the anathematisation of kings who exercise 'cruel rule' over their people in defiance of the law.⁴³ Most remarkably, however, the Arabic rendering of the canon in Chapter VII.2.1 does not include this very paragraph.⁴⁴ This suggests that the reference to the 75th Toledan canon was added to Chapter VII.6.2 already before the translation of Book VII. Finally, the summary explicitly obliges the king in this context to act with '*justice and mercy*' (*bi-‘adal wa-l-rāfa*) towards his subjects. This recalls corresponding exhortations, for example, in King Recesvinth's address to the Eighth Synod of Toledo (included as Chapter VII.1.6, bearing the rubric '*fi ... īğāb al-rahma fi al-ḥukām*'),⁴⁵ in c. 8 of Toledo V (Chapter VII.4.1: '*fi ‘afw al-amlāk ‘an ahl al-dunūb*'),⁴⁶ or in c. 6 of Pope Gregory the Great's letter to King Reccared (Chapter VII.4.4: '*...an taḥluma al-amlāk ‘alā ahl al-mamlakatihim wa-yuhāwidūhum fi ḥāl al-da‘ā*').⁴⁷

The next item on the author's list of topics is '*How kings are to be elected*', which clearly quotes the rubric of Title VII.2 in both Arabic and Latin.⁴⁸ By contrast, the following mention of the king's obligation to obey the episcopal authority in matters of (doctrinal) 'truth' (*haqq*) does not correspond to a proper title, but seems to derive from c. 6 of Pope Anastasius II's letter to the Emperor Anastasius, included as Chapter VII.4.6 and headed by the rubric '*yu’maru al-inbarāṭur an yaṭū‘a li-farā‘id ḡatūliq Rūma*' (*The Emperor is ordered to obey the precepts of the Catholic [Prelate] of Rome*).⁴⁹

Provisions relating to the descendants of a ruler, which are referred to next in the author's outline, are all grouped together in Title VII.5: c. 2⁵⁰ and c. 7⁵¹ of Toledo V, and c. 16⁵² and c. 18⁵³ of Toledo VI, respectively, decree the inviolability of the offspring of a deceased king. However, the rubric of the title, in both Latin and Arabic, does not emphasise this particular focus on the descendants but actually refers only to the safety of the king himself: '*fi iḥtirās bi-l-amlāk*'.⁵⁴ Again, the author thus shifts the thematic focus as compared to the original Latin *capitulatio*. In this

³⁶ MS Ar. 1623, fol. 317^v-320^r = CCH V, 248-274, lines 91-371.

³⁷ MS Ar. 1623, fol. 329^r. The CCAEA does not repeat c. 75 of Toledo IV in full but includes only the inscription (erroneously 'c. 5' instead of 'c. 75') and the rubric of the canon.

³⁸ MS Ar. 1623, fol. 324^v = CCH V, 285-286, lines 113-122.

³⁹ MS Ar. 1623, fol. 329^v = CCH V, 521-522, lines 68-84.

⁴⁰ MS Ar. 1623, fol. 325^v-329^r = *Iudicium in tyrannorum perfidia promulgatum*, ed. Bruno Krusch & Wilhelm Levison, in *Monumenta Germaniae Historica, Scriptores rerum Merovingicarum*, vol. 5: *Passiones vitaeque Sanctorum aevi Merovingici* (Hannover, Leipzig: Hahn 1910), 529-535.

⁴¹ MS Ar. 1623, fol. 325^v.

⁴² CCH V, 219-220, lines 777-784. The canon exhorts the bishops to protect the lower people from unjust 'oppression' perpetrated by the king's officials.

⁴³ CCH V, 256-257, lines 200-206: *Sane de futuris regibus hanc sententiam promulgamus, ut si quisque ex eis contra reverentiam legum superba dominatione et fastu regio in flagitiis et facinora sive cupiditate crudelissimam potestatem in populis exercuerit, anathematis sententia a Christo Domino condemnetur et habeat a Deo separationem atque iudicium propter quod praesumpserit prava agere et in perniciem regnum convertere*.

⁴⁴ The Arabic version of c. 75 of Toledo IV omits all provisions aimed at setting conditions for the exercise of the king's power: CCH V, 255-257, lines 188-206, is missing from the Arabic translation on fol. 319^r without any indication of the omission. In this paragraph, however, the author of the preface would have also found his idea of a reciprocal relationship between the king and his people, see CCH V, 255-256, lines 188-199: *... et reges in populi et populus in regibus et Deus in utrisque laetetur*.

