

# ESSAYS ON LAY AND ECCLESIASTICAL COMMUNITIES IN AND AROUND THE MEDIEVAL URBAN PARISH

MARIA AMÉLIA CAMPOS  
COORD.



**“*QUI MISERIT MERDAM IN  
BOCCA ALTERIUS PECTET CCC SOLIDOS*”:  
EPISCOPAL LAWCODES AND LORDSHIP IN  
TWELFTH CENTURY CASTILE AND LEÓN<sup>1</sup>**

**Kyle C. Lincoln**

Southeastern Oklahoma State University

ORCID: 0000-0002-7473-6622

**Abstract:** By most estimates, bishops were the clerical counterparts to the comital class of nobles in the Medieval Latin West. As a landholder and member of a royal administration, bishops often played one of the most important roles; indeed, Reilly once referred to Leonese and Castilian bishops as the “key institutional element” and both the archival evidence and subsequent historiography have widely supported his conclusions. Taking these observations as a point of departure, this paper will examine the ways in which the prelates of Leon and Castile in the twelfth century controlled – or attempted to control – the public life of their diocesan territories through their issuance of *fueros* (municipal law codes). Although these law-codes were assuredly the result of a negotiated process involving the town’s

---

<sup>1</sup> The following abbreviations are deployed in the article text below: *DCPalencia* = Theresa Abajo Martín, *Documentación de la catedral de Palencia*. Fuentes Medievales Castellano-Leonesas, vol. 103, (Burgos: Gráfica Cervantes, 1986); Rivera, *IdT*= Juan Francisco Rivera Recio, *La Iglesia de Toledo en el siglo XII (1086-1208). Volumen II*, (Toledo: Diputación Provincial de Toledo, 1976); *Muñoz y Romero* = Tomás Muñoz y Romero, *Colección de fueros municipales y cartas pueblas de los reinos de Castilla, León, Corona de Aragón y Navarra*, (Madrid: J. M. Alonso, 1847).

stakeholders, high clergy, the bishops, and even royal officers, they nevertheless provide an important entry point for examining the ways in which clerical lordship functioned in the North-Central Iberian Peninsula. In particular, the paper will deploy the law codes of Castilian and Leonese (archi-)episcopal sees to examine the ways in which ideas about power, lordship, reform, and religiosity circulated and were implanted in the kingdoms of León and Castile during the period.

**Resumo:** Por aproximação, os bispos eram os homólogos clericais da classe nobre do Ocidente latino medieval. Como proprietários de terras e membros da administração régia, os bispos desempenhavam frequentemente um dos papéis mais importantes; de facto, Reilly referiu-se uma vez aos bispos leoneses e castelhanos como o "elemento institucional chave" e tanto as provas arquivísticas como a historiografia subsequente apoiaram amplamente as suas conclusões. Tomando estas observações como ponto de partida, este artigo examinará as formas como os prelados de Leão e Castela no século XII controlavam – ou tentavam controlar – a vida pública dos seus territórios diocesanos através da emissão dos *fueros* (códigos de leis municipais). Embora estes códigos de leis fossem seguramente o resultado de um processo negociado que envolvia as partes interessadas da cidade, o alto clero, os bispos e até oficiais régios, não deixam de constituir um importante ponto de partida para examinar as formas como o senhorio clerical funcionava no centro-norte da Península Ibérica. Em particular, o artigo utilizará os códigos de leis das sedes (arqui)episcopais castelhanas e leonesas para examinar as formas como as ideias sobre poder, senhorio, reforma e religiosidade circularam e foram implantadas nos reinos de Leão e Castela durante esse período.

In the Latin West, the high clergy were, for most of the Middle Ages, a kind of parallel aristocracy, mirroring many of the functional responsibilities of their lay kinsmen and occasionally embodying



and undertaking a higher moral standard for their conduct. Abbots and bishops led armies, negotiated marriages and treaties, collected taxes, and judged cases; they were functionally effective administrators and feudal lords<sup>2</sup>. In the kingdoms of Castile and Leon in the long twelfth century, their responsibilities present something of a historiographical paradox: Bernard Reilly noted that they were indispensable; Peter Linehan observed that they were often unknowable<sup>3</sup>. Because they played in this historiographical gray area, their histories are often left unwritten, especially outside of Spanish-language historiography, and when they do crop up, their actions

---

<sup>2</sup> A complete list of examples from Castile and León would run too far, but exemplary treatments are widely available in English. Kyle C. Lincoln, "Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214". *Journal of Medieval History*. (2018): 83-103; Derek W. Lomax, "Don Ramón, Bishop of Palencia (1148-1184)". In *Homenaje a Jaime Vicente Vivens*, edited by Juan Maluquer de Motes y Nicolau, (Barcelona: Facultad de Filosofía y Letras, 1965), 1: 279-291; Bernard Reilly, "The Court Bishops of Alfonso VII, 1148-1157", *Medieval Studies*, 36 (1974): 67-78; James F. Powers, "The Early Reconquest Episcopate at Cuenca, 1177-1284". *The Catholic Historical Review* 87 (2001): 1-16; Teresa Witcombe, "Building heaven on earth: Bishop Maurice and the *novam fabricam* of Burgos cathedral". *Bulletin for Spanish and Portuguese Historical Studies*. 42.1 (2017): 46-60; Carolina Carl, *A Bishopric between Three Kingdoms: Calahorra, 1045-1190*. (Leiden: Brill, 2011); Spanish language scholarship understandably dwarfs even the substantial contributions mentioned here, but for standard-bearing treatments: Susana Guijarro González, "Estudiantes, universidades y cabildos catedralicios en las diócesis castellanas durante la baja edad media". *Edades: revista de historia* 4 (1998): 39-55; Carmen Díez Herrera, "El obispado de Burgos en la baja edad media. Formas de fortalecer su jurisdicción frente al monasterio de San Salvador de Oña". *Anuario de Estudios Medievales*. 45, no.2. (2015): 753-782; Jorge Díaz Ibañez, "Las fortalezas medievales de la Iglesia de Cuenca". In *La Fortaleza Medieval: Realidad y símbolo*, ed. Juan Antonio Barrio Barrio and Jose Vicente Cabezero Pliago, (Murcia: Compobell, 1997), 305-312; Bonifacio Bartolomé Herrero, "Obispos extranjeros al frente de la Diócesis de Segovia (1120-1742)". *Estudios segovianos* 105 (2005): 19-54; Carlos de Ayala Martínez, "Breve semblanza de un arzobispo de Toledo en tiempos de cruzada: Martín López de Pisuerga". In *Mundos Medievales: Espacios, sociedades y poder. Homenaje al Profesor José Ángel García de Cortázar y Ruiz de Aguirre*, edited by Beatriz Arízaga Bolumburu, Dolores Mariño Veiras, Carmen Díez Herrera, Esther Peña Bocos, Jesús Ángel Solórzano Telechea, Susana Guijarro González and Javier Añibarro Rodríguez, (Santander: Universidad de Cantabria, 2012), 1: 355-362; Carlos de Ayala Martínez, "Los Obispos de Alfonso VIII". In *Carreiras Eclesiásticas no Ocidente Cristão*, edited by Ana Maria Jorge, Hermínia Vilar and Martia João Branco, Lisbon: Universidade Católica Portuguesa, 2007), 153-186; Carlos de Ayala Martínez, "Los obispos leoneses y las guerras santas de Fernando II", in *Homenaje al prof. Eloy Benito Ruano*, (Madrid: Sociedad Española de Estudios Medievales, 2010), 1: 91-105.

<sup>3</sup> Reilly, "The Court Bishops of Alfonso VII", 67; Peter Linehan, *History and the Historians of Medieval Spain*, (New York: Oxford Clarendon Press, 1993), 313.

are often cast into either regional conflicts (often against neighboring diocese or bishops) or as part of something more grandiose, like the constructions of cathedrals or the waging of a crusade<sup>4</sup>. In this study, I want to focus on a comparison of a few more local efforts that help point the way toward understanding how episcopal lordship might have functioned, so that further implicit and explicit comparisons to lay lordship might be made in the future.

In particular, this study will examine the local/municipal law-codes (*fueros*) issued by bishops and archbishops in the kingdoms of Leon and Castile in order to uncover what their major concerns were in their areas of influence and how these compare with similar codes issued for other towns. To do so, it will examine the ways in which the prelates of Castile in the twelfth century controlled – or attempted to control – the public life of their diocesan territories through their issuance of *fueros* (municipal law codes). Although these law-codes were assuredly the result of a negotiated process involving the town's stakeholders, high clergy, the bishops, and even royal officers, they nevertheless provide an important entry point for examining the ways in which clerical lordship functioned in the North-Central Iberian Peninsula<sup>5</sup>. In this study, my goal has been to examine the *fuego* of Palencia (issued 1184) and the Toledan archiepiscopal fief of Belinchón (issued 1171), before situating these into the comparative material from the period using several “micro-fueros” that offer far

---

<sup>4</sup> For examples of where these fit into larger “textbook narratives”, see: Barbara Rosenwein, *A Short History of the Middle Ages*, 5<sup>th</sup> ed., (Toronto: University of Toronto Press, 2018), 161-188; Joshua Cole and Carol Symes, *Western Civilizations, Brief Fifth Edition*, vol. 1, (New York: W.W. Norton & Co., 2020), 266-276, 294-302, 322-329; Valerie Hansen and Kenneth R. Curtis, *Voyages in World History*, Brief Edition, vol. 1, (New York: Cengage, 2013), 283-286; William J. Duiker and Jackson J. Spielvogel, *World History, to 1500*, 5<sup>th</sup> edition, (New York: Thompson Wadsworth, 2007), 331-343.

