

**Between Paris and Al-Andalus:
Bishop Maurice of Burgos and his World, c.1208-1238**

Submitted by Teresa Witcombe to the University of Exeter
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Abstract:

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This thesis examines the life and career of Bishop Maurice of Burgos, one of the most important figures within the Castilian Church of the early thirteenth century. Archdeacon of Toledo from 1208 and then Bishop of Burgos from 1213 until his death in 1238, Maurice's career unfolded in the midst of some of the defining events of the thirteenth century, and a detailed understanding of his life raises a number of important questions about the Church and society within which he lived and worked. From his earliest days as archdeacon amongst the Mozarabs of Toledo, his career straddled cultural and religious boundaries. He was an ambitious bishop; a patron, scholar, judge, crusader, and the founder of the Gothic cathedral of Burgos, and he grappled with some of the foremost intellectual, cultural and theological questions of his day. This thesis places Maurice firmly within his context, analysing, for the first time, the full scope of his career, and incorporating a variety of new evidence to shed light on a prelate who lived at the heart of Castile but whose life was animated by ideas and influences from Paris, Cordoba, Bourges, Rome and beyond.

Chapter One addresses Maurice's place in the multicultural society of thirteenth-century Castile, establishing connections that he would draw on throughout his life. Chapter Two analyses his interactions with Islam, both as a crusader and, perhaps more unexpectedly, as an intellectual. In Chapter Three, this study addresses Maurice's establishment of episcopal power in the diocese of Burgos, where he worked within complex and often conflicting networks of power to define his *auctoritas*. Chapters Four and Five focus on the cathedral of Burgos itself, with Chapter Four analysing the *Concordia Mauricana*, a unique constitution written by Maurice in 1230, through which we can see both his intellectual interests and his reception of the decrees of the Fourth Lateran Council. Chapter Five addresses Maurice's foundation of the Gothic cathedral of Burgos, contextualising his actions as founder-bishop within his broader efforts to introduce cultural change within the church in Burgos. Finally, an Afterword raises the question of a link between Bishop Maurice and the unidentified figure of 'Mauricius Hispanus', whose teaching was censured in the University of Paris in 1215.

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Abbreviations

ACB	Archivo de la catedral de Burgos
ACT	Archivo de la catedral de Toledo
AHN	Archivo Histórico Nacional, Madrid
CM	<i>Concordia Mauriciana</i> , as transcribed in Appendix 5
CT	Francisco Hernández, ed., <i>Los Cartularios de Toledo</i> , 2 nd ed. (Madrid: Fundación Ramón Areces, 1985)
DCB	José Garrido Garrido, <i>Documentación de la catedral de Burgos (1184-1222)</i> (Burgos: Ediciones J. M. Garrido Garrido, 1983)
<i>Inocencio</i>	Demetrio Mansilla Reoyo, <i>La documentación pontificia hasta Inocencio III (965-1216)</i> (Rome: Instituto Español de Estudios Eclesiásticos, 1955)
<i>Honorio</i>	Demetrio Mansilla Reoyo, <i>La documentación pontificia de Honorio III (1216-1227)</i> (Rome: Instituto Español de Estudios Eclesiásticos, 1965)
<i>Gregorio</i>	Eliseo Sainz Ripa, <i>La documentación pontificia de Gregorio IX (1227-1241)</i> (Rome: Instituto Español de Estudios Eclesiásticos, 2001)
<i>Fernando III</i>	Julio González, <i>Reinado y diplomas de Fernando III</i> , 3 vols (Cordoba: Monte de Piedad y Caja de Ahorros de Córdoba, 1980-1986)
<i>Alfonso VIII</i>	Julio González, ed., <i>El Reino de Castilla en la época de Alfonso VIII</i> , 3 vols (Madrid: C.S.I.C., 1960)
<i>De Rebus Hispanie</i>	Roderici Ximenii de Rada, <i>Historia de rebus hispanie sive historica gothica</i> , ed. Juan Fernández Valverde (Turnhout: Brepols, 1987)
<i>Chronica Latina</i>	Luís C. Brea, ed., <i>Crónica latina de los reyes de Castilla</i> (Cadiz: Universidad de Cadiz, 1984)
<i>Chronicon Mundi</i>	Lucas of Tuy, <i>Lucae Tudensis, Chronicon mundi</i> , ed. Emma Falque Rey (Turnhout: Brepols, 2003)

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As much as the apex of pontifical glory shines in honour, so it is all the more greatly weighed down by the heaviness of negligence. While *the high priest is raised up above men and set in place on behalf of men in those things that pertain to God*, [Heb. 5.1] yet beset by weakness, he does not fulfil the holy ministry in a manner befitting of God, distracted by the care of temporal things, and burdened even more greatly by *earthly habitation pressing down upon the mind that muses on many things* [Ws 9.15]¹

Maurice's memorial document

November 1230

As he wrote these words, Bishop Maurice would have been surrounded by the radical changes that were taking place in and around Burgos cathedral. Construction of the new Gothic building, the first of its kind in Castile, was underway, and by November 1230, the chevet largely complete. In the same month, Maurice wrote a constitution for his cathedral, arranging the chapter and their daily practices within the new space. In the city, foreign masons, craftsmen and sculptors rubbed shoulders with pilgrims on the route to Santiago, whilst in the cathedral, specialist musicians and scholars joined the chapter, where they would sit alongside abbots and priors from across the diocese of Burgos. Just two years previously, the papal legate himself had been in Burgos, and had praised the 'good people' he found in its cathedral. Although the memorial document focuses on the burdens and distractions of the bishop, Maurice had spent much of his life positioning himself at the apex of glory within the Castilian Church. The themes of ecclesiastical hierarchy, episcopal responsibility, the reordering of 'temporal things', and the musings of the episcopal mind will all recur throughout this thesis.

This thesis examines the life and career of Bishop Maurice, one of the most important figures within the Castilian Church of the early thirteenth century. My aim is not only to provide a detailed study of one man, albeit one of pivotal importance in the history of Castile, but through him, to shed light on the world with which he interacted, the networks within which he constructed his career, the ideas and influences that inspired him, and the cultural,

¹ Archivo de la Catedral de Burgos [henceforth, ACB], Capellanes del Número, caja 6, fol. 45 (formerly fol. 40); 'Pontificalis apex sublimitatis quanto clarior est in honore, tanto majori negligentiarum premitur onere, dum ex hominibus pontifex assumptus et pro hominibus constitutus in hiis que sunt ad Deum circumdatus tamen infirmitate sanctum ministerium digne Deo non adimplet, distractus rerum temporalium cura multiplicior gravatus *terrena in habitatione deprimente sensum multa cogitantem*'.

ecclesiastical, theological and intellectual developments with which he engaged throughout his life.

Maurice was bishop of Burgos from 1213 until his death at an unknown age in 1238. Prior to this, he served in the metropolitan cathedral of Toledo, under the auspices of Archbishop Rodrigo Jiménez de Rada, where he was archdeacon from November 1208 (or perhaps before) until his appointment to episcopal office in Burgos. Maurice's career unfolded across a highly eventful period of Castilian history, and he stood at the heart of many of these events. He lived in an expanding world, as the wars known to historians as the 'Reconquista' pushed Castile's southern border further into the Islamic Almohad empire of Al-Andalus, under the direction of King Alfonso VIII (until his death in 1214) and later, Fernando III (1217-1252). Contact with Islam was to have a very important place in Maurice's career. He would have been present at the battle of Las Navas de Tolosa in 1212, the first important Castilian victory for some time, and in the 1220s, he preached crusade throughout the kingdom, at the request of the pope. He also interacted with Islam in other, more scholarly, ways, and patronised two important translations from Arabic into Latin: the text of the Qur'an, and a work of mystical Islamic theology.

Indeed, Maurice was no stranger to the Arabic language. He had spent at least five years of his life – if not more – in the multi-cultural city of Toledo, a city in which the majority of the lay population still spoke the language of their former Andalusí rulers. He had worked alongside these Arabic-speaking Christians in the cathedral of Toledo, and had done business with the Jewish community of the same city. Toledo was also one of the principal centres of intellectual activity in Castile, where Arabic manuscripts of philosophical and scientific texts (including the Aristotelian corpus and many other classical Greek works and their later commentaries) were translated into Latin. This was a process in which Maurice was involved, and as we shall see, there is extensive evidence to suggest that Maurice was himself a scholar, and a valuable part of this intellectual milieu.

As bishop of Burgos, Maurice was a central figure in the society and Church of Castile, and his life was bound up in many of the major events of the thirteenth century. He acted as papally-appointed judge and royal counsellor on numerous occasions. As we shall see in Chapter One, he seems to have held high status in Castilian society even before his rise to episcopal rank, and was known to nobles and kings whilst still an archdeacon. He was one of a handful of prelates on whom the royal curia could rely, and on the death of Alfonso VIII's young son and successor,

Enrique I, in 1217, Maurice was one of the episcopal delegates sent to collect and bury his body in the royal pantheon of Las Huelgas, just outside Burgos.²

Castilian society was also increasingly shaped by interactions with the rest of Christian Europe during Maurice's lifetime. On a political and dynastic level, the Castilian royal family sustained networks that spread into the major royal houses of Europe. At the start of the thirteenth century, Alfonso VIII's daughter Blanca was sent to the Parisian court where she would marry Louis VIII, to become Blanche of Castile.³ Maurice would have met with her in 1219 when he himself was in Paris, even if he did not know her before (and as we shall see in Chapter One, such a possibility is not unlikely). In 1219, Maurice himself was sent as ambassador to Suabia to negotiate the marriage of Princess Beatrice, daughter of Philip of Suabia and granddaughter of the Byzantine Emperor Isaac II, to Fernando III. He succeeded and it was Maurice who married the pair in Burgos cathedral in November of that same year. He was involved in another international wedding in Burgos some five years later, that of Fernando's sister Berenguela to John of Brienne, King of Jerusalem.⁴

Moreover, perhaps even more important to Maurice was the movement of people and ideas from France into Castile. Maurice was a patron and innovator, and a major figure behind one of the most important cultural and artistic developments in thirteenth-century Castile; namely, the introduction of Gothic architecture. In 1221, he founded the first Gothic cathedral in the kingdom, and set about imposing a series of changes within his church that would reflect the most up-to-date ecclesiastical developments taking place in the great cathedrals of early thirteenth-century France. In order to achieve this *opus francigenum*, Maurice brought masons, artists and sculptors to Burgos from across France. In 1230, he composed a constitution for his new cathedral, entitled the *Concordia Mauricana*, in which can be glimpsed his own intentions and ambitions to rebuild his cathedral within a Pseudo-Dionysian hierarchy of being.

Maurice occupied one of the most powerful and important episcopal sees of Castile in a period of expanding papal authority and the wider implementation of canon law throughout the Latin

² For an excellent summary of the political events of the thirteenth century, see Janna Bianchini, *The Queen's Hand: Power and Authority in the Reign of Berenguela of Castile* (Philadelphia: University of Pennsylvania Press, 2012), esp. pp. 104-139. See also Peter Linehan, *Spain 1157-1300: a Partible Inheritance* (Oxford: Blackwell, 2008), pp. 36-103; and Joseph O'Callaghan, *A History of Medieval Spain* (Cornell: Cornell University Press, 1975), pp. 331-358.

³ For this important figure, see Lindy Grant, *Blanche of Castile: Queen of France* (New Haven/London: Yale University Press, 2016). See also Francisco Hernández, 'La corte de Fernando III y la casa real de Francia: documentos, crónicas, monumentos', in *Fernando III y su tiempo (1201-1252) : VIII Congreso de Estudios Medievales*, ed. Fundación Sánchez-Albornoz (2003), pp. 103-156.

⁴ See Bianchini, *The Queen's Hand*, pp. 140-179.

Church. He attended the Fourth Lateran Council of 1215, alongside many other Castilian prelates, and, as we shall see throughout this thesis, he had a complex relationship with canon law and papal reform, and one that evades any simple categorisation as either ‘papal reformer’ or as a loyalist to secular powers. As we shall see in Chapter Three, Maurice constructed his own episcopal authority within an environment that was shaped not only by wars to the south, but also by the at times unstable borders with León, and by conflicts with his fellow bishops and some of the great abbots of his diocese; an environment in which practicality, local allegiances and personal initiative often trumped adherence to external authorities.

Maurice’s career unfolded in the midst of some of the defining developments of the thirteenth century, and a detailed understanding of his life raises a number of important questions about the Church and society within which he lived and worked. This thesis places Maurice firmly within his context, analysing, for the first time, the full scope of his career as far as it can be traced, and drawing on a variety of new evidence as well as subjecting the more well-known to re-examination. Maurice’s engagement with the Islamic world, and his scholarly and intellectual activities will form a core part of this analysis, as will his cultural and theological ambitions as patron and founder of the Gothic cathedral of Burgos. Equally important are his interactions with the popes and secular rulers of his day, and his efforts to construct and define his episcopal authority within both his cathedral and his diocese. By drawing together the variety of influences, interests, priorities and commitments that shaped Maurice’s life, this study will thus enlarge our understanding not only of one of the key players in the thirteenth-century Castilian Church, but of some of the cultural, ecclesiastical, theological and intellectual developments that shaped thirteenth-century Europe.

Whether this study could be described as a ‘biography’ is debateable. Medievalists are aware of the short-comings of the genre, although the practice of historical study focused on one individual clearly continues to be of great importance and is ‘a constant genre of historical writing, from antiquity to modern academic history, which each generation chooses to reinterpret in its own ways’.⁵ This thesis certainly lacks some of the primary features implicated in modern understandings of the term, such as any discussion of ‘interiority’, and, even once all the extant information about Maurice is analysed, there remain serious gaps in our knowledge.⁶ Key aspects of his life, such as his family, upbringing and education, remain shadowy at best.

⁵ See the Introduction to an important publication by Sarah Hamilton, David Bates and Julia Crick, *Writing Medieval Biography 750-1250: essays in honour of Professor Frank Barlow* (Woodbridge: Boydell Press 2006), p. 12.

⁶ On interiority in medieval biography, see J. L. Nelson, ‘Writing Early Medieval Biography’, *History Workshop Journal* 50, 2000, 129–36. Also Hamilton et al, *Writing Medieval Biography*, p. 11.

More problematically, there is very little indication as to how old Maurice might have been on our first glimpse of him in Toledo in 1208, or indeed at his death in 1238. The question of whether he had engaged in a scholarly or clerical career elsewhere before this point, for example, is one of many tantalising issues for which any conclusions must remain no more than speculative. Jacques le Goff, George T. Beech and Lesley Smith are among a number of historians who have highlighted the tensions inherent in writing a ‘biography’ from the sort of information that is often available about medieval individuals.⁷ Instead, this thesis aims to provide a detailed analysis of Maurice that, through focusing on the framework of his career, as far as this can be pieced together, allows us to explore the developments that shaped his world in ways that otherwise become impossible.

Maurice in scholarly tradition

Despite being a figure of such prominence in medieval Castile, there is extremely little modern scholarship dedicated to Maurice, and his life has not received the rigorous academic examination that it undoubtedly deserves. The most complete study of his life available to date, a narrative biography dedicated to his career in Burgos, was written almost one hundred years ago, and this has remained the sole point of reference for scholars today. In stark contrast, the past forty years have witnessed rapid developments in scholarship on the medieval Castilian Church and on the intellectual and cultural world in which Maurice lived, providing an entirely new context within which to reassess his life.

The earliest significant historiographical reference to Maurice is the short biography included in the *España Sagrada* collection directed by Enrique Flórez across the second half of the eighteenth century, which incorporated all the known bishops of the medieval Church of Castile.⁸ Volume twenty six of this huge enterprise concerned the diocese of Burgos and its bishops, including our subject, drawing largely on the evidence of thirteenth-century

⁷ Jacques Le Goff, ‘The Whys and Ways of Writing a Biography: The case of Saint Louis’, *Exemplaria* 1 (1989), 207–25; and George T. Beech, ‘Biography and the Study of Eleventh-Century Society: Bishop Peter II of Poitiers 1087–1115’, *Francia* 7 (1979), 101–22, p. 101. Lesley Smith is currently writing what she has described as an ‘experimental biography’ of William of Auvergne, entitled *Fragments of a World: William of Auvergne and Thirteenth-Century Paris* (forthcoming.) For an overview of the key points, see Hamilton et al, *Writing Medieval Biography*, pp. 1-14.

⁸ H. Flórez, M. Risco et al, *España Sagrada: Teatro geográfico-histórico de la Iglesia de España* 51 vols (Madrid, 1747-1879). Twenty nine books were written by Flórez before his death in 1773, and a further thirteen added by his colleague Manuel Risco.

chronicles.⁹ Flórez's publication is important not only as the first scholarly attempt to collate the evidence for Maurice's life and career, but also as a useful repository for earlier traditions concerning Maurice, to which Flórez alluded openly. Flórez was followed in 1874 by another compiler of institutional history, although this time on a smaller scale, as in this year, Martín Martínez y Sanz published his collection of *vitae* of the prelates of Burgos in the *Boletín Eclesiástico del Arzobispado de Burgos*.¹⁰ Martínez pointed out that Maurice's career was of exceptional richness and of great importance to the history of the diocese.¹¹

Without question, the most important work of scholarship on Maurice to date, and the only study on our subject undertaken in the twentieth century, is the short biographical monograph published by Luciano Serrano, abbot of Santo Domingo de Silos, in 1922.¹² Entitled *Don Mauricio, Obispo de Burgos y fundador de su catedral*, the work draws closely on Flórez's narrative framework of 1771, enriched by Serrano's knowledge of the archive of Burgos cathedral, particularly Maurice's correspondence with the pope and with other religious houses of the diocese. Like many other historians of his time, he was less interested in charters and other documents concerning the daily management of the cathedral, in which mundane but often important details of the cathedral's economic and social developments can be witnessed. Serrano studied the diocese of Burgos extensively, not only in the course of his study of Maurice, but also for his later research into the twelfth-century history of the see, and the bulk of his career was devoted to the diocese, both as historian and as abbot of one of its most important monasteries.¹³

Serrano's stated aim was to rescue from obscurity a major figure in Burgalés history, and it is a credit to his achievement that his continues to be the only work on Maurice available to scholars today. The title of the work suggests Serrano's priorities: his Maurice was, above all, founder of the cathedral of Burgos, the glory of which connected the Middle Ages to the current day. His study consists of a chronological narrative of Maurice's episcopal career framed around the major political events of the thirteenth century, although Serrano often does not provide evidence for his assertions. His study also includes transcriptions of several manuscripts,

⁹ Flórez, *España Sagrada*, vol.26, pp. 300-316.

¹⁰ M. Martínez y Sanz, 'Episcopologio de Burgos', in *Boletín Eclesiástico del Arzobispado de Burgos* 17 (1874).

¹¹ *Ibid.*, p. 145; and he commented that 'no podría hacerse la historia de su vida...sin escribir un libro'.

¹² Luciano Serrano, *Don Mauricio, Obispo de Burgos y fundador de su catedral* (Madrid: Junta para Ampliación de Estudios e Investigaciones Científicas, 1922). Serrano was abbot of Silos from 1917 until his death in 1944.

¹³ Luciano Serrano, *El Obispado de Burgos y Castilla primitiva : desde el siglo V al XIII* 3 vols (Madrid: Instituto de Valencia de Don Juan, 1935-6).

including the *Concordia Mauriciana*, although his transcription contains a number of errors and should not be relied upon.

However, despite its importance, Serrano's *Don Mauricio* must be seen as no more than a starting block in a comprehensive understanding of Maurice's life and career. His interpretation of Maurice was conditioned, inevitably, by the historiographical context within which he worked, a context shaped by nineteenth-century theories of 'Reconquista', in which the thirteenth century was a period of defining glory for a unified, Catholic Spain, a narrative that has been comprehensively discussed in a number of works by Peter Linehan.¹⁴ This was a narrative founded in the idea of 'Reconquista' as, in the words of Simon Barton, 'a divinely guided patriotic and religious movement, through which Christian Spain had defended not just the Peninsula but Christian civilization as a whole against the rising tide of Islamic expansionism, and whose ultimate outcome was to be the creation of the modern Spanish state'.¹⁵ Under these conditions, as Peter Linehan has pointed out, 'ecclesiastical history tends to descend into a form of piety'.¹⁶ Serrano's principal conclusion was that Maurice was deeply committed to implementing papal commands, and that he was 'steadfast implementer of the canonical legislation of Lateran [IV]... all the roots of his vigilant activity converge ceaselessly on the development of this work'.¹⁷ This is a conclusion that will be challenged in the course of the present study.

Moreover, as a chronological account, there is little room for analysis in Serrano's text, and his access to source material was inevitably limited. He knew the archives of Burgos cathedral well (although he made little use of the charters and other important documents are also missing from his work), but he could have had no way of accessing the huge range of archival material scattered across other Spanish dioceses and monastic institutions, nor to other source material that is even more far-flung. Moreover, he had no interest in Maurice's life outside of Burgos,

¹⁴ Most importantly, see Peter Linehan, *History and the Historians of Medieval Spain* (Oxford: Clarendon Press, 1993). Also, *idem*, 'The Spanish Middle Ages and the Nineteenth Century', in Peter Linehan, *Historical Memory and Clerical Activity* (Farnham: Ashgate, 2012), pp. ix-xxvi; *idem*, *Past and Present in Medieval Spain* (Farnham: Ashgate, 1992).

¹⁵ S. Barton, *Conquerors, brides, and concubines: interfaith relations and social power in medieval Iberia* (Philadelphia: University of Pennsylvania Press, 2015), p. 8. It should be pointed out that Fernando III was canonised in 1671, and a biography of Archbishop Rodrigo by Serrano's colleague and fellow historian, Javier Gorosterratzu, included a chapter on his sanctity and photographs of his uncorrupted body (J. Gorosterratzu, *Don Rodrigo Jiménez de Rada, estadista, escritor y prelado* (Pamplona, 1925), ch. XX 'Santidad y virtudes de D. Rodrigo', pp. 374-388).

¹⁶ Linehan, 'La Carrera del Obispo Abril de Urgel: la iglesia española en siglo XIII', in *Spanish Church and Society 1150-1300* (London, 1983), pp. 143-197, p. 144; 'Tratada así, la historia eclesiástica tiende a degenerar en una forma de piedad'.

¹⁷ Serrano, *Don Mauricio*, p. 8; 'Fue reputado jurista y acérrimo implantador de la legislación canónica de Letrán; los rasgos todos de su vigilante actividad convergen sin cesar al desarrollo de esta obra'.

thus almost entirely overlooking Maurice's career in Toledo, a period that, as we shall see, was to be of pivotal importance for our subject.

The state of scholarship on Maurice himself is in stark contrast with the developments that have transformed academic understandings of medieval Spain in recent years. Since the 1970s, revisionist scholars have deconstructed and rejected the historiographical methodologies of the earlier twentieth century, and the concurrent opening up of numerous cathedral archives across the Peninsula has allowed radically new questions to be examined concerning thirteenth-century society and culture.¹⁸ The world within which Maurice lived has been entirely reconstrued since Serrano wrote his study, and yet Maurice himself has remained overlooked.

Undoubtedly one of the most important modern voices in this process has been that of Peter Linehan, whose scholarship has provided a whole-hearted reassessment of the Church in thirteenth-century Castile and its relationship with papal and royal authority.¹⁹ From his first major publication, *The Spanish Church and the Papacy in the Thirteenth Century*, published in 1971, Linehan has revealed an episcopate very different to that envisaged by Serrano's generation of scholars: an episcopate with a range of logistical and administrative priorities, balancing local pressures with the onerous financial demands of the king and notable for their 'contempt for distant authority – papal authority included'.²⁰ He has provided a particularly valuable reassessment of Archbishop Rodrigo and the metropolitan diocese of Toledo, but his

¹⁸ There is a vast bibliography on modern historiographical approaches to medieval Spain. Some key publications that summarise the prevailing legacy of this historical vision are A. Kostó, 'Reconquest, Renaissance and the Histories of Iberia, c. 1000-1200', in T. Noble and J. van Engen (eds.), *European Transformations: The Long Twelfth Century* (Notre Dame: University of Notre Dame Press, 2012), pp. 93-116; Linehan, *History and the Historians*, passim; G. Martin, *Les juges de Castille : mentalités et discours historique dans l'Espagne médiévale* (Paris: Klincksieck, 1992), pp. 10-21; Barton, *Brides and Concubines*, pp. 8-12; Linehan, 'The invention of Toledo', in Linehan, *Historical Memory and Clerical Activity*, pp. 123-141; and Richard Fletcher, 'Reconquest and Crusade in Spain 1050-1150', *Transactions of the Royal Historical Society* 5.37 (1987), 31-47.

¹⁹ Not forgetting the important surveys of the medieval Castilian Church published by Demetrio Mansilla, *La Iglesia Castellano-Leonesa y Curia Romana en los tiempos del Rey San Fernando* (Madrid: Consejo Superior de Investigaciones Científicas, 1945) and Antonio García y García, *Iglesia, Sociedad y Derecho* 2 vol (Salamanca: Universidad de Salamanca, 1985-7).

²⁰ Peter Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge: Cambridge University Press, 1971), p. 2. See also the second edition, only in Spanish but with some corrections, Peter Linehan, *La iglesia española y el papado en el siglo XIII* (Salamanca: Universidad de Salamanca, 1975). Linehan has followed this with a prolific series of works on the Spanish Church and society. The most important publications for our purposes are *idem*, *History and the Historians*; *idem*, *Historical Memory and Clerical Activity*; *idem*, *Spanish Church and Society 1150-1300*; *idem*, 'A Papal Legation and its aftermath: Cardinal John of Abbeville in Spain and Portugal 1228-1229', in *Historical Memory and clerical activity*, pp. 236-256.

work has not focused on Maurice, nor on the diocese of Burgos, in any detail.²¹ One clear narrative that emerges from his research is that of the economic decline of the Church in the early thirteenth century, as a result of military expenditure. The logistics of the 'Reconquista' proved to be a hard financial knock for the Church, with the clergy surrendering as much as half their annual income to the crown in 1212 to fund the battle of Las Navas, and financial management of the 'fight for benefices' was often an issue of far greater importance within Castilian cathedrals than any question of ecclesiastical reform.²² Some of Linehan's conclusions will be nuanced in this thesis, especially in Chapter Four, but nonetheless, his rigorous examination of the cartularies of individual archives across Spain has introduced a new framework for subsequent research and has been ground-breaking in disentangling the hagiographical intentions of earlier historians from the evidence contained in the archives.

Concurrently, individual dioceses have come under increasing focus in recent years, as archival collections have been opened up and their contents published.²³ As far as a focused survey of the diocese of Burgos is concerned, scholars are still reliant on the work of Serrano, whose *El obispado de Burgos* was published in 1935 and concerned the diocese in the twelfth century (finishing in the year in which Maurice came to the see).²⁴ However, the important publication of Demetrio Mansilla, *La Iglesia Castellano-Leonesa*, does provide some detailed discussion of thirteenth-century Burgos.²⁵ Scholarship on the city of Burgos itself has been slightly more forthcoming, thanks to the publications of Teófilo Ruiz and Carlos Estepa Díaz.²⁶ By contrast, the diocese of Toledo has received far more sustained scholarly attention in recent years. Juan Rivera Recio undertook a detailed investigation of Toledo cathedral chapter in the 1980s, whilst in 1997, Ramón González Ruíz, the cathedral archivist, published an important study of the inventories of significant Toledan clerics (although Maurice was not included).²⁷ A source of particularly vigorous historiographical debate has been the social history of the Mozarabic canons, Arabic-speaking Christians who had remained in the city under Islamic rule and

²¹ On Rodrigo, see in particular, Linehan, *History and Historians of Medieval Spain* (Oxford, 1993), pp. 267-462, and Linehan, *Spanish Church and Papacy*, *passim*.

²² Linehan, 'La iglesia de León a mediados del siglo XIII', in *Spanish Church and Society*, pp. 15-17; also *idem*, *The Spanish Church and the Papacy*, pp. 101-152.

²³ See below.

²⁴ Serrano, *El obispado de Burgos*.

²⁵ Mansilla, *La Iglesia Castellano-Leonesa*.

²⁶ Carlos Estepa Díez and Julio Valdeón Baruque, *Burgos en la Edad Media* (Valladolid: Junta de Castilla y León, 1984), pp. 157-175; Teófilo Ruiz, *The City and the Realm: Burgos and Castile 1080-1492* (Aldershot: Variorum, 1992); and for a broader view of the place of Burgos in the government of Castile, O'Callaghan, *History of Medieval Spain*, pp. 428-458.

²⁷ Juan Rivera Recio, *La iglesia de Toledo en el siglo XII (1086-1208)* 2 vols. (Rome: Instituto Español de Historia Eclesiástica, 1966-1976); Ramón González Ruíz, *Hombres y Libros de Toledo: 1086-1300* (Madrid: Fundación Ramón Areces, 1997).

continued to adhere to Arabic language and customs, and who, by the thirteenth century, have been increasingly identified as playing an important part in the life of the cathedral, and whose interactions with Maurice we shall explore in Chapter One. Particularly important for this topic include the works of Francisco Hernández, Jean-Pierre Molenat and Diego Olstein, among many others.²⁸

Studies of the individual prelates who staffed the Castilian Church in this period are also increasingly being undertaken in modern scholarship. The bishops who served under Alfonso VIII have been the subject of recent investigation by Carlos de Ayala Martínez, Kyle Lincoln and Bernard Reilly, although Maurice himself, arriving onto the episcopal scene at the very end of Alfonso's life, has not benefitted from any sustained attention.²⁹ Important recent studies of Castilian clerics are the works of Carolina Carl on the bishops of Calahorra, studies of Archbishop Rodrigo by Lucy Pick and Peter Linehan, as well as the latter's analyses of Bishops Suero of Zamora and Juan of Soria, and the monumental biography of the Mozarabic Cardinal, Gudiel of Toledo, published by Linehan and Hernández in 2004.³⁰ All of these not only offer significant

²⁸ There is a vast historiography on the question of the Mozarabs, for which, see Chapter One. Key publications include Francisco Hernández, 'La cathédrale, instrument d'assimilation', in Louis Cardaillac (ed.), *Tolède, Xlle-Xllle : musulmans, chrétiens et juifs : le savoir et la tolérance* (Paris: Autrement, 1991), pp. 75-91; *idem*, 'Language and Cultural Identity: The Mozarabs of Toledo', *Boletín Burriel* I (1989), 29-48; Jean-Pierre Molénat, *Campagnes et monts de Tolède du Xlle au XVe siècle* (Madrid: Casa de Velázquez, 1997); Diego Olstein, *La era mozárabe: Los mozárabes de Toledo (siglos XII y XIII) en la historiografía, las fuentes y la historia* (Salamanca: Universidad de Salamanca, 2006).

²⁹ Carlos de Ayala Martínez, 'Los obispos de Alfonso VIII', in A. Jorge, H. Vilar and M. Branco, *Carreiras eclesiásticas no ocidente cristão: séc. XII-XIV / Ecclesiastical careers in Western Christianity: 12th- 14th C.* (Lisbon: Universidade Católica Portuguesa, 2007), pp. 153-188; Kyle Lincoln, 'The Episcopate in the Kingdom of Castile during the Reign of Alfonso VIII' (r. 1158-1214) (University of St Louis: Unpublished PhD Thesis, 2016); and Bernard Reilly, 'Alfonso VIII, the Castilian Episcopate, and the Accession of Rodrigo Jiménez de Rada as the Archbishop of Toledo in 1210,' *The Catholic Historical Review* 99.3 (2013).

³⁰ On the bishops of Calahorra, see C. Carl, *A Bishopric Between Three Kingdoms: Calahorra, 1045-1190 (The Medieval and Early Modern Iberian World)* (Leiden: Brill, 2011). On Archbishop Rodrigo, see Lucy K. Pick, *Conflict and Coexistence, Archbishop Rodrigo and the Muslims and Jews of Medieval Spain* (Ann Arbor: University of Michigan Press, 2004); and Peter Linehan, 'Don Rodrigo and the Government of the Kingdom,' *Cahiers de linguistique et de civilisation hispaniques médiévales*, 26 (2003), pp. 87-99. For further comparison, see Peter Linehan, 'Don Juan de Soria, Unas apostillas', in *Fernando III y su tiempo (1201-1252): VIII Congreso de Estudios Medievales* (Ávila: Fundación Sánchez Albornoz, 2003), pp. 375-394; Peter Linehan and José Carlos de Lera Maíllo, *Las postrimerías de un obispo alfonsino: Don Suero Pérez, el de Zamora* (Zamora: Semuret, 2003); Peter Linehan and Francisco Hernández, *The Mozarabic Cardinal, The life and times of Gonzalo Pérez Gudiel* (Florence: Edizioni del Galluzzo, 2004); Derek W. Lomax, 'Don Ramón, Bishop of Palencia (1148-1184),' in *Homenaje a Jaime Vicens Vives*, ed. Juan Maluquer de Motes y Nicolau (Barcelona, 1966), pp.279-91; and Peter Linehan, 'Columpna firmissima: D. Gil Torres, the Cardinal of Zamora' in P. Linehan and S. Barton (eds). *Cross, Crescent and Conversion*, pp. 241-261. Two important comparisons from León and Catalonia are Richard Fletcher, *The Episcopate in the Kingdom of León in the Twelfth Century* (Oxford: University of Oxford Press, 1978) and Paul Freedman, *The Diocese of Vic: Tradition and regeneration in medieval Catalonia* (New Brunswick, N.J.: Rutgers University Press 1983). Very few figures from Maurice's lifetime have been studied in detail

insights into the Church of Castile-León over the twelfth and thirteenth centuries, but have also provided valuable methodological inspiration for this present study.

Maurice's relationship with the intellectual milieu of Toledo forms an essential theme throughout this thesis, and one which draws on a quite separate body of scholarship. Research concerning the intellectual culture of Toledo has been led by the pioneering work of Marie-Thérèse d'Alverny, who provided some of the earliest and most valuable insights into the so-called 'translation movement' and the transmission of ideas and texts between Arabic and Latin cultures.³¹ D'Alverny was responsible for identifying Maurice himself within this milieu, as patron of two translations of Islamic texts whilst archdeacon in Toledo cathedral, in an important article on the translator, Mark of Toledo, published in 1951.³² Elsewhere, d'Alverny has also suggested that Maurice may have been an intellectual himself, and that he may be the as yet unidentified 'Mauricius Hispanus' whose teachings were censured in the University of Paris in 1215.³³ However, she did not devote any scholarship specifically to Maurice, noting that, although his commissioning activity was noteworthy, he has nonetheless remained largely unknown to historians. More recently, research into the Toledan intellectual scene has been expanded by Charles Burnett, Danielle Jacquart, Alexander Fidora, Manuel Alonso Alonso and many others.³⁴ Burnett, in particular, has also remarked upon Maurice's activity as patron of two

however, and Tello of Palencia, Melendus of Osma, and Juan de Medina would be particularly important case-studies.

³¹ Two particularly important collections of much earlier essays are M.-T. d'Alverny, *Avicenne en Occident*, (Paris : Vrin, 1993); also, *idem*, *La transmission des textes philosophiques et scientifiques au Moyen Age* (Aldershot: Variorum, 1994); as well as a large number of important articles, including, for the purposes of this thesis, *idem*, 'Deux traductions latines du Coran au Moyen Age', *Archives d'histoire doctrinale et littéraire du Moyen Age*, 16 (1947), 69-131; *idem*, 'Les Traductions des Philosophes Arabes', *Le Fonti del Medioevo Europeo* (Rome, 1954); D'Alverny, Marie-Thérèse, and Vajda, Georges, 'Marc de Tolède, traducteur d'Ibn Tumart', *Al-Andalus* 16 (1951), 99-140 and 260-307, and others.

³² d'Alverny and Vajda, 'Marc de Tolède', pp. 99-140, and her important article, d'Alverny, 'Une rencontre symbolique de Jean Scot Érigène et d'Avicenne: le 'De causis primis et secundis et de fluxu qui consequitur eas'', in *idem Avicenne en Occident*, XI, pp. 170-181.

³³ d'Alverny, 'Deux traductions latines du Coran', pp. 69-131 ; also, *idem*, 'Les nouveaux apports dans les domaines de la science et de la pensée au temps de Philippe Auguste: La philosophie', *La transmission des textes philosophiques et scientifiques au Moyen Age*, p. 880.

³⁴ Charles Burnett, *Arabic into Latin in the Middle Ages: The Translators and their Intellectual and Social Context* (Aldershot: Ashgate Variorum, 2009). Also, among his many publications, *idem*, 'Some Comments on the Translating of Works from Arabic into Latin in the Mid-Twelfth Century', in A. Zimmerman (ed.), *Orientalische Kultur und europäisches Mittelalter* (Berlin, 1985), pp. 161-71; *idem*, 'Michel Scot and the transmission of scientific culture from Toledo to Bologna via the court of Frederick II Hohenstaufen', in *Arabic into Latin in the Middle Ages*, VIII, pp. 105-107; and *idem*, 'The Coherence of the Arabic-Latin Translation Program in Toledo', in *Arabic into Latin in the Middle Ages*, VII, pp. 249-288. Adeline Rucquoi, Patrick Henriët and others have identified scholars elsewhere in Castile too ; Patrick Henriët, 'Hagiographie léonaise et pédagogie de la foi', in D. Baloup (ed.), *L'enseignement religieux dans la Couronne de Castille : Incidences spirituelles et sociales (XIIIe-XVe siècle)* (Madrid : Casa de Velasquez, 2003) ; and A. Rucquoi, 'La double vie de l'université de Palencia 1180-1250', *Studia Gratiana* 19 (1998), pp. 723-748.

translations of Islamic texts, but like d'Alverny, his work is primarily on the transmission of ideas and he has not undertaken any investigation into Maurice himself.

The historiographical gap between studies of the ideas that were debated in Toledo and the figures who debated them mirrors a long-standing problem that Richard Southern commented on in his study of Robert Grosseteste.³⁵ However, an extremely important work of recent scholarship that bridges this divide in a medieval Castilian context is the study of Archbishop Rodrigo of Toledo (abp. 1209-1247) by Lucy Pick, which will be referred to frequently in the pages to come.³⁶ Pick has demonstrated that Rodrigo's military and political endeavours went hand-in-hand with a 'political theology' that he espoused through his more intellectual activities; namely, his own writings and his patronage of other scholars. Moreover, in her analysis of the intellectual milieu around Rodrigo, Pick has also identified Maurice as a potentially significant intellectual figure in his own right, although once again, lack of comprehensive scholarship on Maurice has necessarily limited her suggestions. It is one of the principal aims of this thesis to subject Maurice to the same level of detailed examination as Archbishop Rodrigo, and to provide an analysis of him that comprehends the scope of his activities, both intellectual and otherwise.

Recent scholarship on northern European bishops has also been extremely important to this thesis, especially the ground-breaking work of John Ott and Anna Trumbore Jones, as well as Jeffrey Bowman, Maureen Miller and others.³⁷ Ott's concern with the construction and consolidation of episcopal authority by individual bishops has provided a crucial framework within which to assess Maurice's own attempts to assert his power, in a variety of ways, and to

³⁵ Richard Southern, *Robert Grosseteste, The Growth of an English Mind in Medieval Europe* (Oxford: Clarendon Press, 1986) p. xx. This problem has been noted by many other historians too; for example, Ian P. Wei, *Intellectual Culture in Medieval Paris: Theologians and the University, c.1100–1330* (Cambridge: Cambridge University Press, 2012), p. 1.

³⁶ Pick, *Conflict and Coexistence*. Pick has expanded some of her conclusions concerning Archbishop Rodrigo's intellectual engagement in *idem*, 'Michael Scot in Toledo: *Natura naturans* and the hierarchy of being', *Traditio*, 53 (1998) 93-116.

³⁷ J. Ott, and A. Trumbore (eds), *The Bishop Reformed: Studies of Episcopal Power and Culture in the Central Middle Ages* (Aldershot: Ashgate, 2007). Many of the essays in this collection are useful, but of particular note is the introduction, by Ott and Trumbore, 'Introduction: The Bishop Reformed', and T. Head, 'Postscript : the ambiguous bishop'. See also J. Ott, *Bishops, Authority and Community in Northwestern Europe, c.1050–1150* (Cambridge: Cambridge University Press, 2015); Jeffrey Bowman, 'The Bishop Builds a Bridge: Sanctity and Power in the Medieval Pyrenees', *The Catholic Historical Review* 88.1 (2002), 1-16; S. Vaughn, *Archbishop Anselm 1093-1109: Bec missionary, Canterbury primate, patriarch of another world* (Aldershot: Ashgate, 2012); Maureen Miller, *Clothing the clergy: virtue and power in medieval Europe, c. 800-1200* (Ithaca: Cornell University Press, 2014); also, for a different perspective, E. Palazzo, *L'évêque et son image : l'illustration du pontifical au moyen âge* (Brepols: Turnhout, 1999).

balance the demands and claims of others, as we shall see in Chapters Three and Four in particular.

Similarly, the concept of the bishop-patron has received some valuable recent scholarship that contextualises Maurice's own foundation of the cathedral in 1221, with Lindy Grant, Paul Binski, Jeffrey Miller and others providing key studies from medieval France and England.³⁸ In a Castilian context, there have been huge developments in art and architectural historical analysis in recent years. The detailed and rigorous architectural study of Burgos cathedral published by Henrik Karge in 1995 has been key to this thesis, as has the work of Tom Nickson.³⁹ Nickson's analysis of Toledo cathedral has, crucially, also considered the cultural ambitions of the building's patron, Archbishop Rodrigo, and has therefore provided a very important point of reference and inspiration for my own assessment of Maurice's foundation.

By drawing on many of these new lines of scholarship, this thesis aims to provide an analysis of Maurice and the society, culture, thought-world, and Church that he inhabited. The existing evidence for his life, and the few sparse glimpses of him that have emerged in recent scholarship, reveal that he is a figure of far greater complexity and importance than the subject of Serrano's study from 1922. Moreover, he was actively a catalyst for many of the developments that took shape around him. A reassessment of his life, his career, and his engagement with the world around him is long overdue.

Sources: editions and archives

The sources for Maurice's life are widespread and vary considerably in genre. This thesis makes use of all the extant material through which he can be approached, from across the span of his career. This includes documents relating to capitular government and economic management, chronicles, letters and donations, papal bulls, wills and memorial texts, the *Concordia Mauricana*, prologues to the translations he commissioned, and also an array of material sources, such as engravings, sculpture, and codices. Each source will be introduced as

³⁸ Lindy Grant, *Abbot Suger of St-Denis: church and state in early twelfth-century France* (London: Longman, 1998); Lindy Grant, *Architecture and society in Normandy, 1120-1270* (New Haven, Conn.: Yale University Press, 2005); Paul Binski, *Becket's Crown: Art and imagination in Gothic England 1170-1300* (New Haven and London: Yale University Press, 2004); and Jeffrey A. K. Miller, 'The Building Program of Archbishop Walter de Gray: Architectural Production and Reform in the Archdiocese of York, 1215 – 1255' (Columbia University: Unpublished PhD thesis, 2012).

³⁹ Henrik Karge, *La Catedral de Burgos y la arquitectura del siglo XIII en Francia y España* (Valladolid: Junta de Castilla y León, 1995); and Tom Nickson, *Toledo Cathedral: Building Histories in Medieval Castile* (Pennsylvania: Pennsylvania State University Press, 2015); also see Chapter Five.

appropriate throughout the chapters to come. However, it will be helpful at the outset to highlight some of the major collections and archives upon which this study draws, and, in some cases, to briefly set out my approach to them.