⁴⁵ MS Ar. 1623, fol. 314^v-317^r = CCH V, 370-385, lines 51-230. The rest of the original canon is radically abridged in the Arabic translation.

⁴⁶ MS Ar. 1623, fol. 322^r = CCH V, 286, lines 123-127.

⁴⁷ MS Ar. 1623, fol. 322^v-323^r = *Epistolae decretales*, ed. González, 161 = *Registrum*, ed. Ewald & Hartmann, no. IX, 228, vol. II, 224, lines 22-35.

⁴⁸ See above, footnote no. 25.

⁴⁹ MS Ar. 1623, fol. 323^r = *Epistolae decretales*, ed. González, 138.

⁵⁰ Chapter VII.5.1: MS Ar. 1623, fol. 323^v-324^r: '*... fi al-iḥtirām bi-l-malik wa-l-tarġib fi ‘āfiyatihī wa-hiyāṭat ḏurriyyatihī ba‘dahu*' = CCH V, 278-281, lines 40-74.

⁵¹ Chapter VII.5.3: MS Ar. 1623, fol. 324^v: '*... an matā taġma‘u ḡamī‘ al-maġāma‘ yauman min al-ayām li-iḥtiyār malik an taqrā‘a bayna zahrā‘iyatihim mā kāna min ḥukūmat al-asaqīf yaum wilāyat Šišnānd al-malik bi-raf‘ al-ṣawt fi ḥafṣ dalika al-malik wa-l-iḥtirās bihi wa-ikrām durriyyatihī wa-yukarrīra ‘alā ismā‘ihim li-aġl taqallub nufūs aṣrār al-nās wa-nasyān qulūbihim al-‘ārid lahem*' = CCH V, 285-286, lines 113-122.

⁵² Chapter VII.5.4: MS Ar. 1623, fol. 324^v-325^r: '*... fi ‘āfiyat al-amlāk wa-l-iḥtirās bihim wa-fi mā yaġibū min ikrām awlādihim wa-naslihim*' = CCH V, 323-325, lines 303-325.

⁵³ Chapter VII.5.5: MS Ar. 1623, fol. 325^r: '*... fi ḥirz ḥayāt al-malik wa-ḥifż al-walā‘ wa-‘aqibihim li-ḥurmat alladīna maḍū min qablahum wa-tādiyat dimāmihim*' = CCH V, 327-330, lines 347-378.

⁵⁴ MS Ar. 1623, fol. 323^v; cf. CCH II, 186 and 400.

case, however, he seems to have done so on the basis of the rubrics of individual chapters in Title VII.5, which indeed mention the royal descendants alongside the king himself.⁵⁵

The subsequent condemnation of illegitimate usurpers of the royal office obviously reflects the essential message of Title VII.9, titled 'De non usurpando regno' or '...allā yuğsiba al-mulk hağman', respectively; however, also other titles contain individual canons that ban elevations achieved 'in a tumultuous manner'⁵⁶ or by 'tyrannical presumption'.⁵⁷ The author of the preface goes beyond the information provided by the respective rubrics, and specifies formal election and investiture by bishops as the legal requirements for an uncontested accession to power. While public election and the consensus of the Visigothic magnates are indeed stipulated explicitly in c. 3 of Toledo V (chapter VII.9.1),⁵⁸ there is no canon in Book VII that prescribes an ecclesiastical consecration as a precondition for legitimate kingship.

Next comes the offence of defection to the enemy. The Arabic wording of this point equals the corresponding Latin title heading, which in the original *capitulatio* concludes the outline of the legal topics dealt with in Book VII. In contrast, the author of the preface continues his thematic summary by returning to a specific aspect which he underscores as the alleged overarching theme of Book VII and all its titles: the accession of the king to power. Once again, he stresses the importance of a formally correct elevation (*muwallā 'alā hadīhi al-watīra*) and investiture or consecration (*murattab 'alā hadā al-sabil*) as indispensable prerequisites not only for legitimate rule but also for God's pleasure in the king and his blessing on his kingship. This idea is expressed in an almost prayer-like phrase, asking God to grant the king a long and successful reign in this world and to lead him to eternal life in the hereafter. The whole sentence is reminiscent of a similar clause in c. 75 of Toledo IV in Chapter VII.2.1.⁵⁹ Thus ends the outline of legal topics in Book VII.