<sup>5</sup> Because the possessions and powers of prelates differed in their cities, the negotiation of episcopal rights and privileges in their diocesan sees varied enormously. The case of the bishops of Palencia and their possession of royal rights over the Jewry of Palencia, which were contested by local and royal agents in the thirteenth century, demonstrates this depth of these conflicts and the ways they could vary widely: Maya Soifer Irish, *Tamquam domino proprio: Contesting Ecclesiastical Lordship over Jews in Thirteenth-Century Castile*. *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* 19 (2013): 534-566.

smaller windows into diocesan administration and the creation of parish networks within the same area. Since the number of the *fueros* issued by bishops is much smaller than those granted to episcopates and since Castilian sources are generally rather poor, we have a smaller area around which we can draw firm, if arbitrary boundaries, to concentrate this study. Although these texts are certainly not the only episcopal *fueros* that were issued during the long twelfth century, their rich content makes a serial analysis useful for drawing some conclusions about how bishops could and did organize the exercise of their lordship in the localities in which they had jurisdiction.

## Background and Context

We know a decent amount about the process by which *fueros* were formed in the Medieval Iberian Peninsula. Most useful in a preliminary discussion is the framework laid out by García-Gallo, which has continued to be a discursive point of reference in scholarship about *fueros*<sup>6</sup>. In that article, García-Gallo laid out a series of guiding elements that still govern what we understand about a *fuero*: they represent the crystallization of local customary law, written down in a form negotiated by the major power brokers in the area, and given a form in writing that provided a set reference in a period where oral memory and custom were being overtaken by the written and sealed words<sup>7</sup>. Because they resulted from a negotiation but required the consent and enforcement of the issuing authority, the *fueros* issued by bishops do not reveal what prelates wanted from their practice of lordship in their sees, rather, it represents what they could negotiate to receive and accept as a compromise. We might therefore suggest that they represent a kind of “priorities” list with

---

<sup>6</sup> Alfonso García-Gallo, “Aportación al estudio de los fueros”, *Anuario de historia del derecho Español*, (1956): 387-446.

<sup>7</sup> García-Gallo, “Aportación al estudio de los fueros”, (1956): 400-403, 411-425.

respect to the rights that were granted to the issuing lords, in this case, the bishops themselves. Reading these sources sensitively, then, we might be able to extract a sense of where the legal and jurisdictional priorities of bishops lay in their period. This kind of careful and restorative interpretation of the material might allow us to make real progress toward providing a clearer glimpse of what life *was* like in episcopal cities and what prelates *wanted life to be like* in those same centers of administrative and religious energy. Before we can properly examine the two Castilian, late-twelfth century *fueros* in detail, though, we need to better understand what they were like in the early period where the *fuero* was evolving as a sub-genre of legal privilege. For that examination, we must turn to one of the most (in)famous prelates of the early twelfth century: Diego Gelmírez of Santiago de Compostela.

While his wider portfolio of activities is occasionally obscure, there is a clear connection between Diego Gelmírez's attempts to exercise lordship and the wider agenda that he had within the Leonese Empire of the period<sup>8</sup>. No wonder, then, that the same cleric that commissioned the *Historia Compostellana* to celebrate the triumphs of his episcopal (later archiepiscopal) tenure would attempt to carefully construct the prerogatives of his administrative lordship within the city itself<sup>9</sup>. Unfortunately for a cleric as ambitious as Diego, his ability to issue a *fuero* was hamstrung by the earlier concession by Raymond of Burgundy of terms for the inhabitants of the city<sup>10</sup>. Not to be outmaneuvered, Diego Gelmírez instead issued a *fuero* to the inhabitants of the surrounding area, adding terms to the conditions

---

<sup>8</sup> Richard Fletcher, *Saint James's Catapult: the life and times of Diego Gelmírez of Santiago de Compostela*, (New York: Oxford University Press, 1984); Ermelindo Portela Silva, *Diego Gelmírez (c. 1065-1140): el báculo y la ballesta*, (Madrid: Marcial Pons, 2016). See, on this point, for example, the work of Gordo Molina: Angel Gordo Molina, "Alfonso VII y Diego II Gelmírez", *Iacobus*, 29/30 (2010): 49-74.

<sup>9</sup> On the commissioning of the *Historia Compostellana*, see the introduction by Falque Rey to the critical edition in the *Corpus Christianorum*: Emma Falque Rey, *Historia Compostellana*, (Turnhout: Brepolis, 1988).

<sup>10</sup> Antonio López Ferreiro, *Fueros municipales de Santiago y su tierra*, (Santiago: Imp. y Enc. del Seminario C. Central, 1895) I: 65-69.

of their dependence on the city, but shaping them so that they would not conflict with the urban *fuero*<sup>11</sup>. Folding these terms into the wider envelope of municipal law in the region, Diego's *fuero* focused on several key aspects, including the administration of justice and preservation of public order, but was much more brief than the privileges granted in later periods.

In his 1115 *fuero* for the *contado* of Compostela, the first item (after the invocations and protocols) that is enumerated is the preservation of the "Ecclesiae terminos", a consideration that aligns quite clearly with Diego Gelmírez's larger interest in the expansion and defense of Santiago's patrimony<sup>12</sup>. Those who exacted fines illicitly should repay the exaction twice over and render 60 *sueldos* to the archbishop for breaching his justice<sup>13</sup>. The archiepiscopal judges were confirmed in their power to judge cases, except in those matters that were reserved for Papal judgement<sup>14</sup>. Paupers and fools were to be given mercy in judgement and not deprived of their goods. Thieves and traitors were outlaws and beyond the lawful protection of anyone, but those who were stolen from were forbidden from exacting their own revenge<sup>15</sup>. When paupers were summoned to respond to a case by a powerful person, they were to be assigned a powerful person to plead their case, "lest by chance the majesty

---

<sup>11</sup> Ermelindo Portela Silva, *Diego Gelmírez (c. 1065-1140), El baculo y la ballesta* (Madrid: Marcial Pons, 2018), 269-350.

<sup>12</sup> "precepimus, ne quis Ecclesiae terminos irrumpat, aut violenter ingrediatur". Muñoz y Romero, 403.

<sup>13</sup> "Si quis injuste vel abseque domini sui petita licentia quempiam pignerare presumpserit, duplum retituat, et sexaginta solidos Pontifici personlva. Verumtamen quisquis prius requisita justitia coram idoneis testibus cum Vicario pigneravit duplum minime restituat". Muñoz y Romero, 404.

<sup>14</sup> "Hereditatum et Ecclesiarum causae, non nisi ab optimatibus et Apostólica Sedi iudicibus diffiniantur. Calumniae fiedjussoriae iudicia, more antecessorum nostrorum posthabitis in honore B. Jacobi aliis iudicibus, Apostolicae Sedis iudicibus referantur". Muñoz y Romero, 404.

<sup>15</sup> "noverint enim quia qui percutit malos in eo quod mali sunt, minister Dei est, et alibi, punire malos non est effusie sanguinis". Muñoz y Romero, 405. This seems a direct echo of the *Panormia* by Ivo Carnotensis, itself drawing on Jerome's earlier letters: Ivo of Chartres, *Decretum sive Panormia*, ed. Bruce Brasington and Martin Brett, X.171. <https://www.wtamu.edu/~bbrasington/panormia.html>.



of someone should suffocate the justice for the poor”<sup>16</sup>. Those who caught a thief or a traitor were awarded a third part of the fines levied in the case<sup>17</sup>. Ensuring some due process in uncertain events, the goods of those that were captured in the conflicts against the Muslims of al-Andalus were protected, for a full year after their capture, so that those goods could be used to redeem them from captivity; after that year, their goods (if they lacked heirs) were distributed to their neighbors<sup>18</sup>. Judicial activity, then, suggests the exercise of judicial authority; given the extent to which individual crimes are noted in the *fuero*, it stands to reason that these were things that often came for judgement and needed to be given a more extensive description. Knowing what the cases might be meant the preservation of an established rhythm of life in the area around the city.