Three narrative sources pertain to this period of Castilian history, and at least two of them were written by men who knew Maurice personally. Archbishop Rodrigo's *Historia de rebus hispanie sive historia gothica* was written across the 1240s (not long after Maurice's death), and consisted of a history of Spain in nine books, starting with Noah's ark and ending in the author's present day.⁴⁰ The archbishop focused on the political history of his day, and Maurice appears in his account on several occasions, most notably in 1217 (on the death of Enrique I) and in 1219 (in an account of the mission to Suabia).⁴¹ A later incarnation of the chronicle, translated into Spanish and extended under Alfonso X with the title of *Estoria de España*, provided the narrative basis for the studies of both Flórez and Serrano. The second of the chronicles from this period was also composed by a bishop who would have been in Maurice's immediate circles. The *Chronica latina regum Castellae* is another important source of information about the history of Castile up until the conquest of Córdoba in 1236, and has been attributed in recent years to Bishop Juan of Osma, who served that see from 1232 until 1240, in which year he became Maurice's successor as prelate of Burgos.⁴² Despite this, it contains no particularly privileged information concerning either Maurice or Burgos. The final chronicle that pertains to Maurice's life is the *Chronicon mundi*, a 'world chronicle', composed in León across the 1230s by Bishop Lucas of Tuy.⁴³ Despite the fact that León had been joined to Castile from 1230, Lucas was writing from more of a distance than Rodrigo of Toledo or Juan of Osma, and his account contains very

⁴⁰ J. Fernández Valverde, ed., *Rodrigo Jiménez de Rada: De Rebus Hispanie* (Turnhout, Belgium, 1987) [hereafter *De Rebus Hispanie*], and Lucy Pick, *Conflict and Coexistence, Archbishop Rodrigo and the Muslims and Jews of Medieval Spain* (Ann Arbor: University of Michigan Press, 2004). Also see B. Reilly., 'The *De Rebus Hispanie* and the Mature Latin Chronicle in the Iberian Middle Ages', *Viator*, 43 (2012), 131-45.

⁴¹ *De Rebus Hispanie*, IX. 5-6; *ibid*, IX. 10.

⁴² The edition used in this thesis is as follows; *Crónica latina de los reyes de Castilla*, ed., Luís Charlo Brea (Cadiz: Universidad de Cadiz, 1984) [hereafter, *Chronica Latina*]. For the identification of the author, see Peter Linehan, 'Don Juan de Soria, Unas apostillas', in *Fernando III y su tiempo (1201-1252): VIII Congreso de Estudios Medievales* (Ávila: Fundación Sánchez Albornoz, 2003), pp. 375-394. An English translation is available, see *The Latin Chronicle of the Kings of Castile*, trans. J. O'Callaghan (Tempe: Arizona Center for Medieval and Renaissance Studies, 2002). On the link between Juan of Osma and Maurice, see also Matthias Tischler, 'Iberian Translation-based Chronicles, Twelfth to Thirteenth Centuries. New Sources for the Arabo-Latin Translation Movement in the Iberian Peninsula', *Journal of Transcultural Medieval Studies* 1:2 (2014) 175-218.

⁴³ *Lucae Tudensis Chronicon Mundi*, ed. Emma Falque Rey (Turnhout: Brepols, 2003) [hereafter, *Chronicon Mundi*].

little reference to the place of the Castilian bishops in Fernando's reign. However, Lucas is the only chronicler to refer to the foundation of the Gothic cathedral in Burgos in 1221.⁴⁴

At the heart of this thesis, however, are the archives of the two cathedrals in which Maurice spent his career; Toledo, where Maurice appears frequently in the charters made between 1208 and 1213 (with some later additions), and, of course, Burgos, where he was bishop for twenty-five years. The majority of the Latin charters from Toledo cathedral during these years have been published by Francisco Hernández in 1985, in his comprehensive volume *Los Cartularios de Toledo*.⁴⁵ This provides detailed summaries and, in some cases, full texts of charters, as well as, importantly, witness lists, thereby supplying something between a cartulary and a catalogue for these archives. As Serrano entirely overlooked Maurice's pre-episcopal career, these documents have never been assessed as sources for Maurice's life.

Toledo cathedral archive is striking in that, in addition to the documents mentioned above, there also exists a large corpus of charters in Arabic, the language that continued to be used by the Mozarabic Christians in Toledo in our period. A collection of Arabic transcriptions can be found in the four-volume publication entitled *Los Mozárabes de Toledo* by Angé González Palencia, published between 1926 and 1930.⁴⁶ These charters have been almost entirely overlooked in modern scholarship, and have received extremely little critical attention since 1930.⁴⁷ Yet as Norman Roth noted, they contain references to a number of important figures, including Archbishop Rodrigo and Maurice himself.⁴⁸ Importantly, not all of González Palencia's transcriptions are complete. Maurice appears in one Arabic charter, from October 1209, of which a complete translation, made with reference to the original manuscript, can be found in Appendix One.

The archives of Burgos cathedral are of course central to this thesis. Catalogues of the archival holdings have been published by Demetrio Mansilla Reoyo and, more recently, by the current canon archivist, Don Mateo Vicario Santamaria.⁴⁹ Additionally, and most usefully, José Garrido

⁴⁴ *Chronicon Mundi* IV.95.

⁴⁵ Francisco Hernández, *Los Cartularios de Toledo* 2nd ed. (Madrid: Fundación Ramón Areces, 1985) [hereafter, CT]. Another useful source from Toledo is the collection of 'Anales', see Julio Porres Martín-Cleto, *Los Anales Toledanos I y II* (Toledo: Diputación Provincial de Toledo, 1993).

⁴⁶ A. González Palencia, *Los Mozárabes de Toledo en los siglos XII y XIII* 4 vols (Madrid: Instituto de Valencia de Don Juan, 1926-30).

⁴⁷ The exception is an article by I. Ferrando, 'Testamento y Compraventa en Toledo (años 1214 y 1215)', *Collectanea Christiana Orientalia* 4 (2007), 41-54.

⁴⁸ Norman Roth, 'New Light on the Jews of Mozarabic Toledo', *AJS Review* 11:2 (1986), 189-220, p. 202.

⁴⁹ Demetrio Mansilla Reoyo, *Catálogo de los codices de la catedral de Burgos* (Madrid: C.S.I.C. 1952) and *idem*, *Catálogo Documental del Archivo de Burgos (804-1416)* (Madrid: C.S.I.C, 1971). A more recent

Garrido has published transcriptions of many of the charters and letters in these archives, providing the complete texts and witness lists, as part of a very important series of publications bringing to light the medieval materials stored in and around the diocese.⁵⁰ However, Garrido's publication stops in the year 1222, and the next volume begins in 1254, a gap into which Maurice's career falls rather neatly. This unexplained lacuna in publication history may go some way towards accounting for the lack of recent scholarly attention directed at Maurice. The documentary records within the cathedral archive are nonetheless largely intact for the intervening years, if at times quite sparse, providing an insight not only into Maurice's movements and activities as bishop, but also his correspondence, his interactions with the royal court and the papacy, his dealings with more local communities both clerical and lay, and more broadly, the life and business of Burgos cathedral during Maurice's time in office.

Correspondence between Maurice and the pope provides another important source for this study. A number of papal bulls addressed to Maurice survive in Burgos cathedral archive. However, for a more complete picture of Maurice's interactions with the papacy, it has also been necessary to consult the Vatican archives, which contain a number of papal documents addressed to Maurice that do not appear to have been preserved in Burgos, or, for some other reason, are no longer extant in that archive. The contents of the papal archives concerning the kingdom of Castile have been brought to light in a series of comprehensive editions by Demetrio Mansilla, who published the documentation of Innocent III and Honorius III, and, more recently, by Eliseo Sáinz Ripa, who has added the documents of Gregory IX.⁵¹

Another extremely important source of information concerning Maurice on which this study relies is the plethora of correspondence between the bishop and the neighbouring abbeys and monasteries within his diocese, as well as the more infrequent occasions on which Maurice communicated directly with his fellow bishops. Once again, although Burgos cathedral archive is the first port of call for all such diplomatic, access to the archives of religious houses across Burgos has been crucial. This has been greatly facilitated by the publication programme in the

catalogue has been published by Matías Vicario Santamaría, *Catálogo del Archivo Histórico de la Catedral de Burgos* 18 vols (Caja de Ahorros del Círculo Católico, 1998), vol. 1 (395-1431).

⁵⁰ José Garrido Garrido, *Documentación de la catedral de Burgos (1184-1222)* (Burgos: Ediciones J. M. Garrido Garrido, 1983) [hereafter, DCB]; see also, *idem*, *Documentación de la catedral de Burgos (804-1183)* (Burgos: Ediciones J. M. Garrido Garrido, 1984); and F. Javier Pereda Llarena, *Documentación de la catedral de Burgos (1254-1293)* (Burgos: Ediciones J. M. Garrido Garrido, 1984).

⁵¹ Demetrio Mansilla Reoyo, *La documentación pontificia hasta Inocencio III (965-1216)* (Rome: Instituto Español de Estudios Eclesiásticos, 1955) [hereafter, *Inocencio*]; *idem*, *La documentación pontificia de Honorio III (1216-1227)* (Rome: Instituto Español de Estudios Eclesiásticos, 1965) [hereafter, *Honorio*]; and Eliseo Sáinz Ripa, *La Documentación Pontificia de Gregorio IX 1227-1241* (Rome: Instituto Español de Estudios Eclesiásticos, 2001) [Gregorio].

1980s referred to earlier, and it is now possible to consult in (mostly) critical editions the archival materials of a great range of ecclesiastical institutions within the diocese, including those of the powerful monasteries of Santo Domingo de Silos, San Salvador de Oña, and Santa María de Las Huelgas, as well as the important collection of Riojan documents published by Ildefonso Rodríguez de Lama, the archives of the monastery of San Miguel de Foncea (in a forthcoming publication) and many others.⁵² Similarly, the documentation of other Castilian cathedrals, especially those of Maurice's closest neighbours, the bishops of Osma, Palencia, and Calahorra, is now largely accessible in critical edition.⁵³ These publications have proved invaluable, not only providing a means of comparison for Maurice's activities, important though this is, but also in tracing Maurice himself as he journeyed through other dioceses, and by allowing an understanding of how he interacted with his episcopal peers (some, as we shall see, more warmly than others). The series of publications of constitutional documents produced by Antonio Garcia y Garcia is also extremely useful, supplemented by the work of Augusto Quintana Prieto.⁵⁴

⁵² Miguel Vivancos Gómez, *Documentación del monasterio de Santo Domingo de Silos (954-1254)*, (Burgos: Ediciones J. M. Garrido Garrido, 1988); D. Marius Férotin, *L'abbaye de Silos* (Paris, 1897); I. Ojea Gonzalo, *Documentación del monasterio de San Salvador de Oña 1032-1284* (Burgos: Ediciones J. M. Garrido Garrido, 1983); J. del Alamo, *Colección diplomática de San Salvador de Oña (822-1284)* 2 vols (Madrid: Estades, 1950); J. Rodríguez de Diego, *Colección diplomática de Santa María de Aguilar de Campoo (852-1230)* (Salamanca: Junta de Castilla y León, 2004); J. M. Lizoain Garrido, and Araceli Castro Garrido, *Documentación del monasterio de Las Huelgas de Burgos (1231 - 1306)* (Burgos: Ediciones J. M. Garrido Garrido, 1987); J. M. Lizoain Garrido, *Documentación del monasterio de Las Huelgas de Burgos (1116-1230)* (Burgos: Ediciones J. M. Garrido Garrido, 1985); J. Garrido Garrido, *Documentación del monasterio de Las Huelgas de Burgos 1116-1262* 2 vols (Burgos: Ediciones J. M. Garrido Garrido, 1985); Luciano Serrano, *Cartulario del Infantado de Covarrubias* (Silos: P. Procurador 1907); F. J. Peña Pérez, *Documentación del monasterio de San Juan de Burgos (1091-1400)* (Burgos: Ediciones J. M. Garrido Garrido, 1983); L. García Aragón, *Documentación del monasterio de la Trinidad de Burgos (1198-1400)* (Burgos: Ediciones J. M. Garrido Garrido, 1985); Julio Pérez Celada, *Documentación del monasterio de San Zoilo de Carrión (1047-1300)* (Burgos: Ediciones J. M. Garrido Garrido, 1986); S. Ruiz de Loizaya (ed.), *El Libro Becerro de Santa Maria de Bujedo de Candepajares (1168-1240)* (Miranda de Ebro, 2000); and I. Rodríguez R. de Lama, *Colección diplomática medieval de la Rioja* 4 vols (Logroño: Instituto de Estudios Riojanos, 1976-1990). The archive of San Miguel de Foncea is under preparation for publication in 2019, by David Peterson. I am very grateful to him for providing me with transcriptions.

⁵³ Teresa Abajo Martín, *Documentación de la catedral de Palencia (1035-1247)* (Burgos: J.M. Garrido Garrido, 1986); A. Barrio García, *Documentación medieval de la catedral de Ávila* (Salamanca: Ediciones Universidad de Salamanca, 1981); Juan Loperraez Corvalan, *Colección diplomática citada en la descripción histórica del obispado de Osma* vol 3 (Madrid: Imprenta Real, 1788); T. Rojo Orcajo, *Catálogo descriptivo de los códices que se conservan en la Santa Iglesia Catedral de Burgo de Osma* (Madrid: Tipografía de Archivos, 1929); T. Mingüella y Arnedo, *Historia de la diócesis de Sigüenza y de sus obispos* 3 vols (Madrid: Revista de Arch., Bibl. y Museos, 1910-1913) vol 1; L. Villar García, *Documentación medieval de la catedral de Segovia, 1115-1300* (Salamanca: Universidad de Salamanca, 1990); and José Fernández Catón, *Colección documental del archivo de la catedral de León (1188-1230)* (León: Centro de Estudios e Investigación 'San Isidoro', 1991).

⁵⁴ See A. Garcia y Garcia, *Synodicon Hispanum* 13 vols (Madrid: Biblioteca de Autores Cristianos, 1981-2017), particularly vols 1-4; A. Quintana Prieto, 'Constituciones capitulares de cabildos españoles del siglo XIII', *Anthologica Anua* 28-29 (1981-82), 485-529.

The royal diplomatic of the court of the Castilian king has also been transcribed and published in recent years, as a result of the work of Julio González, whose publications include the documents of the court of Alfonso VIII, Enrique I and Fernando III.⁵⁵ These provide another very important source for this study. However, an important note of caution must be expressed concerning these documents. Historians of twelfth-century Castile have agreed that the witness lists following the documents made during the reign of Alfonso VIII were largely accurate representations of those who were present, at least for the most part of his long reign.⁵⁶ Importantly, however, the same cannot be said for the documents produced at the court of Fernando III. Serrano, and a number of other historians writing in his time and subsequently, have understood the lists of those who ‘confirmed’ each of the documents of Fernando III as indicating the presence of the individual witnesses themselves. However, curial practice appears to have shifted between the documents of Alfonso and those of his grandson. The varying lists of names that were recorded at the twelfth-century curia become fixed lists under Fernando III, organised, as Bernard Reilly has pointed out, not according to the reality of who was present but according to the relative importance of each diocese in the mind of the king.⁵⁷ This is indicated by the fact that these lists are highly formulaic and largely unchanged, regardless of where or when the charters in question were produced. On occasion, these witness lists include sees listed as vacant following the death of the incumbent prelate.

More convincing is the fact that a number of cases can be identified in which Maurice is listed on a royal charter but was demonstrably not present. An example is the inclusion of ‘M burgensis episcopus’ during the spring and summer of 1219, when Maurice was on his way to Suabia.⁵⁸ There are numerous other examples of Maurice issuing charters in Burgos on the same dates when his name is being added to royal diplomatic at the curia of Fernando III. Finally, and most decisively, there are some charters from the reign of Fernando III where the presence of

⁵⁵ For Alfonso VIII and Enrique I, see Julio González, *El Reino de Castilla en la época de Alfonso VIII*, 3 vols (Madrid: C.S.I.C., 1960) [hereafter, *Alfonso VIII*]; also Carlos Estepa Díez, ‘Nuevas diplomas de Alfonso VIII,’ in C. Estepa Díez, I. Álvarez Borge, and J. Santamarta Luengos (eds.), *Poder real y sociedad: estudios sobre el reinado de Alfonso VIII, 1158-1214* (León: Universidad de León, 2011), pp. 271-308. For Fernando: Julio González, *Reinado y diplomas de Fernando III* 3 vols (Córdoba: Monte de Piedad y Caja de Ahorros de Córdoba, 1980-1986) [hereafter, *Fernando III*].

⁵⁶ See Carl, *A Bishopric Between Three Kingdoms*, p. 10, where she points out that mid-twelfth-century royal witness lists vary frequently and appear to corollate with the known movements of the bishops involved. See also Bernard Reilly, ‘Alfonso VIII, the Castilian Episcopate, and the Accession of Rodrigo Jiménez de Rada as the Archbishop of Toledo in 1210,’ *The Catholic Historical Review* 99.3 (2013); and Bernard F. Reilly, ‘On Getting to Be a Bishop in León-Castile: The ‘Emperor’ Alfonso VII and the Post-Gregorian Church,’ *Studies in Medieval and Renaissance History*, 1 (1978), 37-68.

⁵⁷ Reilly, ‘Alfonso VIII’, p. 441.

⁵⁸ See González, *Fernando III*, Docs 58-92, which cover February to September 1219. Maurice ‘confirms’ all of these as usual, but he was abroad for this whole period (see Chapter Five).

individual bishops is made explicit – and yet these same charters include the standard list of episcopal signatories. An illustration of this is a document produced in the royal court in June 1220, when the king was in Burgos.⁵⁹ Maurice is explicitly referred to as being present in the body of the charter.⁶⁰ A number of nobles, many local to the region, are also described as being in the presence of the king as he drew up the document. Yet this charter, like all the others, also bears a witness list complete with all the bishops of Castile. Clearly, the names routinely and formulaically listed on these charters cannot be taken as reliable indicators of the presence of bishops themselves. Whether their names were simply recorded *in absentia*, or whether a representative clerk from the cathedrals concerned had residence at the royal curia and signed witness lists on behalf of the bishop remains a point on which further research is urgently needed, but importantly, for the purposes of this thesis, we will not follow Serrano in assuming that the appearance of the bishop of Burgos as a ‘witness’ to a royal charter denotes the presence of Maurice himself, unless additional evidence or content confirms it.⁶¹

Overview

This thesis is organised on a broadly thematic basis, with each chapter examining a different facet of Maurice’s life. This approach to the subject is in part a response to Serrano’s strictly chronological narrative. As Lindy Grant has pointed out in her biography of Blanche of Castile, whilst narrative is often useful for describing action, scholarly analysis is best served by thematic study.⁶² The second, and more important, reason behind this choice of structure, however, is the fact that this was also the most natural way to make sense of the extant evidence for Maurice’s life, which does not itself provide any ‘even’ coverage over these years. His episcopal career was fundamentally shaped by his time as canon in Toledo, and consistent threads and themes reappear throughout his life. His crusading activities of the mid-1220s, for example, must be understood in relation to his earlier interactions with Islam in 1210 and 1213. Equally, the ways in which he related to the abbots and priors of his diocese throughout his episcopal career make the most sense when assessed alongside his involvement with the same region whilst still a canon. The downside to this approach is that there are occasions when it will

⁵⁹ *Ibid*, Doc 119.

⁶⁰ Fernando states that the bishop of Burgos and a small number of nobles are in his immediate presence: ‘in conspectu meo’.

⁶¹ See also Reilly, ‘Alfonso VIII’, p. 441.

⁶² Grant, *Blanche of Castile*, p. 17.

inevitably be necessary to repeat material or to cross-reference within this study; however, the benefits to a thematic analysis hopefully out-weigh this inconvenience.

Maurice's standing in Castilian society and his place in networks of power, both ecclesiastical and lay, are discussed in Chapter One. Much of this chapter draws on previously unexplored evidence from Maurice's time as archdeacon in Toledo, as well as later documentation through which we catch a glimpse of Maurice's family. The question of Maurice's origins has been long-contested, with Serrano and his predecessors contending that Maurice must have been in some ways a foreigner in Castile; either French or English, or of foreign descent. Entwined with this notion is the suggestion that he was brought to Castile by Rodrigo Jiménez de Rada and was dependent on the archbishop's patronage. This chapter will challenge both of these suppositions, setting out the existing evidence surrounding Maurice's family, his status in Castile before he became a bishop, and his connections within networks of power at the court of Alfonso VIII and within the Castilian Church.

Chapter Two investigates Maurice's interaction with, and attitude towards, Islam and Muslims. Maurice lived during a period of intensification of war with the Almohad Muslims to the south of Castile, in which he himself participated actively, and in a time during which crusading ideologies came to play an increasingly important role in the framing of Christian-Muslim conflicts. Early on in his career, however, Maurice commissioned Latin translations of two Islamic texts, the Qur'an, and a theological treatise by the Almohad mahdi, Ibn Tumart, revealing a more intellectual means of engaging with Islam and Islamic theology. These translations were unknown to Serrano, and whilst the Qur'an translation has been discussed by historians of polemic, the translation of the treatise of Ibn Tumart has been almost completely overlooked. This chapter will explore Maurice's role in the patronage of these two translations, and the complex attitudes towards Islam that they reveal, according to which Maurice could preach crusade yet also sustain an intellectual, even philosophical, engagement with Islamic theology.

Chapters Three and Four address the ways in which Maurice constructed and displayed episcopal authority. Chapter Three focuses on Maurice's establishment of power in the diocese of Burgos, balancing local, papal and royal demands. This chapter draws on the evidence of frequent litigation from Maurice's lifetime, documented both in the archive of Burgos cathedral and in archives of monasteries and priories around the diocese, as well as in the Vatican archive. A close investigation of this evidence raises important questions about the balance of power in the diocese of Burgos and Maurice's priorities and construction of his own episcopal *auctoritas* within a turbulent and challenging context.

Episcopal power within the cathedral of Burgos itself is the subject of the fourth chapter of this thesis, as manifest through a close investigation of Maurice's most important written document: the constitution he wrote for his cathedral in 1230, which has come to be known as the *Concordia Mauriciana*. This is a document to which scant attention has been paid, and one that reveals Maurice's practical vision for the cathedral of Burgos alongside his theological understanding of how his cathedral should be structured. Chapter Four discusses both of these aspects of the document, in particular seeking to identify the sources for Maurice's ideas and ambitions and the extent to which the *Concordia* can be seen as a reaction to the papal agenda put forward in the Fourth Lateran Council of 1215.

Chapter Five turns to address Maurice's re-formulation of the cathedral of Burgos, starting with the foundation of the city's Gothic cathedral in July 1221, the event for which Maurice is perhaps most widely known. Although the architectural developments of this cathedral building have been analysed in detail, there has been little discussion of why Maurice chose to found the first Gothic cathedral in Castile in the first place, nor of the changes that took place within the chapter alongside the construction of the building. This chapter will first assess the documentation for the architectural developments of these years, and will then contextualise this foundation within the many changes in ecclesiastical culture that accompanied the new building, revealing a clear programme of activity under Maurice's direction to bring new, overwhelmingly 'French' forms of ecclesiastical practice to bear within Burgos cathedral.

Finally, an Afterword addresses the question of whether Maurice might be the elusive 'Mauricius Hispanus' whose doctrines were censured in the University of Paris in 1215. Although this question has been raised by a number of intellectual historians over the course of the twentieth century, the lack of detailed study of Maurice himself has hindered attempts to assess the possible connections between the bishop of Burgos and the shadowy scholar behind the prohibition. It remains, as such, a question to be reopened once Maurice has been rather more fully revealed. This Afterword considers the evidence in favour of a positive identification, although proof of the connection between these two figures remains elusive.

There are five appendices attached to this thesis, all presenting documents that have an important bearing on Maurice's life and career, several of which have remained unpublished and in, the case of Appendices Three and Four, absent even from archival catalogues. The first of these concerns Maurice's canonical career, and is an English translation of an Arabic charter

from October 1209, in which Maurice negotiated with a Jewish Toledan family.⁶³ Appendix Two provides a transcript and translation of an important unpublished charter which, although very short, elucidates the role of Maurice and Archbishop Rodrigo in the marriage of the Princess Berenguela to King John of Jerusalem in 1224. Appendix Three is a transcription and translation of a document drawn up in 1227 by Maurice, concerning the lighting arrangements of Toledo cathedral. This remarkable moment of interference in the liturgy of Toledo comes in the wake of Maurice's efforts to organise the *opus luminarium* whilst a canon at Toledo cathedral in 1213. The fourth appendix is a transcription and translation of Maurice's arrangements for his own memorial celebrations, for which purpose he founded two chaplaincies at the altar of St Peter in the new cathedral. This extremely important document, located in Burgos cathedral archive, was unknown to Serrano and is referred to as lost by later historians. It was drawn up in November 1230 and is an original manuscript bearing Maurice's seal. Finally, Appendix Five is a revised edition and translation of the *Concordia Mauricana*, the constitution for Burgos cathedral also drawn up in November 1230, based on the two existing original manuscripts. Although Serrano included a transcription of this in his *Don Mauricio*, his was based on just one of the manuscripts and contains some significant lacunae and mis-transcriptions.⁶⁴ Finally, a map of the diocese of Burgos in the thirteenth century can be found on page 275.

⁶³ A transcription of the Arabic (although containing significant lacunae) has been published by González Palencia, *Los Mozárabes de Toledo*, vol. 1, Doc. 373.

⁶⁴ Serrano, *Don Mauricio*, Appendix XIII.

Chapter 1:

Networks of Power: Archdeacon Maurice and his place in thirteenth-century Castile

Reverend archdeacon Maurice...commendable in learning, outstanding in virtue, brilliant in habits, and distinguished in integrity¹

Mark of Toledo, *Liber Alchorani*, 1210

This description, the longest and most detailed description of Maurice in any contemporary source, was written several years before he rose to episcopal rank. It refers to Maurice whilst he was a canon of the metropolitan see of Toledo, where he served as archdeacon from some point before November 1208, until as late as the spring of 1214 (simultaneously holding the title of bishop-elect of Burgos for much of this final year). These were years during which Maurice stood not only at the heart of the Castilian Church and amongst the culturally diverse and intellectually vibrant milieu of Toledo, but also at the centre of some of the defining political events of the century. He would witness, in 1209, the arrival and establishment in Toledo of Archbishop Rodrigo Jiménez de Rada, one of the most long-lived and influential prelates of the century, and also the victory of King Alfonso VIII against the Almohads at the battle of Las Navas de Tolosa in July 1212. They were also years during which many of the themes, interests and networks that would shape Maurice's whole career can be seen in the making.

However, Maurice's pre-episcopal life has been seriously overlooked. Luciano Serrano devoted just three paragraphs to Maurice's role as canon, which represents the sum of scholarly coverage concerning this period in Maurice's life, with the exception of moments when the archdeacon has been spotted in passing.² And yet, his role in the cathedral of Toledo was far from insignificant. As we shall see, Maurice held at least one, and perhaps two, of the most prestigious canonical posts in the cathedral, and had an influence and authority in the chapter that is hard to account for on the basis of rank alone. He was a central figure in the cathedral,

¹ Reverendus Mauricius archidiaconus...litteratura commendabilis, virtutibus insignis, moribus perspicuus, honestate praeclarus, from M-T. d'Alverny and G. Vajda, 'Marc de Tolède, traducteur d'Ibn Tumart', *Al-Andalus*, 16:2 (1951), 267.

² Serrano, *Don Mauricio*, p. 22. Maurice appears as archdeacon in González Ruiz, *Hombres y Libros*, also in Pick, *Conflict and Coexistence*. Norman Roth has noted that he was a protagonist in an Arabic charter in 1209: 'these are quite famous figures in medieval Spanish history, yet the existence of these documents (or the identity of the figures in them) has not hitherto been noted or suspected', (Roth, 'New Light on the Jews', p. 202). D'Alverny and Vajda also describe Maurice as 'un bon canoniste' in 'Marc de Tolède', p. 105.

managing economic business and transactions, and also setting up a new prebendary for himself in 1213 in order to shape aspects of the cathedral's liturgy.

Maurice's early career unfolded in a chapter that was highly multicultural. Toledo was also a city where Arabic was the language of the majority of the local Christian population, known by historians as 'Mozarabs', the Christians who had continued to live in Toledo under Islamic rule and whose numbers were swelled in the twelfth century by immigrants fleeing the Almohad south.³ Since the city's conquest by Alfonso VI of Castile in 1085, secular power had been largely in the hands of these Mozarabs, in contrast and sometimes in conflict with the city's cathedral, which had been staffed for much of the twelfth century by French or 'Latin' Castilian prelates.⁴ However, from the final decades of the twelfth century, these Arabic-speaking Christians began to take on roles as canons within the cathedral too, an increasingly powerful group whose resentment at the Navarrese Archbishop Rodrigo and his 'foreign' appointees boiled over into rebellion in the 1230s and the exile of the archbishop himself in 1247.⁵ As we shall see, Maurice worked alongside a number of Mozarabic colleagues in the chapter, and seems to have had some close connections with this community himself.

Indeed, an understanding of Maurice's early life opens a window onto his origins, his trajectory within the Castilian Church, his background, and his contacts and networks. Maurice's origins have in fact been a topic of some long-standing debate. Based on his unusual name – unusual, that is, in Castile, but more common in France and England in this period – eighteenth-century historical tradition held Maurice to have been a foreigner, either French or English, both threads

³ There has been much discussion concerning the term 'Mozarab' and its precise connotations; here, it will be used to refer to Arabic-speaking Christians in Toledo, both those who had remained in the city after 1085 and those who arrived from the south in the mid-twelfth century. See C. Aillet, *Les Mozarabes : Christianisme, Islamisation et Arabisation en Péninsule Ibérique IX-XII siècles* (Madrid: Casa de Velázquez, 2010); Olstein, *La era mozárabe*, pp. 100-141; C. Aillet, M. Penelas, and P. Roisse, Philippe (eds.), *Existe una identidad mozárabe? : historia, lengua y cultura de los cristianos de al- Andalus (siglos IX-XII)*. (Madrid: Casa de Velázquez, 2008); Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences* (Aldershot: Ashgate Publishing Limited, 2008); and others cited below.

⁴ For the principal scholarship on this issue, see: Olstein, *La era mozárabe*, esp. pp. 23-49; Molénat, 'Les Mozarabes'; Hernández, 'La cathédrale, instrument d'assimilation'; Hernández, 'Language and Cultural Identity'; Linehan and Hernández, *Mozarabic Cardinal*; R. Pastor de Togneri, 'Problèmes d'assimilation d'une minorité : les Mozarabes de Tolède (de 1085 à la fin du XIIIe siècle)', *Annales. Économies, Sociétés, Civilisations* 25:2 (1970), 351-390; R. Pastor de Togneri, *Del Islam al Cristianismo: en las fronteras de dos formaciones económico-sociales* (Barcelona: Península, 1975); M. de Epalza, 'Mozarabs: An Emblematic Christian Minority in Islamic Al-Andalus', in Jayyusi, Salma, ed., *The Legacy of Muslim Spain*, 2 vols. (Leiden: L. J. Brill, 1994); and Aaron Moreno, 'Arabicizing, Privileges, and Liturgy in Medieval Castilian Toledo: The Problems and Mutations of Mozarab Identification (1085-1436)', (Unpublished PhD thesis, University of California, 2012).

⁵ F. Hernández, 'Los mozárabes del siglo XII en la ciudad y la iglesia de Toledo', *Toletum*, 16 (1985), 57-124, pp. 70-71; Nickson, *Toledo Cathedral*, pp. 60-65; Hernández, 'La cathédrale, instrument d'assimilation', pp. 82; Linehan and Hernández, *Mozarabic Cardinal*, pp. 3-7.

of argument that Enrique Flórez summarised in 1771.⁶ Luciano Serrano nuanced this position by suggesting that Maurice himself must have been born in Spain but that his family was of English or Gascon descent.⁷

However, whilst details concerning Maurice's immediate family are indeed sparse, as we shall see, we have good reason to believe that Maurice was from a family of some prominence in the Castilian Church, that he had familial connections in a number of dioceses, and that, rather than a foreigner, he was in fact well-established in both the Church and society of Castile, even – perhaps especially – whilst a young man and canon at Toledo. Moreover, rather than being dependent upon Rodrigo Jiménez de Rada for his promotion through the Castilian Church, there is much to suggest that Maurice was rather an obvious candidate for the bishopric of Burgos when it became vacant in the summer of 1212, and that he had some standing at the royal court before he became bishop, a fact that provides an important context for Maurice's later involvement in the accession of Fernando III in 1217.⁸ Attention to the details of his canonical career sheds new light on Maurice's networks and allies, as has the rediscovery of a document composed by Maurice himself in 1230, establishing anniversary prayers in his own memory. Equally, the recent scholarship devoted to the bishops of Alfonso VIII by Carlos de Ayala, Bernard Reilly, Lucy Pick, and Kyle Lincoln, among others, has coloured and populated the clerical world within which Maurice moved in these early years, and permitted an understanding of the wider ecclesiastical and social context within which he lived.⁹

As such, this chapter will put together the disparate evidence for Maurice's early career as canon in Toledo, assessing his role and connections within the networks of power that shaped and governed the Castilian Church. We shall then situate Maurice within the Mozarabic context of Toledo, a community with which he has not previously been associated, but one that clearly

⁶ Flórez and Risco, *España Sagrada*, vol 26, pp. 300-302. For earlier references to this tradition, see Francisco de Berganza, who refers to 'Don Mauricio, de nación inglés'; Francisco de Berganza, *Antigüedades de España: propugnadas en las noticias de sus reyes y condes de Castilla la vieja* (Madrid: Francisco del Hierro, 1719), p. 351. This has continued to echo in contemporary scholarship, for example, the reference in Garcia y Garcia, *Synodicon Hispanum* vol. 7, p. 12, that Maurice was probably not Spanish; 'probablemente oriunda de Inglaterra o de Gascuña', and also, Manuel Alonso Alonso, *Temas filosóficos medievales: Ibn Dāwūd y Gundisalvo* (Santander: Pontificia Universidad Camillas, 1959), pp. 149-150.

⁷ Serrano, *Don Mauricio*, p. 20.

⁸ As suggested by Serrano: both Maurice's canonical and episcopal promotions were due to 'la amistad existente entre ambos personajes', *Don Mauricio*, p. 22.

⁹ de Ayala, 'Los obispos de Alfonso VIII'; *idem*, 'Breve semblanza de un arzobispo de Toledo en tiempo 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* 1 (2012), 355-362; Reilly, 'The accession of Rodrigo'; Pick, *Conflict and Coexistence*'; K. Lincoln, 'A Note on the Authorship of the Collectio Seguntina', *Bulletin of Medieval Canon Law*, 33 (2016), 137-144.

constituted an important part of his life, and with which he seems to have had a meaningful connection of some sort. Finally, we shall analyse the sparse but important evidence concerning Maurice's family and network of mentors and promoters, revealing connections that span the length of the ever-expanding kingdom of Castile.

1. The illustrious archdeacon

Inside the cathedral

As archdeacon of Toledo, Maurice stood at the very centre of this powerful and culturally diverse chapter. His was an office with considerable prestige, and his power was second only to that of the archbishop himself in all business outside of the cathedral. The archdeacon was, in Rivera's terms, 'the executive arm of the bishop and most of the time his successor', and indeed, numerous archbishops of Toledo had held the post, both before and after Maurice's time in office.¹⁰ The archdeacon was supported by an archidiaconate, a territory of some size over which he had supreme financial and jurisdictional control and responsibility. As the cathedral of Toledo grew over the course of the twelfth century, additional archidiaconates were added to that of Toledo, and thus we see, alongside Maurice, the archdeacons of Talavera, Madrid and Guadalajara regularly appearing in cathedral records, although the archdeacon of Toledo was of superior rank to these.¹¹ The post was 'the church of Toledo's most highly valued prize after the archbishopric itself', and this seniority is generally reflected in Maurice's appearance at the top of witness lists, often followed by the names of other archdeacons and chapter dignitaries, such as the dean, the cantor, and the treasurer.¹²

In line with his post, he was frequently involved in financial transactions with the outside world. The first time on which Maurice can be indisputably identified is in a charter made on 25th November 1208, in which *M archideaconus Toletani* signed as witness to a transaction between

¹⁰ Rivera, *La iglesia*, vol 2, p. 34. González Palencia has argued that the dean was more important, but he has been overridden by modern scholarship on the matter; González Palencia, *Los Mozárabes de Toledo*, vol 1, pp. 176-180.

¹¹ Rivera suggests that there was also an archidiaconate of Calatrava in Toledo at this time, but we don't see any trace of him during Maurice's time there (Rivera, *La iglesia*, vol 2, pp.34-35). There are also more unusual references to the archdeacon of Cuellar and of Arévalo.

¹² Linehan and Hernández, *Mozarabic Cardinal*, pp. 35-36. See also, González Palencia, *Los Mozárabes*, vol 1, pp. 176-180; and F. Pérez Rodríguez, *El dominio del cabildo catedral de Santiago de Compostela en la edad media: siglos XII – XIV* (Santiago, 1994), p. 173, who points out that 'los arcedianos vienen a ser representantes plenipotenciarios episcopales en los distritos que les corresponden'.

a canon from the recently-established see of Cuenca and the chapter of Toledo.¹³ He also acted as witness to a grant by the cathedral chapter of several mills in June 1209.¹⁴ In October of the same year, Maurice, referred to as ‘the illustrious archdeacon maestro Maurice’, can be seen doing business with a high-ranking Jewish family in Toledo, in an Arabic charter, in which he acted as ‘the hand of Rodrigo’ and the archbishop’s ‘agent’.¹⁵

More detailed agricultural knowledge appears to be evident in a charter from 5th July 1211, in which Maurice stipulated the conditions for the renting out of cathedral lands in Arcicóllar to twelve men and women, to whom he gave some surprisingly detailed instructions about the cultivation of vines.¹⁶ In September of the same year, he was appointed usufruct of a property belonging to the Castilian noble Diego López de Haro, and donated to the cathedral to establish a memorial for his soul.¹⁷ Maurice was also described as the ‘administrator’ of another church in Toledo, that of San Félix, being recorded on 14th January 1212 as *magister M Toletane sedis archidiaconis et procurator rerum ad ecclesiam Sancti Felicis* – although quite what this entailed remains unclear.¹⁸

He also made some large donations to the chapter himself. On 29th July 1213, two priests, Pedro and Ramón Arpín, confirmed that they had purchased a vineyard in Illescas in Maurice’s name and with his money, and ‘in the presence of the aforementioned archdeacon’.¹⁹ On the same day, Maurice granted this same piece of land to Toledo cathedral.²⁰ A further 600 maravedis was spent in Maurice’s name in February 1214, again buying a plot in the same territory, which was donated to the cathedral in April 1214, signed by Maurice’s own seal, the last occasion on which he was to be referred to as archdeacon of Toledo cathedral.²¹

However, Maurice’s power in the cathedral of Toledo was not solely economic. He seems to have had a close relationship with Archbishop Rodrigo, and was the first canon to witness and subscribe Rodrigo’s memorial arrangements, established in November 1211, most likely in

¹³ CT, Doc 298, witnessing a transaction between one Pedro Dominguez of Illescas, canon of Cuenca, and the chapter of Toledo.

¹⁴ CT, Doc 304.

¹⁵ See below.

¹⁶ CT, Doc 317. The charter contains some surprisingly detailed orders: whilst the vines are too young to prune, they should be hoed three times a year, but when they are old enough, they should be dug, pruned, hoed and harvested, under threat of repossession by the cathedral.

¹⁷ CT, Doc 321.

¹⁸ CT, Doc. 324; for the full text, see Archivo Histórico Nacional (AHN) L.996 ff. 72-73 (pp. 74-75).

¹⁹ CT, Doc 333; ‘Acta sunt hec apud Hyliescas...in presencia iamdicti archidiaconi’. Illescas had belonged to the cathedral in the twelfth century but no longer did by 1213: see Molénat, *Campagnes et monts de Tolède du Xlle au XVe siècle* (Madrid: Casa de Velázquez, 1997), p. 388.

²⁰ CT, Doc 334.

²¹ CT, Docs 343 and 346.

anticipation of the battle of Las Navas the following year.²² Perhaps most strikingly, Maurice also contributed personally to the development of the liturgy in Toledo in the summer of 1213, effectively lobbying the archbishop to be appointed to oversee the control of the cathedral's lighting arrangements.

The early years of the thirteenth century were a formative time for the regulation of liturgy and ecclesiastical practice in Toledo, as Tom Nickson has pointed out.²³ On 21st June 1213, the archbishop issued a charter erecting a new office within the chapter; the management of the cathedral candles. It was established at Maurice's 'insistence' (*ad eius instanciam*); indeed, 'he insisted day and night', the archbishop repeats.²⁴ Maurice had evidently brought up the insufficiencies of the lighting with the archbishop on many occasions, since Rodrigo informs us that 'very frequently we discussed this, and discussing we were gravely pained'.²⁵

Indeed, Maurice had forced the issue somewhat by making a donation of one thousand golden morabetinos to provide 'honourably' for the lighting himself, a sum that suggests that he had substantial financial resources of his own.²⁶ The charter of 21st June consolidates and regularises Maurice's position, establishing a canonical income for the management of the cathedral lighting, for which purpose Rodrigo assigned the income from the village of Cabañas de la Sagra. And of course, the canon appointed to this new position was no other than archdeacon Maurice himself:

Truly, it pleases us to add that the condition of the afore-written donation is that the abovenamed archdeacon Master Maurice should have full and unimpeded power in regulating these lights, and if anything is decided in a deed, signed with his seal, regarding the way in which the aforementioned income from Cabañas should be expended on the lights of the abovementioned church of Toledo, it should be observed in perpetuity.²⁷

²² CT, Doc 323. Rodrigo in fact went on to live until 1247, and the charter informs us that he was taking precautions in case 'divina potestas nos ab hac vita fragili evocaret'.

²³ Nickson *Toledo Cathedral*, p. 112.

²⁴ ACT, A. 11.A. 1.1; see also CT, Doc 332; although Hernández does not provide the text of this document. A transcription by Fidel Fita can be found at *Boletín de la Real Academia de la Historia*, 11:6 (1887), 437-440, p. 437; 'Karissimi nostri in christo Magistri Mauricii toletane Sedis Archidiaconi intentionem laudabilem et honestum propositum meritumque...apud nos die noctuque institit ut iamdictae ecclesie nostre curarem in luminaribus honorifice providere'.

²⁵ *Ibid*, p. 438, 'Nos et ipse et omnes alii...videremus defectum enormem et intolerabilem patientem et in luminaribus et de hoc sepiissime tractarem et tractando gravissime doleremus'.

²⁶ *Ibid*, p. 438, 'Iamdictus Archidiaconus nobis larga manu servivit dans mille morabetinos et apud nos die noctuque institit ut iamdictae ecclesie nostre curarem in luminaribus honorifice providere'.

²⁷ *Ibid*, p. 438, 'Hanc vero conditionem prescripte donationi nostre placuit nobis inseri, quod prenominatus Magister Mauricius Archidiaconus ordinandi ipsa luminaria plenam et liberam habeat potestatem; et sicut ipse statuerit in instrumento, sigillo suo signato, quemadmodum dicti redditus de cabannas in luminaribus sepe dictae toletane ecclesie expendantur, ita perpetuo observentur'.