Overall, the preface to Book VII conveys a particular vision of kingship. In addition to stressing the need for formal accession to power, the Arabic summary, more than the Latin *capitulatio*, seems to emphasise the ruler's dependence on other participants in the government of his realm. It obliges him to respect the authority of the episcopate and to cooperate with the bishops in synods when judging public matters of faith and justice. It requires him to consult the magnates in his rule and to reward their fidelity with material benefits. It also links the legitimacy of royal power to orthodoxy and to certain standards of behaviour towards the subjects in matters of justice and clemency. In turn, it emphasises the inviolability of the ruler and his descendants, and the obligation of loyalty to him.

The author's specific view of the monarchy is not simply derived from the Latin *capitulatio*, but in many respects results from an innovative re-reading of the legal traditions compiled in Book VII. His preface is therefore a creative achievement in its own right. Although we only know the preface in its Arabic form today, this does not necessarily mean that it was originally written for the Arabic version of the canon law code. Could the preface have been translated from a Latin source? The evidence for this is ambiguous: On the one hand, there is no trace of the preface in any of the surviving Latin versions of the systematic *Hispana* collection; the text only appears in the Arabic CCAEA. On the other hand, however, the summary makes no obvious reference to legal norms from canons that were added exclusively to the CCAEA;⁶⁰ nor are there any items that clearly depend – in terms of content or wording – on title or chapter headings in their specific Arabic rendering, which in several cases are more detailed than the Latin originals. The author of the preface could just as well have developed his thematic outline from the legal corpus of the surviving Latin variants.

On the whole, it seems rather improbable that the preface was composed for an already Arabised copy of Book VII, for several reasons: Towards the end of his prologue the author himself comments in first-person plural on the selection of material for the book, declaring to have included also papal letters ('*Wa-qad katabnā mā kāna min rasā'il ḡatāliqat madīnat Rūma...*'). This seems to refer to a creative act of compilation⁶¹ rather than to the summarisation of an existing work. A scribe who was not involved in the original creation of the collection would probably not have chosen such a phrase in his own preface. However, he would have copied (and translated) it from an older exemplar of the text. Moreover, of all the parts of the collection, Book VII is the least likely to have a preface written specifically for an Arabic version, at least if the Arabic language is taken as an indicator of the version's emergence in a non-Christian-

⁵⁵ Cf. above, footnotes nos. 51–54.

⁵⁶ Chapter VII.1.7: MS Ar. 1623, fols 316^v–317^v = *Liber Iudiciorum*, c. II.1.6 (*Liber Iudiciorum sive Lex Visigothorum*, ed. Karl Zeumer in *Monumenta Germaniae Historica, Leges nationum Germanicarum*, vol. I,1: *Leges Visigothorum* [Hannover, Leipzig: Hahn, 1902], 33–456, p. 51, line 22 – p. 52, line 9; see also *El libro de los juicios [Liber Iudiciorum]. Estudio preliminar por Rafael Ramírez Barceló, traducción y notas por Pedro Ramírez Serra y Rafael Ramírez Barceló* [Madrid: Agencia Estatal Boletín Oficial del Estado, 2015], 67–68).

⁵⁷ Chapter VII.2.1: MS Ar. 1623, fol. 318^v = c. 75, Toledo IV: CCH V, 252, lines 142–150.

⁵⁸ MS Ar. 1623, fol. 329^v = CCH V, 281–282, lines 75–84.

⁵⁹ MS Ar. 1623, fol. 319^r: ... *nasilu Allāh an yatbuta mulkahu 'alā 'aśiratinā al-masīhiya min al-Qūṭ wa-l-Rūmāniyīna fi al-īmān al-qatūliqī, wa-an ya'simahu sinīn ṭawīla ilā ḥāfir 'umūrihi bi-imtiyān Allāh 'izz wa-ġall, wa-yanqulahu min 'izz sultān al-dunyā ilā al-mulk al-dā'im li-ġamīl mamlakatihī fi dunyāhu wa-husn sīratihī fīnā ...* ('We ask God to strengthen his [i.e. the king's] rule over our Christian community of Goths and Romans in the catholic faith, and to preserve him in his faith in God for long years until the end of his life, and to lead him from the power of worldly rule to a lasting reign for the merits of his kingship in this world and his good conduct towards us...') = CCH V, 259, lines 227–232: ... *corroboret Christi gloria regnum illius gentisque Gothorum in fide catholica; annis et meritis protegat illum usque ad ultimam senectutem summi Dei gratia, et post praesentis regni gloriam ad aeternum regnum transeat ut sine fine regnet qui intra saeculum feliciter imperat...*

⁶⁰ In addition to the established corpus, the CCAEA includes an unspecified canon from Toledo III (Chapter VII.1.3) which condemns 'Arianism', c. II.1.6 of the *Liber Iudiciorum* (Chapter VII.1.7) on royal bequests and succession laws, and the *Iudicium in tyrannorum perfidia* against the treacherous Count Paul (Chapter VII.7.1).