Public order plays a lesser role than the establishment of judicial rights in the *fuero* of Diego Gelmírez, but there several items that point to a concern for the tranquility of the countryside. For example, the *fuero* enumerates that vicars and others that might be able to exact taxes or require fees are restrained from doing so in noble houses, except in the cases of pursuing those suspected major crimes like homicide, rape, or theft<sup>19</sup>. The *fuero* then set restrictions on the timeline for delivering over those suspect of such crimes and noted

---

<sup>16</sup> “Si quis potentum iudicii causam tractare adversus pauperem, vel diffinire habuerit, siilem personam introducat quae per se causam suam definiat, ne forte cuiuspiam majestate pauperis Justitia suffocetur”. Muñoz y Romero, 406.

<sup>17</sup> “Quicumque latronem comprehenderit, eum villico terrae tradat, et quaecumque villicus ab eo abstraxerit, horum tertiam partem habeat, sic et de proditoribus”. Muñoz y Romero, 407.

<sup>18</sup> “Bona eorum, qui capiuntur, a Mauris, usque ad annum plenum in temerata et integra conserventur, ut si forte fortuito captum potuerint redimere, redimant; sin autem completo anno, juxta arbitrium propinquorum eorum bona distribuantur”. Muñoz y Romero, 408.

<sup>19</sup> “In domibus nobilium seu ubicumque eorum uxores aut filii inermes fuerint, Vicariis et quibusque aliis pignerendi licentiam resecaimus. In ceterorum quoque domibus id ipsum observare precipicimus, excepto si furti aut homicidio aut violentae mulieries violationis, quod vulgo raptum dicitur, aut quadagesimlais tributi causa extiterit”. Muñoz y Romero, 404.

that those who eluded capture should have some of their assets frozen in compensation<sup>20</sup>. “On a certain Sunday (except Easter or Pentecost), priests, knights, rustic persons, and anyone immune from work, should pursue wolf hunting” and those who showed up to this work should be paid for it; priests and knights received 5 *sueldos* and rustics should receive either a sheep or a *sueldo*<sup>21</sup>. Taxation for “mercatores, romarii et peregrini” was prohibited, and anyone who unlawfully exacted fees or taxes was required to pay it back double and, “if he should have been excommunicated, he should also pay 60 *sueldos* to the lord of that territory”<sup>22</sup>.

The whole of the episcopal fuero issued by Diego Gelmírez is more focused on judicial policy and the preservation of domestic order, but there are some elements that fit in with wider concerns expressed in later *fueros* and contemporary legal discussions. Clerics were exempt from the *fonsado* tax and abbots and clerics journeying to a synod were exempt from taxation and from paying the *tercias*<sup>23</sup>. Rustics were forbidden from doing business on Sunday<sup>24</sup>. Clerics were forbidden from being named the tenants of lay nobles or the tutors of the children of nobles and their goods were under ecclesiastical protection, with excommunication levied against those that

---

<sup>20</sup> “Quidquid ut praedictum est pigneratum fuerit, quousque VIII dies compleantur, integrum conservetur et vicinis reservandum commendetur, et usque ad praefinitum terminum illaesum, et ab omni usu liberum maneat: si fuerint Omnia animalia exercendi operis sstudio adhibenda, totius laboris expertia serventur. Tandem si calimniae perpetrator praefinito tempore ad examinandam justitiam venire neglexerit, nisi necessaria detentus caus fuerit, justitiae examinatores pro calumniae quantitate pigneris partem detineant, cetera dominis suis referantur”. Muñoz y Romero, 404.

<sup>21</sup> “In unoquoque Sabbato (excepto Paschae et Pentecostés) Presbyteri milites rustici cujusque negotii immunes, lupos exagitantes persequantur...Ad hoc negotium quisqui sire distulerit, si sit Sacerdos (nisi visitatione detineatur) vel milites, V solidos, rusticus vero ovem vel solidum persolvat”. Muñoz y Romero, 407.

<sup>22</sup> “Mercatores, romarii, et peregrini non pignerentur; et qui aliter egerit, duplet quae tulerit, et sit excommunicatus, et solidos LX persolvat domino illius honoris”. Muñoz y Romero, 409.

<sup>23</sup> “Clerici fossatariam non dent. Abbates et Clericos venientes ad Syndoum vel votum aut tertias afferentes, pignerare vetamus”. Muñoz y Romero, 409.

<sup>24</sup> “In Dominica die rucolicas ad civitatem negotium ire prohibemus”. Muñoz y Romero, 405.

defrauded or deprived clergy of their goods<sup>25</sup>. In many ways, these conditions mirror the importation of the Peace and Truce of God's provisions, especially in the prevention of certain activities on holy days and the protection of clerical personages<sup>26</sup>. When coupled with the provisions discussed above, it seems quite clear that Diego Gelmírez's attempts to preserve the peace of the territory and regularize the administration of justice was not merely a financial exaction but were manifest in the *fuero* itself. In the surrounding countryside, whose parochial network we can presume but not trace with great specificity, we can sketch the importance of Diego's projection of his influence on the small villages and their local church communities. When viewed in the wider perspective of his efforts to claim the metropolitan province of Mérida as his own and his political work in the kingdom, the *fuero* provides strong contextual evidence that Diego Gelmírez was deepening his influence on the public life of the region around Compostela itself and that he was likely aiming to inculcate his rule deeper into the parish life of the neighboring areas.

## Belinchón

Given their long-standing and the intense debates over the pertinence of Zamora to their respective metropolitan provinces, it seems quite sensible that Toledo and Santiago de Compostela should share in a number of important developments<sup>27</sup>. Toledo's legal history

---

<sup>25</sup> "Clerici neque laicorum villici efficiantur, necque filiorum illorum nutritores, neque a laica persona dehoneantur, vel eroum bona capiantur. Qui aliter egerit, canonicam institutionem componat et excommunicatus a conventu fidelium sequestretur". Muñoz y Romero, 408.

<sup>26</sup> On the Peace and Truce of God movement in Medieval Iberia, see, by way of example, the material citations compiled by Masferrer: Aniceto Masferrer, "La contribución canónica a la salvaguarda de la paz en la Edad Media: el IV Concilio de Letrán (1215)", *Vergentis*, 2 (2016): 54-55, n. 17.

<sup>27</sup> On the so-called "Zamora Imbroglío" and its implications on the primacy debates: Peter Linehan, "Un Quirógrafo impugnado. Zamora y la cultura jurídica zamorana a comienzo del siglo XIII". *Anuario de Estudios Medievales*. 39, no. 1. (2009): 138; Fletcher, 138.

presents, as is generally well-known, a complex mixture of royal and ecclesiastical layers, not unlike their Galician counterparts<sup>28</sup>. The triple *fueros* issued in the aftermath of the annexation of the city in 1085 created distinct legal categories for the residents, and their renewal was only further complicated by the growth of the property networks (with their own legal rights) that developed around the city's commercial zone<sup>29</sup>. The influence of Roman and Canon Law in these developments, particularly with respect to clerical and ecclesiastical jurisdictions, added additional challenges to the interpretation of these questions<sup>30</sup>. It is into this messy and overlapping segment of legal history that the work of Archbishop Celebruno of Poitiers intervened, but he did so outside of Toledo's municipal area in the nearby salt-mining town of Belinchón, some 100 km east of the archdiocesan see and at the eastern edge of the archdiocese proper.

The Archdiocesan fisc of Toledo first received a donation regarding Belinchón in 1146, from Alfonso VII<sup>31</sup>. In that privilege, Alfonso gave half of the royal rights to Belinchón and its salt-mines to Toledo, but the remainder of the *realengo* in the town was held royally until

---

*The Episcopate in the Kingdom of León*, 202; Demetrio Mansilla, "Disputas diocesanas entre Toledo, Braga y Compostela en los siglos XII al XV", *Anthologica annua* 3 (1955): 108; Peter Feige, "Zum Primat der Erzbischöfe von Toledo über Spanien. Das Argument seines westgotischen Ursprungs im Toledaner Primatsbuch von 1253", in *Fälschungen im Mittelalter. Internationaler Kongreß der Monumenta Germaniae Historica. München, 16.-19. September 1986*, (Hanover: MGH, 1988) 1: 675-714; Patrick Henriët, "Political Struggle and the Legitimation of the Toledan Primacy: the Pars Lateranii Concilii", in *Building Legitimacy. Political Discourses and Forms of Legitimation in Medieval Societies*, I. Alfonso, H. Kennedy et J. Escalona eds., (Leiden, Brill, 2003), 147-168.

<sup>28</sup> Linehan's narrative, dated though it is, remains one of the richest descriptions of the problems with this element: Linehan, *History and the Historians of Medieval Spain*, (New York: Oxford Clarendon, 1993), 268.

<sup>29</sup> For the edition of the *fueros*: Alfonso García-Gallo, "Los fueros de Toledo", *Anuario de Historia del Derecho Español*, 45 (1975): 459-461, 468-469, 473-483. For their historical impact on the city and the region: Peter Linehan, *History and the Historians of Medieval Spain*, 268, 281; Alfonso García-Gallo, "Los fueros de Toledo", *Anuario de Historia del Derecho Español*, 45 (1975): 406-458.