This is a striking indication of Maurice's influence in the chapter of Toledo and his proximity to the archbishop – a status that he used to fundamentally change the liturgical celebrations in Toledo, as well as to receive a second (or perhaps third, if his title in San Félix came with a wage) prebendary income for himself. Lighting was a serious issue in the darkness of a pre-Gothic cathedral, and not least in the cathedral of Toledo in 1213, which was still the building of the city's former mosque.²⁸ It seems to have been a popular decision by Maurice, since the charter is signed by 27 individual canons. Just six weeks later, on 31st July 1213, another charter was issued, this time by Maurice himself in his new role, stipulating that twelve candles, each weighing 2.5 pounds, should be lit and kept 'in loco competenti' for vespers, matins and terce on major feasts, which Maurice defines as Easter, Pentecost, the Assumption, All Saints, Christmas, the feast of St Ildefonsus (23rd January), the feast of St Eugene (2nd June) and the birth of the Virgin.²⁹

Maurice's insistence on the creation of a new, constitutional office for himself is unprecedented in the cathedral archives; nowhere else do we encounter such clear evidence of personal agency vis-à-vis Archbishop Rodrigo. It was a post Maurice can hardly have held for long, since he was already appearing as electus of the see of Burgos by the summer of 1213 (see below). Rodrigo had also appointed a deputy, canon Hylarius, to take over this role in case Maurice should 'be taken away from our church, either in life or in death': clearly, his removal 'in life' was a far more pressing concern at this juncture.³⁰ However, in his constitution for the cathedral chapels, written in 1238, Rodrigo made no mention of the management of their lighting: either this office had lapsed by then, or it went unmentioned in the new arrangements for some other reason.³¹

Noble and royal circles

However important his role was in the chapter of Toledo, there is also substantial evidence that Maurice was influential in high-flying political and social circles outside of the cathedral in these years too – notably whilst still a canon and before he had achieved the socially significant rank

²⁸ *Mozarabic Cardinal*, p.8; T. Nickson, 'Copying Córdoba? Toledo and Beyond', *The Medieval History Journal* 15:2 (2012), 319-354.

²⁹ This document is recorded in CT, Doc 335, although the text is not supplied. For the original manuscript, see ACT, A. 11. A. 1.4 and for an early cartulary copy, see AHN, L. 996, fol. 33 (p. 35). A partial transcription can be found in J. Rivera, *San Eugenio de Toledo y su culto* (Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, 1963), pp. 64-65.

³⁰ Fita, *Boletín de la Real Academia*, pp. 438-9 'Quod si domnus Ylarius post dictum Archidiaconum vel in vita vel in morte de ecclesia nostra sublatum superstes fuerit'.

³¹ CT, Doc 450.

of bishop. Indeed, by 1210, Maurice seems to have had a reputation as a figure of social prominence and training, perhaps in canon law, and to have acted as judge in the diocese of Burgos. In this year, Maurice was appointed no fewer than five times to the role of 'papal judge-delegate', a judicial position rubberstamped by the Pope but, at least in local cases, selected by the plaintiff.³² In these cases, the plaintiff was the bishop of Burgos, Bishop García de Contreras (1206-1211), and the cases upon which Maurice was called to bring judgement all concerned García's struggles against three different monasteries in Burgos. The details of these cases are discussed in Chapter Three, but it is certainly significant that Maurice was called upon to judge. Clearly, despite having only been visible in the Toledan archives for eighteen months, Maurice was a figure on whom the bishop of Burgos could rely, and was known in the area, most likely through familial ties and perhaps connections in Maurice's earlier years of which we have no record.

Moreover, it is clear that archdeacon Maurice was personally known to one of the great noble families to dominate Burgos, the Haro family, whose territories were largely based along the borderlands between the kingdoms of Navarre and Castile, including the Rioja and Nájera, Vizcaya, Alava and much of Burgos as well as the north of Calahorra.³³ In 1211, Diego López de Haro named the archdeacon when granting the town of Mazaravea to Toledo cathedral in September of that year.³⁴ Indeed, his grant of the town was conditional on Maurice being in charge of its management:

I say that I give and concede the same town entirely as I have done to the aforementioned chapter of the see of Toledo, on such condition that Master M archdeacon of Toledo should have the said town and should receive and conserve all income and returns that come from it, and, with the knowledge, will and blessing of the aforesaid chapter, should purchase with the same income an inheritance which he should grant for the use and ownership of the aforesaid chapter for my anniversary every year.³⁵

³² For more details about Maurice's role as judge-delegate, see Chapter Three.

³³ 'The tenancy of Nájera in the Rioja remained the preserve of the Haro family from the middle of the eleventh century onwards'; Simon Barton, *The Aristocracy in Twelfth-Century León-Castile* (New York: Cambridge University Press, 1997), pp. 108 and 263. He adds that the Haros held Alava, Haro, Nájera, la Rioja, and Vizcaya, amongst others. See also J. de Leza, *Los López Díaz de Haro, señores de Vizcaya, y los señores de Cameros, en el gobierno de La Rioja durante la Edad Media (1016-1334)* (Logroño: Imp. Librado Notario, 1954); also G. Baur, 'Los ricos hombres y el rey en Castilla: El linaje Haro, 1076-1322', *Territorio, Sociedad y Poder : Revista de Estudios Medievales*, 6 (2011), 53-72.

³⁴ CT, Doc 321, and see above.

³⁵ *Ibid*, 'Dono inquam et concedo dictam villam integre, sicut habeo, nominato capitulo Toletane sedis talis condicione, ut magister M Toletanus archidiaconus, teneat ipsam villam et percipiat omnes redditus et proventus ex ea provenientes et conservet et, cum conciencia et voluntate et beneplacito sepedicti

Again, whilst there is no indication as to how Diego López knew Maurice and why he might have valued his skills as estate manager whilst the latter was still a canon, it is clear that some connection, whether familial or otherwise, must have existed between Maurice and the higher echelons of society in the Burgos area.

There is also evidence to suggest that Maurice was known personally by King Alfonso VIII whilst still a canon in Toledo. In a royal charter recording the gift of a recently-conquered town – Durango – in Navarre to Diego López de Haro, Maurice appears on the witness list, not as one of the many nobles who had ‘confirmed’ or ‘subscribed’ their presence, but listed separately at the bottom of the charter as ‘Magister Mauritius, *postulante rege*’.³⁶ The document was made in the far south of Castile, in the town of Solana, in December 1212, where evidently, Maurice was present ‘at the request of the king’. His name seems to be separate from those of the noble witnesses, and as we have stated, is not followed by the standard rubric. Yet nor is he categorically listed as a functional member of the curia, unlike the notary, Pedro Ponz, and scribe, Diego García, who both appear on this document too.

It is not at all clear what the term *postulante rege* implies. The term is not used in any other charter issued by Alfonso VIII, nor does it appear to be used by his immediate successors. Unlike the formulaic repetition of names on the witness lists of thirteenth-century Castile, this unusual wording clearly indicates that Maurice himself was present at the making of the charter. It would seem that Maurice had a function at the royal curia, at least as regards this charter, but no particular office to accompany it. Kyle Lincoln has recently suggested that it was not unusual for talented clerics to hold a non-official advisory function in a context of growing royal and governmental reliance on canon law, and it would seem that this reference to Maurice was along these lines.³⁷ Indeed, his earlier preferment on the two occasions discussed above would support the idea that Maurice was highly regarded for his education, likely including canon law training, which might go some way towards explaining his appearance in this charter in December 1212. Moreover, it is surely no coincidence that the document in question concerned a grant by Diego López de Haro, and a town that was, once again, on the north-eastern border of Castile with Navarre.

capituli, emat de ipsis redditibus hereditatem quam cedat in utilitatem et proprietatem capituli nominati pro anniversario meo singulis annis’.

³⁶ *Alfonso VIII*, Doc 901; there is no original copy of this document extant, only a nineteenth-century transcription, which is held the monastic archive of San Millán de la Cogolla, *Colección Minguella*, Doc 507.

³⁷ See Lincoln, ‘A Note on the Authorship’, pp. 137-144. Lincoln points out that Master Micha and Master Gerald, both listed as notaries, were probably of the same sort of office.

It is worth pointing out that this connection to the royal court before Maurice's episcopal appointment becomes even more significant in the light of subsequent political events in Castile. On the death of Alfonso VIII's son and heir, Enrique I, in 1217, Maurice, along with Bishop Tello of Palencia and Archbishop Rodrigo, appears to have played a part of political prominence, as has been noted both by Serrano and by modern historians of Castile, such as Janna Bianchini.³⁸ He was one of the bishops sent to collect Enrique's body and to bury it at Las Huelgas, as we are informed in *De Rebus Hispanie* and the *Chronica Latina*.³⁹ He was also one of the trusted clerics at Berenguela's side in Valladolid in 1217, when she abdicated from her claim to the throne and publicly declared her son Fernando III to be king.⁴⁰ Of course, as Kyle Lincoln has pointed out, such acts of public support were only to be expected of prominent bishops.⁴¹ However, Maurice's status as a trusted royal ally in these potentially delicate political tasks can only have been enhanced by the fact that he was known by Alfonso VIII, Berenguela's father, and present at the royal court 'at the request of the king' before his appointment to episcopal office.

The time and place at which this charter was made should also be noted. Solana lies in the south of Castile, approximately half way between Toledo and the town of Las Navas de Tolosa, the site of the battle that had taken place just a few months previously, in July 1212. The chronicles of course make no mention of the presence of any individual members of the non-episcopal clergy, but there are many references to Archbishop Rodrigo, who was both present at the battle and highly influential in organising and promoting it.⁴² Several prominent Castilian bishops died at or shortly after the battle, including the bishop of Burgos, Juan Maté, who died on 18th July 1212, just two days after the battle, almost certainly from wounds sustained during the action, as Carlos de Ayala has pointed out.⁴³ Maurice was thus at the king's side after a major battle (in which he had most likely been involved), and shortly after the episcopal see of Burgos had become vacant.

In the early years of the thirteenth century, the king could be, and often was, the most significant factor in the appointment of new bishops in Castile, as Bernard Reilly has demonstrated recently.⁴⁴ In particular, Reilly has revealed the hand of Alfonso VIII behind the accessions of

³⁸ Bianchini, *The Queen's Hand*, pp. 125-139.

³⁹ *De Rebus Hispanie*, IX. 6; *Chronica Latina*, p. 53. Also Bianchini, *The Queen's Hand*, p. 125.

⁴⁰ *Chronica Latina*, p. 53; and Bianchini, *The Queen's Hand*, p. 134.

⁴¹ Kyle Lincoln, 'The Episcopate in the Kingdom of Castile during the Reign of Alfonso VIII' (r. 1158-1214) (University of St Louis: Unpublished PhD Thesis, 2016), p. 7; a point made by many others, including De Ayala, 'Los obispos', p. 165, and B. Reilly, *The Kingdom of León-Castilla under King Alfonso VII, 1126-1157* (Philadelphia: University of Pennsylvania Press, 1998), p. 267.

⁴² See Chapter Two

⁴³ De Ayala, 'Los obispos', p. 159.

⁴⁴ Reilly, 'The accession of Rodrigo', pp. 444-447.

Martín López de Finojosa, bishop of Sigüenza (1186-1192), his nephew Rodrigo de Verdejo, in the same see (1192-1221), Tello Téllez de Meneses of Palencia (1208 -1246) and Archbishop Rodrigo Jiménez de Rada in Toledo (1208-1247). Indeed, Reilly has suggested that Alfonso was following a policy of purposefully appointing clerics from Navarrese noble families – as Rodrigo Jiménez and both bishops of Sigüenza were – as bishops in Castilian dioceses, in an attempt to consolidate royal authority over the newly conquered Navarrese territories, incorporated into Castile in the 1190s.⁴⁵ Rodrigo Jiménez de Rada certainly maintained Navarrese links throughout his life, and was buried in the north-eastern borderland monastery of Santa María de Huerta, as stipulated in a will he wrote many decades previously, whilst a student in the university of Paris.⁴⁶

Although Maurice's accession to the see of Burgos has often been placed in the summer of 1213, which is when he first appears in the royal witness lists as bishop elect, in fact the earliest reference to his status as electus of Burgos is considerably earlier. The Burgalés monastery of Santa María de Bujedo records Maurice as electus in February 1213, barely two months after he had been with the king in Solana.⁴⁷ It is, then, highly suggestive that Alfonso VIII was instrumental in Maurice's promotion, and most likely designated him as the next bishop not long after the death of Juan Maté.

Maurice's apparent links with Burgos, with the Haro family, and with the crown in the immediate aftermath of Las Navas beg the question of whether his appointment to the see of Burgos was another attempt by Alfonso VIII to strategically appoint bishops with connections on the Navarrese border to important Castilian sees. Unlike Rodrigo Jiménez de Rada or the two Finojosa bishops, there is no conclusive evidence that Maurice had any familial links in the region, but, as Kyle Lincoln has pointed out, even in the absence of a specific royal policy, the combination of royal favour and support of the local nobility was an irresistible combination in the appointment of a new bishop.⁴⁸ As a result, it seems highly suggestive that the king himself was the principal actor in the appointment of the new bishop of Burgos.

Such an appointment would hardly be unprecedented in Burgos. There were two models of episcopal appointment that seem to have been followed in that see: the alternative to royal

⁴⁵ *Ibid*; indeed, Rodrigo Jiménez's mother was related to the Navarrese royal house. See also de Ayala, 'Los obispos', pp. 160-161.

⁴⁶ This document has been published by José Antonio García Lujan (ed.), *Cartulario del monasterio de Santa María de Huerta* (Almazan: Monasterio de Santa María de Huerta, 1981), Doc 71.

⁴⁷ S. Ruiz de Loizaya (ed.), *El Libro Becerro de Santa María de Bujedo de Candepajares (1168-1240)* (Miranda de Ebro: Fundación Cultural "Profesor Cantera Burgos", 2000), Doc. 142.

⁴⁸ Lincoln, 'The Episcopate in the Kingdom of Castile', pp. 18-21.

selection was the election of a member of a local family who dominated the chapter. We see both amongst Maurice's immediate predecessors. Indeed, members of one family had dominated the see in the final decades of the twelfth century, comprising Pedro Pérez (1156-1181), his relative Marino Maté (1181-1200), who was part of the 'chapter oligarchy' of Burgos, and Mateo (1200-1202), who was also likely to have been from the same family.⁴⁹ Juan Maté, who was elected by the chapter in 1211 and died in July 1212, was also seemingly part of this family. However, Fernando González (1202-1205), was a relative of Alfonso VIII, and his successor, García de Contreras (1206-1211), was also apparently appointed to the see by the king. García was foreign to the chapter, and Carlos de Ayala has suggested that he was very likely to have been from Al-Andalus.⁵⁰ It should be stressed that a royal appointment did not always ensure that the bishop remained on close terms with the king; Fernando González protested fiercely at Alfonso's appropriation of church properties, even appealing to the pope, and is considered to have been poisoned by undiscerned (but probably royal) enemies in 1205.⁵¹

Maurice, it seems, may have fulfilled both criteria; supported by the king, and also known to one of the powerful noble families that dominated the region. Additionally, there is some evidence to suggest that he was related to a former bishop of Burgos, although there is no means of determining which one, as we shall discuss below. Nonetheless, it is clear that his political and social status was considerable even before he reached the dignity of episcopal office.

Master Maurice

It is important at this juncture to address Maurice's status as *magister*, a term that accompanied his name in the records for these years with notable persistence. Diego López de Haro referred to Maurice as *magister*, as did Alfonso VIII. Most of the references to Maurice as archdeacon in the documents of Toledo cathedral also use the term, and Maurice refers to himself thus too in July 1213: 'ego magister Mauritius'. One of the earliest references to Maurice in Burgos cathedral, in June 1213, describes him as 'electo en Burgos, maestro Mauriz de Toledo'.⁵² His status as *magister* had travelled with him. Perhaps even more significantly, the Arabic charter in which Maurice appears in October 1209 also employs the term, and notably, uses a

⁴⁹ de Ayala, 'Los obispos', pp. 158-159; and Gonzalo Martínez Díez, 'Obispos medievales de la era románica (1082-1214)', in Bernabé Bartolomé Martínez (ed.), *Historia de las diócesis españolas 20. Iglesias de Burgos, Osma-Soria y Santander* (Madrid: Biblioteca de autores cristianos, 2004), pp. 43-77, pp. 66-69.

⁵⁰ De Ayala, 'Los obispos', p. 158.

⁵¹ *Ibid*, p. 158 and 184-5.

⁵² DCB, Doc 457.

transliteration of the Castilian form – ‘maestro Mauriz’ or ‘میشتره موريسد’ – rather than a translation into Arabic. Clearly, the term itself had a significance that was widely recognised.

What this significance may have been is harder to identify. Whilst it was an indication of educational distinction, it could be, as Olga Weijers has pointed out, a somewhat nebulous term in the early thirteenth century, and used in a variety of ways.⁵³ Used within the universities of Paris and Oxford to distinguish those who had obtained the *licentia docendi* from their students, the term had specific connotations within these circles, although even within the universities, many masters did not actually teach but had taken the title on completing their studies.⁵⁴ Many university-educated clerics retained their title of *magister* once they returned home, but it must also be noted that outside of the universities, the term could have even more flexibility. Depending on the educational context and societal norms, the term could also denote a cleric who had studied (often abroad) to a higher level than most of his fellows, or alternatively, to indicate seniority in a particular trade (such as amongst masons).⁵⁵ In a cathedral chapter such as Toledo, frequented by highly educated canons from across Europe, the term can be expected to denote a degree of educational seniority, but there can be no certainty as to its precise implications.⁵⁶

As such, it is instructive to survey, as far as possible, the education attained by other *magistri* in Maurice’s vicinity. Bishops often seem to have lost the title after having taken on episcopal office, as was the case with Maurice. Perhaps his most well-known contemporary is Archbishop Rodrigo, who, although known only by episcopal and archiepiscopal titles in his lifetime, was referred as *magister theologiae* in his epitaph.⁵⁷ There is clear evidence of his education in Paris,

⁵³ O. Weijers, *Terminologie des universités au XIII siècle* (Rome: Ed. dell’Ateneo, 1987), pp. 133-142.

⁵⁴ *Ibid*, p. 136; see also M. Teeuwen, *The Vocabulary of Intellectual Life in the Middle Age* (Turnhout: Brepols, 2003), pp. 95-97; J. Baldwin, *Masters, Princes and Merchants: The Social Views of Peter the Chanter and His Circle*, 2 vols (Princeton: Princeton University Press, 1970), vol 1, pp. 179–85; also *idem*, ‘Masters at Paris from 1179 to 1215: a social perspective’, in Benson, R., and Constable G., eds., *Renaissance and Renewal in the Twelfth Century* (Cambridge, MA: Harvard University Press, 1982), pp. 138–72, pp. 154–7; and Southern, ‘The schools of Paris and the school of Chartres’, in Benson, R., and Constable G., eds., *Renaissance and Renewal in the Twelfth Century* (Cambridge, MA: Harvard University Press, 1982), pp. 113-138. Compare Serrano’s view: ‘la mayoría de los que en aquella época ostentaban títulos académicos, habíanlos ganado en París u otras Universidades extranjeras’, Serrano, *Don Mauricio*, p. 21.

⁵⁵ Weijers, *Terminologie*, p. 139. The term *magister* was in use in France and England from the 1130s; see, Barrow, *Clergy in the Medieval World*, 209-210.

⁵⁶ It should be noted that the term was often expanded for greater precision, to denote which faculty the master had attended, see Teeuwen, *Vocabulary of Intellectual Life*, pp. 95-6. For more on the titles applied to scholars of law, see R. Feenstra, ‘Legum doctor’, ‘Legum professor’ et ‘magister’ comme termes pour designer des juristes au moyen age’, in Weijers (ed), *Terminologie de la vie intellectuelle*, pp. 72-77.

⁵⁷ See above, note 48; and J. Fernández Valverde, *Rodrigo Jiménez de Rada, Historia de los hechos de España* (Madrid: Alianza Editorial, 1989), p. 18.

where he spent at least four years, and where he was in 1201 when he wrote his will.⁵⁸ Carlos de Ayala has also suggested that he most likely spent four more years at the legal *studium* in Bologna.⁵⁹

Melendus, bishop of Osma between 1210 and 1225, was another *magister* and even appears as such in the archives of Palencia cathedral after having assumed episcopal office.⁶⁰ He was a canon lawyer of considerable renown, who had studied in the *studium* at Bologna.⁶¹ Maurice's nephew, Juan de Medina de Pomar, whom we shall discuss below and who would succeed Rodrigo as archbishop, was also a *magister*, and studied at the university of Paris. He seems to have been referred to by this title once he began studies in Paris, in the mid-1230s, whilst he was an archdeacon in Burgos.⁶²

In fact, non-episcopal masters are often easier to identify, since they still carried their academic title, although conversely, we have far less information about the canons than their bishops. *Magistri* can be found in most Castilian cathedral chapters during the early thirteenth century, although there was a considerable variety as to their frequency, and peaks and troughs in masters appear to be linked to individual bishops and their priorities.⁶³ It is worth noting that Mark of Toledo, deacon of that cathedral and a prolific translator from Arabic into Latin, who had studied medicine abroad, most likely in Montpellier, was not referred to as 'master' at any point.⁶⁴ Indeed, surprisingly, given the number of scholars and translators from across Europe resident in the city, the term was not especially common amongst the canons of Toledo cathedral during Maurice's career there: indeed, he is the only canon there to whom the term is applied between 1208 and 1214, with one exception (in a Latin document from June 1213, where we encounter a 'Master April, canon').⁶⁵ The translator Magister Iohannes Hispanus

⁵⁸ *Ibid*, pp. 18-19.

⁵⁹ Ayala, 'Los obispos', pp. 157 and 178.

⁶⁰ On 29th July 1211, he refers to himself in this way: 'nos, magister Melendus, Dei gratia oxomensis episcopus', in Abajo Martín, *Documentación de la catedral de Palencia*, Doc 128.

⁶¹ See Chapter Three. Also, de Ayala, 'Los obispos', p. 165. For more on the terminology surrounding legal training in the Peninsula, see A. García y García, 'La terminología en las facultades jurídicas ibéricas', in O. Weijers (ed), *Actes du colloque: Terminologie de la vie intellectuelle au moyen age* (Turnhout: Brepols, 1988), pp. 65-71.

⁶² See below.

⁶³ See Chapter Five for an analysis of the situation at Burgos.

⁶⁴ d'Alverny and Vajda, 'Marc de Tolède', pp. 107-109.

⁶⁵ CT, Doc 332, 'Magister Aprilis canonicus'. In his examination of the Arabic documentation, González Palencia identifies very few others besides our subject; just one 'Maestro Guillum' in 1240, and two other maestros in the 1250s.

merited the title however, as did Gerardus *dictus magister*, otherwise known as Gerard of Cremona, although we know extremely little about the background of either figure.⁶⁶

Maurice's magisterial title seems thus to suggest that he was educated, at least in part, in one of the major European *studia*, or perhaps more than one – a suggestion that is underscored by his high status in Castile whilst still a canon. Carlos de Ayala, in line with Serrano and long-standing tradition, suggests that a Parisian education was most likely: 'en París, probablemente compartió [Rodrigo] inquietudes intelectuales con el futuro obispo de Burgos, Mauricio'.⁶⁷ Maurice had a variety of connections with Paris throughout his life, as we shall discuss throughout the course of this thesis, and it is highly likely that he did indeed study there before entering the Castilian Church. However, given Maurice's apparent legal expertise, it is also very possible that he spent time in Bologna too, a trajectory pursued by his colleague Archbishop Rodrigo.

Maurice's education background and intellectual identity will remain a point of discussion throughout this thesis, but on more practical terms, it is as a consequence of this distinctive epithet that we can perhaps identify Maurice's presence in the Toledo chapter at an earlier date. On 5th April 1208, a charter made to resolve the debt of canon Arnaldo to the then Archbishop Martín was witnessed by one '*M. magister scholarum*'.⁶⁸ This is seven months before Maurice's first appearance as archdeacon. The recording of clerical titles is inconsistent across the Toledan archives, and the previous reference to a *magister scholarum* is in November 1199, when 'J', who Charles Burnett suggests may be 'Master Iohannes Hispanus', signs as witness.⁶⁹

From the early twelfth century, this title had been applied to the cleric in charge of scholarship – to a more or less exalted degree – and the education of canons in cathedral chapters.⁷⁰ And although, as Julia Barrow has pointed out, those known as *magistri* did not necessarily always teach in cathedral chapters, it is nonetheless the case that the canon appointed to direct the

⁶⁶ C. Burnett, 'Magister Iohannes Hispanus: Towards the Identity of a Toledan Translator', in *Comprendre et maîtriser la nature au Moyen Age : Mélanges d'histoire des sciences offerts à Guy Beaujouan* (Geneva : Droz, 1994), pp. 425-436, pp. 432-433. Also R. González Ruiz, 'El traductor maestro Juan de Toledo, una propuesta de identificación, in Homenaje a Rivera Recio', *Toletum*, 11 (1981), 177-189; Burnett, 'The Coherence of the Arabic-Latin Translation Programme', pp. 252-253; and Burnett, 'The Translating Activity', p. 1045.

⁶⁷ De Ayala, 'Los obispos', p. 178.

⁶⁸ It should be noted that González Palencia does not record the existence of either 'M.' or 'G. magister scholarum', from April and November 1208 in his list of 'maestresculae', as they do not appear in the Arabic documentation. He does record a 'Iohannes' in the role from 1192-1197 and another canon from 1257; González Palencia, *Los Mozárabes de Toledo*, vol 1, p. 177.

⁶⁹ CT, Doc 268. See Burnett, 'Magister Iohannes Hispanus', p. 433.

⁷⁰ Weijers, *Terminologie*, p. 139.

education of his fellows would be expected to be one of the more highly trained of the chapter.⁷¹ As such, of the several possible 'M's within Toledo cathedral in these years, Maurice, the only one to be described as *magister*, would seem to be the most likely candidate for this post of *magister scholarum*.⁷²

There is then no way of telling whether this 'M' from April 1208 served as *magister scholarum* from as early as 1199 or whether he had just been appointed before he appears on the witness list. Regardless, we can be sure that he did not remain in the position long after April 1208, as another canon, who signs with the initial 'G', is recorded as *magister scholarum* in November of the same year, on the same witness list as our first sighting of Maurice as archdeacon – thus supporting the hypothesis that Maurice was one and the same as this 'M' from April 1208.⁷³

The position was a senior one within the chapter, and Maurice's possibly brief appointment as such would be quite in keeping with his continued ascendance to the role of archdeacon and subsequently, bishop. It would also be consistent with what appears to have been Maurice's wider reputation, perhaps for canon law training or for a higher education more generally. Evidently, he was a man of high status, a cleric whose talents were known to the royal court, and who was situated in the crux of local and royal power in Burgos, the see to which he would be appointed sometime in early 1213.

It is also tempting to assume that, like Rodrigo, Maurice may have been Navarrese. However we must exercise some caution. As we shall see, unlike Rodrigo, Maurice does not seem to have been considered entirely a 'foreigner' in the city of Toledo, suggesting another layer to his background and identity. It is to his Toledan connections that we shall now turn.

⁷¹ Barrow, *The Clergy in the Medieval World*, pp. 209-210. The term *magister* was in use in France and England from the 1130s, Barrow claims. Also R.W. Southern, 'The schools of Paris and the school of Chartres', in R. Benson and G. Constable (eds.), *Renaissance and Renewal in the Twelfth Century*, (Cambridge, 1982), pp. 113-138.

⁷² There are a number of possible candidates for this 'M': not least, Mark of Toledo, the medic and translator who was in the cathedral chapter from 1191 until 1216, or indeed, the translator Michael Scot, who does not appear unambiguously in any Toledan charters (there are many Michaels, but none with the same toponym) but is recorded at the Fourth Lateran Council in 1215 as being one of Archbishop Rodrigo's entourage (A. Garcia y Garcia, 'El concilio IV Lateranense (1215) y la Península Ibérica', *Revista Española de Teología* (1984), 44, pp. 355-376.) Michael Scot has been suggested as the 'M' of April 1208 by Charles Burnett (see *idem*, 'Michael Scot and the Transmission of Scientific Culture from Toledo to Bologna via the Court of Frederick II Hohenstaufen', *Micrologus* 2 (1994), 101-26, pp. 104-105; and Lucy Pick, 'Michael Scot in Toledo: *Natura naturans* and the hierarchy of being', *Traditio* 53 (1998) 93-116, p. 96). There is also an 'M. archdeacon of Guadalajara' in November 1208, and a canon named Michael Petrez who appears on numerous occasions, including June 1209 (CT, docs 298). None of these are described as master at any time.

⁷³ CT, Doc 298.

2. A Mozarabic Canon?

As we have mentioned, at the turn of the thirteenth century, the chapter of Toledo cathedral was at once multi-cultural and, increasingly, culturally divided, between the Arabophone communities of Toledo, that is, the Mozarabs, and the 'foreign' clergy from outside of Toledo, be that from elsewhere in Castile, from Navarre or elsewhere in the Peninsula, or indeed from France (the latter being a group that had been important at the conquest of the city in 1085). Archbishop Rodrigo was in the second group – a Navarrese prelate, whose lack of integration with his Mozarabic city would lead to several crises in the cathedral and the ejection of the archbishop and his 'foreign' canons from the see in 1246.⁷⁴ Accusations against Rodrigo would include the favouring of Jews over local Christians, the appointment of 'outsiders' to prebendaries in Toledo, and the promotion of the French cult of St Eugene, at the expense of the local patron, St Ildefonsus.

Maurice, on the other hand, seems to have had a rather different relationship with the locals, both in the city and the cathedral, and demonstrated on a number of occasions a knowledge of and proximity to the Mozarabic community that Rodrigo himself was to rely on. Indeed, the earliest charter within which Maurice played an active role was in fact an Arabic charter recording a transaction conducted under Mozarabic law. In October 1209, Maurice acted as 'الكتبة' or 'agent' of Archbishop Rodrigo, claiming the properties of Abi Harún Musa bin al-Shahath al-Israeli, his wife Sitbona and their sons, Yusuf and Ibrahim, a Jewish family of considerable status, who had fallen into the cathedral's debt following a loan of 300 golden mizcals granted under Archbishop Martín.⁷⁵ They seem to have been charged considerable interest too, since the lands received by Maurice were valued at 381 mizcals, comprising two principal plots, the first bought by Abi Harún from a certain Zacharias 'grandson of the Cordoban', and the second acquired from a Doña Galiana, and in addition, other areas of farmland owned by the debtors in the Olías region.⁷⁶ The charter also records the display of several deeds by Abi Harún, proving his ownership and right to sell, and adds, intriguingly, that the charter was drawn up after being 'explained to them in a language understood by all', before being signed by eight witnesses in

⁷⁴ F. Hernández, 'Los mozárabes del siglo XII en la ciudad y la iglesia de Toledo', *Toletum* 16 (1985), 57-124, pp. 70-71; Nickson, *Toledo Cathedral*, pp. 60-65; Hernández, 'La cathédrale, instrument d'assimilation', p. 82; and Linehan and Hernández, *Mozarabic Cardinal*, pp. 3-7.

⁷⁵ See Appendix One for an English translation of this charter. Also, T. Witcombe, 'Maurice and the Mozarabic Charter: a cross-cultural transaction in thirteenth-century Toledo', *Journal of Medieval Iberian Studies*, 10:2 (2018), 234-256.

⁷⁶ It should be noted that the figure 381 is written using 'Fez signs', a numeric system employed by Mozarabic notaries in twelfth and thirteenth-century Spain. See Chrisomalis, *Numerical Notation: A Comparative History*, pp. 171-173.

Latin, Arabic and Hebrew.⁷⁷ Finally, there exists a short summary of the charter in Romance (that is, early Spanish), produced in the early thirteenth century, seemingly not long after the transaction was made.⁷⁸

Abi Harún and his family were in fact part of a substantial Jewish community in Toledo, which was, in the words of Norman Roth, 'in close social and business contact with Christians and Muslims', including high ranking ecclesiastical figures.⁷⁹ There were as many as eleven synagogues dispersed throughout the city at this point, and Jews were not infrequent partners in cathedral transactions: identifiably Jewish names account for 19% of all named individuals in cathedral records between 1201 and 1250.⁸⁰ Abi Harún was clearly a man of some standing, as he is referred to in the charter as a 'vizier', that is, a court official or judge within the Toledan Jewish community.⁸¹

The area in question, Olías la Mayor, a village some 10 kilometres north of the city, has been identified by Richard Hitchcock as a recent expansion from Toledo, since the name only appears in cathedral charters from the 1140s onwards.⁸² He thus suggests that it was an area outside the city specifically cultivated by new arrivals from the south, fleeing the Almohad invasion of Al-Andalus, whose migration to Toledo swelled the city's population of Arabic-speaking citizens. His theory is supported here by the name of the previous owner of one of the plots: Zacharias, grandson of 'el Cordobés', thus seemingly a descendant of an immigrant from the Andalusí city of Córdoba (although whether he was a Jew or a Christian is less clear).⁸³ That land should change hands between a second-generation émigré from Córdoba, a high-ranking Toledan Jewish family and then the archbishop of the cathedral serves as an indication of the fluidity of this social interaction, and the inter-confessional and inter-cultural nature of land transactions in Toledo in this period. The other plot in this sale, on the other hand, had been purchased by

⁷⁷ AHN, clero, pergs., carp. 3049, n. 11: بعد ان فسر ذلك عليهم بلسان فهموه

⁷⁸ CT, Doc. 305.

⁷⁹ Roth, 'New Light on the Jews', p. 190. See also Pick, 'Rodrigo Jiménez de Rada and the Jews', p. 198.

⁸⁰ Roth, 'New light on the Jews', p. 203; also Melechen, 'Jews of Medieval Toledo', p. 55.

⁸¹ For a definition of 'vizier' and the legal status of the Jews of Toledo, see Roth, 'New light on the Jews', pp. 202 and 209-212. 'Vizier' has been incorrectly translated as 'alguacil' by González Palencia, *Mozárabes*, Doc. 373.

⁸² Hitchcock, *Mozarabs in Medieval and Early Modern Spain*, pp. 91-93. Hitchcock suggests that the term 'Mozarab' was used in this period to refer to these new arrivals specifically. It must be noted that Pillar León Tello has identified the neighbouring village of Olías del Rey as being a principally Jewish area of cultivation; see León Tello, *Judíos de Toledo*, vol 1, p. 369.

⁸³ AHN, clero, pergs., carp. 3049, n. 11: زكريا حفيد القرطبي. For a discussion of 'hafiid', see Ferrando, 'Testamento y compraventa', p. 51.

Abi Harún from a seemingly Christian family; at least, one of the vendors was named Maria, and her brother, Diego.

However, perhaps most importantly for our present purposes, this transaction was made according to ‘the law of the Christians’, thus under Mozarabic law, the legal code and customs followed by Toledo’s Christian community during the period of the city’s Islamic rule.⁸⁴ This ‘private civil law’, as it has been described by Hernández, combined the old Visigothic law code with elements of Arabic legal practice, and continued to be used to differentiate the Mozarabic community in Toledo following the city’s conquest by Alfonso VI in 1085.⁸⁵ Any Jew or Muslim who had a case with a Christian would, according to this code, also be subject to the Mozarabic court and the judgement of the Mozarabic *alcalde*.⁸⁶ The existence of distinct legal customs, and the Arabophone courts in which they were applied, were crucial markers of Mozarabic identity after the city’s conquest by Castilian forces, and continued to be in use in twelfth and thirteenth-century Toledo. By maintaining their own legal status, as opposed to operating under ‘the law of the Castilians’, Mozarabs ensured the territorial integrity of their community and guaranteed that their lands remained in their possession.⁸⁷ Central to this were the notaries, or *al-notaryu*, who produced these Arabic legal documents and to whom there are occasional references in the charters themselves.⁸⁸

Maurice’s charter of October 1209 would have been written by one such notary, and was written in Arabic precisely because this identified the case as one for the Mozarabic court.⁸⁹ The continued use of Arabic signatures in the fourteenth century, when Romance was the language of the charter itself, highlights the extension of this ‘legal continuity with Islamic Toledo’.⁹⁰ Ramón González Ruiz has also pointed out that this does not necessarily indicate that the negotiations themselves took place in Arabic, and suggests that the language of the charter should be considered symbolic of the court of law on which the protagonists wished to rely, rather than necessarily a sure means of identifying the language spoken amongst them.⁹¹

⁸⁴ AHN, clero, pergs., carp. 3049, n. 11: على سنة النصارى. See Chalmeta, ‘Componentes diferenciadores de la cultura andalusí’, pp. 9-19.

⁸⁵ Hernández, ‘Language and Cultural Identity’, p. 30. See also Molénat, ‘Tolède fin XIe – début XIIe siècle’, pp. 101-113; Olstein, *La era mozárabe*, pp. 100-115; M. Luz Alonso, ‘La perduración del Fuero Juzgo y el derecho de los castellanos de Toledo’, *Anuario de Historia del Derecho Español* 48 (1978), 335-377; and A. García Gallo, ‘Los fueros de Toledo’, *Anuario de Historia del Derecho Español* XLV (1975), 459-461.

⁸⁶ Roth, ‘New Light on the Jews’, p. 200; also Melechen, ‘Jews of Medieval Toledo’, pp. 79-98.

⁸⁷ Hernández, *Language and Cultural Identity*, p. 32-33; and Molénat, ‘Les Mozarabes’, pp. 95-101.

⁸⁸ Melechen, ‘Jews of Medieval Toledo’, pp. 79-81.

⁸⁹ Hernández, *Language and Cultural Identity*, pp. 32-33.

⁹⁰ *Ibid*, pp. 35-39.

⁹¹ González Ruiz, *Hombres y Libros*, pp. 58-60.

Language here had a legal as well as a social significance, which had ultimately enabled the longevity of a vibrant Mozarabic culture in the city.

Evidently, Maurice was capable of acting as the 'hand' of the archbishop for this deal in October 1209. This however raises the question of language: would he have needed to speak Arabic to have completed these negotiations? The situation is further complicated by the statement, added just before the dating clause, that the text was 'explained to them in a language understood by all' before the transaction was completed. The significance of this phrase is difficult to assess. The phrase, or close variants of it, occurs in six other Mozarabic charters during Maurice's five years in Toledo, thus suggesting that these proceedings, or parts of them, may have been carried out in a language other than the Arabic in which the charters were written.⁹² Francisco Hernández suggests that this *lingua franca* must have been Romance (or early Spanish), a language that was common to all communities in Toledo, including Mozarabs, Latin Christians and Jews, and one that was at this point unformulated as a written language.⁹³ There are some occasions on which we have proof of this, for example, there is specific mention of an Arabic charter being 'read in the Castilian language' in a purchase from October 1208, and similarly a statement that another transaction was 'read to all in Romance language' in May 1214.⁹⁴ However, it is not clear whether this was a wider practice that was only occasionally referred to in the formulae of the charters, or whether these phrases refer to specific cases in which such a practice was necessary. Additionally, as Hernández has pointed out, the phrase also raises the issue of literacy, and could be interpreted as indicating that the notary explained the content of the charter (in Arabic or Romance) to those who were illiterate in Arabic, whilst at the same time ensuring that 'the transaction could only be reviewed under the Mozarabic *alcaldes*'.⁹⁵ There is however scant evidence to indicate why such a small number of charters should employ the phrase, and nothing that clearly differentiates the participants in these

⁹² Hernández has explained this phrase by attributing it to the fact that these Arabic charters are 'highly standardised legal documents' ('Language and cultural identity', p. 32), but this does not explain why it appears so erratically. The other documents from these years in which the phrase appears are: González Palencia, *Mozárabes*, Docs. 362, 364, 395, 410, 751, and 1167.

⁹³ Hernández, 'Language and Cultural Identity', pp. 32-33. See also Burnett, 'The Translating Activity in Medieval Spain', pp. 1036-1038. It should be noted however that there are rare examples of Romance charters from these years, although they appear to be informal or functional documents (see, Hernández, *Language and Cultural Identity*, p. 38).

⁹⁴ González Palencia, *Mozárabes*, Docs. 362 and 1167. Interestingly, a Frenchman and his wife both needed the Arabic charter reading to them in Romance in March 1214, suggesting that this was also the *lingua franca* used by arrivals from outside of the peninsula: *Ibid*, Doc. 410.

⁹⁵ Hernández, 'Language and cultural identity', p. 33.

transactions from those in any other Arabic charter from this period.⁹⁶ As such, it is difficult to know quite how to interpret this phrase in the charter of October 1209, and its implications for Maurice.

Investigation of the other participants in the charter reveals yet further linguistic diversity in Maurice's immediate *milieu*. In addition to Maurice, Abi Harún and his family, there are eight witnesses to the charter, all of whom appear to have signed the document in their own hands: five in Arabic, one in Hebrew, and one in Latin. The first of the Arabic signatures is that of Feliz bin Yabha bin Abd Allah, a name that appears very frequently in the Arabic cathedral archives; he seems to have been a notary or official from the Mozarabic community.⁹⁷ He was clearly closely connected to the cathedral, and may indeed have been another canon. The subsequent Arabic signatures, Yah'aob bin Yahí, Yuhuda Isa bin Juan al-Murabily, Abd Allah bin Abd Allah, and Ibrahim Musa al-Shahath are more difficult to identify, although their names seem to identify them as Jews, and evidently, Ibrahim was Abi Harún's son. The Hebrew signature, that of one Ibn Sarcan Al-Shahab Shafir, indicates a member of the Jewish community. Toledan Jews would have certainly spoken Romance and Arabic, and used both in their business with the rest of Toledan society, as exemplified by Ibrahim Musa al-Shahath. Nonetheless, signing in Hebrew was a way of identifying the document as pertaining to the Jewish community, much like the Mozarabic choice to record it in Arabic.⁹⁸ Nina Melechen has suggested that in some cases, important charters were copied out again in Hebrew for the Jewish *alcalde* – that is, the judge who regulated affairs that pertained only to Toledan Jews, although there is no evidence to suggest that this happened to the charter from October 1209.⁹⁹

The Latin signature on this charter belonged to another canon from Toledo cathedral, Domingo Abbas. There is however substantial evidence to suggest that Domingo too was able to understand Arabic. He belonged to a large Toledan family, under the family name of Abbas (sometimes written Abbad), which had close connections to the cathedral. A brother of his,

⁹⁶ See, for example, a document from March 1212: González Palencia, *Mozárabes*, Doc. 395. Similarly, in October 1208, (*Ibid*, Doc. 362), it is difficult to see why any of the participants should require a translation. The one exception is Doc. 410, see Footnote 94, above.

⁹⁷ Feliz appears as an Arabic signatory to one Latin document, in July 1212 (CT, Doc. 326), and nine Arabic charters: González Palencia, *Mozárabes*, Doc. 364 (November 1208); Doc. 365 (February 1209); Doc. 374 (October 1209); Doc. 381 (October 1210); Doc. 395 (March 1212); Doc. 396 (July 1212); Doc. 398 (September 1212); Doc. 404 (January 1214); and Doc. 751 (September 1213). Two of these, Dos 395 and 751, contain the statement that they were read out in a language understood by all. The two occasions on which Feliz appears with the Abbas family are *Ibid*, Doc. 396 (Domingo Abbas) and Doc. 404 (Pedro Abbas), in addition, of course, to the charter under investigation (Doc. 373).

⁹⁸ Roth, *New Light on the Jews*, pp. 203-205.

⁹⁹ Melechen, 'Jews of Medieval Toledo', pp. 79-81.

Pedro Abbas, appears as a canon in April 1208, and a more junior Martin Abbas was a *porcionero*, ie, a member of the chapter without full canonical rights or income, in 1213.¹⁰⁰ Domingo himself acts as witness (usually in Latin) to a number of Arabic documents that involve the cathedral chapter, and is described in one of these as a notary himself, meaning that not only did he speak Arabic but was also literate in the language.¹⁰¹ An Arabic document from January 1214 identifies their father as Andrés bin Abdelkarim, and indeed both Domingo and Pedro are also affiliated to the churches of Santa Eulalia and San Ginés, churches identified by Miquel Gros and Ramón González Ruiz as being amongst the seven congregations in Toledo founded in the twelfth century by Christians fleeing Al-Andalus and thus permitted to use the Visigothic liturgy (as opposed to the Roman liturgy used in the cathedral and uniformly throughout Spain).¹⁰² It is therefore apparent that once again, his Latin signature on the charter was a question of formality and legal symbolism, as representative of the church in Toledo, rather than an indication that he was unable to sign in Arabic.¹⁰³

Clearly, all of those involved in the transaction of October 1209 were multilingual, and, with the possible exception of Maurice, spoke Arabic. There is not enough evidence to be sure whether or not Maurice himself would have been able to communicate in the language, but it is unquestionable that he lived and moved in an Arabophone world. That such multi-lingualism did not extend throughout the cathedral chapter is clear from the fact that many of the Arabic charters that concerned the finances of the archbishop from these years were translated into Romance, including this one, most likely for the use of Archbishop Rodrigo, who did not speak any Arabic when he arrived in Toledo in 1209.¹⁰⁴

Whether or not Maurice was able to understand their language himself, it is clear that Maurice's career in Toledo was distinguished by substantial contact with Arabic-speakers, including many from within the chapter itself. As we have mentioned, the make-up of the cathedral chapter

¹⁰⁰ CT, Doc. 332.