⁶¹ In the *Hispana Chronologica*, the section on the papal letters is introduced by a short prologue in which the author comments on his selection and arrangement of the decretals, cf. e.g. Biblioteca nacional de España, Madrid, MS 1872, fol. 261^v/266^v: *Sedis apostolice presulum constituta que ad fidei regulam vel ad ecclasticam pertinent disciplinam in hoc libro diligenti cura collecta sunt, ita ut singulorum pontificum quodquod decreta a nobis reperta sunt sub unius cuiusque epistole serie propriis titulis prenotarentur, eo modo quo superius prius eorum patrum canones nostro studio ordinati sunt, quatenus ea lectoris industria facilius intelligere possit dum capitulis propriis distinctis intendit.*

dominated environment. While many of the legal issues dealt with in the CCAEA remained important to a Christian society under Muslim rule, the regulations for Christian kingship became abruptly irrelevant with the collapse of the Visigothic kingdom in 711 CE. Why should an Arabic scribe take the effort to produce a new introduction to this obsolete set of norms? It has been argued that certain rules, such as those distinguishing between public and private property in the bequest of a deceased ruler and the respective inheritance rights of his descendants (e.g., Lib. Iud. c. II.1.6 in Chapter VII.1.7), might have continued to apply by analogy to the legal affairs of the former Visigothic nobility even in al-Andalus.⁶² However, this would certainly have been possible only with individual provisions and not with the entire Book VII. Furthermore, the author of the preface makes no attempt to transpose the traditional norms into a changed legal framework; he rather emphasises precisely the provisions for the formally correct elevation of a Christian king that would have been particularly pointless in a Muslim-dominated polity. This is also true of another topic that he highlights once more towards the end of his prologue: the king's responsibility to convene and preside over synods. In a brief historical excursus, the author traces a protracted line of royal convocations of episcopal assemblies, from Emperor Constantine and the Council of Nicaea to the Visigothic kings and their synods held in Toledo. Given the role of synods in '*establishing the faith, reviving the truth, and mortifying the lie*' (*iqāmat al-dīn wa-ihyā' al-ḥaqqa wa-imāt al-bāṭil*), as the author emphasises, this function could hardly be transferred to a Muslim ruler 'by analogy'.

Though definitive proof is lacking, all this suggests that the preface to Book VII probably originated in a context where a Christian royalty still existed and continued to exercise its traditional duties and powers according to the canons.⁶³ The prologue does not bear witness to a specifically 'Andalusi' adaptation of the traditional code. Apart from its Arabic language, it displays no features that would clearly situate the text in a Muslim-dominated environment. Rather, the preface seems to have originally formed part of a canon collection similar in content and structure to the surviving Latin versions of the systematic *Collectio Hispana*. At no point does the author's thematic outline of Book VII reflect any of the additions of exclusive material that today distinguish the CCAEA from the Latin variants in their extant form. Nevertheless, the prologue in itself testifies to a distinct subtype of the collection, characterised, among other things, by an independent paratextual framework. Today, we only know the preface in its Arabic form, no traces of an earlier Latin original have survived. However, there is no evidence to suggest that Arabic was the language in which the text was originally composed. Given the essential nature of the CCAEA as a 'translation', it seems plausible to assume a Latin original for the prologue to Book VII as well.

3. Conclusions

This article examined two paratextual prologues from the CCAEA to evaluate the Arabic canon collection's affiliation with the known Latin tradition of the *Collectio Hispana*. The metrical preface to Book II, now fragmented and relocated to the end of the book, proved to be essentially the translation of a Latin original: the *Qasīda* corresponds to the *versificatio* that introduces Book II in the *Excerpta Hispana*. The Arabic poem thus clearly shows the dependence of the CCAEA on the tradition of the Latin *Hispana* 'family' with its various derivatives. At the same time, however, the verses demonstrate the author's ambition not simply to make the content of the Latin original available in Arabic, but to create a stylistically refined text with a poetic quality of its own. The *Qasīda* is less a technical translation than a creative rewriting of the poem in Arabic. As such, it testifies to its author's aim of creating a fully-fledged canon collection for use in an Arabised environment. This clearly represents an active adaptation of the traditional legal code to the living conditions of a Christian community in an Islamicate environment – though, in this case, not in terms of individual legal norms, but in terms of style and literary aesthetics.