<sup>30</sup> On the wider development of the archdiocesan territory and its legal and jurisdictional elaboration, see the extensive work of Holndonner: Andreas Holndonner, *Kommunikation – Jurisdiktion – Integration: Das Papsttum und das Erzbistum Toledo im 12. Jahrhundert (ca. 1085 - ca. 1185)*. (Berlin: Walter de Gruyter, 2014).

<sup>31</sup> Hernández, *Los Cartularios de Toledo*, 60.

it was subdivided up to the diocese of Palencia and the Order of Santiago in the time of Alfonso VIII<sup>32</sup>. In the preamble to the *fuero* that was issued by Archbishop Celebruno in 1171, Celebruno noted specifically that the *fuero* had been conceded to the town with his place being affirmed, “with the king Alfonso reigning in Castile and Extremadura”, as the “*señor* in Belinchón, Archbishop Don Celebruno”<sup>33</sup>. The establishment of the code, then, with royal permission and the subscription of major regional powers, including archdeacons from neighboring dioceses and the bishops of those neighboring dioceses that, at that time, had interests in Belinchón<sup>34</sup>. The *fuero*, then, rested on a firm foundation of legal authority, and its terms represent the archiepiscopal interests in the governance of the town and its role as part of the archdiocese as a whole. Of the thirty-nine titles in the *fuero*, six (2, 10, 18, 26, 27, 39) deal in the raiding activities that characterized frontier warfare, ten (1, 6, 7, 9, 18, 22, 27, 33, 38, 39) deal with the payment of or exemption from taxes to the archiepiscopal fisc, and eight (3, 4, 11, 15, 30, 31, 35, 37) deal with what we might term criminal justice; even accounting for titles that deal with multiple thematic elements, it is evident that these elements comprise the core of the *fuero* of Belinchón.

Military service and the *cabalgada* raiding of the frontiers plays a major role in the Belinchón *fuero*, and Archbishop Celebruno himself was no stranger to warfighting<sup>35</sup>. Within the titles of the *fuero* issued by Celebruno, we know that when there was a defensive muster (*fossado*) only one third of the knights were expected to take up

---

<sup>32</sup> *DCPalencia*, 218-220.

<sup>33</sup> “Regnante rege Alfonso in Castella et in Extremadura. Senior in Bellinchon archiepiscopus domnus C(elebrunus)”. Hernández, *Los Cartularios de Toledo*, 153-154; Rivera, *IdT*, II: 100.

<sup>34</sup> Rivera, *IdT*, II. 106.

<sup>35</sup> Kyle C. Lincoln, “*Mibi pro fidelitate militabat*: cruzada, guerra santa y guerra justa contra cristianos durante el reino de Alfonso VIII de Castilla según las fuentes episcopales”. in *Actas del Congreso de Hombres de Guerra y Religión*, ed. Carlos de Ayala Martínez and J. Santiago Palacios Ontalva. (Madrid: Silex, 2018), 20-21; Kyle C. Lincoln, “Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214”. *Journal of Medieval History*. (2018): 88.



arms (the footmen being excused) and those who did not go were asked to pay nine *sueldos* in scutage<sup>36</sup>. Urban knights that went with the archiepiscopal muster from Belinchón were exempt from surrendering one-fifth of the value of any Muslim captives taken as war spoils to the archbishop<sup>37</sup>. Knights that went with the defensive muster were expected to hand over a fifth of their spoils, but those who were convicted of wrongdoing in the war-band were required to surrender the whole of their booty<sup>38</sup>. Footmen, rather than surrender a fifth, were only required to hand over a seventh of their spoils<sup>39</sup>. The archbishop also conceded the rights to fortify and populate the castle to the townsfolk of Belinchón, so that they “should be able to defend yourselves from the pagans and no man without your order and your will shall be able to collect [taxes] in that place”<sup>40</sup>. The role of the raiding host in Belinchón was not the subject of narrative comment in historical chronicles, but the archiepiscopal muster did play a significant role in the victories of the late twelfth and early thirteenth century; it seems certain that Belinchón’s military resources played a role in those campaigns<sup>41</sup>. More importantly, however, Celebruno was interested in providing important incentives to ensure

---

<sup>36</sup> “Et quando fuerit fonsado cum tota Castella admonitione vadant de vos tertia pars de cavlleros in illo fossado et pedones nullum fonsado faciant. Et si illa tertia pars de cavalleros mercierint illo fossado, pectent très très solidos aut très très Karneros valentes unusquisque ex eis uno solido”. Rivera, *IdT*, II: 100-103.

<sup>37</sup> “Et cavalleros de Bellinchon qui fuerint in gardia, primo erigant cavallos et plagas et postea quintent illud et mauro qui dederint a captivo, de illos non dent quintam archiepiscopo.” Rivera, *IdT* II: 103.

<sup>38</sup> “Et cavalleros qui fuerint in fonsado cum archiepiscopo aut cum suo seniore una quinta dent et hiomines de Bellinchon qui a parte de palacio fecerint culpa, su ganado aut sua pignora pignorent et non de sui vicino”. Rivera, *IdT*, II: 103.

<sup>39</sup> “Pedones qui fuerint in guardia pro quinto dent septimo”. Rivera, *IdT*, II: 105.

<sup>40</sup> “Et ad vos homines de Bellinchon, eo quod statis in frontera paganorum, do vobis et concedo vestrum castellium ut habeatis eum per hereditatem ut possitis vos defendere a paganis et nullum hominem sine vestra iussione et vesra voluntate in illo non colligates”. Rivera, *IdT*, II: 105-106.

<sup>41</sup> Kyle C. Lincoln, “In exercitu locus pontificali exerceat: Warrior Clerics in the Era of Fernando III”, in *The Sword and The Cross: Castile-León in the Era of Fernando III*, (Leiden: Brill, 2020) 87-95; Kyle C. Lincoln, “Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214”. *Journal of Medieval History*. (2018): 91-5, 96-99.

that the host that he mustered was at full strength, by requiring only a share of that muster to show up for most actions and ensuring that the archiepiscopal share was not too great to provide a disincentive.

Taxation, as noted above, played a role in the military affairs of the town of Belinchón, but there was also a considerable concern for the levying of more traditional revenues from the city. “The men of Belinchón should not pay *portazgo* in any lands”, ran item seven<sup>42</sup>. A similar exemption was levied for anyone that brought bread or wine to the town for sale in its markets<sup>43</sup>. Those who had made gains in the mountainous lands around Belinchón were subject to the *montazgo* tax, paying half to the archbishop and half to the *concejo* of Belinchón<sup>44</sup>. “Livestock from Belinchón should not pay the *montazgo* in the lands around the city and those who require them to should pay it back double”<sup>45</sup>. Clerical livestock were immune from taxation, as were the horses of knights, and those who extracted tax (contrary to that rule) were expected to pay it back double plus an extra fine of 100 *maravedies*<sup>46</sup>. The exemption from taxations, coupled with the free holding of lands that were settled by new residents from Belinchón, were part of the incentives that were issued by the archbishop suggest that it was a major focal point in Celebruno’s efforts to expand the seignorial regime of his archiepiscopate.

The juridical and legal elements in the *fuero* of Belinchón helped to underscore the acquisition of lordship rights over the city by Celebruno as archbishop. Homicides were fined 300 *maravedis*, with an seven-eighths paid to the *palatium* fisc for the archbishop and

---

<sup>42</sup> “Homines de Belinchon non dent portado in nullas terras”. Rivera, *IdT*, II: 103.

<sup>43</sup> “Et homine qui adduxerit ad Bellinchon panem aut vinum ad vender, non pectet portadgo”. Rivera, *IdT*, II: 105.

<sup>44</sup> “Et ganados de alteras terras qui montes de Bellinchon steterint dent illo montadgo, medio ad archiepiscopo et medio ad concilio”. Rivera, *IdT*, II: 104.

<sup>45</sup> “De Ganado de Belinchon non predat montadgo in nullas terras et qui hoc fecerit duplent illud”. Rivera, *IdT*, II: 103.

<sup>46</sup> “Nullus homo non pignoret ganado de clericos, non descavalget cavallero et non pignoret cavallo de sella nec bestia mular de sella et qui hoc fecerit duplet illud et pectet in coto C morabetinos ad archiepiscopum”. Rivera, *IdT*, II: 103.

the remainder to the victim's family; the same fine was levied for those who killed a Jew that had moved to Belinchon, with the same shares<sup>47</sup>. The charge of homicide would not apply to a wide array of cases where the accused could not be judged responsible, including when animals, water, falling trees, or an open well or a spring should be the cause of death<sup>48</sup>. The townsfolk were allowed to choose their own local officials, like the judges, the *alcaldes* and the *saiones*, but these offices rotated at the start of each year<sup>49</sup>. The lord of the town should not sit in judgement with the judges on Fridays, but instead should allow judges to do their work; if the lord of the town did sit in judgement with the judges, the judges would be forced to pay back double the fines that they imposed<sup>50</sup>. The limitations on the authority of the archbishop, qua lord of the town, were a part of a reciprocal gift-exchange: rights were given to the town and the town reciprocated with military service.