¹⁰¹ He is described in Latin as 'notarius' in an Arabic charter from October 1208; González Palencia, *Mozarabes*, Doc. 362.

¹⁰² *De Rebus Hispanie* mentions the arrival of Andalusí bishops in Toledo in 1147, see M. Gros i Pujol, 'Les Sis Parròquies Mossàrabs de Toledo', *RCatT* 36/2 (2011), 523-534, p. 525. The *Cronica Adefonsi Imperatoris* also refers to the arrival of bishops from southern Spain in Toledo in the twelfth century; see Barton and Fletcher, *World of El Cid*, p. 249. San Ginés is identified by González, *Hombres y libros*, p. 60. See also, Walker, *Views of transition*.

¹⁰³ Interestingly, although usually described as *canonicus toletani*, he is listed on this charter as belonging to the church of Santa Eulalia: *Ego Dominico Abbas e[cclesie] S[ancte] E[ulalie] testis*. Whilst it was certainly not uncommon for canons to serve local churches too, it seems to be a curious coincidence that Domingo forsook his canonical identity when witnessing a charter that was misappropriating money from his own cathedral chapter (for comparison, see Barrow, *Clergy in the Medieval World*, p. 43.)

¹⁰⁴ There are suggestions that he learnt it later though, as he uses Arabic sources in his *Historia Arabum*.

itself was starting to shift by the start of the thirteenth century. Domingo, Pedro and Martin Abbas were not the only Mozarabs in Maurice's immediate circle: a growing number of Mozarabs can be seen to take up office in the chapter, and even to rise to senior positions. Probably closest to Maurice was the translator Mark of Toledo, canon from 1191 until his death in or shortly after 1216. Mark appears in a large number of documents, in both Arabic and Latin, and witnessed charters alongside Maurice on at least four occasions.¹⁰⁵ He also translated two works of Islamic theology into Latin at Maurice's request, as we will discuss in the next chapter, and it is his description of the archdeacon, as 'commendable for his writing, outstanding in his character, honest in his behaviour, illustrious in his honour', that provides us with the detailed description of Maurice with which we began this chapter.

Perhaps more eminent within the chapter was Garcia Estebani, the cathedral treasurer during Maurice's time there. In addition to his role as treasurer, he appears in contemporary charters, both in Arabic and Latin, as an active landowner. Garcia was a descendant of one of the major Mozarabic families of the city, being the son of the Mozarabic sheriff and mayor (*alguacil* and *alcalde*), Esteban Julianis (or Illán), a figure significant enough for his death to be recorded in the *Anales Toledanos* in 1208, and to be buried in his own chapel in the church of San Román, adjacent to the cathedral.¹⁰⁶ The Illáns were a family of ancient Mozarabic lineage, having lived in Toledo before the conquest of 1085, and Julio Porres has identified them in the position of *alcalde* for successive generations throughout the twelfth century.¹⁰⁷ Garcia appears in six charters alongside Maurice.¹⁰⁸ He also had a relative in the chapter, Michael Estebani, visible from June 1213, and there is also mention of another Illán family member with the initial 'D' in the cathedral in July 1211.¹⁰⁹

Another example is the canon Alfonsus Melendi, the son of Melendo bin Lampader, another family of long-standing Mozarabic lineage.¹¹⁰ He appears widely in the Latin documentation of

¹⁰⁵ For the charters in which Maurice and Mark appear together, see CT, Doc. 304 (June 1209); Doc 318 (July 1211); Doc 341 (December 1213); and Doc 343 (February 1214). For more on Mark, see d'Alverny and Vajda, 'Marc de Tolède', p. 267.

¹⁰⁶ See González Palencia, *Mozárabes*, Doc. 365; also Dodds, J., M. R. Menocal, and A. Balbale, *The Arts of Intimacy: Christians, Jews and Muslims in the Making of Castilian Culture* (Yale: Yale University Press, 2008), pp. 166-170.

¹⁰⁷ Porres Martín-Cleto, *Los Anales Toledanos I y II*, p. 169; also Porres, 'El linaje de Esteban Illán', pp. 65-79; and Molénat, 'Les Mozarabes', pp. 100-101. It is also worth pointing out that we hear of lay siblings too; one 'Juan Estebanez' and two sisters, Loba and Orabuena. Garcia also appears alongside Maurice in five more charters.

¹⁰⁸ CT, Doc 304 (June 1209); Doc 317 (July 1211); Doc 318 (July 1211); Doc 323 (November 1211); Doc 332 (June 1213); Doc 341 (December 1213).

¹⁰⁹ *Ibid*, Doc. 332; Doc. 341; and Doc. 318.

¹¹⁰ *Ibid*, Doc. 341.

the chapter, including as a witness in three of Maurice's dealings.¹¹¹ As a Mozarab, he would undoubtedly have spoken Arabic as well as Romance and Latin, as would the subdeacon Juan Alpolichení (from the dynasty of that name) and the canon Lupus Fernandi, who appears in Latin and Arabic charters and was from yet another well-established Mozarabic family.¹¹² There may well have been many more who remain unidentifiable.

The figure whose role is most directly comparable to that of Maurice in 1209 however was that of Juan de Sephila, another cathedral canon who was very active acquiring land in the city on Rodrigo's behalf during the first five years of his archiepiscopacy. Juan de Sephila appears in seven Arabic charters from 1211, as Rodrigo's representative in his personal dealings with Mozarabs or on Mozarabic terms, thus forming a direct parallel with Maurice's actions three years earlier.¹¹³ It is worth noting that, in the 1240s, the archbishop would employ Toledan Jews to be his local agents, for which he came under severe criticism from his chapter, but in these early years he seems to have relied solely on members of the cathedral chapter.¹¹⁴ The spelling of Juan's name varies considerably, from 'Setphila', to 'Setefila' and 'Sephila'. Hernández suggests that this character might be from the town of Setefilla, between Seville and Córdoba, although the 'Sephila' variant suggests a Sevillian origin; in any case, he was clearly a 'Mozarab émigré'.¹¹⁵ We first encounter Juan purchasing land for the archbishop in April of 1211, from the powerful Mozarabic Alpolichení family.¹¹⁶ In the same month, he also purchased a vineyard from lady Setí, Pedro Alpolichení's daughter, followed by yet another purchase from the family a month later.¹¹⁷ He also buys three plots of land from a Mozarabic lady, Maria, daughter of Husain bin Farún and wife of Amín Abdelaziz bin Sufián.¹¹⁸ Juan also appears in a number of Latin documents, and was evidently an active member of the chapter whilst Maurice was archdeacon.

All of these canons, and most likely other, unidentifiable Mozarabs, acted as signatories and witnesses alongside Maurice on frequent occasions.¹¹⁹ Whether he himself was a Mozarab or not, the archdeacon cannot have avoided significant interaction with and exposure to Mozarabic

¹¹¹ *Ibid*, Doc. 341.

¹¹² Lop is the son of Ferrando Hasán: see González Palencia, *Los Mozárabes*, Doc. 396. See also, Nickson, *Toledo Cathedral*, pp. 30-31.

¹¹³ González Palencia, *Mozárabes*, Docs. 386, 387, 389 A-D, and 390.

¹¹⁴ Pick, 'Rodrigo Jiménez de Rada and the Jews', pp. 218-9; Also, Nickson, *Toledo Cathedral*, p. 65.

¹¹⁵ Hernández, 'Language and Cultural Identity', p. 40; also Pick, *Conflict and Coexistence*, p. 33.

¹¹⁶ González Palencia, *Mozárabes*, Doc. 386.

¹¹⁷ *Ibid*, Docs. 387 and 390.

¹¹⁸ *Ibid*, Docs. 389 A, B and D. On the Farún family, see Hernández, 'Language and Cultural Identity', p. 43.

¹¹⁹ On the pitfalls of identifying 'Mozarabs' and dual name systems, see Moreno, 'Arabicizing, Privileges, and Liturgy'.

culture during this period. In fact, Maurice himself seems to have been aware of some of the key points of Mozarabic sensitivity in the chapter. Let us return to his legislation for the liturgical use of candles, determining the feasts for which they were required, on 31st July 1213.¹²⁰ Maurice stipulated that twelve candles, each weighing 2.5 pounds, are to be lit and kept *in loco competenti* for vespers, matins, terce on the feasts of Easter, Pentecost, the Assumption, All Saints, Christmas, the feast of St Ildefonsus (23 January), the feast of St Eugene (2 June) and the birth of the Virgin.

Two of these feast days stand out: those of St Ildefonsus and St Eugene. Unlike the other festivals singled out to receive twelve candles, these two were specific to Toledo. Moreover, they were both very significant within the immediate cultural context of Toledo's mixed society. St Ildefonsus, the great Visigothic archbishop of Toledo from the seventh century, was the 'principal patriarch' for the Mozarabs of Toledo, equated with the primacy of Toledo (according to legend, as a result of Ildefonsus's beatific receipt of a chasuble from the Virgin Mary) and the glory of Visigothic Spain.¹²¹ As the power of the Mozarabic community started to grow in the cathedral chapter, the old patron saint returned to the liturgical agenda, and Peter Linehan points out that it is no coincidence that we find the first recorded mention of an altar dedicated to St Ildefonso in the cathedral in the year 1215; this was, he claims, the earliest moment at which the Mozarabic presence was significant enough to demand that the saint's feast be celebrated.¹²² Maurice's instructions from 1213 that Ildefonsus was to be honoured with candles as for a major feast indicate an even earlier date for the saint's renewed veneration in Toledo cathedral. Certainly, the choice of Ildefonsus was one that would have pleased the Mozarabs in the chapter. At least six identifiable Mozarabs personally signed the document that promoted Maurice to this position of power, and one hand, a seventh, was very evidently more accustomed to writing with the Arabic alphabet.¹²³

Following St Ildefonsus however was the celebration of the feast of St Eugene – another seventh-century archbishop of Toledo, although one with very different associations. Eugene was the patron saint of Toledo favoured by the French archbishops of the twelfth century; his body was held at Saint-Denis in Paris, and it was here that the Archbishop Raymond came across it in 1148 and petitioned Abbot Suger for a relic.¹²⁴ An arm purportedly belonging to the saint was finally

¹²⁰ CT, Doc. 335.

¹²¹ Linehan and Hernández, *Mozarabic Cardinal*, p. 13. For St Ildefonsus, see J. F. Rivera Recio, *San Ildefonso de Toledo: biografía, época y posteridad* (Madrid: Biblioteca de Autores Cristianos, 1985).

¹²² *Ibid*, 13 and also CT, Doc. 362.

¹²³ See ACT, A.11.A.1.1. Each signature is clearly in a different hand, not that of the scribe.

¹²⁴ Rivera, *San Eugenio de Toledo*, pp. 53-63.

translated to Toledo in 1157, and from then on, was processed around the city on 12th February, whilst his passion was celebrated on 15th November.¹²⁵ However, this was to become a flash point for inter-cultural tensions in the city, and in 1236, protesting Mozarabic clerics and laypeople refused to process with the relic, complaining that Rodrigo had introduced too many ‘foreigners’ (whether French or men from his own homeland of Navarre).¹²⁶ It is unsurprising then that in July 1238, on dedicating the fourteen chapels of the new cathedral, Rodrigo should choose to leave out St Eugene.¹²⁷

Back in 1213, Maurice would undoubtedly have been aware of these tensions and the symbolism of these two patrons of Toledo. His legislation notably mentions the *passione Sancti Eugenii* as opposed to the translation of the arm relic, perhaps deliberately so. In honouring both saints, he was clearly showing an awareness of the cultural dynamic of Toledo cathedral chapter, as well as the wider city. Into which camp Maurice himself fell is much more difficult to assess, but it is significant that his arrangement of the cathedral liturgical hierarchy in 1213 should reveal a sensitivity to the two cultural groups, both of which were now powerful and vocal members of his immediate milieu in the chapter.

Whether Maurice spoke Arabic or was ‘from Toledo’ in any meaningful way is impossible to establish from the scanty evidence available, but what is evident is that his canonical career brought him into close contact with the Mozarabs of Toledo. And clearly, unlike Rodrigo, he was capable of navigating these cultural encounters smoothly, and was even selected to represent the archbishop in Olías in 1209. Whether Maurice’s choice of San Ildefonsus in 1213 was personal or a response to his colleague’s preferences, it is notable that he was far ahead of Rodrigo, who only included the saint’s feast in his constitution written in 1238, after the riots on the feast of Saint Eugene had already taken place. However, to go any further in understanding Maurice’s origins and the cultural and ecclesiastical networks in which he himself was at home, we must now turn to assess his family and immediate circle.

¹²⁵ *Ibid*, p. 64.

¹²⁶ Linehan and Hernández, *Mozarabic Cardinal*, pp. 44-47. There was also discontent against the chapter in 1244 and 1246; see Nickson, *Toledo Cathedral*, p. 60; and Linehan, ‘Don Rodrigo and the government of the kingdom’.

¹²⁷ Rivera, *San Eugenio de Toledo*, p. 71. Rodrigo would ultimately be expelled from Toledo with his foreign canons in 1244-47 (Linehan and Hernández, *Mozarabic Cardinal*, pp. 46-47 and Nickson, *Toledo Cathedral*, pp. 60-65.)

3. Family networks

As we have mentioned, Maurice's nationality and origins have long been a matter of conjecture, but detailed studies into his family and networks have nonetheless been lacking. All of the extant information about Maurice's immediate family is contained in the *Kalendario Antiguo* of Burgos, the lengthy and detailed liturgical calendar and obituary that was drawn up in Burgos during Maurice's episcopate. Maurice's parents, whose anniversaries were commemorated on the 10th December, were called Rodrigo and Orosabia, both names that could hardly be anything but local to the Iberian Peninsula.¹²⁸ No toponyms are mentioned, nor any indications of noble title or family, and they are to be commemorated using the income from the town of Valdemoro, in the west of Burgos diocese.¹²⁹

'Rodrigo' was ubiquitous across northern Spain in this period, indeed so common that in 1218, the Toledan canon Diego Garcia wrote that the name was 'frequent and commonly used by many and wide-spread'.¹³⁰ It tells us little more than that Maurice's father was from the Peninsula.

Orosabia, on the other hand, is more unusual and difficult to identify. The cognate 'Oro' is found in a range of female names from medieval northern-central Spain, and particularly, Castile.¹³¹ As Serrano has pointed out, it is most often matched with an adjective, with 'Mioro' and 'Orabuena' being perhaps the most common, and Orosabia found in this one example alone.¹³² The 'Oro' compound appears scattered throughout Castilian documents from the eleventh and twelfth centuries and is very difficult to locate in any detail, but it is nonetheless notable that this form occurs particularly frequently in Toledo, and among Jewish and Arabic-based names. Maurice himself in fact does business with two Orabuenas during his short time as archdeacon, both land transactions recorded in the Latin documents of the cathedral, one from July 1211 and the second referred to as already having taken place by February 1214.¹³³ A total of nine women with this same name appear in the Latin archives between 1192 and 1241, including the widow of a Mozarabic *alguacil*, the niece of the *cadí* or Mozarabic judge of Toledo and the abbess of

¹²⁸ See ACB, *Kalendario Antiguo*, Codices 27/28 (11th December), and discussion of this source in S. Serna Serna, *Los Obituarios de la Catedral de Burgos* (León, 2008), pp. 635-36.

¹²⁹ Serna Serna, *Obituarios de Burgos*, p. 65.

¹³⁰ 'Nomen Rodericus licet frequens et usitatum sit pluribus et commune'; from *Planeta: obra ascética del siglo XIII*, ed. Manuel Alonso Alonso (Madrid: Instituto 'Francisco Suárez', 1943), p. 180. Diego Garcia chose the name as an exemplar of many parts making one whole.

¹³¹ I am grateful to David Peterson and Graham Barrett for their advice on this matter.

¹³² Serrano, *Don Mauricio*, p. 21.

¹³³ CT, Doc. 317 (July 1211) and Doc. 343 (Feb 1214).

the powerful local convent of San Clemente, largely staffed by Mozarabic nuns.¹³⁴ It should be noted that there are no 'Oro's in the archives of the convent of Las Huelgas, in Burgos, by means of comparison. Moreover, 'Orabuena' also appears at least fourteen times in the Arabic charters of Toledo cathedral between 1197 and 1258, and includes the daughter of one of the most high-ranking Mozarabs of the early thirteenth century, the mayor Esteban Illán.¹³⁵ Whilst we have no other reference to an Orosabia, it would nonetheless appear that the 'Oro+adjective' name form was relatively common in the city, and not least among its Arabic-speaking inhabitants, during the late twelfth and early thirteenth century.¹³⁶ Of course anthroponymic surveys are inconclusive at best and must be handled with caution, but it is nonetheless suggestive that Orosabia was from Castile, and had been given a name popular amongst Arabic-speakers.¹³⁷

Maurice also had a brother named Pedro Rodriguez and sister-in-law named Agnes, according to the *Kalendario* entry for the 6th February.¹³⁸ We know equally little about these two, other than that their anniversary masses were to be paid for by the income from the Saint Gil area of Burgos, although as we shall see, Agnes was to spend her later life in a house, possibly a familial house, in Medina de Pomar. These two, however, were the parents of Maurice's nephew, Juan.

Juan de Medina de Pomar

More well-known to historians is Maurice's nephew, Juan de Medina de Pomar, archdeacon of Briviesca (one of the more senior canonical positions in Burgos cathedral) under Maurice and

¹³⁴ *Ibid*, Doc. 408 (Orabuena, abbess of San Clemente, April 1223); Doc. 422 (Orabuena, widow of the *alguacil*, October 1227); Doc. 443 (Orabuena, niece of the *cadí* of Toledo, October 1234); Doc. 246 (December 1192); Doc. 322 (Nov 1211); Doc. 333 (July 1213); Doc. 343 (Feb 1214); Doc. 457 (July 1241). There are also two examples of Oromadre, Doc. 27 (1127) and Doc. 329 (February 1213), and Oro, Doc. 250 (March 1193) and Doc. 347 (May 1214).

¹³⁵ See: González Palencia, *Los Mozárabes*, Doc. 276 (November 1197); Doc. 392 (November 1211); Doc. 750 A (July-August 1213); Doc. 413 (April 1214); Doc. 429 (January 1216); Doc. 815 (March 1236); Doc. 530 (August 1238); Doc. 533 (January 1239); Doc. 841 (July 1239); Doc. 934 (October 1240); Doc. 572 (May 1246); Doc. 913 (July 1246); Doc. 586 (May 1253); Doc. 605 (March 1258). It is interesting to note that of these fourteen occurrences in the Arabic charters, eleven of them have been also classified by Pilar Leon Tello as pertaining to the Jewish community of the city (see P. León Tello, *Judíos de Toledo. Estudio histórico y colección documental* 2 vols (Madrid: C.S.I.C. 1979)). For more on Esteban Illán, see below.

¹³⁶ By comparison, the 'Oro' form appears just three times in the archives of León cathedral between 1197 and 1225, and in a slightly different format: Oromadre, Oro (who seems to be a man), and Mioro (see Fernández Catón, *Colección documental del archivo de la catedral de León*, Docs. 1755, 1862 and 1870.)

¹³⁷ For more on the benefits and pitfalls of prosopography, see K. Keats-Rohan, 'What's in a name? Some reflections on naming and identity in prosopography', in *Carreiras Eclesiásticas*, pp. 333-347.

¹³⁸ 6th February: 'obiit Petrus Roderici, frater episcopi Mauricii et pater magistri Iohannis Dominici archidiaconus Verbecensis, et dompne Agnetis, matris eius, aniversario in carniceria de Sant Gil'; see Serna Serna, *Los obituarios*, p. 319.

later chosen by Pope Innocent IV to be archbishop of Toledo, a post he held for just five months before his death at a young age in 1248.¹³⁹

His will, written immediately before his death in 1248, specifies that Maurice was his *patrui*, or paternal uncle.¹⁴⁰ This is also how Pope Innocent IV presented Juan to Fernando III in February 1248, in a letter confirming the status of the new archbishop, in which he reminded the king of Juan's distinguished ecclesiastical pedigree in Castile: he was 'the nephew of the bishop of Burgos of good memory, whom, splendid in both word and deed, you are known to have held most beloved amongst others'.¹⁴¹

The considerable importance of uncle-nephew relationships within the medieval Church is well-known.¹⁴² Julia Barrow has discussed this relationship in her work on the Church in northern Europe, pointing out that, by the twelfth century, the patronage, education and support of a young cleric by his uncle (principally a bishop or canonical dignitary in the cathedral chapter) played a crucial role in a largely celibate church hierarchy, embedding familial connections with a particular church and, more practically, providing 'a logical compromise between canon law and secular inheritance customs'.¹⁴³ Clerical uncles, sometimes referred to as *nutritors*, were invested with a considerable degree of responsibility for their younger relatives, entailing the education and later promotion of relatives who would ultimately become their spiritual and worldly heirs, and in some cases, raising their proteges in the episcopal household.¹⁴⁴ It was not uncommon for episcopacies or even for individual clerical titles to remain in a family for

¹³⁹ Ramón González Ruiz has provided the most information about Juan de Medina de Pomar in *Hombres y libros*, pp. 205-219.

¹⁴⁰ Linehan and Hernández, *Mozarabic Cardinal*, pp. 433-438.

¹⁴¹ See A. Quintana Prieto, *La documentación pontificia de Inocencio IV* (Rome: Instituto Español de Historia Eclesiástica, 1987), Doc 482; Innocent IV informs Fernando that 'tuo debet cordi pervenire letitia hunc virum virtutis et gratie ad honorem dignitatis hujus pervenisse, cum de specialibus regni tui fidelibus ducati originem et nepos fuerit bone memorie burgen[sis] episcopi, quem tanquam verbo et actu magnificum inter alios habuisse dinosceris predilectum'. Innocent also wrote to Fernando III's son and heir, Alfonso, as well as to Queen Joana, the city of Toledo, and twice to the chapter of Toledo cathedral; *ibid*, Docs 483-488. It should be noted that 'ducati' appears to be an error; the same phrase in Doc 483 contains the much more comprehensible 'ducat originem', and this is clearly the correct reading in Doc 482 too.

¹⁴² Peter Linehan has referred to 'the supreme importance of family and its ramifications in the history of the entire peninsular Church', in Linehan, 'An archbishop *in augustiis* (May 1280)', in A. Jorge, H. Vilar and M. Branco, *Carreiras eclesiásticas no ocidente cristão: séc. XII-XIV / Ecclesiastical careers in Western Christianity: 12th- 14th C.* (Lisbon: Universidade Católica Portuguesa, 2007), pp. 245-258, p. 252.

¹⁴³ Barrow, *Clergy in the Medieval World*, p. 135.

¹⁴⁴ *Ibid*, p. 134. Carlos de Ayala has also pointed out that there were many cases of episcopal dynasties in Castile in this period, such as the church of Calahorra, where several generations of uncles and nephews succeeded each other during the late twelfth century; Ayala, 'Los obispos', pp. 164-165.

generations through the patronage and connections provided by successive uncles and nephews, and there are a multitude of Castilian examples from these years.¹⁴⁵

The relationship between Juan and Maurice seems to have been very much of this nature.¹⁴⁶ Juan appears to have been young when he died in 1248.¹⁴⁷ In his will, he granted many of his possessions to his mother who was still living in Burgos. However the name most frequently mentioned in the document is that of his uncle, despite Maurice having been dead for a decade by this point. Maurice had given him gifts, such as the sapphire ring Juan bequeathed to his mother, and also a house in Burgos, in which Juan had lived, and which he in turn left to his nephew, Rodrigo.¹⁴⁸ Maurice also gave his nephew a book of the letters of St Jerome, and Juan records a number of other books – a work of Pliny, two books of Augustine and a breviary – that had he borrowed from Burgos cathedral.¹⁴⁹

Perhaps even more valuable however was Maurice's gift of a canonical dignity in Burgos cathedral. Juan appears in Burgos cathedral as archdeacon of Briviesca and entitled 'Magister Juan' in November 1236, undoubtedly appointed by his uncle.¹⁵⁰ It is not clear when he first took this post, but it was clearly a benefice designed to fund his education, since he held it almost entirely *in absentia*, and was away studying for the whole time, as he tells us in his will.¹⁵¹ A second appearance in Burgos in 1243 suggests that he did return on occasion, and he certainly had substantial land holdings in both Burgos and Medina de Pomar, much of which he left to the

¹⁴⁵ Rodrigo de Verdejo, bishop of Sigüenza (1192-1221), had succeeded his uncle, Martín López de Finojosa, bishop of the same see (1186-92), and Rodrigo Jiménez de Rada of Toledo was Rodrigo de Verdejo's cousin and Martín's nephew (see Reilly, 'The accession of Rodrigo Jiménez', p. 439). The same was true of Segovia: Gonzalo I (1173-92), was followed by his nephew Gutierre (1193-5), and then by another nephew, Gonzalo II (1195-1210), whilst the bishops of Calahorra are another case (see Ayala, 'Los obispos', pp. 164-5).

¹⁴⁶ González Ruiz says: 'seguramente era [Mauricio] la persona que más habría influido en su vida, quien le habría orientado por la carrera eclesiástica y le habría preparado para el *cursum honorum*', *Hombres y Libros*, p. 209.

¹⁴⁷ González Ruiz, *Hombres y libros*, p. 209; he speculates that Juan was born in c.1215. Certainly, he can only have spent a maximum of 12 years in Spain since the end of his studies in Paris, and may easily have been in his 30s when he died.

¹⁴⁸ 'Domum habitationis eius quam nobis contulit domnus Mauricius patruus noster legamus Roderico Semeni nepoti nostro'; Linehan and Hernández, *Mozarabic Cardinal*, p. 436.

¹⁴⁹ *Ibid.*

¹⁵⁰ See González Ruiz, *Hombres y Libros*, p. 206. See also, ACB v. 25, fols. 313-314. The previous archdeacon of Briviesca was Archdeacon Pedro (first seen in December 1221, (see DCB, Doc 533), who can be last identified in December 1222 (*ibid*, doc 545). By way of comparison, Rodrigo de Finojosa was prior in Sigüenza from 1189, having been promoted to the office by his uncle Martín.

¹⁵¹ He is calculating the debt owed to him by the archpriest of Briviesca from this period: 'archipresbiter Verveccensis qui redditus et proventus nostros tenuit ab eo tempore quo ad studium ivimus usque ad illud tempus quo dati fuimus ad regimen ecclesie Toletane'; Linehan and Hernández, *Mozarabic Cardinal*, p. 436.

cathedral of Burgos, but for much of the 1230s and early 1240s, he seems to have been absent.¹⁵²

There is much evidence to suggest that Juan's studies were at the university of Paris. He had houses in Paris, which he left to none other than Blanche of Castile, the Queen of France, with the instruction to sell them and to give the money to destitute scholars.¹⁵³ González suggests that in fact Paris was 'where he had his usual home' and that he had hardly spent any time at all in Castile before his appointment to the see of Toledo.¹⁵⁴ Juan also seems to have been well-known to the French royal house, having been granted some relics by Louis IX, most probably from the Sainte Chapelle, which are referred to in his will.¹⁵⁵ He was also given a silver plate by Blanche of Castile, who was perhaps something of a patron in Paris to this young Spanish scholar.¹⁵⁶ Juan was referred to in Burgos as *magister* in 1236, suggesting that he had at least begun higher education by that point, and he also left over twenty books in his will, the majority of which were books of theology, in particular biblical commentaries, as well as some grammars and books of philosophy and canon law.¹⁵⁷

Juan had some other high-profile contacts too, most of all, Pope Innocent IV, who granted him the honorific title of *capellanus nostrum*.¹⁵⁸ However, undoubtedly the most important ecclesiastical relationship of his early life was that with his uncle, the bishop of Burgos. It is highly likely that Maurice arranged the education of his protégé, and he also would have been responsible for promoting his nephew into the necessary networks and households to achieve the eventual prominence that he did. We do not know what Maurice's precise connection was

¹⁵² ACB v.41, p. 1, fol. 522. He also had family in Medina de Pomar, such as a knight called Aparicio Rodríguez, who was a 'consanguineo'.

¹⁵³ 'Mandamus domos nostras quas habemus Parisius per manus regine Francie vendi et dari in usu scholarium egenorum'; Linehan and Hernández, *Mozarabic Cardinal*, p. 437.

¹⁵⁴ González Ruiz, *Hombres y libros*, p. 207. And it should be noted that he was in Lyon with the pope for much of 1248, 'donde tenía su residencia habitual'.

¹⁵⁵ He leaves 'cuppas' for them: 'Ad conservandas et reponendas honorifice reliquias quas per nostrum ministerium rex Francie misit ecclesie Toletane legamus tres cuppas nostras...' For more information on the identification of the Sainte Chapelle, see González Ruiz, *Hombres y libros*, pp. 207-208.

¹⁵⁶ 'Legamus karissime matri nostre cuppam nostram argenteam quam illustris regina Francie dedit nobis'; Linehan and Hernández, *Mozarabic Cardinal*, p. 434. Blanche was known for the magnificence of her gifts; see Grant, *Blanche of Castile*, pp. 24, and 320-321.

¹⁵⁷ 'Libros nostros omnes de grammatica et de philosophia et omnes legales...librorum nostrorum theologie...reliquos vero libros theologie nostros...' Linehan and Hernández, *Mozarabic Cardinal*, pp. 434-435. For an analysis of the books of Juan de Medina de Pomar, see González Ruiz, *Hombres y Libros*, p. 218; 'se puede decir que en la biblioteca del arzobispo predominan con mucho los libros de teología, pues no en vano él había profesado en esta facultad'. It should be noted that Juan was referred to as 'Magister' by Pope Innocent IV too, who also mentioned his 'eminens scipientia', although such a phrase in a letter of introduction may well be a trope. See Quintana Prieto, *La documentación pontificia de Inocencio IV*, Doc 486.

¹⁵⁸ See González Ruiz, *Hombres y libros*, p. 207, and *Alfonso VIII*, Doc 483.

with Paris, but his proximity to the Castilian royal family would doubtless have allowed him to prepare the way for his young nephew to become part of Blanche's milieu – a lady of Maurice's generation and whom Maurice would have certainly encountered on his journey through Paris in 1219 if not before.

Through Juan's will, we can also glimpse further back into Maurice's history, to see that Maurice himself was a beneficiary of a 'clerical dynasty' in Burgos.¹⁵⁹ The codex lent to Juan by Maurice had in fact originally been lent to Maurice himself by a relative of his, another former bishop of Burgos.¹⁶⁰ There is no clue as to which of the bishops of Burgos, discussed above, this might be. As we shall see further on, there are two possible older relatives that stand out in Maurice's life, but neither ever served in Burgos.

Finally, it is worth noting that we see the same pattern of avuncular support and patronage in the next generation too. Juan left his worldly goods to a variety of people, including his servants, but those who receive special mention are his three nephews, two of whom were seemingly canons (most likely in Toledo), and one of whom was a Franciscan friar. To the two canons, Rodrigo Jiménez and Fernando Rodríguez, he bequeathed his books of grammar, philosophy and law, Gratian's *Decretals* and another unidentified book of decretals, stipulating that the two should live together to share their books.¹⁶¹ He also specified that the house Maurice had left him in Burgos should ultimately be inherited by Rodrigo Jiménez, perhaps his favourite of the two nephews.¹⁶² Interestingly, he also left a number of theological books, as well as valuables and an uncollected debt worth 1,600 maravedis to his uncle, Master Aparicio, who had taken his place in Burgos as archdeacon of Briviesca.¹⁶³

The transmission of belongings, knowledge and prestige from uncle to nephew was one of the lynchpins of clerical succession in the Middle Ages, and the importance of this relationship allows us another glimpse into Maurice's family and networks through the life of his nephew. Juan ultimately became the primate of Toledo, not Burgos, but it is clear from his will that he

¹⁵⁹ Barrow, *Clergy in the Medieval World*, p. 145.

¹⁶⁰ 'Librum epistolarum beati Jeronimi, quem venerande memorie dominus Mauricius olim episcopus burgensis habuit a quodam consanguíneo quondam episcopo burgensis'; Linehan and Hernández, *Mozarabic Cardinal*, p. 434.

¹⁶¹ González Ruiz suggests Gregory IX's *Decretum*; *Hombres y Libros*, pp. 213-214. Juan ordered them to live together so that they could share the books.

¹⁶² Although Juan's mother was allowed to live there first: 'domum habitationis eius quam nobis contulit domnus Mauricius patruus noster legamus Roderico Semenii nepoti nostro', Linehan and Hernández, *Mozarabic Cardinal*, p. 436. The Franciscan nephew received a bible and a book of concordancias.

¹⁶³ Mainly commentaries and glosses on the Bible, from the list in the will. See González Ruiz, *Hombre y Libros*, pp. 214-215. However Aparicio was Juan's mother's brother – thus no direct relation to Maurice.

owed much to his connection with Maurice, whose own career, after all, had been established in the same two sees.¹⁶⁴

Networks across Castile

We are afforded a more unusual glimpse of Maurice's networks however through a document that Maurice wrote in 1230, ostensibly founding the chapel of St Peter in the new cathedral of Burgos but also detailing his memorial arrangements. This important document was not known to Luciano Serrano in 1922, and nor has it been discussed by more recent scholars.¹⁶⁵

In the text, Maurice discusses the inevitability of sin and the need to make serious spiritual preparations for his death. Most significant for our purposes here, however, are the identities of the other memorials that Maurice also establishes alongside his own. Maurice arranges for expensive prayers to be said for six named individuals, and his choice is extremely illuminating:

I, Maurice, by the esteem of God Bishop of Burgos, with the consensus of our chapter, decree that it is to be observed in perpetuity, that two priests every day should celebrate masses for the dead at the altar consecrated in honour of blessed Peter in our church, that is to say, for our predecessors, and for lord Martin my lord archbishop of Toledo, and for lord Bricius, once bishop of Plasencia, and for my father and mother, and my other beloveds and benefactors, and for the lord king Alfonso of celebrated memory, and for other kings and benefactors of this church... also saying one prayer specially for me¹⁶⁶

Least surprising are his father and mother, Rodrigo and Orosabia, as we have discussed above. Prayers are also to be said for King Alfonso VIII, again, not a particularly surprising request, although one that reminds us that, although Maurice was only in office for the last two years of Alfonso's life, he numbered amongst a generation of bishops from the era of Alfonso.

¹⁶⁴ Reilly has noted that Rodrigo Jiménez de Rada may have been a canon in Burgos briefly in 1207, thus deepening further the ties between the two cathedrals (see Reilly, 'The accession of Rodrigo', p. 440.)

¹⁶⁵ In 1950, López Mata commented in a footnote that it was 'on a shelf' in the cathedral (López Mata, T., *La catedral de Burgos* (Burgos: Hijos de Santiago Rodríguez, 1950), p. 36), and in 1995, Henrik Karge could not find it (*La Catedral de Burgos y la arquitectura del siglo XIII en Francia y España* (Valladolid: Junta de Castilla y León, 1995), p.43). Serrano did not know of it either.

¹⁶⁶ ACB, Capellanes del Número, caja 6, doc 45 (formerly doc 40); 'Ego Mauricius Dei dignatione burgensis episcopus una cum consensu capituli nostri statuo in perpetuum observandum, et duo sacerdotes singulis diebus celebrant missas pro defunctis in altari consecrato in honorem beati Petri in ecclesia nostra pro predecesoribus S. nostris, et pro domino Martino domino meo archiepiscopo toletano, et pro domino Bricio quondam episcopo Placentino, et pro patre et matre meis, et aliis caris et benefactoribus meis, et pro Domino Rege Alfonso inclite recordationis, et pro aliis regibus et benefactoribus huius ecclesiae...dicta tamen una oratione specialiter pro me'.

We are thus left with the names of two ‘predecessors’ singled out by Maurice for particular memorial prayers, and they are in some ways the most revealing, and perhaps surprising, names here. Maurice requests prayers ‘for lord Martin my lord archbishop of Toledo, and for lord Bricius sometime bishop of Plasencia’. Named before Maurice’s own father and mother, these two men must clearly have been important figures in Maurice’s life to have been singled out in this way and commemorated as part of Maurice’s own anniversary, and at his expense.

The first deepens our understanding of Maurice’s link with the cathedral of Toledo. ‘Lord Martin, my lord, the archbishop of Toledo’ is a reference to Martín López de Pisuergra, archbishop of Toledo between 1192 and 1208.¹⁶⁷ We have already shown that Maurice was present in Toledo chapter before the appointment of Archbishop Rodrigo, since he was in office as archdeacon in November 1208 and may have been there even before this date (see above). This reference to Martin in the document of 1230 considerably strengthens the argument that Maurice was *in situ* in Toledo before the advent of Rodrigo, and rather than being from the household of Rodrigo, as is generally considered to have been the case, was in fact promoted by Martin.¹⁶⁸ In order to have been awarded one of the highest capitular positions in Toledo, Maurice must either have been in the cathedral for some time by 1208, or to have had a privileged relationship with the archbishop Martin, and this establishment of a memorial for him, as well as the absence of any references to Maurice in the chapter before 1208, suggests the latter (although of course, the two are hardly mutually exclusive).

Whether Maurice was related to Archbishop Martin or simply patronised by him, the connection must have been significant for Maurice to have commemorated him in this way in 1230. Martin was a central figure in the Church and society of late twelfth-century Castile.¹⁶⁹ He had a close relationship with King Alfonso VIII, who described him as his ‘dearest and most faithful friend’ and who granted him the chancellorship in 1206.¹⁷⁰ This might account for the appearance of Maurice in the royal curia in 1212, as mentioned above.

Archbishop Martin had been canon at Palencia before his appointment to Toledo, and has been associated with the town of Herrera de Pisuergra, a town that lay directly on the border between

¹⁶⁷ Q. Aldea Vaquero, T. Marín Martínez and J. Vives Gatell (eds), *Diccionario de Historia eclesiástica de España*, vol 4 (Madrid: C.S.I.C., 1975), p. 2570.

¹⁶⁸ Serrano, *Don Mauricio*, p. 22; Ayala, ‘Los obispos’, p. 160; González Ruiz.

¹⁶⁹ See C. de Ayala, ‘Breve semblanza de un obispo de Toledo en tiempo de cruzada: Martín López de Pisuergra’, in *Mundos medievales: espacios, sociedades y poder : homenaje al profesor José Ángel García de Cortázar y Ruiz de Aguirre* 2 vols (Santander, 2012), vol 1, pp. 355-362.

¹⁷⁰ *Hombres y libros*, p. 195; Ayala, ‘Los obispos’, p. 157; Rivera, *La Iglesia*, pp. 202-3; Rivera, *Los arzobispos de Toledo*, pp. 39-44.

Palencia and Burgos.¹⁷¹ Throughout his career at Toledo, he was closely involved in the war against the Almohads and also seems to have had close links to the Castilian Mozarabic community as well as promoting translators from Arabic to Latin, themes that find some reflections in Maurice's life. In 1192, Pope Celestine III commissioned Martin to send a priest who could speak in Arabic as well as Latin to be posted to Al-Andalus and the Maghreb for the benefit of the Christians there, an action that Mansilla describes as 'el punto de partida en la gran obra misional marroquí'.¹⁷² Martin personally led a military raid to the Guadalquivir region in 1194 with 'multitudinem militum et peditum', and obtained much booty from the area.¹⁷³ The archbishop was also closely linked to the newly-founded see of Cuenca (f. 1183), whose bishops were generally drawn from amongst the Mozarab community in Toledo, and seems to have played a role in supporting and establishing the new see and to have been behind the accession of the Mozarab, Bishop Julián ben Tauro, to Cuenca in 1198.¹⁷⁴ It was also of course during Martín's lifetime that Mozarabs from Toledo started to appear with frequency in the cathedral records as members of the chapter.

Archbishop Martín was also a promotor of some of the most important translating activity that took place in Toledo in the final decades of the twelfth century and the first decade of the thirteenth. Carlos de Ayala has described his role as 'el impulso protector', and has suggested that, in particular, Martin favoured the translator Master Juan Hispanus, responsible for the translation of Ibn Gabirol's *Fons Vitae* and collaborator with the prolific translator and philosopher Domingo Gundissalinus.¹⁷⁵ Both of these translators were canons in Toledo

¹⁷¹ He travelled to Rome in 1192 on his appointment: see Ayala, 'Los obispos', p. 157; González Ruiz, *Hombres y Libros*, p. 181; Rivera, *Los arzobispos de Toledo*, p. 39. For more on locative toponyms, see Keats-Rohan, 'What's in a name?', p. 345; these sorts of name reveal the place where someone lived, or perhaps the origin of that person's family.

¹⁷² González Ruiz, *Hombres y libros*, pp. 51-52. See Mansilla, *Iglesia Castellano-Leonesa*, pp. 74-75, who provides the text of this epistle: 'Cum igitur petitio nobis ex parte christianorum, qui in quibusdam civitatibus sarracenorum habitant...sit porrecta fraternitati tue presentium auctoritate mandamus, quatenus aliquem presbiterum latina et arabica lingua instructum bone opinionis et literature virum invenias, cui dummodo secure ire valeat et redire, auctoritate nostra et tue in mandatis diligenter injungas, ut Marrochios, Hispalim, et alias sarracenorum civitates in quibus Christiani degunt, in nomine Christi fiducialiter adeat et ubi eos in fide nostra et sacramentis ecclesie fortes ac firmos invenerit, fraterna benignitate confortare et confirmare laboret'.

¹⁷³ Ayala, 'Los obispos', p. 169; Rivera, *La iglesia de Toledo*, vol 1, pp. 231-232. See also, F. García Fitz, 'La batalla en su contexto estratégico: a propósito de Alarcos', pp. 278-279, who suggests that this raid and other aggressions by Alfonso VIII were catalysts for the battle of Alarcos in 1195; in R. Izquierdo Benito and F. Ruiz Gómez (eds), *Alarcos 1195 ١١٩٢*, *الارک*, Actos del congreso internacional conmemorativo del VIII centenario de la batalla de Alarcos (Cuenca, 1996). Also see de Ayala, 'Breve semblanza de un obispo de Toledo en tiempo de cruzada'.

¹⁷⁴ Ayala, 'Los obispos', p. 164. It should be noted that Rodrigo adopted the opposite policy regarding Cuenca, trying to strip it of its properties.

¹⁷⁵ See Ayala, 'Los obispos', and also de Ayala, 'Breve semblanza de un obispo de Toledo en tiempo de cruzada'.

cathedral under Martín's direction, and Juan Hispanus was promoted to both dean of Toledo cathedral and archdeacon of Cuellar simultaneously at Martín's instigation.¹⁷⁶

This was the prelate whom, it seems certain, established Maurice as archdeacon of Toledo, most likely at some point in or not long before 1208. It also seems likely that he was in charge of Maurice's upbringing and education, a relationship implied by Maurice's reference to him as 'dominus', and thus they are likely to have been members of the same family, in a relationship parallel to that between Maurice himself and Juan de Medina de Pomar. This relationship provides some contextualisation to Maurice's earlier life in Toledo, and goes some way towards explaining Maurice's apparent connections with the Mozarabic community during his career as canon, as discussed above. That Juan de Medina de Pomar was also to follow a career between Burgos and Toledo underlines the suggestion that Maurice had long-standing, and high-ranking, family connections in Toledo as well as in Burgos.