As for the prose introduction to Book VII, in turn, we have no knowledge of a potential Latin 'original'. The prologue outlines the contents of the book and thus functionally corresponds to the *capitulatio* in the Latin manuscripts. Compared to this Latin title list, however, the preface preserved in the CCAEA develops an independent reading of Book VII and its provisions on Christian kingship. It thus represents an innovative authorial creation in its own right and documents the active adjustment of the canon collection to changing needs and contexts of usage. However, apart from its Arabic language, the preface gives no indication that it was the legal reality of a Christian community under Islamic rule to which the code was adapted. On the contrary, in his summary of Book VII, the author of the preface highlighted legal provisions that would have been meaningless in a Muslim-dominated polity. It is therefore likely that the text emerged in an environment in which canonical rules still applied to a Christian king and his exercise of power. Overall, the prologue appears to have been composed for a version of Book VII that was still close to the known Latin tradition and did not yet show the changes in the textual inventory that characterise the CCAEA. The preface seems to date from an earlier stage in the development of the collection and to have been preserved through later redactions. Although we only know the preface in Arabic, it seems unlikely that it was originally written in that language. Rather, the preface in its present form is probably the translation of an older Latin 'original' too.

The two prologues examined in this study thus bear witness to the CCAEA's close affiliation with the Latin tradition of the *Hispana* collection. At the same time, however, they also testify to a continuous remodelling of the inherited code in order to adapt it to new circumstances and requirements. These adaptations took place through several

⁶² María Magdalena Martínez Almira, "Recepción y transmisión de la tradición oral y escrita en al-Andalus", in *Circulación de manuscritos en la Península Ibérica durante las épocas romana, visigoda y musulmana / Wanderung und Migration von Handschriften auf der Iberischen Halbinsel während der römischen, westgotischen und islamischen Zeit*, ed. Julián Hurtado de Molina Delgado, Ignacio Czeguhn, Yolanda María Quesada Morillas & Cosima Möller (Córdoba: Litopress, 2021), 185–258, here 225.

⁶³ This does not necessarily point to the period before 711 CE: Martínez Díez, *Colecciones derivadas*, 607–608, concluded from the distorted chronology of the rulers mentioned – Erwig (r. 680–687 CE) being the most recent – that the preface (and thus the collection as a whole) was probably written in Latin at a time when the correct historical memory of the Visigothic period had already begun to fade.

stages and different editorial acts: compilers, editors, translators, and copyists were all involved in this process, each leaving their own mark on the text. The CCAEA as it exists today is therefore not the product of a single creative act but has 'grown' over a prolonged period of development. The 'translation' of the CCAEA into the lived reality of Andalus Christians was only one, and not even the last, of many stages in the genesis of the text, of which *al-Qānūn al-Muqaddas* preserves traces until today.

Bibliography

A) Sources

CCAEA = Real Biblioteca del Monasterio de San Lorenzo de El Escorial (RBME), MS Ar. 1623.

CCH II = Martínez Díez, Gonzalo, *La colección canónica Hispana. II: Colecciones derivadas*, 2 vols. (Madrid: CSIC, Instituto Enrique Flórez, 1976).

CCH V = Martínez Díez, Gonzalo & Rodríguez, Félix, *La Colección canónica Hispana. V: Concilios Hispanos (segunda parte)* (Madrid: CSIC, 1992).

Epistolae decretales = *Collectio canonum ecclesiae Hispanae, ex probatissimis ac pervetustis codicibus. Vol. II: Epistolae decretales ac rescripta Romanorum Pontificum*, ed. Francisco Antonio González (Madrid: Typographia haeredum D. Joaquín Ibarra, 1821).

El libro de los juicios (Liber Iudiciorum). Estudio preliminar por Rafael Ramis Barceló, traducción y notas por Pedro Ramis Serra y Rafael Ramis Barceló (Madrid: Agencia Estatal Boletín Oficial del Estado, 2015).

Gregorii I papae Registrum epistolarum, ed. Paul Ewald & Ludo Moritz Hartmann, in *Monumenta Germaniae Historica, Epistolae 1-2*, 2 vols. (Berlin: Weidmann, 1887-1899).