The collection of privileges and requirements enumerated in the Belinchón *fuero* provided a written agreement between the *concejo* of the town and the archbishop. The military service that the town provided was part of its half of the exchange between the two parties, while the archbishop gave certain tax immunities and exemptions. Even if the singular extant parish of Saint Michael the Archangel, had a counterpart, the size of Belinchón's community was generally

---

<sup>47</sup> "Qui hominem occiderit de CCCtos morabotinos octavum pectet ad palatio". Rivera Recio, II: 103. "Iudeos qui ad Belinchon venerint populare tale foro eet tales calonias habeant quomodo alios populatores christiainos. Et qui de illo occiderit, octavo pectet". Rivera, *IdT*, II: 103.

<sup>48</sup> "Nullus homo nn det homicidium per bestiam que occiderit hominem aut per parietem aut per casa aut si fuerit mortuus in aqua aut in silo aut in puteo aut in forte aut si ab arbore fuerit occisus. Per istas totas aut alias qui fuerint similes istas non det homicidium". Rivera, *IdT*, II: 105.

<sup>49</sup> "Et vos ipsos homines de Bellinchon ponatis vestro iudice et vestro siaone per foro et vestros *alcaldes* similiter et non prendant decims dália causa nisi de pane et vino et de agnis suia tercia et non intrētis in partiicione sed habeatis beneficia per in secula... Iuez et *alcaldes* et *saion* mutant eos ad caput anni". Rivera, *IdT*, II: 104-105.

<sup>50</sup> "Et senior de la villa non sedeat cum *alcaldes* in die veneris et si ibi sederit, non iudicent *alcaldes* et si iudicaverint, ectent la peticiones ; et in illos *alcaldes* sedeat iudice et merino". Rivera, *IdT*, II: 105.

smaller than its economic impact. The control of the parishes and the people of the salt-mining town was a key element in the wider archdiocesan network of Toledo's patrimony. The judicial elements provided a fee structure for the most heinous of crimes, while still providing for the administration of justice by townsmen that were selected to fill their roles from among their neighbors. The provisions that the archbishop would receive a share of the fines levied ensured that the exchange of locally provided justice for regular funding of the archiepiscopal fisc was an agreement that was mutually-beneficial: regularized judicial fines would, in theory, deter crime by punishing it harshly; archiepiscopal enforcement would help undergird provisions for justice. This kind of clever exchange seems typical of Celebruno's work as a shrewd diplomat and political figure<sup>51</sup>.

## Palencia

While some have been content to label Ramon de Minerva as a pastorally-inept political official masquerading as a bishop, I have recently argued that the mid-century bishop of Palencia's reputation deserves something of a refurbishment<sup>52</sup>. During his forty year episcopate, Ramon was the recipient of a number of major donations from the crown, including possession of the royal rights over the diocesan see's Jewry, but it is in the 1179 "restoration" of the rights of the episcopate that was most important for the expansion of episcopal influence. Although the bishops of Palencia held the lordship of the town, the closeness between Ramon de Minerva and the king, who was his great-nephew, meant that Ramon exerted

---

<sup>51</sup> Kyle C. Lincoln, *A Constellation of Authority: The Castilian Episcopate and the Secular Church during the Reign of Alfonso VIII*, (University Park: Pennsylvania State University Press, 2023), 17-34.

<sup>52</sup> Derek W. Lomax, "Don Ramón, Bishop of Palencia (1148-1184)", in *Homenaje a Jaime Vicente Vivens*, edited by Juan Maluquer de Motes y Nicolau, (Barcelona: Facultad de Filosofía y Letras, 1965) 1: 291; Peter Linehan, *History and Historians*, 248; Peter Linehan, *Spain, 1157-1300: A Partible Inheritance*, 28-32; Lincoln, *A Constellation of Authority*, 35-50.

enormous efforts on behalf of Alfonso VIII during the royal minority<sup>53</sup>. So great were his efforts – and the expenses that trading away his rights to finance the Castilian crown’s continued independence from Leonese incursions – that, in that 1179 charter, Alfonso VIII called him nothing less than the “restorer of [his] kingdom”<sup>54</sup>.

Resetting the relationship between Palencia’s feudal-episcopal lordship and its citizens pulled the city’s municipal council (*concejo*) into direct conflict with the prelates. Alfonso’s charter notes that Ramon’s episcopate was marked by his alienation of many rights – ostensibly, trading military and economic services for greater immunities and exceptions to particular parts of administrative lordship – to secure the resources necessary to preserve Alfonso’s kingship<sup>55</sup>. While many of those instances are obscured by the “reset” that the 1179 charter offered, it seems clear that Ramon had a very particular set of priorities in the *fuero* that bears his name from 1180 and that these were likely those elements that he wished to keep in the *fuero*, offering immunities and exemptions to the townsfolk in the bargain. Namely, Ramon seems to have prioritized military service, civic tranquility, and encouraging commercial activity in the city.

Military service, for obvious reasons, occupied a major portion of any *fuero*, and the episcopally-issued instance at Palencia was no exception. The *marchio* taxes (assessed at 6 *sueldos* per man in the town<sup>56</sup>) were paid in lieu of providing military service, was also excused for “any man armed by the lord [of Palencia]” and the privilege was extended to family members who survived the armed man, up to provided limits<sup>57</sup>. The *fazendera* taxes were excused from

---

<sup>53</sup> On the lordship of Palencia: Vaca Lorenzo, “El obispado de Palencia”, 46-47, 53-70; *DCPalencia*, 5-9.

<sup>54</sup> *DCPalencia*, 167-168.

<sup>55</sup> *DCPalencia*, 167-168.

<sup>56</sup> “Habeat episcopus in collacios militum vel collationes aliorum hominum ville VI denarius ad marcium et medietatem de homicidio et totum furtum integrum et trauituum”. *DCPalencia*, 171, item 2.

<sup>57</sup> “Nullus milites armatus de seniore det solidos pro marcio vel aliquid, nec, eo mortuo, uxor eius usqye nubat; et postea, cum quali nupserit tale fórum faciat similiter;



any of the professional classes that worked in the city, including farriers, millworkers, gardeners, shepherds and fish-masters that worked for the diocese<sup>58</sup>. I have elsewhere noted the rather tortuous phrasing of the 14th item in the *fuero* that allows that citizens of the town could attack the city because they were under the command of their natural lord to do so; this item seems clearly connected to the role played by Palencia and its bishop in the resistance against Fernando II of Leon in the 1160s and the *Infantazgo* wars of the 1170s<sup>59</sup>. Curiously, there was no formal definition for the military service that *was* owed to the bishop for wars or campaigns, but this may be in line with contemporary understandings of customary service and the evolving debate about the general obligation of warriors to their lords that was ongoing in the twelfth century and shifted dramatically in response to similar questions being posed about the Albigensian Crusade<sup>60</sup>. These facts seems especially germane since they bear some similarity to the verbiage of the Belinchón *fuero* and its similar clauses, as noted above<sup>61</sup>. Given the reputation of Ramon de Minerva for bellicosity, especially on behalf of his royal great-nephew, it seems sensible to presume the negotiations about these particular requirements were a result of his lobbying for greater musters and the townsfolk extracting concessions about items that were related to the provisioning of soldiers and their lengths of service<sup>62</sup>.

---

filius militis non det marcium usque quo perveniat ad tepus idoneum milicie”. *DCPalencia*, 176, item 12.

<sup>58</sup> “Maiordomus canonicorum, mairouinus et sagio, carpenter et ferrero et molinero et ortolano et cellerizo, portero, cozinero, lavandera, et pastor et magister maior de piscaria, omnes isti homines cnaonicrum, non dent in aliqua fazendera et sint excusati de toto”. *DCPalencia*, 178.

<sup>59</sup> Lincoln, “Beating Swords into Croziers”, 88-90; Lincoln, “Mihi pro fidelitate militabat”, 16-22; *DCPalencia*, 176-177.

<sup>60</sup> Miguel D. Gomez, “The Battle of Las Navas de Tolosa: The Culture and Practice of Crusading in Medieval Iberia”, PhD. Thesis (University of Tennessee, 2011), 122, 156.

<sup>61</sup> See above, p. X.

<sup>62</sup> I have elsewhere argued that Ramon should be viewed as a pragmatist, rather than through the lens that Lomax and Linehan have presented: Lincoln, *A Constellation of Authority*, 35-50.