However, there is evidence to suggest that Maurice's network was in fact wider still. The second prelate to be commemorated in 1230 was 'Lord Bricius, sometime bishop of Plasencia'. This is in fact a reference to the first ever bishop of Plasencia, a frontier diocese founded in 1190 by Alfonso VIII in the wake of territorial expansion to the south west of Castile.¹⁷⁷ Bricius was apparently appointed by Pope Clement III, on the insistence of the king, in that same year, and stayed in office until his death in 1212, although the precise timing of both events has been subject to debate.¹⁷⁸

There is very little extant evidence that relates to Bishop Bricius, largely because the cathedral archives of Plasencia have been lost before 1218.¹⁷⁹ Plasencia fulfilled an important military and strategic function on the frontier with the Almohads, and the diocese continued to expand to the south to incorporate new conquests after 1190.¹⁸⁰ It was 'a forward bastion of the realm',

¹⁷⁶ As confirmed by Innocent III in 1199; *Inocencio*, Doc nos. 190-191. See also Ayala, 'Los obispos', pp. 178-179.

¹⁷⁷ See Bonifacio Palacios Martín, 'Alfonso VIII y su política de frontera en Extremadura. La creación de la diócesis de Plasencia', *En la España medieval* 15 (1992), 77-96; and M. Martín Martín, *El cabildo catedralicio de Plasencia en la edad media* (Cáceres: Editora Regional de Extremadura, 2014), pp. 47-49.

¹⁷⁸ For the debate surrounding the foundation of the diocese, the appointment of Bricius and his death, see F. González Cuesta, 'Sobre el episcopologio de Plasencia', *Hispania Sacra* 47 (1995) 347-376, pp. 356-359. It should be noted that the papal bull confirming the foundation of the diocese has been lost, but another was reissued by Honorius III in 1221.

¹⁷⁹ Ayala, 'Los obispos', p. 164, 'no deja de resultar extraño en un personaje que debió ser decisivo a la hora de materializar los designios políticos del monarca en lo relativo a la nueva diócesis'. Kyle Lincoln has made the same point in 'The Episcopate', p. 157.

¹⁸⁰ Martín Martín, *El cabildo catedralicio de Plasencia*, p. 48, who points out that Pope Clement III had insisted on this role at the see's foundation; for more on late twelfth-century Plasencia, see R. Barragán Ramos, 'Recuperación de la memoria arqueológica de Plasencia. Noticias del Alcázar medieval desaparecido', *Revista de Estudios Extremeños* LXIII 1 (2007), 37-71.

conquered by the Castilians in 1180, lost again and then reconquered in 1196.¹⁸¹ To have been appointed as its first bishop, Bricius must have had a good working relationship with the city's founder, King Alfonso VIII, although we have no specific details as to their relationship. The diocese was created within the jurisdiction of the province of Santiago de Compostela, and not that of Toledo, a fact that caused some commotion under Archbishop Rodrigo, whose vigorous efforts to claim Plasencia would ultimately involve Maurice, who, along with two others, was appointed judge of Rodrigo's claims over the diocese in December 1214.¹⁸² There is no record of the verdict reached, but Rodrigo continued agitating unsuccessfully in 1217 and 1218, and the question was still being debated in 1239.¹⁸³ There is no record of Archbishop Martin of Toledo trying to claim jurisdiction over Plasencia, but as Bonifacio Palacios Martín has pointed out, given the lack of documentation for the diocese, it is impossible to know what relationship the metropole had with the new diocese.¹⁸⁴

However there is nothing here that explains why Maurice chose to commemorate Bishop Bricius in his memorial arrangements in 1230, and what the connection between the two bishops might have been.¹⁸⁵ The appearance of Bricius amongst the memorial requests suggests some close relationship (either familial or as a mentor) or a debt of gratitude, but the evidence is too scarce to identify the bishop any further.

There is, however, a final piece of the puzzle that goes some way towards explaining Maurice's dedication to Bricius in 1230. Maurice does seem to have had family in Plasencia, since, in August 1217, Pope Honorius III wrote to Bishop Tello of Palencia to resolve a disturbance caused by a group of four canons in Burgos, over the fact that Maurice had appointed a relative of his, referred to as *G. consanguineo suo*, an archdeacon of Plasencia, to a prebendary in Burgos cathedral.¹⁸⁶ The letter spells out the charges the canons had brought against 'G': he was not from Burgos (*non est de ipsorum partibus oriundus*), he had taken a crusading oath (*cum*

¹⁸¹ Reilly, 'The accession of Rodrigo Jiménez de Rada', p. 442.

¹⁸² Palacios Martín, 'Alfonso VIII y su política', p. 96

¹⁸³ *Ibid*, p. 96. In January 1218, Master Aparicio, canon of Burgos, was on another commission to determine the status of Plasencia (see *Honorio*, Doc 133).

¹⁸⁴ *ibid*, p. 94: 'difícilmente llegaremos a saber qué había en reivindicación de antiguo y qué se debe a Jiménez de Rada. Lo cierto es que a partir de 1217 la pugna con Plasencia se hace presente en diferentes momentos del proceso histórico'.

¹⁸⁵ Bricius is last seen in Las Huelgas in May 1212, see Cuesta, 'Sobre el episcopologio', p. 359. There has however been confusion over the date of his death. There is one document in the González collection that records a 'Bricius' as bishop elect of Burgos in 1214, however this has widely been acknowledged to be a mistake, confusing Mcius with Bcius in a Gothic hand. There are many similar errors in the collection. I am unable to comment on the original. Most historians have agreed that 1212 is the date best supported by the available evidence, see Cuesta, 'Sobre el episcopologio', pp. 356-359.

¹⁸⁶ *Honorio*, Doc 80.

crucesignatus existat), he already held a clerical title (*promotus fuit ad alterius ecclesie titulum*), and he was in fact an archdeacon in the cathedral of Plasencia (*archidiaconatum obtinet in ecclesia Placentina*).¹⁸⁷ The pope dismissed the first three objections, and stipulated that ‘G’ could keep his position in Burgos on the condition that he gave up the archidiaconate in Plasencia.¹⁸⁸ This then constitutes an important connection to the new diocese and new information about Maurice’s place in Castilian society.

The term *consanguineus* does not give us much detail about the precise relationship, but it does clearly indicate a familial connection between Maurice and this ‘G’, archdeacon of Plasencia, a connection underlined, of course, by Maurice’s bestowal of a prebendary in Burgos. Indeed, the income from this post would most likely have been far more lucrative than an income from the see of Plasencia, in which, as late as 1254, there were only ten canons in total, and for which much of its potential income was to be procured from as yet unconquered lands.¹⁸⁹ Notably, of the two archidiaconates mentioned in the Plasencian archives from this period, the territories of one, the archidiaconate of Trujillo, lay in the hands of the Almohads until 1232.¹⁹⁰ Archdeacon G must, then, have been an important figure within the chapter of Plasencia, and it should also be noted that he was *crucesignatus*, that is, vowed a commitment to crusade, seemingly against the Almohads along the southern border of the diocese of Plasencia.¹⁹¹

The charges of the canons of Burgos are revealing. ‘G’ was clearly perceived as an outsider to Burgos; not only did he hold office in Plasencia, but most intriguingly, he ‘was not from these parts’. This phrase is ambiguous, and it is not clear whether the canons were objecting simply to

¹⁸⁷ Martín Martín, *El cabildo catedralicio de Plasencia*, p. 72, points out that, although it was prohibited by canon law, it was not uncommon for medieval clerics to hold multiple benefices. However, she adds that, in this case, the canons of Plasencia would normally hold alternate benefices in nearby dioceses – it was unusual to see two benefices held in distant dioceses.

¹⁸⁸ On which grounds, Tello of Palencia was instructed to ensure the canon’s peaceful acceptance by the chapter of Burgos: *Honorio*, Doc 80; ‘Cum igitur tres premissae cause predicto G. obesse non debeant et ipse quartam paratus sit penitus remove, archidiaconatum videlicet reignando, sicut ipsius episcopi littere continebant, discretionem vestre per apostolica scripta mandamus, quatinus, eo archidiaconatum resignante predictum, ipsum, contradictione predictorum quatuor non obstante, faciatis pacifica ipsius prebende possessionem gaudere’.

¹⁸⁹ Martín Martín, *El cabildo catedralicio de Plasencia*, p. 71, and for the economic state of Plasencia in the early years of its existence, see *ibid*, pp. 190-191.

¹⁹⁰ For more details of the roles of the two archdeacons of Plasencia, see *ibid*, p. 91

¹⁹¹ The term ‘crucesignatus’ is one that has been the subject of some historiographical debate; concerning the term itself, see Michael Markowski, ‘Crucesignatus : its origins and early usage’ *Journal of Medieval History* (1984) 157-165 and for a recent summary of crusading in these years, see Thomas Smith, *Curia and Crusade: Pope Honorius III and the Recovery of the Holy Land: 1216-1227* (Turnhout: Brepols, 2017). However from 1211, Archbishop Rodrigo had been proclaiming crusade in Castile and had forbidden Spaniards from going east; see Pick, *Conflict and Coexistence*, pp. 40-41. See also J. O’Callaghan, *Reconquest and Crusade in Medieval Spain* (Philadelphia, PA, University of Pennsylvania Press, 2003), pp. 80-88, and Chapter Two of this thesis.

the promotion of someone who had not gone through the ranks of Burgos cathedral chapter (regardless of his place of birth), or whether he was foreign (by birth or upbringing) to the city or the region, or perhaps even to Castile.

Inspection of the Burgos cathedral archive reveals a likely contender for his identity. There are several canons whose names begin with this initial and who were active in Burgos in the years around 1217; one, however, stands out.¹⁹² From June 1216, a new 'G' appears in the charters of Burgos cathedral: a 'mayordomo' of the chapter, Garcia de Pomar.¹⁹³ The office of mayordomo was a senior administrative post within the chapter, often held by two or three canons simultaneously, who were listed as the chapter's representatives for the financial deals and, particularly, sales and purchases. Garcia's appearance in this role in June 1216 is also the first time he is mentioned in the cathedral at all; unlike the other mayordomos in these years, there is no previous history of appearances on witness lists. His profile would thus fit with a new-comer to Burgos who had been immediately promoted into a high office, probably by-passing others who had committed long service to the chapter, as reflected in the complaints of the canons. The timing of this appointment also fits with the receipt by Tello of Palencia of the letter from Honorius III in August 1217: tensions had been resolved between Maurice and most of the canons, leaving only four who objected to the new-comer, then various appeals would have ensued, until Maurice wrote a letter to the pope for support. It was the pope's answer to this letter, in the form of a commission to Bishop Tello of Palencia to force the canons to accept 'G', that arrived in August 1217.

It thus seems highly likely that Maurice's relative, 'G', who had been archdeacon of Plasencia and was subsequently awarded a prebendary in Burgos, was from Medina de Pomar – the same town as Maurice's nephew, Juan, as discussed above. If this is the correct identification of 'G', the charge that *non est de ipsorum partibus oriundus* must be taken to imply that he was not a local to the city of Burgos and had not held office in the cathedral, since, although Medina de Pomar lies some 90 kilometres north of the city of Burgos and until recently on the border with Navarre, it still remained within the diocese. Garcia remains traceable in Burgos cathedral until December 1222, when he was once again mayordomo (although he had not retained the post consistently since 1216).¹⁹⁴

¹⁹² The other recorded 'G's in the chapter in these years comprise of: Gundisalinus Marini, Guillelmus Petri, Gundisalinus Petri abbot of Salas, and Gundisalinus Moro.

¹⁹³ DCB, Doc 498.

¹⁹⁴ He is recognisable for the final time in December 1222; DCB, Doc 545.

Whether this 'G' was also connected in some way to Bricius must remain unknown; the bishop had been dead for some five years by the time 'G' had been transferred to Burgos, and there is no way of knowing for how long the latter had served as archdeacon in Plasencia. However, the reoccurrence of a link between Maurice and the diocese of Plasencia is significant, and contextualises, to some extent, the reference to Bishop Bricius in the document of 1230. Clearly, Maurice's familial network extended as far south as the frontier diocese in the heart of Extremadura. His promotion of 'G', whatever their precise relationship, was in line with the sorts of family obligations and expectations discussed above – to the anger of the pre-existing community of cathedral canons in Burgos. It seems very likely that Bricius too belonged to an older generation of the same familial network.

Medina de Pomar has occurred in the toponyms of two of Maurice's relatives, and it is thus tempting to see it as a possible place of origin for Maurice himself, a town that, moreover, lay close to the borderline with Navarre in the 1190s. Some caution must be exercised however; there are plenty of examples of uncles and nephews with different toponyms (one need only refer to Martín de Finojosa and Rodrigo de Verdejo, from Sigüenza), and Medina de Pomar is not mentioned in any of the contemporary references to Maurice. Nonetheless, there is one final suggestion that Maurice did indeed have a connection with the town. In 1917, Julian García Sáinz de Baranda commented in his study of the town that the sacristy of the church of Santa María del Salcinar y del Rosario contained a highly dilapidated statue that he claimed to be Bishop Maurice.¹⁹⁵ Serrano knew of this tradition, but by the time he was writing in 1922, the statue had gone.¹⁹⁶ Baranda's work is the only study dedicated to Medina de Pomar, and extremely little is known of the town's history.¹⁹⁷ However, it is important to note that the town is not mentioned in any documentation until the late twelfth century, when there are references to both 'Medina' and 'Pomar' which appear to be the same town; the earliest reference to 'Medina' is to be found in the documentation of the nearby monastery of San Salvador de Oña in 1170, 'Pomar' is referred to in Burgos cathedral in 1186, and the full name of Medina de

¹⁹⁵ This is in passing, as he discusses the dating of the church building: 'pudo ser coetánea con la existencia del Obispo D. Mauricio, cuya efigie bastante deteriorada se conserva en la sacristía'; J. García Sáinz de Baranda, *Apuntes Históricos sobre la Ciudad de Medina de Pomar* (Burgos: Tipografía de El Monte Carmelo, 1917), p. 141.

¹⁹⁶ Serrano, *Don Mauricio*, p. 20, footnote 1: 'En la iglesia del Rosario de Medina de Pomar, de construcción contemporánea a D. Mauricio, se veía hasta hace pocos años una estatua de este prelado'.

¹⁹⁷ Ma. Rosa Ayerbe Iribar edited the complete collection of documents in the most important monastery of Medina de Pomar, but this was founded in 1313, and the volume does not refer back to the history of the town. See M. Ayerbe Iribar, *Catálogo documental del archivo del Monasterio de Santa Clara : Medina de Pomar (Burgos), 1313-1968* (Burgos: Monasterio de Santa Clara, 2000).

Pomar is specified for the first time in 1202.¹⁹⁸ It is of course tempting to see this town as being part of the larger scheme of new towns with Arabic-based names, settled and cultivated by Mozarab émigrés, as identified in the countryside around Toledo by Richard Hitchcock, but the paucity of the evidence prohibits the current possibility of any conclusions.¹⁹⁹

Conclusions

It is evident that Maurice was a man with connections across Castile, well-known and apparently trusted across an impressive network of contacts before he had even been two years in the job of archdeacon. Clearly he was not an 'unknown'; on the contrary, he must have been well-established in society, clearly from a family of some nobility, and most importantly for him, had contacts, mentors and probably uncles in some of the most important ecclesiastical positions in Castile. Moreover, he had the most powerful supporter of all in Alfonso VIII, and whether the king knew Maurice simply as a talented cleric from his court or had some deeper connection to him or his family, his favour would have been essential in Maurice's appointment as bishop of Burgos in 1213 and, later, in his prominent role in the events surrounding the accession of Fernando III. Maurice also seems to have had connections and standing in Toledo that preceded his apparent friendship with Archbishop Rodrigo, and may have tied into long-established links between the sees of Burgos and Toledo.

Maurice's interactions with the Mozarabic community of Toledo are more puzzling. He acted in ways that suggest that he was familiar with Mozarabic culture and possibly the Arabic language, but whether he himself was a Mozarab remains uncertain. It is important however to point out that such categories had the potential to be fluid. As Peter Linehan and Francisco Hernández have demonstrated, non-Mozarabs could be 'Mozarabised' where marriage or long-term residence necessitated, and there are examples of foreigners settling into the Mozarabic community and becoming linguistically and culturally indistinguishable, at least in the charter evidence, in the space of a generation.²⁰⁰ Cultural adaptation was quite possible, and Maurice's proximity to the Mozarabic community may simply suggest that he had spent longer in

¹⁹⁸ See Oceja, *Oña*, Docs 63 (1170) and 343 (1202), as well as, DCB, Doc 262. My thanks to David Peterson for his opinions and advice on this.

¹⁹⁹ Hitchcock, *Mozarabs in Medieval and Early Modern Spain*, see above.

²⁰⁰ Linehan and Hernández have highlighted the example of one Peter of Toulouse, who arrived in Toledo in 1138 and married into the Banu Harith Mozarabic dynasty, and whose descendants held the office of Mozarabic *alguacil*; see Linehan and Hernández, *Mozarabic Cardinal*, pp. 8-19.

Toledo than currently suspected, and had positive relationships with his many Arabophone colleagues.

In the Castilian Church of the thirteenth century, personal connections mattered, and it is clear that Maurice was as well-established as some of his more well-known peers. Whilst much about his early life and background remains enigmatic, it is nonetheless clear that he was a figure of high status across Castile, with a wide and powerful network of his own, and with a reputation as a man of learning among the López de Haro family, the bishops of Burgos and the king himself. His mentors, especially Martín López de Pisuerga, may have imparted to Maurice interests and predilections that lasted throughout his lifetime, in an ongoing system of patronage in which we see Maurice similarly relating to his high-achieving nephew, Juan de Medina de Pomar. They also gave him a solid foot upon the ladder of ecclesiastical advancement in the Castilian Church.

Chapter 2:

Maurice, Islam and the Unity of God

Islam, made tangible in the Muslim armies of the Almohad Empire, constituted a major preoccupation for Maurice throughout his career. Military conflict with the Almohads along the southern borders of Castile expanded over the course of Maurice's lifetime into the series of successful wars often referred to as the 'Reconquista', extending the Castilian kingdom far into Al-Andalus, and shaping Spanish historiography for centuries to come.¹ Maurice's episcopal career began in the aftermath of Las Navas, the first major victory against the Almohads, and would end just two years after the hugely symbolic conquest of Cordoba in 1236, the capital of the Almohad caliphs. It is perhaps inevitable that fighting against Islam, in a variety of ways, should have been an important feature of Maurice's life.

Maurice was certainly involved in the military endeavours that unfolded around him. As we have seen in Chapter One, it is highly likely that he was present at the battle of Las Navas in July 1212; at the very least, the battle claimed the life of Bishop Juan of Burgos and provided Maurice with a vacant see. More important was his role in the instigation of war by Fernando III in the mid-1220s, in which, as we shall see, Maurice was an important figure, providing a theological impetus for proceedings. However, in addition to military endeavours, Maurice also encountered Islam on a textual, and intellectual, level. Whilst he was still based in Toledo, Maurice commissioned two translations of Islamic doctrinal texts: the Qur'an, translated by the summer of 1210 under the title of the *Liber Alchorani*, and the teachings of the mahdi of the Almohads, Ibn Tumart, a text translated during the year 1213 and entitled *Libellus Habentumeti de Unione Dei* [henceforth, *Libellus*]. The Qur'an translation was commissioned by Maurice and Archbishop Rodrigo together, whilst the *Libellus* of Ibn Tumart was at the patronage of Maurice alone. These two texts provide us with a wholly different angle from which to understand Maurice's vision of Islam and his own role in counteracting the threat from the Almohads – both physical and theological. These two texts were each translated to play quite different functions in Toledan society, and were intended to bring to Christian theologians not only new means to polemicise against Islam, but also new tools with which to understand their own, Christian identities in relation to the theological challenges around them.

This chapter pieces together Maurice's various interactions with Islam, military and intellectual, in order to understand his role in and contribution to the ideological and political developments

¹ Pick, *Conflict and Coexistence*, pp. 43-52.

that shaped the first half of the thirteenth century in Castile. For much of this chapter, we shall see that Maurice was acting in tandem with Archbishop Rodrigo. For this reason, it will be necessary to assess the extent to which Maurice shared the world-view of his archbishop when it came to Christian-Muslim relations. Archbishop Rodrigo's various military and literary interactions with non-Christians have been extensively studied by Lucy Pick, who has suggested that his approach to Islam and Muslims was not only coherent but constituted 'a single programme of activity'.² Analysing Rodrigo's vast literary output – his histories of Spain and of the Church, his works of anti-Jewish polemic, and his treatise on the history of the Arabs in the peninsula – as well as his active involvement in military conflict with the Almohads, his attitudes towards Jews in Toledo, and his patterns of patronage, Pick has argued that Rodrigo operated according to his own, complex theological understanding of Muslims and Jews. Religious disunity was a feature of mankind's fallen state, and it was only through the hegemony of Christian control that anything like the ideal of divine unity could be approached. Within this 'theology of unity', polemic and military conquest both had an important function; not to destroy or convert non-Christians, but to allocate them a defined place under superior, Christian rule. Pick has pointed out that 'scholarly cooperation should be seen as part of the same program as crusade, conquest and colonization... in Rodrigo's case all were underpinned by a belief in the originary divine unity of all creation, a return to which Christians could help foster by assimilating foreign peoples and bits of learning'.³ Although our sources are far more limited as far as Maurice is concerned, we shall nonetheless see that Maurice was not only shaped by Rodrigo's ideas, but had an active role in contributing to this 'theology of unity'.

Maurice's various interactions with Islam have been largely overlooked in previous scholarship. Luciano Serrano does not seem to have been aware of the translations produced in Toledo under Maurice's patronage. Marie-Thérèse d'Alverny was the first to note Maurice's role in the translation of the *Libellus* as well as the *Liber Alchorani* in her article of 1951, as a result of which she suggested that he had a particular interest 'Islamic studies'.⁴ D'Alverny's focus, however, was on the translator of both texts, Mark of Toledo, rather than his patrons. And indeed, whilst in recent years there has been some very important scholarship on both Archbishop Rodrigo himself and on ideologies of interaction between Christians and Muslims, Maurice has escaped detailed attention on both fronts, largely because, as d'Alverny herself pointed out in 1951, he has remained 'beaucoup moins connu que son archievêque'.⁵ The important publication by

² *Ibid*, pp. 75-76.

³ *Ibid*, p. 14

⁴ d'Alverny and Vajda, 'Marc de Tolède', p. 105.

⁵ *Ibid*.

Carlos de Ayala in 2017, dedicated to the *Libellus* of Ibn Tumart, saw Maurice as a figure on the side-lines, standing ‘in the shadow of Rodrigo’.⁶

This chapter seeks to bring Maurice out from these shadows. We shall first place Maurice in his military and political context, bringing to light his role as royal advisor and crusader-bishop. We will then turn to his involvement in the translation of the *Liber Alchorani*, assessing why he was named as joint patron with the archbishop, and questioning both his interest in the Qur’an and his role in the commission. Finally, we shall address the translation of the *Libellus de unione dei* in 1213, commissioned by Maurice alone. This text has generally been interpreted as a sequel to the Qur’an translation, produced in an attempt to render another Islamic doctrinal text available for polemic. In what follows, we shall challenge this interpretation through a close reading of the work’s prologue and contents, in order to suggest that the *Libellus* had an intellectual value to Maurice and his contemporaries, and that its translation was aimed at informing ongoing Christian debates about the unity of God.

1. The crusader-bishop

Maurice’s ecclesiastical career coincided with a period of dramatic change in the political configuration of the Iberian Peninsula, as the southern border of Castile was extended deep into the territory of the Almohads.⁷ Alfonso VIII’s victory at the battle of Las Navas in 1212 marked the re-opening of hostilities with the Islamic south, but it was under Fernando III that these wars, often referred to as wars of ‘Reconquista’, allowed the expansion of Castilian control and settlement into almost all of Al-Andalus. Maurice played an active role in these developments, and as we shall see, acted in conjunction with Archbishop Rodrigo in providing an impetus to these conflicts.

The battle of Las Navas was followed by a long truce with the Almohads, a result of the exhaustion of Castilian resources in 1212, Alfonso VIII’s death in 1214 and the ensuing years of

⁶ Carlos de Ayala Martínez, *Ibn Tumart, el arzobispo Jiménez de Rada, y la cuestión sobre Dios* (Madrid: Ergastula, 2017), p.57, and pp. 25-30.

⁷ For an overview of the political and military events of these years, see O’Callaghan, *A History of Medieval Spain*, pp. 333-357. This has famously led to the description of medieval Spanish society as a ‘frontier society’ and a ‘society prepared for war’ etc. See R. I. Burns, ‘The significance of the frontier in the Middle Ages’, pp. 80-108; R. Fletcher, ‘Reconquest and crusade in Spain’, *TRHS* 5:37 (1987), 31-47; D. Lomax, *The Reconquest of Spain* (London and New York: Longman, 1978). For more on Las Navas in particular, see D. Smith, Las Navas and the restoration of Spain, *Journal of Medieval Iberian Studies* (2012), 39-43; F. García Fitz, *Las Navas de Tolosa* (Barcelona: Ariel, 2005); M. Alvira Cabrer, *Las Navas de Tolosa, 1212: idea, liturgia y memoria de la batalla* (Madrid: Sílex, 2012). There is also a very useful collection of studies on Las Navas in *Journal of Medieval Iberian Studies* 4, no. 1 (2012).

turbulence under the infant king Enrique I.⁸ By 1224, political, financial and circumstantial developments favoured the reopening of hostilities to the south: Fernando III had survived a turbulent few years of noble unrest, and needed to unite his nobility in a lucrative mission outside of Castile, and the crisis of Almohad political control following the death of the caliph provided an ideal distraction.⁹ Fernando III took Quesada in 1224, and in the same year received the fealty of the Muslim rulers of Baeza and Valencia.¹⁰ Protracted negotiations with the king of Baeza, al-Bayyasi, resulted in the surrender of that city in 1225 to Fernando, who also carried out raids around Jaén and Granada, as well as conquering Capilla in 1226. Fernando's resources were multiplied in 1230, following the death of Alfonso IX of León and Fernando's successful claim to unite the kingdoms of León and Castile: he captured Ubeda in 1233 whilst his vassals took land across Extremadura, including Trujillo. The climax of these years was the conquest of Córdoba in 1236, and later, that of Seville in 1247.¹¹

The Castilian Church and clergy had a significant role in these wars. Clergy are described by Rodrigo in his *De Rebus Hispanie* as being present at the fighting in 1212, and we know that a number of bishops were killed.¹² Moreover, Archbishop Rodrigo himself was personally behind much of the preparation in the years leading up to 1212, even going on a recruitment tour around France.¹³ Bishops played an important symbolic role in the capture of Cordoba in 1236, and the *Chronica Latina* describes the consecration of the city's mosque as the highlight of the events.¹⁴ The Church also supported the proceedings financially, and a letter from Pope Gregory IX to the Castilian bishops in 1228 begs them to inform their king that he was no longer allowed to redirect the *tercia* tax to fund his wars, as he had done since 1224.¹⁵

⁸ See O'Callaghan, *History of Medieval Spain*, pp. 234-253.

⁹ See an important article by Francisco Hernández, 'La corte de Fernando III y la casa real de Francia: documentos, crónicas, monumentos', in *Fernando III y su tiempo (1201-1252) : VIII Congreso de Estudios Medievales*, ed. Fundación Sánchez-Albornoz (2003), pp. 103-156; also Pick, *Conflict and Coexistence*, pp. 337-9; O'Callaghan, *History of Medieval Spain*, pp. 337-8.

¹⁰ O'Callaghan, *History of Medieval Spain*, p. 338. There was a degree of competition with other kings: Alfonso IX of León (f's father) took Cáceres in the summer of 1227 and Mérida and Badajoz by 1230. Jaime I of Aragon was conquering in Majorca and Minorca in the same years.

¹¹ O'Callaghan, *History of Medieval Spain*, pp. 343-345.

¹² *De Rebus Hispanie* VIII. 3: Archbishop Rodrigo himself, and the bishops of Palencia, Osma, Sigüenza, and Avila are listed as present. and *ibid*, VIII. 10 adds the bishop of Plasencia 'and many other clergy'. Also see Kyle Lincoln, 'Beating swords into croziers: warrior bishops in the kingdom of Castile, c.1158–1214', *Journal of Medieval History* 44(1) (2018), 83-103.

¹³ Pick, *Conflict and Coexistence*, pp. 36-43; also see Peter Linehan, 'Don Rodrigo and the Government of the Kingdom,' *Cahiers de linguistique et de civilization hispaniques médiévales*, 26 (2003), 87-99. *De Rebus Hispanie*, VII. 36.

¹⁴ *Chronica Latina* p. 95-102; compare *De Rebus Hispanie*, IX.17.

¹⁵ On 14th February 1228, *Gregorio IX*, Doc 77.

As archdeacon of the city of Toledo, it is very likely that Maurice was present at Las Navas in July 1212, a battle in which his immediate superior, Archbishop Rodrigo, had played a crucial role. As Pick has pointed out, this battle was, for Rodrigo, no less than a crusade.¹⁶ In addition to his efforts to garner French support, in 1211 Rodrigo addressed a letter requesting assistance to ‘all who are in agreement in the Christian faith’.¹⁷ The Almohads posed an eschatological threat not just to Spain but to Christianity, Rodrigo stressed, since they ‘unanimously conspire to destroy the Christian people’.¹⁸ Rodrigo also cited the authority of ‘Almighty God and the Lord Pope’ as well as his own and that of the bishops of Castile (including Juan Maté of Burgos) that all who participate would receive full absolution of their sins, ‘as one who goes to Jerusalem’.¹⁹ Whether Maurice travelled with the archbishop or not is unclear, but as we have seen in Chapter One, there is evidence that he remained with the king’s court in the months following the battle, leading to his own accession as bishop of Burgos early in 1213.

More notable was Maurice’s involvement in the reopening of hostilities against the Almohads by Fernando III. In July 1224, informed of a succession crisis in Al-Andalus as well as being ‘enflamed by the Holy Spirit’, according to the *Chronica Latina*, Fernando summoned a council of war at the city of Carrión de los Condes, where he reached the decision to break the truce with the Almohads.²⁰ We have slightly conflicting reports of this decision. Rodrigo’s account of events refers only vaguely to the council and highlights himself as the sole clerical influence on the king: Fernando was ‘relying on the collaboration of the Archbishop Rodrigo of Toledo and other nobles of his reign’ in reaching his decision.²¹ However, the *Chronica Latina*, written by Juan of Osma, makes clear that there was another bishop involved: Maurice of Burgos. The council at Carrión is described in some detail, along with Fernando’s decision to break the truce: ‘with his noble mother, with the archbishop of Toledo and the bishop of Burgos and all the magnates of his kingdom, united in council, they decided to declare war against the Saracens’.²²

¹⁶ Pick, *Conflict and Coexistence*, pp. 34-52. See also D. Smith, ‘The papacy, the Spanish kingdoms and Las Navas de Tolosa’, *Anuario de Historia de la Iglesia*, 20 (2011), 157–178.

¹⁷ As transcribed and translated by Lucy Pick, *ibid*, p. 210; also see, pp. 39-41.

¹⁸ *Ibid*, ‘Vobis omnibus notum esse credimus resur<rexisse> multitudinem sarracenorum huc cura mare in ispaniam iam nuper transmeasse et ad conterendam christianam gentem unaniniter conspirasse’.

¹⁹ *Ibid*, ‘ex auctoritate dei omnipotentis et domini pape et nostra et venerabilium fratrum nostrorum coepiscoporum, videlicet, Oxom[en]sis, Calagurrutani, Palentini, Burgensis, Secobiensis, Abulensis, Seguntini, omnium peccatorum suorum [tantam] absolutionem sibi factam [esse] non dubitet, quntam is qui Iherosolimam vadit habet’. Rodrigo also prohibited anyone from crusading in Jerusalem ‘quousque ispania ab hac infestation liberetur’.

²⁰ Lomax, *Reconquest of Spain*, pp. 134-154. *Chronica Latina*, pp. 62-63.

²¹ *De Rebus Hispanie*, IX.11.

²² *Chronica Latina*, p. 63: ‘In principio igitur mensis iulii rex intravit Carrionem, ubi cum nobili genetrice sua et cum archiepiscopo Tolletano et episcopo Burgense et cunctis magnatibus regni, [ubi] tratatu habito, firmatum est consilium movendi guerram contra Sarracenos’. We should note that Rodrigo does

Maurice's *consilium* as well as Rodrigo's was thus apparently consulted as part of Fernando's decision at the council of Carrión.

That the two prelates acted together in 1224 is confirmed by the events that immediately preceded this council. Just two months earlier, Archbishop Rodrigo had been in Burgos along with Maurice and most of the Castilian royal family. The event was the wedding of the sister of Fernando III, Berenguela, to John of Brienne, the king of Jerusalem. Although Janna Bianchini has pointed out that this wedding was a result of opportunism on behalf of both John of Jerusalem (who was in Europe to raise support for a new crusade after the failure of the Fifth Crusade), and of the Castilian crown (especially the crown mother, Berenguela, who organised the marriage), it was nonetheless an event of great political symbolism, linking the Castilian royal family to the king of the crusader states and a powerful figure on the international stage, who had a close relationship with Pope Honorius III as well as with the Holy Roman Emperor.²³ For Rodrigo, for whom war with the Almohads was a new crusade, and to whom Honorius had been sending exhortations to take up arms against the Muslims with the same benefits as those who went to Jerusalem, the symbolism of this nuptial alliance can hardly have gone unnoticed.²⁴ The wedding took place in Burgos, presumably in the Romanesque cathedral. However, the celebrant was not Maurice (who had married Fernando and Beatriz in 1219) but Archbishop Rodrigo, as is made clear in a short charter recording the fact, made by Rodrigo in Burgos in May 1224. The charter, which is unpublished and seems to have been overlooked by previous studies, records that Rodrigo was 'invited and requested' by Maurice to celebrate the wedding in Burgos.²⁵ The two prelates must surely have travelled on together to Carrión, some 85 kilometres to the west along the pilgrimage route to Santiago, where, just two months later, the king of Castile declared his intention to resume hostilities to the south, advised by these same two figures. Whether King John's visit had any effect on Fernando's declaration of war remains an open question, and one that is surely beyond the scope of this thesis, but more important, for our purposes, is the fact that Maurice was involved in both of these highly symbolic

not mention Maurice's presence or that of any cleric other than himself (*De Rebus Hispanie*, IX, xii.) However, as Linehan has shown, Rodrigo is notoriously unreliable on such details where the archbishop's own role could be aggrandised, and here, the account of the *Chronica Latina* seems a more reliable source (see Linehan, 'Don Rodrigo and the Government of the Kingdom', pp. 87-99). It is strange that Bishop Tello of Palencia, the closest see to Carrión, is not mentioned as being there.

²³ Bianchini, *The Queen's Hand*, p 249. John had in fact been in Spain with the intention of marrying a daughter of the king of León.

²⁴ *Honorius* Doc. 14, (Jan 1218). See Bianchini, *idem*

²⁵ ACB v. 35, f. 34; see Appendix 3.

moments, and that, in both cases, he was acting quite deliberately in tandem with Archbishop Rodrigo.

The pope also saw these two clerics as the most suitable choices for his command to preach crusade in Spain. In September 1225, Pope Honorius III singled them out in a letter that recognised the Castilian wars as 'crusades', worthy of the same spiritual and material indulgences as those who had undertaken the journey to Jerusalem.²⁶ The letter was addressed to Rodrigo and Maurice, and appointed these two as 'crucesignatus', and leaders of the crusade in Spain.²⁷ Specifically, they were charged with the job of announcing crusade throughout Castile, a task in which, the pope decreed, they must have complete freedom and protection.²⁸ A letter to Fernando III written by Honorius on the same day makes the same point, congratulating the king on having waged war against Islam (which, he pointed out, threatened all Christendom), and informing him that Maurice and Rodrigo were appointed protectors of the crusade and under orders to announce the papal exhortation publicly throughout the land.²⁹

There is no trace of this bull in Burgos cathedral archive, but that Maurice received and acted upon the papal commission is demonstrated in a letter found in the cathedral archive of Ávila, undated but clearly issued not long after receiving the bull. Written by Rodrigo and Maurice and addressed to 'all the bishops and vicars of the kingdom of Castile', this letter contains a copy of the apostolic mandate, described as 'both salubrious and useful to the Christian people', and urges clerics to preach this crusading rhetoric to their congregations.³⁰ Thus, 'inspired by such privilege from the apostolic see, they should be brought manfully to such holy business'. The editor of the Avila archive, Ángel Barrios García, suggests that this document might have been produced in Toledo in late 1225, although there is no record of it either in Toledo or in Burgos,

²⁶ *Honorio*, Doc 575, 26th September 1225: 'unde universis per Ispanias constitutes, qui crucis assumpto signaculo cause huiusmodi duxerint, insistendum, eadem concedimus indulgentiam, que cruce signatis terre sancte subsidio insistentibus in generali concilio est concessa, quorum etiam personas cum omnibus bonis suis post crucem assumptam, sub protectione recipimus apostolice sedis et nostra'.

²⁷ *Ibid*, 'crucesignatus regni Castille vos proprios deputavimus protectores'

²⁸ *Ibid*, 'Per apostolica vobis scripta mandamus, quatinus eadem indulgentiam per regnum Castelle publice nuntietis, et cum ad hoc deputati sitis protectores, eisdem ne regum vel quorumlibet aliorum inquestentur molestiis vel vexationibus fatigentur, cum eos oporteat, ut liberius Christi servitio insistant, specialiter confoveri'.

²⁹ *Ibid*, Doc 576, 'Venerabiles fratres nostros Toletanum archiepiscopum et Burgensem episcopum deputavimus protectores, quibus etiam per litteras nostras iniunximus, ut indulgentiam huiusmodi, qua fideles ad promotionem eiusdem negotii animentur, publice debeant nuntiare'.

³⁰ A. Barrios García, *Documentación medieval de la catedral de Ávila* (Salamanca: Universidad de Salamanca, 1981), Doc 61; 'Nos igitur tam salubre mandatum tam utile populo christiano ex qui cupientes universitatem vestram rogamus attentius et auctoritate apostolica, qua fungimur, in hoc negocio vobis firmiter mandamus, quatinus indulgentiam supradictam, sicut in litteris apostolicis continetur, populis vobis subiectis solempniter nuntietis, ut tanto beneficio sedis apostolice animati ad tam sanctum negotium viriliter attingantur'.

leaving open the possibility that the document might have been produced whilst the pair were travelling – or indeed, might even have been written in Avila, since it does not seem to have made its way to any of the other episcopal archives in Castile. That Maurice did indeed take to the road on receipt of the papal bull is suggested by the fact that he seems to have been away travelling for a period of around two years, commencing not long after the bull was written. There is no record of any charters being produced in Burgos cathedral between October 1225 and September 1227, which would tally with the absence of the bishop and his attendants.³¹ Where Maurice might have travelled to is largely a matter of speculation. It would not be at all unlikely for him to have travelled to Ávila. He was a couple of hundred kilometres east of Ávila in February 1227, when he made a charter in the city of Brihuega.³² Additionally, he and a scribe from Burgos cathedral were together in Quintanadueñas in August 1227, a town just to the north of Burgos, another indication that he had been travelling with a canonical posse.³³ By comparison, Honorius III also wrote to Bishop Tello of Palencia in October 1225, urging him to donate to the cause and advising him that Maurice would be visiting his diocese to preach crusade.³⁴ It is curious to note however that Maurice is not mentioned in the *Chronica Latina* as attending the consecration of the mosque of Capilla in 1226, at which both Archbishop Rodrigo and Tello of Palencia were present, and nor is he listed as attending the consecration of the mosque of Cordoba in 1236.³⁵

Nonetheless, it is clear that, despite not being recorded as appearing on the military frontline, Maurice was actively involved in the conflicts with the Almohads, and his agency, as well as Rodrigo's, should be seen as important in the resumption of hostilities under Fernando III. Indeed, as we have seen, Maurice acted in conjunction with Rodrigo on more than one occasion, and the two were clearly together at the highly important council of Carrión, even if Rodrigo

³¹ Although the survival of documents from the early 1220s in Burgos is particularly problematic. See the introduction to this thesis on the difficulties of Burgales documentation; 1222 to 1225 is a particular black spot. It is instructive to compare the silence of Burgos scriptorium in 1219, when Maurice was certainly away, and no charters were made at all. Does this suggest that the bishop took his scribes with him when he travelled?

³² Now stored in Toledo cathedral archive in a later copy: Archivo de la catedral de Toledo, A.11.A.1.4b; see Appendix Three.

³³ The sale was drawn up by 'Giraldus notarius domini episcopi', which supports this theory. DCB, Doc 209.

³⁴ Abajo Martín, *Documentación de Palencia*, Doc 169. See also, *ibid*, Doc 170.

³⁵ For Capilla: *Chronica Latina*, p. 72: 'archiepiscopus vero Toletanus et episcopus Palentinus et alii viri religiosi, qui cum episcopis erant, mezquitam maurorum, omni spurcicia mahometice suspersitionis per virtutem Domini nostri Iesu Christi et victoriosissime Crucis eius purgatam, dedicaverunt ecclesiam Domino Iesu Christo'. For Cordoba: Listed as present were the bishops of Osma, Cuenca and Baeza, and other 'viri religiosi', as in the *Chronica Latina*, pp. 100-101. Maurice was making a treaty with Oña in Quintanadueñas in August 1236, making his attendance in Cordoba even less likely (the mosque was consecrated in late June).

should have airbrushed Maurice's presence out in his description of events some fifteen years later (by which point Maurice was probably dead). Rodrigo's ideological commitment to warfare with the Almohads, and particularly his promotion of war as a crusade, appears to have been shared by Maurice, most visibly in the joint preaching campaign they undertook in 1225, at the request of Honorius III, and although there remain few traces of Maurice's trajectory and even less as to the contents of his preaching, there is enough evidence to suggest that he at least took the papal commission seriously enough to reissue it at Avila, and to journey south from Burgos for several years. As we shall see in the next section of this chapter, there is still further evidence to suggest that Maurice and Rodrigo shared ideas about Islam and about the best way of providing an ideological counter to it.

2. Maurice and the *Liber Alchorani*

In addition to his role as *crucesignatus* and advisor to the king, Maurice joined Rodrigo in the undertaking of a more intellectual endeavour against the Almohads; namely, the patronage of a translation of the Qur'an into Latin. This translation, entitled the *Liber Alchorani*, was produced whilst Maurice was still a canon at Toledo by one of his fellow members of cathedral chapter, Mark of Toledo, a Mozarab and a medical student, who dated his work (according to the Islamic calendar) to the year 606 of the Hegira, that is, some point between July 1209 and June 1210.³⁶ The later of these dates is generally considered the more likely, since Rodrigo only arrived in Toledo in February 1209 (although, as we have seen in Chapter One, Maurice had been in the

³⁶ Nadia Petrus i Pons, *Liber Alchorani quem transtulit Marcus Toletanus: Estudio y edición crítica* (Madrid: CSIC, 2016), pp. xxvii-xxxvii. There is a great deal of scholarship on the *Liber Alchorani*. For the transcription of the prologue to the *Liber Alchorani*, see the very important article by d'Alverny and Vajda, 'Marc de Tolède', pp. 260-268. For some of the principal scholarship, see d'Alverny, 'Deux traductions du Coran'; Thomas Burman, *Reading the Qur'an in Latin Christendom, 1140-1560* (Philadelphia: University of Pennsylvania Press, 2007); John Tolan, 'Las traducciones y la ideología de la reconquista: Marcos de Toledo', in Barceló and Gázquez, *Musulmanes y cristianos*, pp. 79-85; U. Cecini, 'Faithful to the infidels' word: Mark of Toledo's Latin translation of the Qur'an', in Reinhold Gleis (ed.), *Frühe Koranübersetzungen. Europäische und außereuropäische Fallstudien* (Trier: Wissenschaftlicher Verlag Trier, 2012), pp. 83-98; *idem*, 'Main Features of Mark of Toledo's Latin Qur'an Translation', *Al-Masāq*, 25:3 (2013) 331-344; and *idem*, *Alcoranus latinus: eine sprachliche und kulturwissenschaftliche Analyse der Koranübersetzungen von Robert von Ketton und Marcus von Toledo* (Berlin: Lit, 2012); as well as N. Petrus i Pons, 'Marcos de Toledo y la segunda traducción Latina del Corán', in Barceló, M. and Martínez Gázquez, J., *Musulmanes y cristianos en los siglos XII y XIII* (Bellaterra: Servei de Publicacions UAB, 2005), pp. 87-94, and others below.

cathedral prior to Rodrigo's arrival and he would certainly have known Mark, who had been in the chapter since at least the early 1190s, before this joint commission with Rodrigo).