Iudicium in tyrannorum perfidia promulgatum, ed. Bruno Krusch & Wilhelm Levison, in *Monumenta Germaniae Historica. Scriptores rerum Merovingicarum, vol. 5: Passiones vitaeque Sanctorum aevi Merovingici* (Hannover, Leipzig: Hahn, 1910), 529-535.

Liber Iudiciorum sive Lex Visigothorum, ed. Karl Zeumer in *Monumenta Germaniae Historica, Leges nationum Germanicarum, vol. I,1: Leges Visigothorum* (Hannover, Leipzig: Hahn 1902), 33-456.

B) Studies

Cintrón Mattei, Francisco J., "Following the Sunna of the Canons: Canon Collections and the Self-Administration of Christian Communities in the Islamic Mediterranean", *Hispania Sacra* 77/154 (2024): 1-13.

Cintrón Mattei, Francisco J., "Insights into the Judicial Organization and Social Authority of an Ecclesiastical Judiciary in al-Andalus", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin, (Turnhout: Brepols 2024), 269-294.

Deswart, Thomas, *Une chrétienté romaine sans pape: L'Espagne et Rome (586-1085)*, (Paris: Classiques Garnier, 2010).

Farmhouse Alberto, Paulo, "Poesía y legislación en la Hispania del siglo VII", in *Nuevos estudios de Latín medieval hispánico*, ed. Carmen Codoñer Merino, María Adelaida Andrés Sanz, José Carlos Martín & David Paniagua (Firenze: SISMEL, 2021), 3-20.

Farmhouse Alberto, Paulo, "The Metrical Prologues to the Visigothic Excerpta Canonum", *Mittellateinisches Jahrbuch* 57/3 (2022): 339-383.

Kabalan, Hanna, *Al-Qānūn al-Muqaddas (El Escorial, codex 1623)*. Édition diplomatique, étude codicologique, paléographique et linguistique, avec une section d'index complémentaire (PhD, Universidad de Córdoba, 2025) (forthcoming).

Martínez Almira, María Magdalena, "Recepción y transmisión de la tradición oral y escrita en al-Andalus", in *Circulación de manuscritos en la Península Ibérica durante las épocas romana, visigoda y musulmana / Wanderung und Migration von Handschriften auf der Iberischen Halbinsel während der römischen, westgotischen und islamischen Zeit*, ed. Julián Hurtado de Molina Delgado, Ignacio Czeguhn, Yolanda María Quesada Morillas & Cosima Möller (Córdoba: Litopress, 2021), 185-258.

Martínez Díez, Gonzalo, *La colección canónica Hispana. Vol. II: Colecciones derivadas*, 2 vols. (Madrid: CSIC, Instituto Enrique Flórez, 1976).

Maser, Matthias, Lorenzo Jiménez, Jesús & Martin, Geoffrey K.: "Introduction: Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin (Turnhout: Brepols 2024), 11-26.

Maser, Matthias, "Papal Decretals in the Arabic Canon Law Collection from al-Andalus. Patterns of Selection, Arrangement, and Indexing", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin (Turnhout: Brepols 2024), 151-172.

Maser, Matthias, "Whens and Whereabouts – Old and New Lights on the Genesis of *Al-Qānūn Al-Muqaddas* (El Escorial, RBME Ms. Árabe 1623)", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin (Turnhout: Brepols 2024), 27-57.

Monferrer-Sala, Juan Pedro, "Litvrgia Mvzarabica. Traducción árabe del símbolo niceno-constantinopolitano incluido en *al-Qānūn al-muqaddas* (El Escorial, MS ár. 1623)", *Al-Andalus Magreb* 31 (2024): 49–65.

Monferrer-Sala, Juan Pedro, "Algo más sobre la nota de posesión de la versión árabe de la colección canónica y la datación del códice 1623 de La Real Biblioteca de El Escorial", *Isidorianum* 33/2 (2024): 273–287.

Scherer, Cornelia, "Looking over the Editor's Shoulder. Strategies and Processes Applied to the Systematic Arrangement of the *Collectio Hispana*", in *Canon Law and Christian Societies Between Christianity and Islam. An Arabic Canon Collection from Al-Andalus and its Transcultural Contexts*, ed. Matthias Maser, Jesús Lorenzo Jiménez & Geoffrey K. Martin (Turnhout: Brepols 2024), 127–150.

Wehr, Hans, *A Dictionary of Modern Written Arabic. (Arabic–English)*, ed. J. Milton Cowan (Wiesbaden: Harrasowitz, 1961).