Civic tranquility played an especially important role in most *fueros* and the management of criminal conduct appears in even the most abbreviated *fueros*<sup>63</sup>. In part, this is owed to their inherent quality as municipal laws, and the frequency with which puckish shenanigans might escalate or relationships between business partners, neighbors, or families might sour in towns of any era, let alone in the medieval period. A concern for domestic tranquility is, for the life of an urban environment, a constant challenge for civic authorities, as has been widely demonstrated by scholars working on the history of settlements in the Medieval Latin West. The *fuero* of Palencia makes a number of provisions for fines that could be levied, as Table 1 demonstrates below, and many of these seem clearly inspired by the kind of quotidian violence associated with nascent urban life in the twelfth century. The bishop received, by the terms of the second item in the *fuero*, half of all the homicide fines, the whole of thefts and treasons.

The fines levied at Palencia, then, run the gamut from small fees for accidental or routine violence to major fines for the most serious of offenses. In some cases, these fines seem prohibitively high – 300 *sueldos*, by the price edicts of Toledo in 1207 could buy two palfreys (at 30 *maravedis* or 150 *sueldos* each) – and were likely meant as an active deterrent and a negotiating point against which judges could mitigate the circumstances and decrease the fines appropriately<sup>64</sup>. It is also worth noting that these fees were more than the mid-tier stipend for canons under the terms of the cathedral chapter's financial reforms in 1213, a fact which further underlines how prohibitive these costs were<sup>65</sup>. These expensive fees suggest both a high need for revenue from the court system in Palencia but also a concern for

---

<sup>63</sup> See, for example, the very brief *fuero* issued by Ramon to the hamlet of Villamuriel, which covers only a few brief topics: *DCPalencia*, 125-126.

<sup>64</sup> Hernández Sánchez, "Las posturas publicadas por las Cortes de Toledo de 1207 (Nueva edición)", *Historia Instituciones Documentos*, 38 (2011): 257-259.

<sup>65</sup> Lincoln, "About Three Clerics and Towards a "History from the Middle" for Medieval Castile: Miguel de San Nicolás of Toledo, Gil of Cuenca and Lanfranc di Palacio of Palencia", *Journal of Religious History*, (2022): 17-19.

Item number	Crime	Fine
8	Striking with an open hand	5 <i>sueldos</i>
8	Striking with a lance or with a <i>cultello</i>	10 <i>sueldos</i>
8	Striking but not breaking the skin	5 <i>sueldos</i>
8	Striking with a sword but with a bone not coming out	10 <i>sueldos</i>
8	Striking with a stone, with blood, but not with a broken bone	5 <i>sueldos</i>
8	Striking that causes a “tumor” (welt or a bruise)	As many <i>sueldos</i> as inches in size
9	Plucking or snatching hair from the head or beard	As many <i>sueldos</i> as inches in size
9	Striking in the eye	60 <i>sueldos</i>
9	Two men throw someone to the ground	60 <i>sueldos</i>
9	One man throws another to the ground	10 <i>sueldos</i>
10	Knocking out one of the eight front teeth	60 <i>sueldos</i> per tooth, to a maximum of 300 <i>sueldos</i>
10	Knocking out one of the non-front teeth	5 <i>sueldos</i> each, without maximum
11	Throwing feces in the mouth/face	300 <i>sueldos</i>
11	Dunking the head into the river	300 <i>sueldos</i>
11	Stripping another of their garments	300 <i>sueldos</i>
11	Denuding the bishop while he stays in one’s property	Whatever can be found in the denuders property
15	Imprisoning a man who belongs to the “armed class”	300 <i>sueldos</i>
20	Disrupting the market or the fair of Palencia	60 <i>sueldos</i>
23	Killing a citizen of Palencia	300 <i>sueldos</i>
24	Strike that causes a compound fracture or a broken bone in the head	60 <i>sueldos</i> per bone, up to 300 <i>sueldos</i>
25	Breaking or ripping out an eye	100 <i>sueldos</i>
25	Breaking a hand or foot, cutting or ripping off a finger or toe	60 <i>sueldos</i> per finger or toe (or hand or foot), up to 300 <i>sueldos</i>
25	Pleading guilty to homicide or accepting the charge without denying it	150 <i>sueldos</i> (qua half of 300 <i>sueldos</i> )
27	Rape, with three sworn witnesses	300 <i>sueldos</i>
30	Striking the <i>merino</i> of the bishop to demand satisfaction from the bishop	300 <i>sueldos</i> , plus the cost associated with any injuries

Table 1. Fines associated with petty and major crimes in the 1180 *Fuero* of Palencia.

public order, the combination of which suggests that the morale of Palentines being mustered together could be influenced both by the level of provisions that they had and by the feuds that may have lingered among their number.

Provisions, of course, could not always be obtained as cheaply as the citizens of Palencia might have desired, and tax exemptions attest to the relaxing of taxes on certain staples and necessities as a kind of give-back in the negotiations over military service and judicial prerogatives. Commercial activities also occupied a major component of the *fuero* of Palencia, especially with respect to the payment of taxes on imports and levies that provided for the defense of the city. The items of the *fuero* of Palencia provided for a number of exemptions. Knights that were armed by the bishop and summoned to that cause did not pay the *marchio* tax, and their families were exempt (if the knight fell) until the widow remarried or until a son reached the age of knighthood himself and took up his arms from his lord<sup>66</sup>. Burial and marriage fees were lifted for any citizen of Palencia, too<sup>67</sup>. Townsfolk were only required to pay local taxes on their local properties which were within the *collazos* (taxable districts) of Palencia, rather than on what they owned outside the city<sup>68</sup>. Since most *collazos* centered on a parish church in medieval Castilian cities (although not necessarily in the countryside), it is quite possible to read this tax provision as a kind of tacit indication of the financial and administrative importance of the parishes because of their close relationship to the tax districts. These exemptions, while somewhat minor, do suggest a general concern that the burdens levied on the

---

<sup>66</sup> “Nullus milites armatus de seniore det solidos pro marcio vel aliquid, nec, eo mortuo, uxor eius usque nubat; et postea, cum quali nupserit tale fórum faciat similiter; filius militis non det marcium usque quo perveniat ad tepus idoneum milicie”. *DCPalencia*, 176.

<sup>67</sup> “Nullus vicinus vel vicina de Palentia det aliquid vel pectet pro portos vel aliquid pro eis roget; sed matrimona sint libera”. *DCPalencia*, 178.

<sup>68</sup> “In tota Palentia, nullus vicinus alium pendret, nisi cum sagione et portario episcopi, exceptis illis qui collazos habeat, qui possunt pendrare suos collazos sine sagione et portatio episcopi et sine calumpnia”. *DCPalencia*, 180.

townsfolk were not overtly oppressive, contrary to many of the portraits of lordship in the world of the Medieval Latin West. Of course, the idea of a *fuero* that was negotiated is muddied by the fact that the Palencian *fuero* was negotiated as a result of royal favoritism for the bishop, likely at the expense of the *concejo*, so Ramon de Minerva's issuance might be more generous than most.

### Comparanda, Palea, and Conclusions

The four extensive *fueros* studied above present a muddy portrait of justice and episcopal juridical administration in the long twelfth century in Leon-Castile. It is quite clear that, given this set of data, military obligations, what we might term “criminal law” and the fiscal concerns were the most dominant elements of these law-codes. From these basic observations, we can draw some important conclusions but a deeper exploration of less extensive but no less intriguing sets of data helps to provide greater context for the act of episcopal law-giving and the importance of the product of that lawgiving as a function of civic lordship. The context of minor law-codes provides the husks – the *palea*, to borrow from canon law – that illustrate the wider reach of these kinds of codes as they spread out from major centers of the countryside, and help us evaluate the ways that episcopal lordship might have permeated the diocesan territory over which the bishops reigned.

Barrero García and Alonso Martín, in their 1989 inventory of Spanish *fueros*, counted only a few dozen episcopal *fueros* in Castilian and Leonese archival collections, and only a few more abbatial ones<sup>69</sup>. When we factor in Powers' important observations about the impact of *fuero* models (like that of Ávila) that are no longer extant, it seems reasonable to assume that easily more than double that inventory

---

<sup>69</sup> Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 531-534.



should have survived<sup>70</sup>. For example, in the case of Palencia, we know that *fueros* were issued to the towns of Villamuriel (1162) and Mojados (1176), both during Ramon's episcopate, but that these privileges were far smaller than that which was given to Palencia itself. In the case of Villamuriel, the townsfolk paid only 1 *sueldo* in *marcio* taxes, were required to work on episcopal farms only one day per month and were required to give up half of the fees for homicide but retained the rights to all those fees levied for other crimes<sup>71</sup>. Given the very small size of these communities and their distances from Palencia (Villamuriel is only 8 km away, Mojados about 75 km), it stands to reason that these *fueros* were probably brief because the settlements were small at the time and that the key factor was not *what the fueros contained* but rather *that they were conceded and upheld*; put differently, the projection of diocesan episcopal power onto these rural communities was the more important factor. Ramón de Minerva may have played a role in the sponsoring of Villamuriel's parish church of Santa María, whose earliest elements appear to date to the late twelfth century, and Mojados, where the church by the same name dates to the sixteenth century but likely rests on an older site, as elements in his wider administrative network.