The *Liber Alchorani* was not the first Latin translation of the Qur'an: in 1142, Robert of Ketton had translated the text on the orders of Peter the Venerable, abbot of Cluny, a work entitled *Lex Mahumet pseudoprophete*, that provided something of a paraphrase of the Qur'anic text and was to become widely known across Europe, although it does not seem to have been used by Mark in 1210.³⁷ The *Liber Alchorani*, however, was a very different sort of text. As Thomas Burman has illustrated in his important comparison of the early Qur'an translations, Mark's text was scrupulously verbatim to the Arabic original.³⁸ Indeed, 'his attention to the most basic linguistic details of the Arabic before him is palpable', resulting in a 'philological' translation that recreates the Arabic syntax, even to the extent of causing 'Arabicisms' in the Latin, as well as preserving the Qur'anic structural divisions and shape and relying on Islamic exegesis to make sense of passages that were particularly problematic.³⁹ Unlike the *Lex Mahumet pseudoprophete*, Mark's text circulated under a transliteration of the original title; *alchorani*.⁴⁰

The text of the *Liber Alchorani* was preceded by a long, highly polemical prologue, a 'frame' that informed the reader how to approach the translation itself.⁴¹ This prologue was published by Marie-Thérèse d'Alverny in her seminal article of 1951, and provides us with information about the work's patrons, as well as a lengthy polemical biography of Muhammad and an account of early Islamic expansion, reusing a number of pre-existing polemical tropes, as discussed by John Tolan.⁴² Mark informs the reader that the text he had translated contained Muhammad's

³⁷ See, Tolan, 'Las traducciones y la ideología de la reconquista', p. 82; Burman, *Reading the Qur'an*; J. Martínez Gázquez and A. Gray, 'Translations of the Qur'an and Other Islamic Texts before Dante (Twelfth and Thirteenth Centuries)', *Dante Studies*, 125 (2007), 79-92, p.86; and Martínez Gázquez, J., 'Trois traductions médiévales latines du Coran : Pierre le Vénérable-Robert de Ketton, Marc de Tolède et Jean de Segobia', en *Revue des Études Latines* 80 (2002), 223-236. Although compare the view of d'Alverny that Mark disapproved of Robert of Ketton's translation, and so did not mention it; d'Alverny and Vajda, 'Marc de Tolède', p. 116.

³⁸ Burman, *Reading the Qur'an*. Further research on philological nature of the *Liber Alchorani* has been done by Ulisse Cecini, *Alcoranus latinus: eine sprachliche und kulturwissenschaftliche Analyse der Koranübersetzungen von Robert von Ketton und Marcus von Toledo* (Berlin: Lit, 2012), and idem, 'Faithful to the infidels' word: Mark of Toledo's Latin translation of the Qur'an', in Reinhold Gleis (ed.), *Frühe Koranübersetzungen. Europäische und außereuropäische Fallstudien* (Trier: Wissenschaftlicher Verlag Trier, 2012), pp. 83-98.

³⁹ Burman, *Reading the Qur'an*, pp. 21-23.

⁴⁰ *Ibid*, pp. 5, 23 and 36-60; T. Burman, 'Tafsir and Translation: Traditional Arabic Qur'an Exegesis and the Latin Qur'āns of Robert of Ketton and Mark of Toledo', *Speculum* 73 (1998), 703-732; Cecini, 'Faithful to the infidels' word', pp. 83-98.

⁴¹ Burman, *Reading the Qur'an*, p. 17.

⁴² Tolan, 'Las traducciones y la ideología', pp. 79-85.

‘sacrilegious principles’ (*sacrilega instituta*) and his ‘monstrous precepts’ (*enormia precepta*).⁴³ He also provides some background to the commission. Archbishop Rodrigo, the first of the two patrons to be named, wished to act against the ‘enemies of the cross’ who had ‘infested’ Spain: ‘for in places where suffragan bishops were at one time offering holy sacrifices to Jesus Christ, now the false prophet is extolled in name’.⁴⁴ Mark attributes to the archbishop a quote from Ambrose: ‘my arms are my tears’. It was from this sense of outrage and desire to recover once-Christian land, Mark informs us, that Rodrigo ordered for the Qur’an to be translated ‘so that those whom he is not permitted to fight with physical arms, he might at least confuse by resisting their monstrous precepts’.⁴⁵ Although in fact there are a number of references to Castilian clerics personally fighting in battles from this period, it is clear that this translation was to become the basis for a different form of combat with Islam.

There has been a great deal of scholarship on the *Liber Alchorani* in recent years, much of it focused on Rodrigo’s understanding of Islam and his motivations in commissioning the text.⁴⁶ Indeed, where he has been mentioned at all, Maurice has generally been referred to only in passing, as no more than an assistant to Rodrigo’s endeavour. The plethora of written sources and other historical material pertaining to Rodrigo has permitted detailed study of how this text fitted into his vision of Islam and his battles against the Almohads, but Maurice has been until now a far more shadowy figure. It is therefore important, at this stage, to draw attention to Maurice’s role in the patronage of the *Liber Alchorani*.

Immediately after his praise of Rodrigo, Mark provides a lengthy description of Maurice – in fact, the longest and most detailed contemporary description that exists of our subject. As with Rodrigo, Mark praises Maurice’s personal virtues, including his ‘learning’, and describes motivations that are very similar to those of the archbishop:

Also, in this concern, set on fire by zeal for the Christian faith, the reverend Maurice, archdeacon of the same [the see of Toledo], is no less distinguished; commendable in learning, outstanding in virtue, brilliant in habits, and distinguished in integrity, but has laboured with equal desire and equal passion so that this book should be translated into

⁴³ D’Alverny and Vajda, ‘Marc de Tolède’, p. 267; ‘ut liber in quo sacrilega continebantur instituta et enormia precepta translatus’. Also see Burman, *Translating the Qur’an*, p. 17.

⁴⁴ D’Alverny and Vajda, ‘Marc de Tolède’, p. 267, ‘quoniam quidem in locis ubi suffraganei pontifices sacrificia sancta Ihesu Christo quondam offerebant, nunc pseudo-prophete nomine extollitur’.

⁴⁵ *Ibid*, ‘ut quos ei non licebat armis impugnare corporalibus, saltem enormibus institutis obviando confunderet’, d’Alverny and Vajda, ‘Marc de Tolède’, p. 267. This is rather strange, given that we have good evidence to suggest that Rodrigo and many of his colleagues also took up physical arms frequently (see above).

⁴⁶ See above, note 36.

Latin words, so that, confounded by Christians, some Muslims may be drawn from the detested customs of Muhammed into the Catholic faith.⁴⁷

Why should Mark have taken the time to name a second patron in this translation, especially when that patron was a fellow canon and not even of episcopal rank?

The rhetoric used in the prologue suggests that Maurice's role was significant. The translation was made 'by the salubrious petition (*petitio*) of the venerable archbishop of Toledo Rodrigo, and at the persuasion (*persuasio*) of Master Maurice archdeacon of the see of Toledo.'⁴⁸ Indeed, Mark specifies that Maurice's enthusiasm for the project was no less than that of Rodrigo's: Maurice 'laboured with equal desire and equal passion so that this book should be translated into Latin words'.⁴⁹ This 'labour' must have been a reference to practical, perhaps financial support, since Mark also indicates that he completed the translation without any collaborator.⁵⁰ Mark describes Maurice as 'archlevite', a rather unusual term for an archdeacon, and refers to the specific circumstances in which he was convinced to translate the Qur'an: 'both my lord archbishop...and the archlevite, prelate of the same church, by beneficial reminders pushed me using all kinds of persuasions, in order that I should not at once refuse the work of this translation'.⁵¹ Perhaps even more interesting is Mark's retrospective reference to this same event three years later, when he describes taking on the work 'at the order (*preceptum*) of Rodrigo...and the insistence (*instantia*) of Master Maurice'. In all of these descriptions, Maurice's role as instigator and his personal commitment to the project is clear.

Indeed, Maurice's role was the more unexpected of the two in the patronage of this translation. The preceding scientific and philosophical translations that had taken place in Toledo had been produced under the support of the city's archbishops; no one of any lesser rank had ever commissioned a translation of any sort (or if they had, their patronage had not been recorded in a prologue). Maurice's 'insistence' and 'persuasion' stand out here, against the more formal

⁴⁷ D'Alverny and Vajda, 'Marc de Tolède', p. 267; 'In hac quoque sollicitudine zelo succensus fidei christiane non [minus] extitit reuerendus Mauricius archidiaconus eiusdem, litteratura commendabilis, uirtutibus insignis, moribus perspicuus, honestate preclarus, sed pari uoto parique affectu laborauit, ut liber iste in latinum transfferretur sermonem, quatinus ex institutis detestandis Mafometi a Christianis confusi, sarraceni ad fidem nonnulli traherentur catholicam'.

⁴⁸ *Ibid*, p. 268, 'Transtulit autem Marchus Tholetane Ecclesie canonicus librum Alchorani ad petitionem Roderici venerabilis archiepiscopi Tholetani salubrem, et persuasionem magistri Mauricii Tholetane sedis archidiaconi, meritis et sanctitate commendabilium virorum'.

⁴⁹ *Ibid*, p. 267, 'Pari voto perique affectu laboravit ut liber iste in latinum transferretur sermonem'.

⁵⁰ As is clear in his description of personally translating from Arabic to Latin. This is a valuable insight into the translation process and appears to be rather different from the 'team effort' involved in many other translations in this period.

⁵¹ *Ibid*, p. 268, 'Uterque igitur, tam dominus meus Toletane sedis archiepiscopus Yspaniarum primas, quam prelatus eiusdem archilevita, salubri me pulsarunt a[d]monitione, omnimodo persuadentes, ut huius translationis subite laborem non recusarem'.

language of command used to describe Rodrigo's role. Similarly, Mark's reference to Maurice's 'zeal' and his enthusiasm for the project – 'equal in desire and passion' – are striking. There would be no reason for Mark to have included these references to Maurice unless they reflected the circumstances within which he began his translation. Indeed, such a translation as the Qur'an could surely only have been carried out with the highest ecclesiastical agreement and support. We should bear in mind that three years later, Maurice commissioned another translation of a work of Islamic theology, and this time, he was the sole patron. Although we do not know when this second work was begun, it is notable that Mark refers to his patron as 'bishop elect' of Burgos in the work's prologue, written in the summer of 1213. It appears that only once Maurice had episcopal status was he able to act as sole patron for a translation.

Related to this is Mark's statement of reticence for the translation. Not only did he require 'all kinds of persuasions' in order to accept the work, but also was at pains to stress the orthodoxy of both of his patrons and their responsibility for the translation produced:

Therefore, I, Mark, humble canon of this same, seeking to obey the legitimate wishes and desires of both, devoted my labour to the chosen work as soon as possible, and in order that I might bring to effect their wishes and desires, at their petition and for the benefit of the true faith, I translated the book of Mohammed from Arabic into Latin.⁵²

Mark was primarily interested in medical texts before this commission of 1210, when, in the words of Thomas Burman, he was 'persuaded to set aside scientific study in order to produce a Latin version of the Qur'an for a powerful patron' – or rather, for two of them.⁵³ Of course, the trope of authorial reluctance and/or incapacity is well-known, and Mark seems to have been aware of this (as demonstrated in his terminology: *ego...humilis...canonicus*). However, Mark does not make such professions of reluctance in the prologue to his translation of Galen's *De Tractu Pulsus*, a text requested in Latin by his fellow medical students, and nor, interestingly, does he make such comments in the prologue to the second work of Islamic theology translated for Maurice in 1213 (which we shall discuss below). If his reticence was simply a trope, it was not one that Mark regularly relied upon. Indeed, as David d'Avray has warned, such claims were 'the sort of commonplace that may have a basis in fact'.⁵⁴ Not only does this prologue provide a 'frame' that instructs the reader how to approach the text of the Qur'an itself, but it also

⁵² *Ibid*, p. 268, 'Ego autem Marchus humilis eiusdem canonicus iustis utriusque votis et desiderii obedire satagens, in favorabili opere quantocius operam dedi, et ut votum et desiderium eorum effectui manciparem, librum Mafometi ad petitionem eorum et comodum orthodoxe fidei de arabica lingua in latinum transtuli sermonem'.

⁵³ Burman, *Reading the Qur'an*, p. 17.

⁵⁴ David D'Avray, *The preaching of the friars: Sermons diffused from Paris before 1300* (Oxford: Oxford University Press, 1985), p. 109. Also d'Alverny, *Marc de Tolède*, pp. 105-106.

identifies in detail the figures upon whose command Mark was acting, and thus lays the responsibility for the *Liber Alchorani* firmly at the door of Archbishop Rodrigo and Maurice.

What were the motivations that led Rodrigo and Maurice to collaborate on this commission of the *Liber Alchorani*? As we have seen, their intentions as stated in the prologue are very similar: to 'confuse' Muslims and fight against the Almohads using words alone, and, in Maurice's case, to convert 'some Muslims'. Marie-Thérèse d'Alverny's analysis of the prologue to the *Liber Alchorani* in 1951 continues to provide a basis for our understanding of their endeavours.⁵⁵ For d'Alverny, the *Liber Alchorani* reflected Archbishop Rodrigo's ambition to produce anti-Almohad polemic; he wanted a 'serious basis' from which to attack and undermine Islam, and aimed 'to obtain reliable documents rather than indulge in foolish legends concerning Muhammed'.⁵⁶ In this sense, d'Alverny argues, the *Liber Alchorani* follows in the footsteps of the previous Latin translation by Robert of Ketton in attempting to provide source material for the writing of well-informed polemic, although as she points out, in Mark's case, the enemy was not theoretical but a direct threat.⁵⁷

The immediate context of the preparations for war in 1212 provided an essential backdrop to this translation, as John Tolan and Nadia Petrus i Pons have both pointed out.⁵⁸ In this context, the *Liber Alchorani* was a strategy not simply for writing polemic, but also to create the social conditions necessary for 'Reconquista' wars against the Almohads.⁵⁹ As we have seen, Archbishop Rodrigo was deeply invested in the preparations for the battle of Las Navas, and it is quite likely that Maurice assisted him in this.⁶⁰ The prologue explicitly denies the political legitimacy of the Islamic rulers to the south, portraying Muhammad as a magician and a trickster, and, as we have already seen, makes clear the need for 'reconquest' rather than simply war and the taking of booty, rhetoric that closely mirrors that employed by Archbishop Rodrigo himself in his letter of 1211.⁶¹ Such rhetoric, Tolan argues, was designed not to convert Muslims but to move the Christian reader, and thus to sanction the war effort (not to say expense) involved in

⁵⁵ See above; d'Alverny and Vajda, 'Marc de Tolède', pp. 99-120.

⁵⁶ d'Alverny and Vajda, 'Marc de Tolède', pp. 119-120; and also d'Alverny, 'Translations and Translators', p. 429.

⁵⁷ d'Alverny, 'Deux traductions latines du Coran au Moyen Age', p. 123.

⁵⁸ Petrus i Pons, 'Marcos de Toledo', p. 87; she has described the *Liber Alchorani* as being 'completely Spanish'; and Tolan, 'Las traducciones y la ideología de la reconquista', pp. 79-85. See development of the same idea in J. Tolan, *Saracens: Islam in the Medieval European Imagination* (New York: Colombia University Press, 2002), pp. 171-184.

⁵⁹ Tolan, 'Las traducciones y la ideología de la reconquista', p. 80; 'la traducción del Corán y la polémica contra el Islam sirven para justificar la lucha contra el enemigo y la reocupación del suelo 'corrupto' o 'contaminado' por el infiel'. See also Petrus I Pons, 'Marcos de Toledo', pp. 87-88.

⁶⁰ See Pick, *Conflict and Coexistence*, pp. 40-42.

⁶¹ Tolan, *Saracens*, p. 184.

conquering this territory and its former churches. Such rhetoric is also visible in Rodrigo's *De Rebus Hispanie*, in which the consecration of mosques as churches was central to the archbishop's vision of reunifying 'Yspania' under the authority of Toledo.⁶²

The idea that the *Liber Alchorani* might be 'inward-looking', aimed at a Christian, Toledan audience, is also supported by Pick's analysis, which has posited another level of significance for the translation of 1210. Not only was the *Liber Alchorani* informing Christians that their faith was superior to Islam, it also played a part in delineating the position of Muslims within a Christian society. Throughout her book, Pick has illustrated that works of polemic, against both Muslims and Jews, constituted one branch of Rodrigo's larger project to bring non-Christians under his own theological aegis. As she has pointed out, 'polemic, far from necessarily breaking down the preconditions of *convivencia*, could actually help preserve a certain equilibrium between different religious groups'.⁶³ Mark's 'tightly scripted' prologue sent a clear message to its Christian readers of Islam's inferiority, a message that is perhaps better understood in the light of the fact that, just one year after the battle of Las Navas, Rodrigo wrote sternly to a number of Castilian nobles to chastise them for having hired out their services to the Muslims kings to the south.⁶⁴ Indeed, the conversion of Muslims (or Jews) *en masse* in Toledo would not have been an economically sound policy to have pursued; what mattered more was the clear distinction between the religious groups so that Christians did not become confused about their own identities. The *Liber Alchorani* informed Christians how to consider, theologically, the Muslims with whom they had interacted, fought, and traded. Later in his life, Rodrigo was to write a history of the Arabs in Spain, the *Historia Arabum*, a detailed account of the conquest and settlement of Al-Andalus. That was a work putting the Almohads into their historical and political place; the *Liber Alchorani* provided commentary on their spiritual status within a Christian society.⁶⁵

Our understanding of the *Liber Alchorani* is complicated by the fact that, regardless of the intentions stated in the prologue, there is no evidence of any particular anti-Islamic text being produced in Rodrigo's Toledo as a result of the translation. A useful point of comparison, however, is an anti-Jewish polemic that Rodrigo was writing during these same years, entitled the *Dialogus Libri Vite*. This text, analysed in depth by Pick, consisted largely of a 'dialogue'

⁶² *Ibid.*

⁶³ Pick, *Conflict and Coexistence*, p. 127.

⁶⁴ *Ibid.*, Appendix 2, pp. 211-212.

⁶⁵ *Ibid.*, throughout especially pp. 128-138 for the significance and role of polemic.

between a Christian authority and an imaginary Jewish interlocutor.⁶⁶ It has been internally dated to the 1197, 1214 and 1218, and so would have been an ongoing project for Rodrigo at the very same moment as he and Maurice were collaborating on the *Liber Alchorani*.⁶⁷ Pick has demonstrated that the *Dialogus* was not aimed at a Jewish readership, but at Christian understanding of themselves vis-à-vis Judaism. Her research also suggests that Rodrigo drew closely on Hebrew scriptures and exegesis, and, moreover, that he seems to have had direct access to such texts in the process of writing the *Dialogus*, most likely through consulting Jewish scholars.⁶⁸ If polemic was an important means of solidifying and delineating the identities of non-Christians, then the *Liber Alchorani* clearly provided the tools with which to write such a text classifying Muslims in this way.

It is instructive at this stage to remind ourselves of the conclusions of Burman's study, to which Ulisse Cecini has added in recent years: that the translation technique used by Mark of Toledo was one that permitted extremely close philological reading of the text itself, and facilitated a comparison between the Latin and Arabic.⁶⁹ Burman has demonstrated that the *Liber Alchorani* was certainly read alongside an Arabic Qur'an by later scholars, generally in the fourteenth century, and his analysis has also highlighted that the translation itself seems to be most suited, linguistically and structurally, to such a reading. However, since the prologue presents such a clearly polemical and scandalous 'frame' for the text, he suggests that it is unlikely that Mark intended his translation to be read in this style.⁷⁰ In any case, Rodrigo was unable to read Arabic, at least in these earliest years of his archiepiscopate. However, given what we now know about Maurice and his connections to the Mozarabic community of Toledo, an alternative interpretation may be possible. Could it be that Maurice himself may have aimed to use the *Liber Alchorani* alongside the Arabic text in this way, if not reading the Arabic fluently then at least capable of appreciating the value of a philological translation of the Qur'an? Was he hoping to consult Islamic scripture in the same literal way that Rodrigo was approaching Hebrew

⁶⁶ Alex Novikoff has suggested that ideas of 'disputation' became increasingly popular in Spain, as they were disseminated from French *studia*, and that they increasingly determined the nature of hypothetical polemical debates, of which the purpose was to arrive at a Christian truth. See A. Novikoff, 'From dialogue to disputation in the age of Archbishop Rodrigo Jiménez de Rada', *Journal of Medieval Iberian Studies* 4 (2012), 95-100.

⁶⁷ Pick, 'Michael Scot in Toledo', p. 96.

⁶⁸ Pick, *Conflict and Coexistence*, pp. 147-165, and *ibid*, *Christians and Jews in thirteenth-century Castile: The Career and Writings of Rodrigo Jimenez de Rada, Archbishop of Toledo (1209-1247)* (Unpublished PhD thesis: University of Toronto, 1995), p. 211. Pick highlights Rodrigo's extremely literal interpretation of Hebrew scriptures as used in the *Dialogus* and his 'remarkable awareness of Jewish traditions'.

⁶⁹ Cecini, 'Faithful to the Infidels' Word', p. 88; Cecini, *Alcoranus Latinus*, p. 109; Petrus I Pons, 'Marcos de Toledo', pp. 87-88. Ulisse Cecini has suggested that the translation was so accurate in order to build 'un-contestable arguments' against Islam.

⁷⁰ Burman, *Reading the Qur'an*, p. 133.

scripture, as a basis for a polemical text that would mirror that of Rodrigo's? This, of course, must remain no more than speculation. Nonetheless, we have seen from the prologue that the archdeacon was at least as enthusiastic a patron as his archbishop, and the deepening of our understanding of Maurice himself opens up new possibilities in our interpretation of this commission.

To conclude, it is clear that Maurice was deeply involved in the thought-world of Rodrigo, not just in his military actions but also in his intellectual approach towards Islam, to the extent that the two worked together in commissioning the translation of the *Liber Alchorani*. Quite what the 'labour' of patronage involved must remain obscure: was it simply the issuing of a request for the work to be done, or was Mark remunerated in some way? In either case, Mark's prologue makes clear the fact that he was translating quickly at the fervent requests of two enthusiastic patrons, and that, Maurice had not only his own agency in this enterprise, but also his own aims and expectations from the resultant text.

This commission also underlines the importance of Maurice within the chapter of Toledo, specifically within Rodrigo's *milieu*. It is evident that he was a figure of some authority, and that, beyond his power as archdeacon of the cathedral, he shared with Rodrigo an intellectual approach towards Islam and a common vision of how to combat it. When we remember that this translation was finished by the summer of 1210 at the very latest, and that consequently, this must have been one of the very first actions of Rodrigo after his accession in February 1209 (since the text of the Qur'an is long and the translation far from straightforward), this unity of purpose with Maurice becomes yet more significant. As we have discussed in Chapter One, Maurice's education remains an important unknown, but his early collaboration with Rodrigo on the *Liber Alchorani* suggests the likelihood of a shared education, or at least a shared mind-set, and one that must have become apparent very quickly on Rodrigo's arrival in Toledo. Equally, we should note Mark's description of both his patrons as 'learned' (Maurice was 'commendable in learning' (*litteratura commendabilis*) and Rodrigo, rather bizarrely, is described as being 'the high priest whom the learning of divine science commends' (*antistes quem divine scientie litteratura commendat*)), praise that, whilst surely standard flattery, may also hint towards a perception in Toledo that these two figures were like minds and of a similar intellectual calibre. The implications of this intellectual engagement for Maurice will be seen more clearly in the next section, in which we will discuss yet another strategy that Maurice adopted in his efforts to defend Christianity against the threat of Islam.

3. The *Little Book on the Unity of God* by Ibn Tumart

Three years after the translation of the *Liber Alchorani*, Maurice commissioned Mark to translate another Islamic text. On 1st June 1213, Mark completed his Latin translation of the doctrines of Ibn Tumart, the spiritual leader of the Almohads, ‘following the request of Master Maurice, archdeacon of Toledo and bishop-elect of the church of Burgos’.⁷¹ The work in question was entitled the *Libellus Habentumati de Unione Dei*, or ‘The little book of Ibn Tumart on the Unity of God’ [henceforth, the *Libellus*].⁷² Ibn Tumart had led the early stages of the Almohad revolution in Morocco in the 1120s, and his teachings were compiled in Córdoba in the early 1180s.⁷³ It is a summary of the theology professed, at least in theory, by the Almohads with whom Castile had been at war in 1212, a fact that has led Marie-Thérèse d’Alverny to describe Maurice’s patronage as both ‘brave and daring’.⁷⁴

For d’Alverny, who discovered the sole extant manuscript and, with Georges Vajda, published the text and its prologue in 1951, this translation was a direct sequel to the *Liber Alchorani* of 1210. The *Libellus*, she suggested, clarified the Qur’an and acted as an appendix to it; since ‘the text of the Qur’an was obscure, they judged it wise to add a much more intelligible treatise on the unity of God’.⁷⁵ And indeed, since this discovery, almost all subsequent scholarly attention to the *Libellus* has seen this text as being inextricably linked to the earlier Qur’an translation. In 2012, Ulisse Cecini reflected the same interpretation as d’Alverny when he argued that the *Libellus* ‘was conceived as a complement to the Qur’an translation because it explains in a more plain and methodical way what the Qur’an exposes’, and John Tolan has similarly suggested that both these translations were products of ‘the same desire’.⁷⁶ Carlos de Ayala’s recent interpretation has broadened the historiographical debate in an important way, but nonetheless, the *Libellus* has too often been viewed through this interpretative lens, that is, as

⁷¹ D’Alverny and Vajda, ‘Marc de Tolède’, p. 269; ‘rogatus postmodum a magistro Mauricio, Toletano archidiacono et Ecclesie Burgensis electo’.

⁷² Held in the Mazarine library, MS780/1, and published by d’Alverny and Vajda, ‘Marc de Tolède’, pp. 268-280.

⁷³ For information about Ibn Tumart and the Almohad movement, see A. Huici Miranda, *Historia política del imperio almohade* 2 vols. (Tétouan: Editora Marroqui, 1956); and A. Fromherz, *The Almohads: The rise of an Islamic Empire* (London: I. B. Tauris, 2010).

⁷⁴ He was ‘hardi et avisé’: d’Alverny and Vajda, ‘Marc de Tolède’, p. 105; see also d’Alverny, ‘Translations and Translators’, p. 429. Also, for the terminology of the ‘oneness’ of God, see Martínez Gazquez, ‘Translations of the Qur’an’, p. 80.

⁷⁵ d’Alverny, ‘Deux traductions latines’, p. 123.

⁷⁶ Cecini, ‘Faithful to the infidels’ word’, p. 88; Cecini, *Alcoranus Latinus*, pp. 96-111. Tolan, *Saracens*, p. 184; see also Petrus i Pons, ‘Marcos de Toledo’, p. 90.

a substantially shorter text of the same genre, to be used and understood in the same way as the *Liber Alchorani*.⁷⁷

However, a closer analysis of this translation reveals a rather more complex role for this text within Toledan society. Like the Qur'an translation, the *Libellus* is preceded by a detailed prologue, in which Mark discusses the text he has translated and pays homage to his patron, a text that has been almost entirely overlooked and which provides us with a key to the interpretation of the *Libellus* itself. Indeed, in this prologue, Mark went to some lengths to distance the text of Ibn Tumart from that of the Qur'an. In what follows, we shall suggest that the *Libellus* was commissioned not to elucidate the Qur'an, nor as a similar text to be defeated alongside it, but rather as a text that was considered useful to Christians in the intellectual milieu of Toledo cathedral, and one that not only interested Maurice and his colleagues, but that was seen to positively contribute to other forms of intellectual debate about the nature of Christianity itself.

i. The Prologue to the *Libellus*

Mark's short prologue to the *Libellus* is, as with the *Liber Alchorani*, a text of crucial importance in our understanding of the ensuing translation and the vision and intentions that lay behind it.⁷⁸ As we have already mentioned, Maurice's request is recorded in the final lines of the prologue, recording his new status as bishop-elect of Burgos as well as archdeacon of Toledo. There is direct reference to the context of war that surrounded the two clerics as this work was being accomplished, since Mark informs us that, having consulted the *Libellus*, 'the faithful should

⁷⁷ The recent publication of Carlos de Ayala Martínez, *Ibn Tumart, el arzobispo Jiménez de Rada, y la cuestión sobre Dios* (Madrid: Ergastula, 2017), suggests that the *Libellus* was commissioned as a result of Archbishop Rodrigo's 'theological concerns' as well as his military endeavours, marking an important shift in historiographical approach, to which this thesis also contributes. I discovered Ayala's work whilst I was in the process of completing this thesis, but fortunately, we have approached the *Libellus* from quite different perspectives, with Ayala concentrating on primarily on the text of the *Libellus* and its various theological resonances, whilst this thesis focuses on the prologue, the status of Ibn Tumart in Toledo, and of course the figure of Maurice; as a result, our conclusions complement each other well. Importantly, Ayala has also included a Spanish translation of the Arabic text, alongside Mark's Latin text of the *Libellus*; see *idem*, pp. 107-132.

⁷⁸ Although a key difference is that the *Libellus* prologue has been entirely overlooked and has not been subject to any analysis. D'Alverny and Vajda has published the whole text in 'Marc de Tolède', pp. 269-283.

make greater efforts in assailing the Saracens'.⁷⁹ Mark also recalls his translation of the Qur'an three years previously, and links both texts to the war effort at the end of the prologue, with the statement that 'in either book, through inspection by Catholic men of the secrets of the Muslims, the way of fighting back lies open'.⁸⁰ These 'secrets' were clearly opened to all Christians by rendering the text into Latin.

Mark also adds some criticism of Mohammad that fits well into the polemical style of the Qur'an prologue, reminding the reader that 'truly Mohammad is proven to have been disgraceful in teachings, confused in word, shameless in speech'.⁸¹ However these statements do little more than frame the body of the prologue, which is concerned instead with the doctrines of Ibn Tumart, and strikingly, these are clearly differentiated from the Qur'an and 'law of the unfaithful Ishmaelites'.⁸² Ibn Tumart's doctrines are quite different, Mark informs the reader, adding that very few Muslims know about or accept Ibn Tumart's theology:

For, although the words of Mohammad have a greater authority amongst all the Muslims than the sayings of Ibn Tumart, since the Qur'an has been accepted amongst them all universally, however the little book of this person..(lacuna)... is on no occasion accepted by them, not even by all who are under the rule and dominion of what is, strictly speaking, the king of the Carthage of Dido.⁸³

Thus, not even all who live in the territory of the Almohad empire ('the Carthage of Dido'), accept Ibn Tumart's teachings, a claim that both implies schisms within Islam and simultaneously removes Ibn Tumart's doctrines from having an immediate contemporary relevance in the Islamic world.

This distinction is made more explicit further on, in Mark's claim that Ibn Tumart did not in fact practice his faith according to orthodoxy – he was mistakenly thought to be a 'pure Muslim', but

⁷⁹ d'Alverny and Vajda, 'Marc de Tolède', p. 268; 'ut ex utriusque inspectione fideles in Sarracenos invehendi exercitamenta sumant ampliora'.

⁸⁰ *Ibid*, p. 269; 'in catholicis viris utrumque librum inspicientibus Maurorum secreta via patet impugnandi'.

⁸¹ *Ibid*, p. 269; 'ille vero Mafometus in preceptis inhonestus, in verbis confusus, in dictis inverecondus...exitisse probatur'.

⁸² *Ibid*, p. 268; 'legis infidelium Ismaelitarum'.

⁸³ *Ibid*, pp. 268-269; 'licet enim verba Mafometi maioris sint auctoritatis apud omnes Mauros quam Habetometi dicta, cum apud omnes universaliter Alchoranus sit admissus; huius autem libellus...[lacuna]...nusquam [ad]missus ab illis, nec tamen ab omnibus qui sunt sub imperio et ditone dumtaxat regis Cartaginis Didonis'. It is not clear why Mark refers to Dido, queen and, according to legend, founder of Carthage, by 1212 the land of the Almohads. It is possible that this could be a way of establishing a place for the Almohads, by recognising them as rulers (if not successors) to the land of the Aeneid, and thus fitting them within a recognised classical scheme of North African history (my thanks to Graham Barrett for this suggestion). In any case, it reveals Mark to have possessed at least a passing knowledge of Virgil. See some suggestions regarding Mark's education in d'Alverny and Vajda, 'Marc de Tolède', p. 107.

in fact 'he did not believe in the law, as he was a disciple of the philosopher al-Ghazali'.⁸⁴ The connection with al-Ghazali is of great significance and a point to which we shall return, but for now, it is noteworthy that once again Ibn Tumart is being distinguished from mainstream Islam and seen as rejecting 'the law'. Quite which law Mark is referring to is unclear. Islam itself was perceived of as a 'lex', as Mark himself makes clear in his reference to the 'law of the unfaithful Ishmaelites', and thus on one level this could be interpreted as a disassociation from the Islamic faith itself.⁸⁵ We should remember that Robert of Ketton's translation of the Qur'an in 1142 was entitled *Lex mahumeti pseudopropheti*. On the other hand, Mark could also have been commenting on recent Islamic history and the revolt of Ibn Tumart's followers, perceived as rebels and heretics not just in the Iberian Peninsula, where they overthrew the pre-existing Almoravid Empire, but also in the Near East.⁸⁶ Alan Fromherz has emphasised the legalistic nature of Ibn Tumart's claims as mahdi, and in particular his attacks on the Malikite jurists of the Almoravids, whose 'law' the *Libellus* was a rejection of.⁸⁷ Archbishop Rodrigo was aware of Ibn Tumart's schismatic behaviour when he noted in his *De Rebus Hispanie* that the mahdi 'preached against the caliph of Baghdad, who is the pope of the Arabs, and in the same way, began to instigate uprisings against the Almoravids, who at that time possessed power in Africa'.⁸⁸ The *Chronica Latina* makes a similar point, although one that rather more sympathetically describes Ibn Tumart as overthrowing the oppression of the Almoravids over the people of Al-Andalus.⁸⁹ Mark's reference to this situation makes a two-fold point: Islam was riven with disunity, but Ibn Tumart, not being a 'pure Muslim', stood apart from the problems of the Islamic world.

Having thus untangled Ibn Tumart from his credentials within the Islamic world, Mark turns to discuss the mahdi's teachings, that is, the contents of the *Libellus*, and it is here that we can start

⁸⁴ *Ibid*, p. 269; 'in nullam crediderit legem, utpote philosophus Algazelis didascalus' (nb. d'Alverny suggests reading this as 'philosophi'.)

⁸⁵ R. Gleis and S. Reichmuth, 'Religion between Last Judgement, law and faith: Koranic dīn and its rendering in Latin translations of the Koran', *Religion* 42:2 (2012), 247-271. On Islam as a 'lex', see Lucy Pick, 'What did Rodrigo Jiménez de Rada know about Islam?', *Anuario de Historia de la Iglesia* 20 (2011), 221-235.

⁸⁶ For example, Ibn al-Qalanisi from Damascus (d.1160) wrote that Ibn Tumart had 'perpetuated the failure of Islamic law'; Fromherz, *The Almohads*, pp. 8-10. Similarly, al-Ghazali, the Islamic theologian and philosopher from Baghdad who Ibn Tumart claimed as his spiritual leader, openly criticised the society to which he belonged and was seen as a considerable threat by the Almoravids, to the extent that his books were burnt throughout Al-Andalus in the mid-twelfth century.

⁸⁷ Fromherz, *The Almohads*, p. 143; see also, A. Akasoy, 'Al-Ghazali, Ramon Lull and Religionswissenschaft', *The Muslim World* 102 (2012), 33-59, pp. 38-40.

⁸⁸ *De Rebus Hispanie*, VII.10; 'Aventurerth...cepit...calippe de Baldac, qui est Papa Arabum et descendit generationis linea de semine Machometi, contraria predicare, similiter contra Almoravides, qui tunc culmen regni in Affrica optinebant, rebellia adhortari'.

⁸⁹ *Chronica Latina*, p. 7.

to understand what it was that attracted the interest of these two Christian clerics. To begin with, Ibn Tumart's teachings are far superior to those of the Qur'an:

Greater, amongst discerning and prudent men, are the arguments and convictions which Ibn Tumart has put forward in the little book on unity than the words of Mohammad in the Qur'an ... since indeed this Ibn Tumart established his good intention by depending on necessary assertions in proving One God to be first and last.⁹⁰

Moreover:

[Ibn Tumart] proves with most efficacious reasoning that there is one God and one essence⁹¹

Such praise is striking. Ibn Tumart's 'reasoning' in support of the doctrine of absolute monotheism, or the tawhīd, a key feature of Almohad doctrine, clearly differentiated the *Libellus* from the teachings of the Qur'an. This is entirely consistent with Mark's attempts to distance Ibn Tumart from orthodox Islam, allowing the mahdi and his teachings to be safely commended without the risk of inadvertently praising an enemy faith and people. By divorcing the theology of Ibn Tumart from its doctrinal context and presenting it as a work of 'reasoning' instead, this prologue effectively neutralises its Islamic content, thereby claiming the doctrines of the mahdi for a non-Muslim audience.

Mark refers on two occasions to an immediate audience for the translation, beyond its patron Maurice; that is, the 'discerning and wise men' who are presented as first praising the *Libellus* of Ibn Tumart in comparison with the Qur'an, and then censuring him for citing Qur'anic authority.

Greater, amongst discerning and prudent men are the arguments and convictions which Ibn Tumart has put forward in the little book on unity⁹²

Yet he is censured by many wise men because, although he proves with most efficacious reasoning that there is one God and one essence, nevertheless he cites the authority of the Qur'an and so he is thought to have been a pure Muslim⁹³

⁹⁰ d'Alverny and Vajda, 'Marc de Tolède', p. 269; 'maioris sunt apud discretos viros et prudentes argumenta et persuasiones quas Habentometus induxit in libello Unionis quam verba Mafameti in Alchorano...quoniam quidem hic Habentometus neccessariis innixus assertionibus ad probandum unum Deum esse primum et novissimum, suam bene fundavit intentionem'.

⁹¹ d'Alverny and Vajda, 'Marc de Tolède', p. 269; 'unum Deum esseque unam essentiam rationibus probat efficacissimis'.

⁹² d'Alverny and Vajda; p. 269; 'maioris sunt apud discretos viros et prudentes argumenta et persuasiones quas Habentometus induxit in libello Unionis'.

⁹³ *Ibid*, p. 269; 'et reprehenditur tamen a nonnullis sapientibus in eo quod licet unum Deum esseque unam essentiam rationibus probat efficacissimis, inserit tamen auctoritates Alchorani; et de ipso credatur quod purus fuerit Maurus'.

This latter group of ‘wise men’ clearly appear to be Christian, since citation of the Qur’an sullies Ibn Tumart in their eyes, a position hardly tenable for Muslim sages. The first claim is less clear cut, although considering the *Libellus* to be ‘greater’ than the Qur’an would certainly seem to suggest that these too are Christians. This indicates that the teachings of Ibn Tumart were already known to a number of Christians in Toledo before Mark’s translation of 1213; ‘wise men’, at least some of whom were necessarily Arabophone, since they were capable of commenting on the text pre-translation. Consequently, it would appear that Maurice’s commission emerged from a broader context in which at least a small number of others were interested in debating the contents of these teachings. Whether Maurice was one of these, we cannot say. However, he was unquestionably the only one to request that these ‘secrets’ be rendered accessible to all, by commissioning their translation into Latin.

ii. Ibn Tumart as philosopher

What was it about this text that inspired such interest? The teachings of Ibn Tumart were compiled in the caliphal court of Cordoba during the 1180s, some fifty years after the mahdi’s death, and entitled the *A’azz mā yuṭlab* (The greatest thing that one seeks).⁹⁴ The text translated by Mark in 1213 was not the whole collection of Ibn Tumart’s *A’azz mā yuṭlab*, but a selection of five passages from it, namely, his creed (the ‘*Aqida*), two short ‘guides’ to the creed (the *murshidas*) which provide summaries of the main text, and two brief prayers. These texts represented the doctrinal content of the *A’azz mā yuṭlab*, which also included long passages about the roots of Islam, legalistic debate, discussion of the position of mahdi within Almohad theology, and a catalogue of prohibitions issued against the Almoravids.⁹⁵ It is not clear how, or indeed when, these five doctrinal sections of the text came to be separated from the main body of the *A’azz mā yuṭlab*. The prologue of the *Libellus* makes no mention of any wider corpus of teachings by Ibn Tumart, nor of any decision-making, either by Maurice or Mark, as to which passages to translate, suggesting that these Arabic doctrinal texts may have already existed as a separate work in Toledo, and were known to Mark and his patron only in this shorter form.⁹⁶

⁹⁴ Fromherz, *The Almohads*, pp. 135-186.

⁹⁵ For details on this, see Fromherz, *The Almohads*, pp. 169-186. In an important paper on Ibn Tumart, Frank Griffel described these five texts as ‘key documents for the Almohad doctrine’, see Frank Griffel, ‘Ibn Tumart’s rational proof for God’s existence and unity, and his connection to the Nizamiyya madrasa in Baghdad’, in Cressier, Patrice et al, *Los Almohades: Problemas y perspectivas* 2 vol (Madrid, 2005), vol 2, 753-813, p. 770.

⁹⁶ For the history of the Arabic manuscript transmission of the *A’azz mā yuṭlab* and its editions, see Griffel, ‘Ibn Tumart’s rational proof’, 765-770.

These teachings formed the basis of Ibn Tumart's revolutionary Almohad theology, proclaimed in 1121 when he declared himself mahdi (or 'rightly guided one') and led his supporters against the Almoravid empire.⁹⁷ The rallying cry of the early Almohad revolutionaries was the declaration of the unique unity of God – the tawhīd – in contrast to the theologians and jurists of the Almoravid Empire, who were accused by Ibn Tumart of 'anthropomorphism', and the theological focus of the 'Aqida was precisely this doctrine of absolute monotheism.⁹⁸ The short summaries and prayers based on this creed provided a means of disseminating the mahdi's teachings throughout Al-Andalus, and Alan Fromherz has suggested that their wide-spread memorisation was a crucial part of the establishment of Almohad control.⁹⁹ Notably, two contemporary Latin accounts of the Almohads also refer to the centrality of the Almohad tawhid. Archbishop Rodrigo's *De Rebus Hispanie* informs us that 'some claim that Almohad means unified'.¹⁰⁰ The *Chronica Latina* provides even more detail: 'those who thus obtained the kingdom are called the Almohads, that is, Unitarians, because they confess that they adore one unique God, as preached by Ibn Tumart, as he clearly states in a certain little book (*libellus*) that he wrote'.¹⁰¹

The 'Aqida itself is a relatively short text divided into seventeen chapters.¹⁰² In doctrinal terms, it was broadly Ash'arite, shaped, as Maribel Fierro has pointed out, in opposition to Ibn Tumart's

⁹⁷ Fromherz, *The Almohads*, p. 2. The 'Aqida expresses what Alan Fromherz has described as 'the unifying ideal of the Almohad Empire...absolute monotheism, the belief that there is one God without any physical attributes'.