If this is the case, we can reasonably speculate that a similar tactic was at work for some of Ramón's contemporaries: the issuance of brief, local *fueros* within their episcopal territory represents their attempt to project centralizing influence over their rural communities; beyond the more overt feudal context, obedience of the bishop by diocesan priests was a lynchpin of the wider apparatus of church governance. Similarly brief *fueros* for subject towns and hamlets in

---

<sup>70</sup> James F. Powers, *A Society Organized for War*, (Berkeley: University of California Press, 1988), 219-229.

<sup>71</sup> *DCPalencia*, 125-126.

Burgos<sup>72</sup>, Sigüenza<sup>73</sup>, Salamanca<sup>74</sup>, Zamora<sup>75</sup>, and Santiago de Compostela<sup>76</sup> suggest that the recognition of episcopal lordship and modest income from the judicial and tax rights in towns was more important than itemizing all of the obligations that were customary in the twelfth century. These small communities, which may have only had one parish in their midst (if they had one at all), were less important as regions to govern than as proofs of the importance and political power of the prelates that issued them. In many cases, the texts in question are actually *cartas de población* and simply extended already issued fueros to the towns in question, such as was done by Rodrigo de Finojosa for Cabanillas in 1197 that extended the *fuero* of Atienza to the residents of that small settlement in the diocese of Sigüenza<sup>77</sup>. The thirteenth century saw the number of extant *fueros* – and we should underscore the word “extant” given the scattershot survival of texts from the twelfth century in Leon-Castile generally<sup>78</sup> – explode, especially as the Military Orders increased their expansionist efforts

---

<sup>72</sup> Garrido Garrido, *Documentación de la catedral de Burgos, 804-1183*, (Burgos: Garrido y Garrido, 1983), 282-284.

<sup>73</sup> Toribio Minguella y Arnedo, *Historia de Sigüenza y sus obispos*, (Madrid: Imprenta de la “Revista de Archivos, Bibliotecas y Museos”, 1910-1913), I: 492.

<sup>74</sup> José Luís Martín García et al., *Documentos de los archivos catedralicio y diocesano de Salamanca (s. XII-XIII)*, (Salamanca: Universidad de Salamanca), 144-145, 153-154.

<sup>75</sup> AC Zamora, Tumbo Negro, ff. 145v-146r, cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 135; Lacarra-Vazquez de Parga, *Anuario Historia Derecho Español*, 6, no. 1, (1929): 430-431 cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 241; AC Zamora, Tumbo Negro, ff. 15v-16r, Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 243; AC. Zamora, Tumbo Negro, f. 7r-v cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 317.

<sup>76</sup> López Ferreiro, *Fueros de Santiago*, I: 159.

<sup>77</sup> Toribio Minguella y Arnedo, *Historia de Sigüenza y sus obispos*, I: 492.

<sup>78</sup> In the twelfth century, only a few dozen of documents survive from Ávila and even fewer from Ourense: Ángel Barrios García, *Documentos de la Catedral de Ávila (Siglos XII-XIII)*, (Ávila: IMCODAVILA, 2004), 23-91; Emilio Duro Peña, *Documentos da Catedral de Ourense*, (Santiago de Compostela: Concello da Cultura Galega 1996), 15-40.

in Andalucía<sup>79</sup>. The issuing of a *fuero* was likely followed up by its enforcement, and clerical structures of control put prelates at the center, with diocesan parish priests as one of the most local fingers of the episcopal hand.

What also appears quite apparent is that, as the twelfth century wore on, episcopal *fueros* grew progressively longer as the transition toward more extensive and formalized written law-codes replaced earlier oral and tribal tradition. The *fuero* issued by Diego Gelmírez for Compostela's *campesinos* is far shorter than that issued by Ramon de Minerva for the city of Palencia. Even accounting for any presumed differences between the two cities' size, wealth, and political importance, the length of Palencia's *fuero* still dwarfs that of Compostela, and Diego Gelmírez was no less intense a political and social actor as Ramon de Minerva. The fifty-some years that separate the two codes should not be read as a small gap that provided the narrow space for some revolutionary innovation, but rather for what it was to those that lived in those days: a lifetime. I have recently argued that the scarce sources for Castile's lower and middle classes in the long twelfth century can be augmented by reading the sources from ecclesiastical institutions more carefully, and reconstituting a kind of "history from the middle"<sup>80</sup>. I would further argue that the legal history of Leon and Castile can pay more attention to these clerically-authored municipal law-codes, since they incorporate many of the contemporary ideas about the Peace and Truce of God and canon law into the everyday life of towns that were otherwise subject to royally-oriented law. These changes can be traced in the clerical law-codes, but they also present a much greater opportunity for

---

<sup>79</sup> For the catalog of *fueros* issued by the Military Orders: Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 527-530. On the lordships of the Military Orders in La Mancha and Extremadura, see: Carlos de Ayala Martínez, *Los ordines militares*, (Madrid: Marcial Pons, 2007) 617-636.

<sup>80</sup> Kyle C. Lincoln, "About Three Clerics and Towards a "History from the Middle" for Medieval Castile: Miguel de San Nicolás of Toledo, Gil of Cuenca and Lanfranc di Palacio of Palencia", *Journal of Religious History*, (2022): 237-242.

understanding the ways that bishops understood themselves as lords within their jurisdictions. Small communities, with no more than one or two parishes in their midst, would have hardly needed a formal *fuero* for their governance – even today, Villamuriel has only about 2000 residents – but the fact that one was issued tells us that the bishops were concerned about the recognition of their authority in their diocesan territory. In the case of Rodrigo de Finojosa of Sigüenza, we know that bishops could compile their own canon legal collections simply to ensure that their episcopal rights were respected, and we should think twice about rejecting a reading of these micro-fueros as being apart from this wider goal of ensuring diocesan episcopal control over surrounding towns and their parish churches<sup>81</sup>.

Bishops were lords in the towns, hamlets, and cities where they were in possession of lordship rights. In places where they held only partial privileges, they nevertheless exercised many similar prerogatives as a mechanism by which they could guarantee the validity of their ecclesiastical administration. Exerting more control over local parishes, where their authority operated at the most fundamental of levels, frequently came by the issuing of local *fueros* for the communities served by those same parishes. While these facts are not in doubt, they are given a greater degree of nuance by the data preserved in the law-codes that were examined above. Future scholarship must examine, relying in part on these fueros and in part on other evidence examined in detail, whether the exercise of power by the bishops as lords within their diocese over the small parochial hamlets operated in parallel to that same work done by counts in towns under their ban. In doing so, scholarship may yet determine how closely the data from Castile and León lays congruent to those from other regions of Latin Christendom, as well as how closely grouped the scatterplots of episcopal and comital authority were. It is quite clear that fines and bans that were issued were as much about ensuring the incomes

---

<sup>81</sup> Kyle C. Lincoln, “A Note on the Authorship of the *Collectio Seguntina*”, *Bulletin of Medieval Canon Law*, New Series, 33, (2016): 137-144.

of judicial administration as they were about ensuring domestic good order. Bishops were just as concerned as the maintenance of their military retinues as they were with punishing “qui miserit merdam in bocca alterius”.

## Bibliography

### Printed sources

- Abajo Martín, Theresa. *Documentación de la catedral de Palencia*. Fuentes Medievales Castellano-Leonesas, vol. 103. Burgos: Gráfica Cervantes, 1986.
- Barrios García, Ángel. *Documentos de la Catedral de Ávila (Siglos XII-XIII)*. Ávila: IMCODAVILA, 2004.
- Chartres, Ivo of. *Decretum sive Panormia*, edited by Bruce Brasington and Martin Brett, X.171. <https://www.wtamu.edu/~bbrasington/panormia.html>
- Duro Peña, Emilio. *Documentos da Catedral de Ourense*. Santiago de Compostela: Concello da Cultura Galega, 1996.
- Garrido Garrido, José Manuel. ed. *Documentación de la catedral de Burgos, 804-1183*. Burgos: Garrido y Garrido, 1983.
- López Ferreiro, Antonio. *Fueros municipales de Santiago y su tierra*. Santiago: Imp. y Enc. del Seminario C. Central, 1895.
- Martín García, José Luís *et al.* ed. *Documentos de los archivos catedralicio y diocesano de Salamanca (s. XII-XIII)*. Salamanca: Universidad de Salamanca, 1977.
- Minguella y Arnedo, Toribio. *Historia de Sigüenza y sus obispos*. Madrid: Imprenta de la “Revista de Archivos, Bibliotecas y Museos”, 1910-1913.
- Muñoz y Romero, Tomás. *Colección de fueros municipales y cartas pueblas de los reinos de Castilla, León, Corona de Aragón y Navarra*. Madrid: J. M. Alonso, 1847.

### Secondary works

- Ayala Martínez, Carlos. “Los Obispos de Alfonso VIII”. In *Carreiras Eclesiásticas no Ocidente Cristão*, edited by Ana María Jorge, Hermínia Vilar and Maria João Branco, 153-186. Lisbon: Universidade Católica Portuguesa, 2007.
- Ayala Martínez, Carlos. *Los ordines militares*. Madrid: Marcial Pons, 2007.
- Ayala Martínez, Carlos. “Los obispos leoneses y las guerras santas de Fernando II”. In *Homenaje al prof. Eloy Benito Ruano*, 1: 91-105. Madrid: Sociedad Española de Estudios Medievales, 2010.
- Ayala Martínez, Carlos. “Breve semblanza de un arzobispo de Toledo en tiempos de cruzada: Martín López de Pisuerga”. In *Mundos Medievales: Espacios, sociedades y poder. Homenaje al Profesor José Ángel García de Cortázar y Ruiz de Aguirre*, edited by Beatriz Arízaga Bolumburu, Dolores Mariño Veiras, Carmen Díez Herrera, Esther Peña Bocos, Jesús Ángel Solórzano Telechea, Susana Guijarro González and Javier Añibarro Rodríguez, 1: 355-362. Santander: Universidad de Cantabria, 2012.
- Barrero García, Ana María and Alonso Martín, María Luz. *Textos de Derecho local español en la edad media*. Madrid: CSIC, 1989.



- Bartolomé Herrero, Bonifacio. "Obispos extranjeros al frente de la Diócesis de Segovia (1120-1742)". *Estudios segovianos* 105 (2005): 19-54.
- Carl, Carolina. *A Bishopric between Three Kingdoms: Calaborra, 1045-1190*. Leiden: Brill, 2011.
- Cole, Joshua, and Symes, Carol. *Western Civilizations, Brief Fifth Edition*, vol. 1. New York: W.W. Norton & Co., 2020.
- Díaz Ibañez, Jorge. "Las fortalezas medievales de la Iglesia de Cuenca". In *La Fortaleza Medieval: Realidad y símbolo*, edited by Juan Antonio Barrio Barrio and Jose Vicente Cabezuelo Pliego, 305-312. Murcia: Compobell, 1997.
- Díez Herrera, Carmen. "El obispado de Burgos en la baja edad media. Formas de fortalecer su jurisdicción frente al monasterio de San Salvador de Oña". *Anuario de Estudios Medievales*. 45, no.2. (2015): 753-782.
- Duiker, William J. and Spielvogel, Jackson J. *World History, to 1500*, 5<sup>th</sup> edition. New York: Thompson Wadsworth, 2007.
- Falque Rey, Emma. ed. *Historia Compostellana*. Turnhout: Brepols, 1988.
- Feige, Peter. "Zum Primat der Erzbischöfe von Toledo über Spanien. Das Argument seines westgotischen Ursprungs im toledaner Primatsbuch von 1253", in *Fälschungen im Mittelalter. Internationaler Kongreß der Monumenta Germaniae Historica. München, 16.-19. September 1986*, 1: 675-714. Hanover: MGH, 1988.
- Fletcher, Richard. *Saint James's Catapult: the life and times of Diego Gelmírez of Santiago de Compostela*. New York: Oxford University Press, 1984.
- García-Gallo, Alfonso. "Aportación al estudio de los fueros". *Anuario de historia del derecho Español*, (1956): 387-446.
- García-Gallo, Alfonso. "Los fueros de Toledo". *Anuario de Historia del Derecho Español*, 45 (1975): 341-488.
- Gomez, Miguel D. "The Battle of Las Navas de Tolosa: The Culture and Practice of Crusading in Medieval Iberia", PhD diss. University of Tennessee, 2011.
- Gordo Molina, Angel. "Alfonso VII y Diego II Gelmírez", *Iacobus*, 29/30 (2010): 49-74.
- Guijarro González, Susana "Estudiantes, universidades y cabildos catedralicios en las diócesis castellanas durante la baja edad media". *Edades: revista de historia* 4 (1998): 39-55.
- Hansen, Valerie and Curtis, Kenneth R. *Voyages in World History*, Brief Edition, vol. 1. New York: Cengage, 2013.
- Henriet, Patrick. "Political Struggle and the Legitimation of the Toledan Primacy: the Pars Lateranii Concilii". In *Building Legitimacy. Political Discourses and Forms of Legitimation in Medieval Societies*, edited by I. Alfonso, H. Kennedy and J. Escalona, 147-168. Leiden, Brill, 2003.
- Hernández Sánchez, Francisco Javier. "Las posturas publicadas por las Cortes de Toledo de 1207 (Nueva edición)", *Historia Instituciones Documentos*, 38 (2011): 255-266.
- Holndonner, Andreas. *Kommunikation – Jurisdiktion – Integration: Das Papsttum und das Erzbistum Toledo im 12. Jahrhundert (ca. 1085 - ca. 1185)*. Berlin: Walter de Gruyter, 2014.
- Irish, Maya Soifer. "Tamquam domino proprio: Contesting Ecclesiastical Lordship over Jews in Thirteenth-Century Castile". *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* 19 (2013): 534-566.
- Lincoln, Kyle C. "A Note on the Authorship of the *Collectio Seguntina*". *Bulletin of Medieval Canon Law*, New Series, 33, (2016): 137-144.

- Lincoln, Kyle C. "Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214". *Journal of Medieval History* (2018): 83-103.
- Lincoln, Kyle C. "Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214". *Journal of Medieval History*. (2018): 83-103.
- Lincoln, Kyle C. "*Mibi pro fidelitate militabat*: cruzada, guerra santa y guerra justa contra cristianos durante el reino de Alfonso VIII de Castilla según las fuentes episcopales". in *Actas del Congreso de Hombres de Guerra y Religion*, edited by Carlos de Ayala Martínez and J. Santiago Palacios Ontalva, 29-48. Madrid: Silex, 2018.
- Lincoln, Kyle C. "In exercitu locus pontificali exerceret: Warrior Clerics in the Era of Fernando III". In *The Sword and The Cross: Castile-León in the Era of Fernando III*, 85-104. Leiden: Brill, 2020.
- Lincoln, Kyle C. "About Three Clerics and Towards a "History from the Middle" for Medieval Castile: Miguel de San Nicolás of Toledo, Gil of Cuenca and Lanfranc di Palacio of Palencia", *Journal of Religious History*, (2022): 220-242.
- Lincoln, Kyle C. *A Constellation of Authority: The Castilian Episcopate and the Secular Church during the Reign of Alfonso VIII*. University Park: Pennsylvania State University Press, 2023.
- Linehan, Peter. *History and the Historians of Medieval Spain*. New York: Oxford Clarendon Press, 1993.
- Linehan, Peter. "Un Quirógrafo impugnado. Zamora y la cultura jurídica zamorana a comienzo del siglo XIII". *Anuario de Estudios Medievales*. 39, no. 1. (2009): 127-176.
- Lomax, Derek W. "Don Ramón, Bishop of Palencia (1148-1184)". In *Homenaje a Jaime Vicente Vivens*, edited by Juan Maluquer de Motes y Nicolau, 279-291. Barcelona: Facultad de Filosofía y Letras, 1965.
- Mansilla Reoyo, Demetrio, "Disputas diocesanas entre Toledo, Braga y Compostela en los siglos XII al XV", *Anthologica annua* 3 (1955): 89-143.
- Masferrer, Aniceto. "La contribución canónica a la salvaguarda de la paz en la Edad Media: el IV Concilio de Letran (1215)", *Vergentis*, 2 (2016): 47-83.
- Portela Silva, Ermelindo. *Diego Gelmírez (c. 1065-1140): el báculo y la ballesta*. Madrid: Marcial Pons, 2016.
- Powers, James F. *A Society Organized for War*. Berkeley: University of California Press, 1988.
- Powers, James F. "The Early Reconquest Episcopate at Cuenca, 1177-1284". *The Catholic Historical Review* 87 (2001): 1-16.
- Reilly, Bernard. "The Court Bishops of Alfonso VII, 1148-1157". *Medieval Studies* 36 (1974): 67-78.
- Rivera Recio, Juan Francisco. *La Iglesia de Toledo en el siglo XII (1086-1208)*, vol. II. Toledo: Diputación Provincial de Toledo, 1976.
- Rosenwein, Barbara. *A Short History of the Middle Ages*, 5<sup>th</sup> ed. Toronto: University of Toronto Press, 2018.
- Witcombe, Teresa. "Building heaven on earth: Bishop Maurice and the *novam fabricam* of Burgos cathedral". *Bulletin for Spanish and Portuguese Historical Studies* 42.1 (2017): 46-60.

(Página deixada propositadamente em branco)