⁹⁸ Fromherz, *The Almohads*, p. 2.

⁹⁹ M. Fletcher, 'The Almohad Tawhid: Theology which relies on logic', *Numen*, 38 (1991), 110-127, pp. 112-113; also, M. Fletcher, 'The Doctrine of Divine Unity', in O. Constable (ed.), *Medieval Iberia: Readings from Christian, Muslim, and Jewish Sources* (Philadelphia, 1997), pp. 244-251.

¹⁰⁰ *De Rebus Hispanie*, VII.10; 'alii tamen dicunt Almohades unitos interpretari'. Indeed, Almohad seems to come from the stem 'w.h.d.', 'to be one'.

¹⁰¹ *Chronica latina*, p. 7; 'Nominati sunt autem illi sic qui obtinuerunt regnum predictum Almohades, hoc est Unientes, quia scilicet unum deum se colere fatebantur, quem predicavit Aven Tummert, sicut in libello quodam, quem ipse composuit, manifeste declaratur'.

¹⁰² The authoritative Arabic text of the *A'azz ma Yutlab* of Ibn Tumart, including the 'Aqida and murshidas, is *Le livre de Mohammed ibn Toumert, Mahdi des Almohades, Texte arabe, accompagné de notices biographiques et d'une introduction par I. Goldziher*, ed. J. D. Luciani and M. al-Kamal (Algiers: Imprimerie Orientale Pierre Fontana, 1903). There have been at least two translations of the teachings of Ibn Tumart into English and one into Spanish. The most complete English translation, and the one relied upon in this chapter, is that of A. Jeffrey, 'The Credal Statement of Ibn Tumart', in A. Jeffrey (ed.), *A Reader on Islam: passages from standard Arabic writings illustrative of the beliefs and practices of Muslims* (Gravenhage: Mouton 1962), pp. 353-365. A more recent translation by Madeline Fletcher is very useful indeed and is accompanied by some valuable notes, but is missing the final six chapters of the text; see Madeline Fletcher, 'The Doctrine of Divine Unity', in Olivia R. Constable (ed.), *Medieval Iberia: Readings from Christian, Muslim, and Jewish Sources* (Philadelphia: University of Pennsylvania Press, 1997), pp. 244-251. Also very useful is the Spanish translation of the teachings by Carlos de Ayala, in *idem*, 'Ibn Tumart', pp. 107-132, which, unlike the other two, also includes the murshidas and prayers.

Sunni Almoravid rivals as well as by his education in Baghdad.¹⁰³ What is most striking about Ibn Tumart's theology, however, is the language in which it was expressed. The *'Aqida* provides a series of ontological proofs for the existence and absolute unicity of God – a God known through human reason and systematic Aristotelian logic, and expressed in the philosophical language used amongst Islamic scholars of philosophy in Baghdad in the early twelfth century.¹⁰⁴ Indeed, it has been described by Frank Griffel as being 'similar to a brief kalam compendium'.¹⁰⁵

Central to this theology is proof of the existence of one God, and the role of human reason in attaining this knowledge: the divine can be known by 'the necessity of reason' (chapter two), and his existence proved 'by the heavens and the earth and all created things' (chapter four).¹⁰⁶ Ibn Tumart also discusses the names of God at some length, and much more briefly, affirms the doctrine of predestination, including Ibn Tumart's claim that the essences of all things are predestined by God in eternity, as well as the beatific vision and the properties of prophets.

The theology of Ibn Tumart has been the subject of a number of important recent studies, revealing something of the philosophical substrate for his theological statements in the *'Aqida*.¹⁰⁷ Frank Griffel has emphasised the importance of the mahdi's education at the Nizāmiyya school in Baghdad, one of the most important centres of philosophical theology (or kalām) in the medieval Islamic world.¹⁰⁸ One of the most famous teachers in Baghdad at the turn of the twelfth century was the theologian Abu Hammid al-Ghazali, with whom Ibn Tumart himself claimed to have studied. This claim was disputed by many of his later medieval biographers as well as a number of modern scholars, who have pointed out that the timing of al-Ghazali's movements makes a meeting between the two highly unlikely. Nonetheless, as Griffel's analysis has demonstrated, 'although Ibn Tumart could not have met with al-Ghazali, he should still be regarded as one of his students, albeit not an immediate one'.¹⁰⁹ Central to theological contention in the Nizmiyya school under al-Ghazali was the philosophy of the Persian

¹⁰³ M. Fierro, 'Le Mahdi Ibn Tumart et al-Andalus: l'élaboration de la légitimité almohade', *Revue des mondes musulmans et de la Méditerranée*, 91-94 (2000), 107-124 ; see also Fletcher, 'The Almohad Creed'.

¹⁰⁴ Fletcher, 'The Almohad Creed', p. 244; Fromherz, *The Almohads*, p. 138 and p. 171; M. Fierro, 'Le Mahdi Ibn Tumart et al-Andalus: l'élaboration de la légitimité almohade', *Revue des mondes musulmans et de la Méditerranée*, 91-94 (2000), 107-124.

¹⁰⁵ Griffel, 'Ibn Tumart's rational proof', p. 756.

¹⁰⁶ Jeffrey, 'The credal statement', pp. 354-355. Ayala has also noted this, *Ibn Tumart*, pp. 65-72.

¹⁰⁷ Griffel, 'Ibn Tumart's rational proof'; Fletcher, 'The Almohad Tawhid'; *idem*, 'The Doctrine of Divine Unity'; A. Fromherz, *The Almohads: The rise of an Islamic Empire* (London: Tauris, 2010); M. Fierro, 'Le Mahdi Ibn Tumart et al-Andalus: l'élaboration de la légitimité almohade', *Revue des mondes musulmans et de la Méditerranée* 91-94 (2000), 107-124; and Ayala, *Ibn Tumart*, pp. 61-93.

¹⁰⁸ Griffel, 'Ibn Tumart's rational proof', pp. 257-265.

¹⁰⁹ *Ibid*; and M. Fletcher, 'Ibn Tumart's teachers: the relationship with al-Ghazali', *al-Qantara*, 18 (1997), 305-330.

scholar Avicenna, whose integration of Aristotelian logic with Islamic theology provided an intellectual substrate for Ibn Tumart's proofs of the existence of God as well as of his unity, as we shall see below.¹¹⁰

In addition to Ibn Tumart's education in Baghdad, Madeline Fletcher has suggested another influence over the text that came to be known as the *A'azz mā yuṭlab*; that is, the context in which this text was compiled, in the Cordoban court of the 1180s. As Fletcher has pointed out, Cordoba in the late twelfth century was also a centre of philosophical debate, particularly under the caliph Yusuf II, patron of the Andalusī philosopher Averroes. Indeed, Averroes's interest in the writings of Ibn Tumart is clear from the fact that he composed a commentary on the *A'azz mā yuṭlab* (now lost), and Fletcher has posited that he may also have been part of the process of editing or adapting elements of this creed to suit the interests of the highly educated, philosophically interested scholars of Cordoba in the 1180s.¹¹¹ For Averroes, the *Libellus* was of particular interest because it displayed 'the Almohad notion of a God known by logical reasoning and definable in abstract philosophical language'.¹¹²

This philosophical background to Ibn Tumart's ideas was also quite clearly a defining feature for the two clerics involved in the production of the *Libellus*. On several occasions, the prologue refers admiringly to the 'efficacious reasoning' and the 'arguments' of the mahdi. Moreover, it is very significant to note that Mark validates Ibn Tumart's 'reasoning' expressly because 'he was a disciple of the philosopher al-Ghazali'.

This identification of a link with al-Ghazali is highly significant. As we have already discussed, Ibn Tumart's personal connection with the famous Baghdadi theologian has been a subject of some debate, although recent research has demonstrated that al-Ghazali's influence on Ibn Tumart, although significant, must have been indirect. More important for our purposes is the fact that Mark and Maurice evidently considered this connection to be of importance, indeed, to be a defining feature of Ibn Tumart's identity and one that had an impact on his status and the validity of his doctrines. Notably, this association between Ibn Tumart and the philosophical school of Baghdad was not unique to the *Libellus*. In Archbishop Rodrigo's *De Rebus Hispanie*, Ibn Tumart is presented as 'very well versed in astronomy and natural sciences', whilst the *Chronica Latina*,

¹¹⁰ 'Ibn Tumart's proof for the existence of God as well as for God's unity is influenced by the proof developed by Ibn Sina and studied at the Nizamiyya' (that is the Baghdadi school of theology influenced by al-Ghazali); Griffel, 'Ibn Tumart's rational proof', p. 757.

¹¹¹ Fletcher, 'The Almohad Tawhid', pp. 116-118.

¹¹² Fletcher, 'The Almohad Tawhid', p. 122. Also Fromherz, *The Almohads*, p. 171; 'the 'Aqida or profession of faith sets out to prove the absolute, single unity of God with Aristotelian logic. This book is to address the philosophers and the learned élite'.

goes as far as to describe Ibn Tumart as ‘the philosopher from Baghdad’, as well as ‘a wise and discreet man, even though an infidel’.¹¹³ Evidently, Ibn Tumart was considered – by Maurice, Mark and a wider crowd – to be of a similar intellectual calibre to al-Ghazali.

Association with al-Ghazali was high praise in thirteenth-century Toledo. The theologian was well-known amongst Toledan intellectuals for his *Maqāṣid al-falāsifa* (the Intentions of the Philosophers), a compendium of the philosophical commentaries of Avicenna. The only work of al-Ghazali’s to reach Toledo in this period, the *Maqāṣid* was considered to represent the pinnacle of Arabic philosophy, as reflected by the fact that the Latin translation of the work was entitled the ‘summa’ of philosophical theory (*Summa theoricæ philosophiæ*).¹¹⁴ That al-Ghazali should be renowned in Toledo as a conduit of Avicennan thought – and thereby Aristotelian logic – is of course something of an irony, since his own theological position was in self-conscious opposition to that of Avicenna, as clarified in many of his other works, but none of these were known in Toledo.¹¹⁵ The *Maqāṣid* was translated at some point in the later twelfth century by a member of Toledo cathedral chapter, Domingo Gundissalinus, archdeacon of Cuéllar and canon at Toledo cathedral until 1181.¹¹⁶ Gundissalinus’s impact on the intellectual scene of twelfth-century Toledo was enormous: he completed over twenty translations, largely consisting of the works of Avicenna (including his *Liber de philosophia prima* or *Metaphysics* from his *Kitāb al-Shifa*), and as well as the philosophical treatise of the near contemporary Jewish Andalusī scholar Ibn Gabirol, entitled the *Fons Vitæ*, and al-Ghazali’s *Maqāṣid al-falāsifa*.

Within this context, the identification of Ibn Tumart as a disciple of al-Ghazali was one of considerable intellectual significance, aligning the Almohad mahdi with the logic of the Arabs, in direct contrast with the ‘confused’ words and ‘disgraceful’ teachings of the prophet Muhammad. Mark’s praise for Ibn Tumart’s ‘most efficacious reasoning’ was clearly far more

¹¹³ *De Rebus Hispanie*, VII.10; ‘homo in astronomia et naturalibus valde doctus’. *Chronica Latina*, p. 7; ‘tanquam vir sapiens et discretus licet infidelis’. Note also, ‘quidam Sarracenus, Aven Tummert nomine, qui veniens de partibus civitatis nobilis et famose, scilicet Baldac, ubi longo tempore studuerat’ (*Ibid*, p. 6).

¹¹⁴ M-T, d’Alverny, ‘Algazel dans l’Occident Latin’, in M.-T. d’Alverny, *La transmission des textes philosophiques et scientifiques au Moyen Age* (Aldershot, 1994), Part VII, pp. 6-7.

¹¹⁵ *ibid*; Akasoy, ‘Al-Ghazali, Ramon Lull and Religionswissenschaft’, pp. 33-38.

¹¹⁶ See J. Muckle, *Algazel’s Metaphysics: A medieval translation* (Toronto: St Michael’s College, 1933); Burnett, ‘The Coherence of the Arabic-Latin Translation Program’; M-T d’Alverny, ‘Translations and Translators’, in Benson and Constable (eds.), *Renaissance and Renewal*, pp. 444-459; Burnett, ‘The Translating Activity in Medieval Spain’; and A. Fidora, ‘Dominicus Gundissalinus’, in *Encyclopaedia of Medieval Philosophy: Philosophy Between 500 and 1500*, vol 1, pp. 274-276. On the identity of Gundissalinus, see A. Rucquoi, ‘Gundisalvus ou Dominicus Gundisalvi?’, *Bulletin de philosophie médiévale*, 41 (1999), 85-106; and A. Fidora and M. Soto Bruna, ‘Gundisalvus ou Dominicus Gundisalvi? Algunas observaciones sobre un reciente artículo de Adeline Rucquoi’, *Estudios Eclesiásticos*, 76 (2001), 467-473.

than simple flattery; it was a reference to the philosophical value that Ibn Tumart's text was seen to hold, and its status in the eyes of those 'wise' enough to appreciate this value.

Moreover, there is evidence to suggest that Mark – and very likely his patron Maurice – had specific aspects of this 'reasoning' in mind. According to the prologue, one of the key differences between Ibn Tumart's doctrines and the Qur'an is that [Ibn Tumart] 'depends on *necessary assertions* to prove one God to be first and last'.¹¹⁷ This is significant terminology. Central to Ibn Tumart's text was a chain of systematic proofs, drawing on Avicenna's *Metaphysics*, that God was the 'necessary existent' (al-wāğib al-wuğūd), the absolute cause of all creation, who alone had no cause and was necessarily one and unique.¹¹⁸ Ibn Tumart follows Avicenna's proofs carefully. The *'Aqida* opens with Ibn Tumart's division of beings into necessary, contingent and impossible, and follows Avicenna in claiming that this classification is a 'primary concept': 'the necessary truth may be said to be of three categories: what needs must be, what may possibly be, and what may not be ...these necessary truths are all firmly established in the souls of intelligent beings'.¹¹⁹ That the existence of God is 'necessary' is stated on several occasions throughout the text, for example, at the start of the first *murshida*, Ibn Tumart states that 'existence is necessary for him [God] in an absolute manner'.¹²⁰

Ibn Tumart's case for proving that there is one, transcendent God is built upon the 'necessary truth' that he establishes in chapter two of the *'Aqida*, namely, 'the need for an action to have a doer'.¹²¹ Between chapters two and eleven, he lays out a chain of deductive reasoning to prove that there is one God. Firstly, if each deed must have a doer, then 'from his own creation, man knows of the existence of his Creator' (chapter three). As a single deed or thing has a creator, so 'everything whose existence we know, though previously it had not existed, must be a thing produced' (chapter four). Next, 'a created thing cannot possibly be a creator' since no creature is capable of the act of creation (chapter five). This means that God cannot be of the same species as man, 'for had he been of their species, he would have been incapable with their

¹¹⁷ D'Alverny and Vajda, p. 269, 'necessariis innixius assertionibus ad probandum unum Deum esse primum et novissimum'.

¹¹⁸ Griffel, 'Ibn Tumart's rational proof', p. 772. See also, Amos Bertolacci, 'Avicenna and Averroes on the Proof of God's Existence and the Subject-Matter of Metaphysics', *Medioevo* 32 (2007), 61–97; Bertolacci, 'Necessary' as Primary Concept in Avicenna's Metaphysics', in *Conoscenza e contingenza nella tradizione aristotelica medievale*, S. Peretti (ed.), (Pisa: Edizioni ETS, 2008) pp. 31–50; C. Wisnovsky, 'Essence and existence in the Eleventh- and Twelfth-Century Islamic East (Mašriq): A Sketch', in *The Arabic, Hebrew and Latin Reception of Avicenna's Metaphysics*, ed. D. Hasse and A. Bertolacci (Berlin-Boston: De Gruyter, 2012), pp. 27–50.

¹¹⁹ Jeffrey, 'The credal statement', pp. 354–355. See Griffel, 'Ibn Tumart's rational proof', pp. 782–783; and Amos Bertolacci, 'Necessary' as Primary Concept', pp. 31–50.

¹²⁰ de Ayala, 'Ibn Tumart', p. 127–128; also Griffel, 'Ibn Tumart's rational proof', p. 772.

¹²¹ Fletcher, 'The doctrine of divine unity', p. 246.

incapacity' (chapter six). Chapter seven reasons that this God must necessarily be transcendent and have no similitude to mankind. As a result of this, mankind cannot ascertain how God exists; God is beyond the intelligence of man and 'those who know him, know him by his actions' (chapter eight). Chapter nine emphasises God's uniqueness in heaven, 'for were there with him any other than himself he would necessarily be bound by the limits of accidental things'. This proves that the necessary existent cannot be composite, for which reason 'it is known that he exists absolutely'. That is, God is the only necessary existent. Chapter ten bears witness to the properties that must be attributed to God in this case. Finally, chapter eleven stresses the immutability of this God: that 'if it is known that he necessarily exists in his eternal existence, it is also known that it is impossible that he should change from that state of might and majesty that are necessarily his'. Knowledge of this necessary being is the 'greatest thing that one can ask for', the title of Ibn Tumart's work.¹²²

These arguments formed the intellectual foundation of Ibn Tumart's theology, and they were closely based on the deductive reasoning of one of the most highly respected representatives of logic known in Toledo: Avicenna. Indeed, this raises the question of whether in fact the *Libellus* was considered to be something of a sequel not to the Qur'an translation of 1210, but to the works of al-Ghazali and Avicenna that had been translated in Toledo across much of the twelfth century. As we have mentioned, al-Ghazali's *Maqāṣid al-falāsifa* had been translated within living memory by a predecessor of Mark and Maurice in Toledo, Gundissalinus. Avicenna's many works had also been the subject of intense scholarly activity in the city over the course of the later twelfth century. Much of this was the work of the same Domingo Gundissalinus, assisted either by Abraham ibn Dawd, a figure who seems to have been a Jewish Toledan scholar, or by another canon in the cathedral, Juan Hispanus, a Mozarab. Charles Burnett has suggested that the translators working in Toledo in the later part of the twelfth century were not only well aware of each other's works, but participated in a deliberate 'programme' of translations, with Gerard of Cremona concentrating his efforts on producing Latin translations of the works of Aristotle, and Gundissalinus devoting himself to Avicenna's commentaries and to other, more contemporary works of Islamic and Jewish Neoplatonist theology.¹²³ In line with this theory, Burnett has seen the thirteenth-century translator Michael Scot, whose translations largely concerned the works of Averroes, as something of a continuator of Gerard of Cremona. Is there, then, a sense in which we should interpret the translation of the *Libellus* of Ibn Tumart as being

¹²² Griffel, 'Ibn Tumart's rational proof', p. 786.

¹²³ Burnett, 'The Coherence of the Arabic-Latin Translation Program', pp. 262-270.

an extension of the efforts of Gundissalinus to produce Latin translations of Avicenna and al-Ghazali?

Maurice and Mark were clearly aware of the intellectual parallels between the *Libellus* and the longer history of philosophical translations in Toledo, but the question of whether they were acting in an attempt to deliberately continue the work of their predecessor must, of course, remain unanswered. It is, however, important to highlight the thematic continuity between the intellectual interests of Gundissalinus and the translation of the *Libellus*. In addition to his translations, Gundissalinus also composed a number of his own theological and philosophical treatises, including the *De divisione philosophiae*, *De unitate et uno*, and *De processione mundi*. The recent scholarship of Alexander Fidora has demonstrated that these works reveal a unique combination of the Arabic philosophy that Gundissalinus had been translating, and contemporary Latin theological debates from the French schools of Saint-Victor and Chartres: in Fidora's words, they represent 'the complex transition of the theory of Platonic science to that of Aristotle, which continues through confrontation with the contemporaneous Latin-Christian debates and the reception of the Arabic sources'.¹²⁴ For Gundissalinus, Arabic philosophy could be in harmony with the study of the Scriptures, and his treatises represent an 'attempt at synthesis'.¹²⁵ He drew on the works of al-Ghazali, Ibn Gabirol and others, co-opting both Islamic and Jewish philosophical theology for his own, Christian ends. It is then perhaps particularly notable for our purposes that one of his treatises addressed the issue of divine unity: the *De Unitate et uno*, a tract described by d'Alverny as expressing Neoplatonic theories of divine unity and influenced at once by the school of Chartres, the works of Boethius and the *Fons Vitae* of Ibn Gabirol.¹²⁶ There was, then, a direct precedent in Toledo for the reuse of non-Christian ideas in the Christian discussion of the unity of God. We have no certainty with regard to the date of Gundissalinus's death, but he is last seen in Segovia in 1190, just one year before our first record of Mark in the archives of Toledo cathedral.

¹²⁴ A. Fidora, *Domingo Gundisalvo y la teoría de la ciencia árabe-aristotélica* (Pamplona, 2009), p.24: 'el complejo tránsito de la teoría de la ciencia platónica a la aristotélica, el cual procede a través de la confrontación con los debates cristiano-latinos contemporáneos y de la recepción de las fuentes árabes'. Manuel Alonso has revealed the extent of the connection with Hugh of Saint Victor in particular: see M. Alonso, 'Hugo de San Victor, refutado por Domingo Gundisalvo hacia el 1170', *Estudios Eclesiásticos*, 21 (1947), 209-216; M. Alonso, 'Traducciones del arcediano Domingo Gundisalvo', *Al-Andalus*, 12 (1947) 295-338; also A. Fidora, 'Nota sobre Domingo Gundisalvo y el *Aristoteles Arabus*', *Al-Qantara*, 23:1 (2002), 201-208.

¹²⁵ M-T d'Alverny, 'Les traductions d'Avicenne', in M-T d'Alverny, *Avicenne en Occident* (Paris, 1993), p. 75: 'essais de synthèse de la philosophie arabe et de la tradition occidentale chrétien'.

¹²⁶ d'Alverny, 'Les traductions d'Avicenne', pp. 75-76.

Indeed, there may in fact have been a direct personal connection between Maurice, Mark and Gundissalinus, in the figure of Juan Hispanus, Gundissalinus's collaborator. There has been much historiographical controversy over the identity of this 'John of Spain', who is first encountered as assisting Gundissalinus in the translation of al-Ghazali and Ibn Gabirol. Much of the confusion lies in the frequent recurrence of the name 'Juan' in these archives, and the existence of an almost homonymous 'Juan Hispalensis' (or John of Seville), another Toledan intellectual who composed his own philosophical works in the mid-twelfth century.¹²⁷ Charles Burnett has provided a comprehensive clarification of these multiple identities, concluding that the Juan Hispanus who assisted in the two translations mentioned above was most likely a Mozarabic canon living in Toledo in the late twelfth and early thirteenth century.¹²⁸ Juan succeeded Gundissalinus's position as archdeacon of Cuéllar in 1191 and then became a canon at Toledo, until 1213 when he was promoted to become bishop of Segorbe.¹²⁹ As a canon in Toledo, Juan was promoted twice within the cathedral by Archbishop Martín, the patron and most likely, relative, of Maurice. We should not forget that Maurice would have spent at least five years (from 1208 until 1213) in the same chapter. Juan died in 1215, and in 1236, Archbishop Rodrigo was accused of appropriating his books and possessions instead of respecting their donation to the cathedral chapter.¹³⁰ Juan thus represented a clear link with the twelfth-century translators, particularly Gundissalinus, and, in the words of Burnett, was able to 'bridge the gap between these translators and the translators working in Toledo in the thirteenth century' – and also their patrons.¹³¹

iii. The Essence of God

We have seen that the teachings of Ibn Tumart were repackaged by Mark, under Maurice's commission, as a work that provided rational proof for the unity of God. What value might these proofs have had in the Toledo of 1213? Certainly, the act of translation itself was a symbolic one, a means of claiming 'truths' for a Christian society. However, Lucy Pick has suggested that the question of divine unity – and the closely related issue of the unified yet distinct Trinity – was of

¹²⁷ M. Robinson, 'The Heritage of Medieval Errors in the Latin Manuscripts of Johannes Hispalensis (John of Seville)', *Al-Qantara*, 28:1 (2007), 41-71; C. Burnett, 'John of Seville and John of Spain, a mise au point', in Burnett, *Arabic into Latin*, pp. 59-78.

¹²⁸ C. Burnett, 'Magister Iohannes Hispanus: Towards the Identity of a Toledan Translator', in *Comprendre et maîtriser la nature au moyen âge* (Geneva, 1994), pp. 425-436.

¹²⁹ *Ibid*, pp. 432-434.

¹³⁰ *Ibid*, p. 436; also see J. Janini and R. González, *Catálogo de los manuscritos litúrgicos de la catedral de Toledo* (Toledo, 1977), p. 13.

¹³¹ Burnett, 'Magister Iohannes Hispanus', p. 436.

particular importance to Archbishop Rodrigo himself, and his ‘theology of unity’.¹³² Rodrigo’s own theological identity, she suggests, was ‘founded on a notion of God as the principle of unity, from whom all creation unfolds. It provided a theological substrate for Rodrigo’s polemical and military efforts against the non-Christians who ruptured this unity’.¹³³ The nature of the Trinity, and how this related to the one essence of God, was a central feature of Rodrigo’s apologetic, the *Dialogus Libri Vite*. And it is this question of the essence of God that points us towards another possible explanation for the commission of the *Libellus* by Maurice in 1213.

In addition to the ‘necessary assertions’ about the unity of God, the prologue of the *Libellus* also singles out a second aspect of the mahdi’s teachings as being of particular interest: namely, Ibn Tumart’s ‘efficacious reasoning’ in proving that ‘there is one God and one Essence’. That Mark should single out this aspect of the *Libellus* is significant. Ibn Tumart’s discussion of the essence of God is an exposition of his careful balance between two pitfalls in Islamic kalām: the sin of *tajsīm*, or limiting God to human qualities, and that of *ta’til*, the denial of God’s rightful attributes.¹³⁴ At the root of this problem lay the tension between the existence of one absolute, unique deity, whose essence is unknowable, and the ambiguous passages of the Qur’an, in which God is described as taking his throne, or being all-hearing and all-seeing, many of which are reflected in the ninety-nine names for God and which had been subject to debate among Islamic intellectuals for centuries.¹³⁵ Large parts of Ibn Tumart’s creed concern precisely this issue, and chapter fifteen is devoted to the ways in which God might be named.

In addition to its appearance in the prologue, Mark uses the term ‘essence’ (*essentia*) throughout the *Libellus*, where it is used to translate two Arabic terms used by Ibn Tumart: ‘wuğūd’ (existence) and kūr (being).¹³⁶ Mark uses the term most frequently however in chapters seven, nine, ten and eleven, which focus on the question of how God’s essence may be understood in conjunction with divine attributes.¹³⁷

¹³² See Pick, *Conflict and Coexistence*; see also Ayala, *Ibn Tumart*, pp. 47-59.

¹³³ Pick, *Conflict and Coexistence*, p. 73.

¹³⁴ Jeffrey, ‘The Credal Statement’, p. 357, note 1.

¹³⁵ See Wisnovsky, *Avicenna’s Metaphysics in Context*, pp. 146-147; and Ayala, *Ibn Tumart*, pp. 75-76.

¹³⁶ ‘wuğūd’ – وجود – the term used by Ibn Tumart does not reflect the complexity of the distinction between essence and existence in Avicenna’s thought, see Wisnovsky, *Avicenna’s Metaphysics in Context*, pp. 145-146. Mark’s consistent translation of the term as ‘essentia’ is notable. The argument proposed here for the relevance of the particular term ‘essentia’ may be one possible explanation for this choice. Mark’s translation of both wuğūd and kūr as *essentia* shows that he had not understood the precise implications of Ibn Tumart’s terminology here. Ayala has also commented on Mark’s frequent use of the term, *Ibn Tumart*, pp. 72-73.

¹³⁷ An example of this can be found in chapter seven, where the Arabic text reads: ‘If it is known that any resemblance between the Creator and what has been created must be denied, it is also known that the Creator, glory be to him, exists absolutely’ (Jerffreys, p. 357), (Griffel translates this as ‘in an

For Ibn Tumart, God is demonstrably one and unique, which he proves at great length, as we have discussed above. Mark's translation of this in the *Libellus* makes it clear that, for Mark, this teaching should be understood as referring specifically to God's essence.¹³⁸ Chapter seven of the *Libellus* states that: 'the essence of the glorious God is absolute... [He is] first without beginning, last without end, manifest without any defined limits, hidden without particular quality, found absolutely without similitude nor quality'.¹³⁹

However, Ibn Tumart combines this with a recognition that God must necessarily have certain attributes in order to be the Creator-God. Indeed, since God is unknowable, the only right way in which his divinity can be conceived of is through his attributes. These attributes are named by God for himself in the Qur'an, and Ibn Tumart emphasises, at some length, the lack of parity between the descriptions of God and those of men.¹⁴⁰ Divine attributes are in no way analogous to human attributes, and they must be named without comparing, qualifying or reducing God's unicity. The solution is simply that mankind cannot understand this paradox:

Intelligence has a limit where it stops and cannot pass beyond. This limit is its incapacity to ascertain how [God exists]. It has no way of passing beyond and attaining this, save by *tajsim* [comparing God to humanity] or by *ta'til* [denying the attributes of God]. Those who know Him know Him by His actions, and they refuse any statements of how He, the Majestic One, comes to be, because they know what *tajsim* and *ta'til* lead to, viz. that which is impossible (chapter eight)¹⁴¹

Mark's understanding of the sin of *ta'til* is quite literal: to deny God's attributes is to suggest that God is *deffectus*.¹⁴² And the *Libellus* makes clear that if God should be lacking in any of his

absolute manner'.) Mark renders this in Latin as: 'Quomodo ergo scitur quod nulla est similitudo inter Creatorem et creaturam, scitur essentia Dei gloriosi absolute'.

¹³⁸ It should be noted that the Arabic does not use the term 'essence'. Mark's translation of existence as essence is notable, and deserves further study. Fletcher translates Ibn Tumart's words as: 'The Creator, glory be to him, exists absolutely.... He is the first without any beginning, the last without any end, the outer without any defined limits, the inner without any peculiar properties, existing in absoluteness without *tashbih* (similitude to mankind) and without *tayyif* (attributes of mankind).'

¹³⁹ D'Alverny and Vajda, 'Marc de Tolède', p. 272; 'essentia Dei gloriosi absolute...primus absque principio, novissimus absque fine, manifestus absque deffinitione, occultus absque proprietate, inventus absolute absque similitudine et qualitate'.

¹⁴⁰ Jeffrey, 'The credal statement', 'A creature may be named 'jurist' or 'liberal man' on the ground of his learning of his generosity, but there is no analogy from this to the case of the Creator, glory be to him. A creature may be named 'one who throws' or 'one who kills', because of his throwing or his killing but there is no analogy from that to the case of the Creator' (Chapter 15, p. 363).

¹⁴¹ *Ibid*, p. 358.

¹⁴² D'Alverny and Vajda, 'Marc de Toledo', p. 273; 'Intellectus habent terminum penes quem termina[n]tur, et ipsum non transcendunt, et ipse est qui defficit qualitate, citra quem non processus nec investigatio quin incidatur in corporeitatem et confusionem veritatis. Noverum ipsum intelligentes per operationes eius et negaverunt qualitatem a celsitudine ipsius, quia indicuit ei corporeitatem et deffectum et hoc est inconveniens' (chapter eight). Mark also seems to have understood the implications of *tajsim*, the 'embodiment' of the divine, translated as 'corporeitas'.

attributes, he would not be able to bring all his divine actions to pass: ‘since if indeed he should be understood as lacking anything in himself, then the bringing about of his deeds would be impossible for him’ (chapter ten).¹⁴³ As a result, the attributes of God’s one essence are central to mankind’s understanding of the divine. Or as Mark puts it: ‘whilst his [God’s] uniqueness is known as a result of his unicity...it is [also] known that it is impossible for defect (*deffectus*) to fall within him, because by the same, the essence of the Creator is mighty, wise, powerful, willing, hearing, speaking, without the idea of a distinguishing quality’.¹⁴⁴

The implications of this for the naming of God are finally summarised in Chapter Fifteen, the chapter devoted entirely to the ‘holy names’. Ibn Tumart makes a distinction between the names that humans can give each other and those they can give God. When a man is called ‘wise’ or ‘generous’, it is because of his wisdom or generosity, but God’s wisdom and generosity are incomparable to those of man, so these labels cannot mean the same thing when applied to the Creator. Equally, a man may be called shooter or killer for his shooting or killing, but God is not named in the likeness of these human attributes; he can only be named by the attributes he gives himself, without change, similitude with creation, or qualification.¹⁴⁵ Mark’s Latin translation faithfully follows these points, and although it becomes very convoluted in the final phrase, he maintains the distinction between the rightful names for God – that is, those that God attributes to himself – and the three sins of changing, comparing or qualifying God’s names.¹⁴⁶

¹⁴³ *Ibid*, ‘Quod siquidem deffectus reciperet in se, impossibilis esset ab eo provenire operationes’ (chapter ten).

¹⁴⁴ *Ibid*, ‘cumque scitur singularitas ipsius ex unitate eius...scitur quod impossibilis est deffectus in ipsum cadere, ex eo quod essentia Creatoris est fortis, sapiens, potens, volens, audiens, loquens, absque conceptione qualitatis’.

¹⁴⁵ Jeffrey, ‘The credal statement’, ‘A creature may be named ‘jurist’ or ‘liberal man’ on the ground of his learning of his generosity, but there is no analogy from this to the case of the Creator, glory be to him. A creature may be named ‘one who throws’ or ‘one who kills’, because of his throwing or his killing but there is no analogy from that to the case of the Creator’ (Chapter 15, p. 363)

¹⁴⁶ This is an extremely convoluted passage; ‘appellet eum [n]omine quo ipse se ipsum non vocavit, quod prohibuit, et quod **attribuit quippe ei, absque variatione et similitudine et qualitate**. Vocabit nempe eum sanctis [nominibus] homo et hiis adorabit eum.’ I think the sense here is: ‘It is prohibited to address God by names with which he did not call himself; let him be addressed by names that he attributed to himself without variation, similitude or quality.’ The Arabic has been translated as ‘What he refrains from giving himself in his book we will refrain from giving him, and what he has affirmed for himself, we will affirm for him, without making any change or *tashbih* or *takyif*. We will name him by his most beautiful names, and by them we will call upon him’. D’Alverny has added [nominibus] in square brackets as a clarification of sanctis. [Deo] could perhaps to be added in too to clarify the subject of the verbs vocavit, prohibuit, and attribuit. The subject must shift to being God in order for this passage to make any sense, and in order also to follow the meaning of the Arabic. It should be noted that d’Alverny points out a number of problems with the manuscript, both copy errors and omissions, many of which she herself has filled in, usually based on the Arabic text. She reads ‘homine’ instead of ‘nomine’, but the sense here clearly suggests the latter.

Only thus can God's unicity be recognised rightfully by mankind. In the words of Carlos de Ayala, this was a way of presenting 'the reality of the divine attributes not as a personalised expression of a human author but as unequivocal self-definition coming from God'.¹⁴⁷ This, then, reflects the 'reasoning that there is one God and one Essence' as singled out in the prologue – a God whose essence was indeed demonstrably one, but whose attributes could not be denied.

As both Carlos de Ayala and Lucy Pick have pointed out, the essence of God was in fact a topic that had immediate resonances in Toledo cathedral in these years, and was particularly important to Archbishop Rodrigo himself.¹⁴⁸ In his anti-Jewish treatise, the *Dialogus libri vite*, written during this same period, Rodrigo himself addressed the question of God's essence and the accompanying issue of how this singular essence could also be understood as the separate persons of the Trinity.¹⁴⁹

The first of the eight books of this treatise is, in Lucy Pick's words, 'exceptional among the books of the *Dialogus* for its use of philosophical argument to prove the unity of God and the Trinity of the divine persons'.¹⁵⁰ Entitled *De trinitate et individua unitate*, the book is a collection of arguments based on grammar, logic and mathematics to establish the triune unity of God within the context of an anti-Jewish apology.¹⁵¹ Pick has demonstrated that Rodrigo relied heavily on the writings of Alan of Lille, with whom she suggests Rodrigo had had direct contact, most likely as a student in Paris (or perhaps Montpellier) in the 1190s.¹⁵² Equally important for Rodrigo's theology concerning the essence of God were the writings of Gilbert of Poitiers (d.1154) and John Scot Erigena (fl. 860-870).¹⁵³

¹⁴⁷ Ayala, *Ibn Tumart*, pp. 88-90; 'la *Aqida* se posiciona sin ambigüedades en la tesitura de admitir la realidad de los atributos divinos no como expresión personalizada de un autor humano sino como inequívoca autodefinición proveniente de Dios. Y es en ello precisamente en lo que su autor encuentra la legitimidad para que el creyente haga uso de esos atributos en sus alabanzas y oraciones' (p. 88). Ayala has suggested that Ibn Tumart's theological position on the divine names also shows some influence from al-Ghazali (idem, pp. 89-90).

¹⁴⁸ Pick, *Conflict and Coexistence*; idem, 'Michael Scot in Toledo'; and Ayala, *Ibn Tumart*, esp pp. 53-59. Ayala expands on Pick's work to suggest that, not only was Rodrigo interested in questions concerning the essence of God, but that he would have had a theological interest in the *Libellus* for this reason; see Ayala, *Ibn Tumart*, *passim*.

¹⁴⁹ Pick, *Conflict and Coexistence*, pp. 127-181; idem, 'Michael Scot in Toledo'; and idem, 'Christians and Jews'.

¹⁵⁰ Pick, 'Christians and Jews', p. 99.

¹⁵¹ Pick, *Conflict and Coexistence*, p. 171.

¹⁵² *Ibid*, esp. Chapter 4.

¹⁵³ Pick, 'Michael Scot in Toledo: Natura naturans and the hierarchy of being', *Traditio* 53, 93-116, p. 97; also Ayala, *Ibn Tumart*, pp. 53-57, who emphasises the influence of Gilbert of Poitiers.

It is on these grounds that Rodrigo discussed the essence of God, which he terms ‘essentia unitate’.¹⁵⁴ Drawing on Augustine, Rodrigo used the three qualities of intellect, reason and memory, to explain the Trinitarian doctrine of one essence and three persons.¹⁵⁵ These three aspects of the Godhead were necessarily present: without them, ‘he [God] could not judge angels and men, nor love or cherish other creatures’.¹⁵⁶ Rodrigo added that these words could not be understood in the same way when describing God and man, since this ran the danger of ‘anthropopathos’, or ‘humanising the passion’ (of Christ), a term used by Alan of Lille to ‘denote the attribution of words said about a creature to the Creator’.¹⁵⁷ What was important was to find a means of expressing the unity of God and the separate attributes of the Trinity without undermining this unity: to show that God had no limits or qualities, unlike a created creature, but was three persons in one essence.¹⁵⁸ This was the goal of the rational, grammatical and theological arguments deployed in the first book of the *Dialogus*.

There are some clear parallels between Ibn Tumart’s careful discussion of the divine attributes, and Rodrigo’s thought on the naming of the single yet triune God. The *Dialogus* recognises, like the *Libellus*, the inherent difficulties in naming God, since divine essence and created things cannot be related and ‘the words used about God connote temporal effects in creatures’.¹⁵⁹ A whole section of the *Dialogus* is entitled: ‘how names said about God should be understood’.¹⁶⁰

Moreover, such language was closely echoed by another scholar who spent these years in Toledo; the philosopher and translator Michael Scot, who, like Rodrigo, also saw the Trinity as

¹⁵⁴ See Roderici Ximeni de Rada, *Historiae Minores: Dialogus Libri Vite* eds. Juan Fernández Valverde and Estévez Sola (Turnhout: Brepols, 1999), 1.i, p. 181.

¹⁵⁵ Pick, ‘Michael Scot in Toledo’, p. 98.

¹⁵⁶ Est enim in Deo memoria, ratio, et intellectus sine quibus non posset angelos et homines iudicare, et ceteras creaturas diligere vel fouere’ ; *Dialogus* 1.viii, p. 193. Cited and translated by Pick, ‘Michael Scot in Toledo’, p. 98.

¹⁵⁷ *Dialogus* 1.viii, p. 193, ‘Cum ergo hec uires, anime uel angeli imperfectionis obice teneantur, non posunt diuine essencie adaptari que obiectu aliquo non teneantur; set si hec aliquando de diuina essentia dicta reperiantur, antropospatos est, id est, humana propassio, nec tamen a deo ista abscedimus cum eorum uocabula pro deo ut pro homine copulantur uel suponent, diuinam enim essentiam predicant et effectum cognoscunt in creatis’; cited in Pick, ‘Michael Scot’, p. 98.

¹⁵⁸ *Dialogus*, 1.i, p.181. Cum creatrix trinitas nec principium habeat nec finem, ipsa est totius principium creature, et in hac trinitate nihil maius, nihil minus, nihil posterius, nihil prius, set tres personae, pater, filius et spiritus sanctus, **unus deus, una essentia**... alia est enim persona patris, alia filii, alia spiritus sancti, et hec tres persone unum sunt, una unitas, una diuinitas, una natura, equales in magestate, equi diuinitate.’ See also Ayala, *Ibn Tumart*, pp. 53-57; he has commented that this was a ‘Porretanian concern’ (pp. 54-55).

¹⁵⁹ Pick, *Conflict and Coexistence*, p. 83. Ayala has also identified the significance of the *Libellus* with regard to Christian expressions of the attributes of God; see Ayala, *Ibn Tumart*, esp. pp. 72-79, and *passim*.

¹⁶⁰ Pick, *Conflict and Coexistence*, p. 83.

represented in the three powers of memory, reason and intellect.¹⁶¹ Recent scholarship devoted to Michael Scot has definitively linked the translator to the immediate circles of Archbishop Rodrigo until around the year 1220.¹⁶² He was named as being amongst Rodrigo's group of canons at the Fourth Lateran Council in 1215, and indeed, Charles Burnett has posed the question of whether he was the 'M. magister scholarum' in Toledo cathedral in 1208 (a figure which, we have suggested in Chapter One, may also be identified with Maurice). By 1220 he had left Toledo, and was employed at the court of Emperor Frederick II, where he translated much of the corpus of Averroes. However, his time in Toledo was of critical importance to his intellectual formation as a philosophical author, a point demonstrated by both Piero Morpurgo and Lucy Pick, who have highlighted his reuse of Toledan texts (notably the works of Gundissalinus) and his commitment to 'the thought-world of Toledo' and of Rodrigo in particular, long after his departure.¹⁶³

Of particular note is Michael Scot's scientific encyclopaedia, entitled the *Liber Introductionis*, which was completed at Emperor Frederick's court.¹⁶⁴ The work's long prologue is itself a theological text, and, most importantly for our purposes, much of it is devoted to a discussion of the divine unity of God's essence (again, *essentia*), particularly ways in which to name God and the Trinity, in language highly reminiscent of Rodrigo's *Dialogus*, and, even more interestingly, the *Libellus*.¹⁶⁵ As Pick has pointed out, Michael Scot too followed Alan of Lille (and ultimately Gilbert of Poitiers) in his descriptions of the properties of the Trinity: 'for God is one substance by his essence, and his names are related by means of many properties. So that God is divine unity in his trinity and godly trinity in his unity.'¹⁶⁶

In the section of the prologue entitled *De deo et eius essentia*, Michael addresses the problems that arise when man tries to name God:

Man has great audacity when he enters into such talk about God and his essence. But that God should be entirely one and that the same God should be entirely one in three

¹⁶¹ Pick, 'Michael Scot in Toledo'.

¹⁶² Burnett, 'Michael Scot and the Transmission of Scientific Culture from Toledo to Bologna via the Court of Frederick II Hohenstaufen', *Micrologus* 2 (1994), 101–26, pp. 104–105; and Lucy Pick, 'Michael Scot in Toledo: *Natura naturans* and the hierarchy of being', *Traditio* 53 (1998) 93–116, p. 96

¹⁶³ Morpurgo, 'Il liber introductorius di Michele Scotto', *Accademia Nazionale dei Lincei* 8 (1979), 149–161; and Pick, 'Michael Scot in Toledo'.

¹⁶⁴ Pick, 'Michael Scot in Toledo', p. 96. The work's long prologue has been convincingly dated to a *terminus post quem* of 1228.

¹⁶⁵ G. Edwards has provided an edition; see *idem*, 'The Liber Introductorius of Michael Scot', (Unpublished PhD dissertation: University of Southern California, 1978). Edwards has not identified any sources.

¹⁶⁶ *Ibid*, p. 72, 'Deus enim est substantia una per essenciam et eius nomina sunt corrolativa propter diversas proprietates. Vel sic Deus est divina unitas in trinitate sui et trinitas deitatis in unitate sui'.

persons, and eternal, inconceivable, most holy of holies, the greatest, the best, the most wise, unfailing, unchanging, immensurable, inestimable, lord, leader, nurturer, creator, protector, and all-mighty; not only the Catholic faith, that is, all peoples of the world, has knowledge of this truth, but natural reasoning also fully points it out.¹⁶⁷

Once again, at issue is the question of how to name God in a way that is appropriate both to his unicity and his Trinity. Michael Scot's sources have not been studied, but he frequently draws on the teachings of 'the Philosopher' (generally a reference to Aristotle). Moreover, here, as in the *Dialogus*, reason is key – even non-Christians can appreciate the truth of the unity of God through 'natural reasoning'.

Ibn Tumart's teachings, dependent as they were on 'reasoning', demonstrated Michael Scot's point exactly. His *Libellus* did posit a God that was entirely one, and, although of course Ibn Tumart did not have any reason to prove that God was also three persons, his teachings do demonstrate how the essence of God might be described and understood by mankind. Michael Scot's list of properties included 'indeficiens', reminding us of the *Libellus*'s insistence that God cannot be 'deffectus'. The *Libellus* was a text that addressed the thorny issue of the attributes of God, and yet presented it in such a way that it was coupled with a logical proof of the divine unity. Ibn Tumart's arguments fitted entirely into the sorts of discussion that Rodrigo and his circle were engaging in, and what is more, provided a template of proof that, in Mark's own words, 'there is one God and one Essence', one that both lays out the inherent problems and some solutions to the understanding of a united but multifaceted God by humanity.

It is relevant to mention here that Mark's translation in fact edits one passage of Ibn Tumart's text in such a way as to make it more palatable to his fellow Christians. The first *murshida* goes further than the main text of the creed to deny any limits to God: 'existence is necessary for him in an absolute manner without any limitation nor specification through time, space, direction, defining limits, species, form, shape, measure, appearance or state'.¹⁶⁸ As both Fletcher and Goldziher have noted, this text then assumes 'an air of pantheism'.¹⁶⁹ God is described as being synonymous with existence, since 'nothing coexists with him, nothing exists beyond him, neither

¹⁶⁷ *Ibid*, pp. 67-68, 'Grandis audacia est in homine quando se introit sic loqui de Deo et eius essentia. Set quod Deus omnino sit unus et quod idem Deus omnino sit trium personarum unus et eternus, incomprehensibilis, beatissimus beatorum, summus, optimus, sapientissimus, indeficiens, immutabilis, immensus, inextimabilis, dominus, rector, nutritor, creator, protector et omnipotens ; non solum fides catholica, id est universalis omnium gentium, hic habet cognitionis verum etiam naturalis ratio plene insinuat.'

¹⁶⁸ See Griffel, 'Ibn Tumart's rational proof', p. 772.

¹⁶⁹ Fletcher, 'The Almohad Tawhid', p. 118; Griffel, 'Ibn Tumart's rational proof', p. 773, who cites Ignaz Goldziher, 'Materialien zur Kenntnis der Almohadenbewegung in Nordafrika', *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, 41:1 (1887), 30-140, pp. 72 and 83, 'eine pantheistische Nuance'. See also the Afterword of this thesis.

earth, nor heaven, nor water, nor air...nothing exists other than the Unique, the Irresistible'.¹⁷⁰ It was a statement that went beyond the pale of acceptability in twelfth-century Cordoba, and Fletcher has suggested that similarly pantheistic statements must have been removed from the main creed when the text was drawn together in the 1180s, but that these statements survived in the *murshida*.¹⁷¹ However, it is striking to note that the most controversial statement is left out of the *Libellus*. Mark translates the *murshida*, but appears to have edited out the line that 'nothing exists other than the Unique', indicating his awareness of the problematic nature of the original and his desire to rid the text of the *Libellus* from an evident point of contention.¹⁷²

Clearly, this was a text that was to be used to inform and add to the debates about the nature of God that were taking place in early thirteenth-century Toledo. This intellectual and theological context is crucial in understanding Maurice's commission of the translation of the *Libellus* in 1213. The question of divine unity – specifically the nature of the Trinity and the naming of God – were questions of acute interest to those in Maurice's immediate *milieu*. By commissioning this translation, Maurice was adding a valuable new voice into this discourse: a systematic, Avicennan argument that combined logical proof of the unicity of God with a discussion of the essence and attributes of the divine. These colleagues of Maurice are surely among the 'wise men' referred to in the prologue, 'censuring' Ibn Tumart under the mistaken belief that he was a 'pure Muslim' (as well they might, given the war with the Almohads that was taking place around them). It was on behalf of this same group that the prologue tried so hard to justify the writings of Ibn Tumart on the grounds that he was, really, a 'disciple of the philosopher al-Ghazali'.

iv. 'Greater efforts in assailing the Saracens'

It is clear that the teachings of Ibn Tumart were considered to be of an entirely different order to the Qur'an. The *Libellus* was not a text to be ridiculed or defeated, and nor was it seen as

¹⁷⁰ Ayala, 'Ibn Tumart', p. 128.

¹⁷¹ Fletcher, 'The Almohad Tawhid', p. 118.

¹⁷² Ibn Tumart's passage reads: 'nothing coexists with Him, nothing exists beyond Him, neither earth, nor heaven, nor water, nor air, nor that which is empty nor that which is full, nor light, nor shadow, nor night, nor day, nor company, nor noise, nor sound, nor whisper; *nothing exists other than the Unique, the Irresistible*. He is for all eternity Unique in unicity, rule and divinity' (as translated from Arabic in Ayala, *Ibn Tumart*, p. 128). This is translated into Latin by Mark (with a few small mistakes) as: 'non habens secum quemquam preter ipsum, nec aliquid invenitur preter ipsum, non terra, non celum, non aqua, non aer, non mare, non plenum, non lux, non tenebre, non nox, non dies, non solacium neque strepitus, neque secum habet clangorem, nec silentium. Sed solus est victor singularis in eterna unitate, regno et deitate', d'Alverny and Vajda, 'Marc de Tolède'.

representing Islam. On the contrary, all the evidence points to the suggestion that this text was seen as having an intrinsic value to the Christians of Toledo, and that it was translated in order that the 'most efficacious reasoning' it contained might be made available to as wide a group of 'wise men' as possible.

How are we to reconcile this with Mark's remark in the prologue that Christians should read the *Libellus* in order to fight back against the Almohads? In order to make sense of this, it is important to consider what 'fighting back' entailed. Polemical texts were one possible tool at the disposal of Christian theologians, and mission another (one that would become more popular in Spain later on in the thirteenth century through the efforts of the Dominicans).¹⁷³ As we have seen in the discussion of the *Liber Alchorani*, both of these hinged on the self-identification of Christians against non-Christians, or, indeed, 'the performance of Christianity' itself.¹⁷⁴ However, the *Libellus* made no comment on Islam; on the contrary, passages that would have scandalised Christian readers were edited out. Instead, in providing arguments that were based on the logic of Avicenna, the *Libellus* was a weapon in the arsenal of Christian intellectuals, a means of proving Christian truths on the grounds of reason rather than faith.

Of course, Ibn Tumart was not the first non-Christian whose ideas had been repurposed in this way in Toledo. As we have already mentioned, Gundissalinus provided a direct model for this, employing the logic of Avicenna and Ibn Gabirol to make his own, Christian, arguments about the unity of God at some point in the late twelfth century. And indeed, in 1217, just four years after the translation of the *Libellus*, Michael Scot translated another work by a Muslim author; the astronomical treatise *De Motibus Celorum* by the Andalusí scholar al-Bitruji (d. 1204), a work that Pick has described as 'good Aristotelian philosophy and what's more, good Almohad monotheistic theology'.¹⁷⁵ It is into this category that we must place the *Libellus* of Ibn Tumart. Certainly, the text needed more of a justification than these others, unsurprisingly given the context of war with the Almohads. But if the 'wise men' of Toledo had misjudged the doctrines of Ibn Tumart, under the mistaken belief that he was a 'pure Muslim', Mark's prologue works hard to prove them wrong, and to justify and neutralise the text on the grounds that Ibn Tumart was, after all, 'a disciple of the philosopher al-Ghazali'.

¹⁷³ On polemic, see Pick, *Conflict and Coexistence*, p. 128 – 164.

¹⁷⁴ See Pick, *Conflict and Coexistence*, p. 134, citing K. Morrison, *Understanding Conversion* (Charlottesville, 1992). Also see P. Henriët, 'Entre praxis, évangélisme et conscience de chrétienté la conversion des musulmans au moyen Âge central (xie-xiiiè siècles)', *Anuario de historia de la iglesia* 20 (2011), 179-200.

¹⁷⁵ Pick, *Conflict and Coexistence*, p. 120.

By commissioning the translation of the *Libellus* in 1213, Maurice was adding a valuable new voice into the discourse of Christian intellectual debate in Toledo: a systematic, Avicennan argument that combined logical proof of the unicity of God with a discussion of the essence and attributes of the divine, a text that would help himself and his colleagues to better articulate the theology of their Trinitarian God. It is unclear how Maurice got to know of this text. Certainly, Mozarabs had been fleeing Al-Andalus for Toledo since the middle of the twelfth century, but it is also worth noting that Archbishop Martín, Maurice's mentor, had been personally responsible for sending Arabic-speaking priests from Toledo into Al-Andalus throughout the 1190s: a clear potential vector for the transmission of Arabic texts into the cathedral chapter. In either case, Maurice's patronage of the *Libellus* in the immediate aftermath of the battle of Las Navas was an attempt to contribute to the war effort, not by supplying new information about Islam or the Almohads, but by bringing new and stimulating ideas about the rational proof of God to inform ongoing Christian debates in Toledo.

Conclusions

Maurice spent much of his career 'fighting back' against Islam, although the means by which he pursued this goal shifted over the course of his life. Throughout, he proved himself to be committed to the same ideals as Archbishop Rodrigo, and there can be little doubt that these two clerics shared the same thought-world, the same understanding of Islam, and, very likely, the same training. Whilst we have far fewer sources for Maurice's thought, the two acted together consistently throughout their careers, whether this was in the provision of texts that added to a 'theology of unity' in Toledo, or in their joint preaching of crusade throughout Castile from 1225.

As we have seen, Maurice was an important figure in the development of the 'Reconquista', the series of successful military excursions led by Fernando III and his nobles, and which resulted in the conquest of much of Al-Andalus and the demise of the Almohad empire (also aided by the crumbling of Almohad rule in the peninsula from the 1220s). Whilst there seems to be little suggestion of Maurice's presence on any of the military front lines, there is much evidence that, in conjunction with Archbishop Rodrigo, he supplied the ideological imperative for these wars. Not only were these two clerics the chosen advisors of the king, but they were also the chosen preachers of the pope, designated 'crucesignatus' in 1225, a role they apparently took seriously, as the wars between Castile and the Almohads began to be consistently reframed as crusades.

Maurice's engagement with Islam in the early years of his career reveals him to be an overlooked, yet important, figure in the circle of scholars and theologians that were based in Toledo cathedral and inspired, as Lucy Pick has demonstrated, by the intellectual and theological concerns of Archbishop Rodrigo. The patronage of the *Liber Alchorani*, undertaken by Rodrigo and Maurice together, suggests not only that Maurice was a member of this thought-world, but also that he shared with Rodrigo a common vision of Islam and its place within Christian society at a very early stage in both of their careers. More significantly still, Maurice's commission of the *Libellus* translation in 1213 reveals him to be an independent contributor to this *milieu*. The doctrines of Ibn Tumart, despite providing the theological foundations of the Almohad empire, were nonetheless presented in the prologue to the *Libellus* as a work of philosophical value, in the tradition of some of the greatest logicians known in Toledo. As Mark's prologue makes clear, this was a text with some immediate resonances in Toledo, and in requesting its translation, Maurice was bringing a new and distinctly rationalist voice to bear on debates about the nature of the Trinity and Unity of God that stood at the heart of Christian self-understanding.

Maurice alone requested the translation of the *Libellus* in 1213, probably his first act as bishop of Burgos (an interesting parallel to the fact that the commission of the *Liber Alchorani* must have been one of the first things Rodrigo did as archbishop). From the commission of 1210, it is clear that Maurice had both a privileged and a powerful position in the intellectual circles of Toledo cathedral, but the commission of the *Libellus* in 1213 allows us to go further in regarding him as a leading figure, and one whose own interests and priorities must have been important in the development of an ideological and intellectual strategy to 'fight back' against the Almohad troops that were on the Toledan borders.

Chapter Three

Mute counsel and violent hands: episcopal *auctoritas* in Burgos

Although, as we have seen, Maurice was most likely raised to episcopal office by King Alfonso VIII at some point in late 1212 or early 1213, he needed papal consecration in order to transfer from *electus* to full *episcopus*.¹ Maurice is first referred to as *episcopus* in March 1215, when he had an audience with Pope Innocent III in Rome, during which he was clearly conferred the *pallium* of episcopal power.² Ultimate permission to take up episcopal office came from Rome, at least symbolically. Yet, Maurice's purpose for travelling to Rome in March 1215 was not solely, or indeed, primarily, to receive papal confirmation, and he was several months early for the Fourth Lateran Council.³ In fact, Maurice had travelled to the papal curia in a hurry, in order to answer an accusation against him by a neighbouring bishop, Melendus of Osma, that he had illegally expanded the diocese of Burgos. It was a case that came to papal attention on several subsequent occasions, resulting in bitter personal relations, the 'raising of violent hands', and a threat of excommunication, and one that sheds light on the variety of tools Maurice employed to establish his own authority vis-a-vis that of his local colleagues and rivals.

This chapter will explore the ways in which Maurice defined, established and augmented his episcopal authority in the diocese of Burgos, particularly, balancing the demands of the papal curia with a plethora of more local pressures and imperatives. It draws on widespread evidence of frequent litigation from Maurice's lifetime, documented in the archive of Burgos cathedral, the Vatican archive and also in collections from monasteries and churches around and beyond the diocese. A close investigation of Maurice's actions as papal judge-delegate, of the frequent conflicts between Burgos cathedral and other religious houses, and of Maurice's efforts to define, physically as well as symbolically, the extent of his power, provides an important insight into the mechanics of episcopal authority in medieval Castile, and the ways in which savvy bishops were able to assert themselves in a turbulent society.

¹ Maurice is first mentioned as *electus* in Burgos in DCB, Doc 457 (June 1213). In Toledo, his new status is mentioned for the first time by Mark of Toledo in the prologue to the *Libellus*, also dated to June 1213 (see d'Alverny and Vajda, 'Marc de Tolède', p. 269). As we have discussed in Chapter One, however, the earliest record of Maurice's election is in Ruiz de Loizaya, *El Libro Becerro de Santa Maria de Bujedo*, Doc. No. 142. Mansilla has mentioned the importance of receiving the pallium after an episcopal appointment: Mansilla, *La Iglesia Castellano-Leonesa*, pp. 176-7.

² He was still *electus* in the Burgos documentation in July 1214 (DCB, Doc 478), and again on 8th November 1214 (*ibid*, Doc 484, in a letter from Archbishop Rodrigo). However, by the end of March, he is referred to as *episcopus* in a letter from Innocent III (DCB, Doc 491). For more about the case between Melendus and Maurice and their accusations at the papal court, see below.

³ See Chapter Four for a discussion of Maurice's reception of the decrees of this council.

The Roman curia as the ultimate court of appeal increasingly brought papal justice and canon law, in name if not in deed, into the jurisdictional procedures of regional and local churches throughout early thirteenth-century Europe.⁴ These developments can be seen across Castile too, and Maurice was one of many of the Castilian prelates from this period to be deployed as a judge-delegate, both whilst he was archdeacon at Toledo and during his episcopal career. He also had no hesitation in referring cases to Rome, and as we shall see, some of the fiercest of his many legal disputes were taken to the papal court, although it should also be noted that none were resolved there. For Luciano Serrano, this was evidence that Maurice was the embodiment of a growing proximity between the Castilian Church and the Roman curia. Particularly important for his assessment was Maurice's role as papal judge-delegate, a role in which Serrano considered him to be a proxy for papal authority and reform in Castile.⁵ According to Serrano, 'he was a reputed jurist and ardent implementor of the canonical legislation of Lateran [IV]; the roots of all his vigilant activity converge ceaselessly in the development of this work; from its fulfilment emanate the singular personality of our prelate, the sentences and agreements that he promulgated with chapters, bishops and religious communities, both as diocesan bishop and above all, as judge chosen by the Holy See'.⁶

The traditional historiographical narrative of the bishops of medieval Castile as closely bound to a papal agenda has been comprehensively challenged in modern scholarship, and especially by the work of Peter Linehan. His seminal publication of 1971, *The Spanish Church and the Papacy*, has revealed a Castilian episcopate defined 'by their contempt for distant authority – papal authority included'.⁷ Although he has not paid specific attention to Maurice nor to the cathedral of Burgos, Linehan's meticulous analysis of the archdiocese of Toledo has suggested that papal

⁴ C. Morris, *Papal Monarchy: The Western Church from 1050 to 1250* (Oxford: Clarendon Press, 1989), pp. 121-127; G. Evans, *Law and Theology in the Middle Ages*; T. Smith, 'The Development of Papal Provisions in Medieval Europe', *History Compass* 13/3 (2015), pp. 110-121; *idem*, 'English episcopal acts and thirteenth-century petitions to the pope', *Archives*, 40 (2014), 16-22; Anne J. Duggan, 'Conciliar Law 1123-1215: The legislation of the four Lateran Councils', in W. Hartmann and K. Pennington, eds., *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the decretals of Pope Gregory IX* (Washington, D.C.: Catholic University of America Press, 2008), pp. 318-366; Ullmann, Walter, 'The papacy as an institution of government in the Middle Ages', *Studies in Church History*, 2 (1965), 78-101; L. Fowler, 'Recusatio iudicis in civilian and canonist thought', in J. Strayer and D. Queller, eds., *Post Scripta: Essays on Medieval Law and the emergence of the European state in honor of Gaines Post* (Rome: Libreria Ateneo salesiano, 1972), pp. 717-785.

⁵ Serrano, *Don Mauricio*, p. 8.

⁶ Serrano, *Don Mauricio*, p. 8. He adds that Maurice and Archbishop Rodrigo 'son, sin género de duda, los prelados de mayor actuación canónica y social durante el largo reinado de Fernando III de Castilla; resumen, por decirlo así, la labor eclesiástica de la época, y sobre todo las relaciones jerárquicas sostenidas con la Santa Sede, cuya intervención en el gobierno particular de las diócesis se hace cada día más intensa'.

⁷ Linehan, *Spanish Church and Papacy*, p. 2.

demands were low on the list of priorities of the Castilian episcopate generally, and that episcopal authority in Castile was more reliant on royal support and familial networks than on papal approval.⁸ These important conclusions have been further nuanced by more recent research into the medieval bishops of northern Europe, and the complex networks of power in which they operated and via which they expressed their episcopal *auctoritas*.⁹ As Thomas Head has pointed out, ‘to be a bishop was to engage in not just one, but a number of delicate balancing acts’, in which local imperatives often took precedence over the more distant demands of kings or popes.¹⁰ The medieval bishop was compelled to negotiate his authority and identity within complex and intersecting networks of familial, noble, royal, and ecclesiastical allegiances, and in the words of John Ott, ‘local and regional concerns moulded episcopal identities and established administrative agendas to a far greater extent than they are often credited with.’¹¹

Drawing on the above, in this chapter we shall see how Maurice constructed his own episcopal authority, often blending canon law with local allegiances to define and ensure his status as bishop of Burgos, a position at the junction of various networks of power. The first point of analysis will be the surviving evidence for Maurice’s appointment as papal judge-delegate throughout his career, as role in which he held no less than the fullness of papal *potestas*, although, as we shall see, under most circumstances, this was directed to local rather than papal ends. Next, we shall discuss Maurice’s relations with the monasteries and abbeys of the diocese, as presented through the extensive body of litigation that survives in Burgos cathedral, local monastic archives, and, since many of these cases involved appeals to papal justice, the pontifical archive. Close analysis of these cases brings to light the wide variety of tools at Maurice’s disposal in his assertion of episcopal power, ranging from appeals to Rome and the implementation of the most up-to-date canon law, to far less exalted tactics, such as the deployment of armed men to bring his negotiations to the desired conclusion. The tensions and rivalries that characterised much of this litigation provide a crucial context for the final part of this chapter, in which we shall assess the significance a series of inscriptions uncovered in recent years, recording the personal visitation of Maurice and his re-foundation or re-consecration of churches across his diocese, carving his episcopal authority into the landscape of the diocese.

⁸ Linehan, *Spanish Church and Society*, p. 325.

⁹ Most of all, the important publication by Ott and Trumbore, *The Bishop Reformed*; also T. Head, ‘Postscript: The Ambiguous Bishop’, in Ott and Trumbore, *The Bishop Reformed*, pp. 250-264; Bowman, ‘The bishop builds a bridge’; Miller, *Clothing the clergy: virtue and power*; and John Ott, *Bishops, Authority and Community in Northwestern Europe, c.1050–1150* (Cambridge: Cambridge University Press, 2015)

¹⁰ Head, ‘Postscript: The Ambiguous Bishop’, p. 250.

¹¹ Ott and Trumbore, ‘Introduction: The Bishop Reformed’, in *idem*, *The Bishop Reformed*, pp. 1-21, p.19.

1. Maurice as papal judge-delegate

As archdeacon

Maurice was commissioned to act as papal judge-delegate in three different cases whilst he was still archdeacon of Toledo. Such an appointment was a commission to represent papal justice in a local case, increasingly vital to the papal curia as it became the centre of appeals from across Europe. Maurice was never acting alone: on each occasion, he was appointed to be part of a team of three, alongside Bishop Martin of Zamora and Master Michael canon of Segovia. His first commission was the long-standing litigation between the bishop of Burgos, Garcia, and the monastery of Oña, a large and powerful Benedictine monastery two hundred kilometres to the north of the city of Burgos. In a letter dated to 24th April 1210, Pope Innocent III addressed his 'venerable brother the bishop of Zamora and dear sons, Masters Maurice archdeacon of Toledo and Michael canon of Segovia' and introduced them to their roles as 'apostolic judges' in the already long-running quarrel between Burgos and Oña (and one that had already been assessed by a number of other judges).¹²

The issue at stake was the liberty of the churches, monasteries and houses dependent on Oña, which the bishop was claiming for his own jurisdiction.¹³ It was Garcia who had brought the litigation, when the monks of Oña had declined his invitation to follow what he described as *jus commune* and 'ancient and approved custom' of the diocese.¹⁴ However the monks had responded that their privilege of full liberty was ancient, covering both the monastery itself and all dependent houses, and agreed on by secular power and three consecutive popes, as well as by Victor, former bishop of Burgos.¹⁵ The bishop was trying to insist on four points: that these dependent clergy should attend episcopal synods; that they should accept sentences of excommunication or interdict from the bishop instead of the abbot of Oña; they should pay yearly procurations (and thus be liable for episcopal visitation); and each should pay a sum of gold to the bishop, this latter stipulation being described as new (*noviter*). An additional, though

¹² DCB, Doc 426; *Inocencio*, Doc 426.

¹³ DCB, Doc 426, 'Partibus super subiectione ac libertate membrorum eiusdem loci monasteriorum'.

¹⁴ *Ibid*, 'Qui cum cepissent principaliter litigare super statu monasterii memorati, quod ad se de iure communi spectare dictus episcopus proponebat, utpote in sua diocesi constitutum, cuius iuris usum burgensem ecclesiam longis retroactis temporibus habuisse firmabat, et ex parte monasterii diceretur illud per principes seculares et Romanos Pontifices ab antiquo libertate donatum et ipsum longisissimo tempore usum fuisse plenaria libertate'. Garcia makes clear that the first three of his requests were based on common law, and the fourth was established in 'ancient and approved custom'.

¹⁵ *Ibid*, 'Ab antiquo fuisse secularium principum et Romanorum Pontificum Urbani secundi, Pascali secundi, Eugenii tertii privilegiis libertate donata et longis retroactis temporibus huiusmodi fuisse libertate gausa, sicut per ipsa privilegia exhibita coram nobis ac instrumentum Victoris, quondam burgensis episcopi'.

related matter was the claim by the bishop to receive a *decima* or tenth payment on all purchases of land by the monastery.¹⁶ Innocent's letter informed the three judges-delegate that he was prepared to show lenience to the monks of Oña and hear additional witnesses from their side of the argument, which Maurice and his colleagues were to arrange by *appellatio remota*, that is, without the right of appeal.¹⁷

Innocent added new tasks in two further letters to his judges-delegate in the weeks that followed. On 20th April 1210, he ordered Maurice, Martin and Michael to ensure that, if the representatives of Oña did not convince them of their case, the monastery was to be charged with the costly business of bringing a case to Rome.¹⁸ This was, presumably, because despite the fact that the original cause had been brought by Bishop Garcia of Burgos, it had been subsequently reopened as a result of the appeal by the procurator of the monastery, who was stationed at the curia in Rome.¹⁹ A week later, the pope wrote to Maurice and his colleagues once again, asking them to collect additional information from witnesses about the defence raised by the monastery of Oña.²⁰ This too was prompted by the presence of a procurator from Oña at the papal court, who was evidently urging the pope to provide his monastery with as many opportunities as possible to clear their claims against the judge-delegates.²¹

The intricacies of the lengthy litigation between Oña and the see of Burgos will be discussed in more depth later in this chapter, as this grievance remained unresolved in 1210 and would recur throughout Maurice's own episcopate. What is important to note at this stage is that Maurice also reappears as papal judge-delegate in two other, similar cases in this year, both concerning the episcopal rights and claims of the bishop of Burgos once again. Just a few days after Maurice's first appointment, Innocent III wrote to him again, entrusting to the same team – Maurice, Martin of Zamora and Michael of Segovia – the resolution of litigation between the bishop of Burgos and the collegiate church of Santa María de Castrojeriz, which lay some 40 kilometres to the west of Burgos, not far from the diocese of Palencia.²² The cause of contention was very similar to that already seen in Oña: the control of several churches considered by Castrojeriz to belong to them, the right of election of the abbot, and the payment of the *tercia*

¹⁶ *Ibid*, 'Super quibusdam decimis post transactionem...duximus indulgendam'.

¹⁷ *Ibid*, 'Eidem procuratori nomie monasterii duximus indulgendam'.

¹⁸ DCB, Doc 429.

¹⁹ *Ibid*, The text of this document makes it clear that the bishop of Burgos brought the original case but that the case was reopened on the pleading of the monastery, in the person of their procurator at Rome ('ad supplicationem procuratoris eiusdem loci').

²⁰ This is not in Burgos cathedral archive, but it is in the papal register: *Inocencio*, Doc 431.

²¹ *Inocencio*, Doc 431; 'cum Lupus procurator monasterii Oniensis proposuisset inter alia coram nobis'.

²² DCB, Doc 428.

to the bishop of Burgos. The discord had amounted to excommunications, and even the digging up of monks buried whilst under episcopal interdict, and there is again evidence that other papal judges had been commissioned to investigate in the past.²³ It seems that in this case too, the suit had been brought to the papal court by Bishop Garcia of Burgos (*postmodum autem episcopus petiit coram nobis*). The judges' sentence was delivered at Valladolid on January 20th 1211 by Maurice, Michael of Segovia and one F archdeacon of Zamora, seemingly a substitute for Bishop Martin.²⁴ The judges found in favour of the bishop of Burgos and noted that he had the right to confiscate the territories of Castrojeriz. They also commanded the collegiate clergy to pay damages to the bishop and the costs of the litigation, whilst in return, absolving them from their excommunication. However, as with Oña, this was a case that would drag on into Maurice's own episcopate.

Maurice received one more commission as papal judge-delegate whilst still an archdeacon, this time concerning the monastery of San Juan de Ortega.²⁵ Again, Innocent's letter, dated to 28th April 1210, reveals evidence of an extended struggle between the two institutions before this case reached Rome. The case had risen to violence, and five named monks had been expelled from their monastery, but despite the involvement of previous judges-delegate, tensions were still high and Maurice, Martin and Michael were once again requested to hear witnesses and enforce a solution (although needless to say, this was not the end of the matter). Again, this case had been brought by Bishop Garcia of Burgos, who had gone directly to the pope and is described as being *in nostra presentia*.

In each of these cases, Maurice's role as papal judge-delegate was made clear; he and his co-judges were instructed to interview local witnesses and inform themselves in detail about the complexities of the case in hand, before coming to a judgement which would hold the same authority as a sentence by the pope himself. This authority was divested to them through their designation by papal commission.²⁶ The office of papal judge-delegate had become more prominent across Christendom from the early twelfth century, in line with the establishment in

²³ For more on episcopal interdict, see P. Clarke, *The interdict in the thirteenth century: a question of collective guilt* (Oxford, 2007), pp. 91-93. Bishops could only lay interdict on people or places within their diocese, which makes the recognition – or lack of it – of the sentence all the more poignant in such cases.

²⁴ DCB, Doc 433.

²⁵ *Inocenio*, Doc 428.

²⁶ DCB, Doc 429; 'discretioni vestre per apostolica scripta mandamus'. This phrase is repeated in all the letters of commission.

canon law of the universal right to papal appeal.²⁷ As increasing amounts of local litigation were referred to Rome across the century, it became expedient for the papal curia to delegate the judgement to a local individual or group who could investigate more thoroughly, meaning that the case in hand was thus ‘referred back to reliable and well-regarded ecclesiastics in the locality from which the appeal arose...drawing local bishops, deans, archdeacons, abbots and priors in the web of papal jurisdiction’.²⁸ By the late twelfth century, Charles Duggan estimates, the appointment of judges-delegate across medieval Europe had become a significant part of clerical life, and was a task that most bishops would expect to fall to them at some point in their career.²⁹

The role of judge-delegate itself was thus one in which a considerable degree of spiritual power was invested – the judge wielded no less than the papal *plenitudo potestatis*, which was extended to him for the purposes of the specific case in question.³⁰ For this case alone, the authority of the delegate would override that of other local ecclesiastics, including metropolitan bishops, and even visiting papal legates, and was not confined to the judge’s own geographical region (or indeed country).³¹ The judge-delegate was also granted the powers of coercion to bring a resolution about, at least in theory, and could issue interdicts and excommunications in the name of the pope, although it should be pointed out that he could not extend this to parties beyond those named in the papal rescript.³² Evidence from England suggests that by the early thirteenth century there was an established procedure to guide the actions of the papal judge-delegate, as F. Logan’s analysis of a formulary containing sixteen different templates suggests, but we have no evidence that might indicate any parallels to this in Castile.³³

²⁷ The principle first outlined in Gratian’s *Decretum*; see Duggan, ‘Judges Delegate’, in W. Hartmann and K. Pennington eds., *The history of courts and procedure in medieval canon law* (Washington, DC : The Catholic University of America Press, 2016) pp. 229-243, p. 230.

²⁸ Duggan, ‘Judges Delegate’, p. 231.

²⁹ *Ibid.*

³⁰ See G. Pavloff, *Papal Judges Delegate at the time of the Corpus Iuris Canonici* (Unpublished PhD thesis, Washington, 1963); Jane Sayers, *Papal judges delegate in the Province of Canterbury, 1198-1254: a study in ecclesiastical jurisdiction and administration* (Oxford: Oxford University Press, 1971), p. 148; G. Evans, *Law and Theology in the Middle Ages* (London: Routledge, 2002), p. 46. See also Ullmann, ‘The papacy as an institution’, p. 95; and for a useful comparison, see J. Sweeney, ‘Innocent III, Canon Law, and Papal Judges Delegate in Hungary’, in J. Sweeney and S. Chodorow, *Popes, Teachers and Canon Law in the Middle Ages* (Ithaca and London, 1989), pp. 26-52.

³¹ There are cases of English bishops being appointed judges-delegate in Italy, Duggan, ‘Judges Delegate’, pp. 237-8.

³² Pavloff, *Papal Judges Delegate*, pp. 12-18.

³³ F. Logan, ‘An early thirteenth-century papal judge-delegate formulary of English origin’, *Studia Gratiana* XIV (1967), 73-88. Logan has analysed a formulary from the start of the thirteenth century, of English provenance, which supplies as many as sixteen different texts for judges delegated by the pope to summon litigants, deal with absences, appoint deputies to act in their stead, and to reach and implement a judgement on the case – or to refer the case to the pope in case of doubt.

Judges-delegate were appointed as named individuals in papal bulls, as we have seen in these cases concerning Maurice and his colleagues Bishop Martin of Zamora and Master Michael of Segovia. However, this begs the obvious question: how did Innocent III know who was 'reliable and well-regarded' and capable of producing a just sentence in the diocese of Burgos (or indeed in any other part of the wider Church beyond his immediate control)? The process by which a judge was chosen and the requisite qualities for such a position remain to be explored with regard to the Castilian Church. Despite the institution becoming increasingly common over the twelfth century, there were not many such appointments in Castile in these years: in 1210, there were a total of seven letters concerning delegated judges (of which Maurice featured in five), and there were none in 1211, and only two in 1212. The final six years of Innocent's pontificate, 1210 to 1216, saw him write to Castile designating judges to resolve ecclesiastical squabbles on no more than eighteen occasions. The selection of judges varies widely amongst the bishops, archdeacons, deans and canons of the churches of Castile, although certain teams of individuals do seem to be appointed on multiple occasions, such as the trio within which Maurice acted in 1210.

For Luciano Serrano, Maurice's commission was evidence of his personal connection with Innocent III, and he suggests that this role provided Maurice with an introduction to the church of Burgos, paving the way for his election as bishop three years later.³⁴ However, it is important to remember that the delegation of judges was supposed to be the final step in a chain of communications between plaintiffs and defendants, local (usually episcopal) authorities, and, in the last resort, the papacy. As Thomas Smith has recently illustrated, papal government in this period was almost always responsive and dependent on the information provided by those who brought their cases to the curia.³⁵ In her study of papal judges-delegate in medieval Canterbury, Jane Sayers reached the conclusion that by the end of the twelfth century, suitable or desired judges were most commonly suggested by the plaintiff when local litigation reached the papacy.³⁶ Indeed, this was the most practical option given the growing volume of cases brought to Rome, each of which involved the intricacies of local church politics, and required the intensely local knowledge of the judge-delegate, who often needed to be familiar with local

³⁴ Serrano, *Don Mauricio*, p. 23.

³⁵ As many as 90% of papal bulls were responsive to demands, Smith suggests. T. Smith, 'English episcopal acts and thirteenth-century petitions to the pope', *Archives* 40 (2014), 16-22.

³⁶ Sayers, *Papal Judges Delegate*, pp. 109-111: from 1198, it is 'common to find forms of petition to the curia making mention of the judges who were required' (p.109). Charles Duggan also agrees with this interpretation, Duggan, 'Judges Delegate', pp. 230-234. See also the suggestion that this was the case in Aragon too: 1203 the bishop of Huesca requested individual judge-delegates (D. Smith, *Innocent III and the Crown of Aragon*, (Aldershot: Variorum, 2004), pp. 174-175.)

customs and history, matters in which the pope had neither knowledge (except in rare cases) nor vested interest. Sayers has pointed out that the option remained for the defendant to refuse the judges appointed, allowing a veto if the selected judge was deemed partial or in any way unsuitable, although to do so would further prolong the time and money expended on the case.³⁷

Sayers was working from a much larger body of source material than exists for the Castilian Church in this period, and crucially, she was able to use surviving petitions from Canterbury to the pope in which individual judges were requested. No such petitions are extant to reveal the correspondence from Burgos to Rome, and so our conclusions must remain more tentative. However, the five letters from Innocent to Maurice in 1210 all refer to the bishop of Burgos bringing the case to Rome, and on more than one occasion, it appears that either Bishop Garcia himself or a procurator for Burgos was cathedral was actually at the curia.³⁸ The fact that cases against three different institutions in the diocese of Burgos were brought to the pope's attention within the space of three weeks further supports this view. As such, it seems most likely that Maurice and his co-judges were suggested to Innocent III along with the original petition from the church of Burgos.

What can this selection of Maurice inform us about him? The status of the judge-delegate was not categorically defined in any canon law text from this period, but as Sayers has pointed out, 'the idea that the judges should be local men was basic to the judge-delegate system, and the advantages of local inquiry and knowledge account for the growth of the system of delegation'.³⁹ Laymen were forbidden to judge clerical matters, and Innocent's predecessor, Pope Celestine III (1191-1198) had mentioned both juridical knowledge and factual capacity as requisite qualities, whilst Innocent III himself barred a judge from acting in a case concerning his own interests.⁴⁰ G. Pavloff has stressed the importance of *dignitas* and *personatus*, and more specifically that the minimum status of a judge-delegate should be that of cathedral canon, preferably one of the higher posts, such as dean or archdeacon, with some jurisdictional responsibilities attached.⁴¹ He points out that bishops, abbots, priors, and the higher canonical authorities received the vast majority of judicial commissions from the papacy.

³⁷ Pavloff, 'Papal judges delegate', p. 11.

³⁸ This procurator may well have been Gil from Burgos, later Cardinal Gil of Zamora, see Linehan, 'Columpna firmissima' in *Cross, Crescent and Conversion*, pp. 247-249.

³⁹ Sayers, *Papal Judges Delegate*, p. 113.

⁴⁰ Pavloff, *Papal Judges Delegate*, pp. 8-12. Innocent's case was in Paris in February 1206/07 – although he would have been more likely to know whose interests were at play in Paris than he would in Castile.

⁴¹ *Ibid*, pp. 11-12.

In addition to ecclesiastical status, Jane Sayers has suggested that a reputation for higher education or training in canon law was also a decisive factor in the selection of judges-delegate. The majority of judges appointed in twelfth and thirteenth-century Canterbury bore the title of ‘magister’, and judges educated to the highest levels, at Oxford, Bologna and Paris, were frequently named in papal petitions.⁴² Indeed, Christopher Cheney has gone as far as to suggest that whilst those of highest ecclesiastical rank, particularly bishops, may have been selected for their ecclesiastical status and role in a diocese, lesser figures were chosen for their own merits, that is, for their education or experience in canon law, although we must remember that once promoted to bishop, the title of ‘master’ seems to have been dropped, possibly distorting this impression.⁴³ Certainly, scholarly status does seem to have been a factor in selecting the judges-delegate of Castile too, as far as the evidence permits us to determine it. Maurice’s title of ‘Magister’ has been discussed elsewhere in this thesis, along with its possible implications and inherent vagaries, but it is notable that he was accompanied by another, Master Michael of Segovia, whose identity remains obscure.⁴⁴ There appears to be a preference for judges from Palencia, home of the theological *studium*, and Zamora, a city described by Peter Linehan as ‘one of the peninsula’s principal juristic centres’.⁴⁵ The bishop of Palencia was commissioned as judge-delegate five times between 1210 and 1216, the maestrescuela of the cathedral received a commission in 1215, and likewise a figure named Magister Fornarino of Palencia in March 1215 – possibly one of the ‘Italian masters’ teaching in the *studium* as described by Rodrigo Jiménez de Rada.⁴⁶ Maurice’s third co-judge, Bishop Martin of Zamora, was appointed to be judge most frequently in this six year period, on a total of eight occasions (that is, just under half of all appointments between 1210 and 1216). Martin Arias, also referred to as Bishop Martin I, a Galician by birth, seems to have had some significant legal training, since he composed a number of glosses on Gratian’s *Decretum*.⁴⁷ As Peter Linehan has illustrated, Martin was not alone in his

⁴² Sayers, *Papal Judges Delegate*, pp. 114-134. She uses as an example Richard de Mores canon of Merton and prior of Dunstable from 1210-1242, who heard causes in c.48 suits as delegate. He had studied theology in Paris after Lateran IV for a year (1215-16) and served in a variety of small groups of judges.

⁴³ R. Cheney, ‘England and the Roman Curia under Innocent III’, *Journal of Ecclesiastical History* 18 (1967), pp. 180-1.

⁴⁴ See Chapter One.

⁴⁵ Linehan, ‘Columpna firmissima’, p. 246.

⁴⁶ *De Rebus Hispanie*, VII. 34: ‘sapientes a Gallis et Ytalia convocavit, ut sapientie disciplina a regno suo nunquam abesset, et magistros omnium facultatum Palencie congregavit’. The unusual name of the judge-delegate Septempublicensus, the archdeacon of Sepúlveda, equally does not appear to be Spanish.

⁴⁷ Linehan, ‘Columpna firmissima’, in Cross, Crescent and Conversion, p. 244; Fletcher, *The Episcopate in the Kingdom of León*, p. 44. See also A. Garcia y Garcia, ‘La canonística ibérica medieval posterior al decreto de Gratiano’, *Repertorio de las ciencias eclesiásticas en España I* (Salamanca, 1967), 397-434, p. 412. Bishop Martin’s successor, Martin II, also composed glosses and legal commentaries.

interests at Zamora: the archdeacon Master Florentino was also appointed judge-delegate in February 1213, a figure whom Linehan has identified as ‘one of the chief practitioners of law at Zamora’.⁴⁸

Clearly it would seem that a reputation for higher education of some sort, and especially in canon law, was a factor influencing the selection of papal judges-delegate in Castile – as, of course, is only to be expected. As a ‘magister’, Maurice was in line with this trend, although we do not have enough evidence to determine whether he was known for training that was specifically legal in nature, or for being a scholar more broadly. The question of local reputation and status becomes even more important when we consider that the appointment of judges-delegate seems to have been dependent on nominations from the plaintiff rather than an independent decision by the pope. Any plaintiff selecting a judge for his own case would choose a figure who had good credentials, but also, importantly, one who could be trusted to deliver the ‘right’ judgement. Judges were not passive appointees, but made their own decisions and were thus actors of considerable power. If chosen carefully, they could be a considerable asset to a local prelate, permitting papal authority to be used to local advantage. And in cases such as these three power struggles in Burgos, no one could be relied upon more completely than a cleric who had vested interests in the see himself. Indeed, as we saw in Chapter One, Maurice was already well-connected in Burgos before his episcopal appointment, and was known in some way to the powerful Haro family as well as, evidently, the bishop, Garcia, who had selected him as judge in 1210. In any case, Maurice could clearly be trusted to defend the interests of the see, and his appointment in these cases suggests that, even as archdeacon, he was fully aware of the fluidity of episcopal authority in Castile, and well-equipped to navigate ecclesiastical politics to local advantage. His appointment as papal judge-delegate was an indication that he was a trusted agent of the see of Burgos, rather than one of the papacy.

As Bishop

Maurice continued to receive papal commissions to act as judge-delegate during his episcopal career too, largely concerning cases between his fellow bishops. He was appointed to judge to the argument between Archbishop Rodrigo of Toledo and Bishop Juan of Avila in 1217, and then to intervene between the same archbishop and Bishop Tello of Palencia in 1221, which we know

⁴⁸ Florentino was appointed on 24th February 1213, see *Inocencio*, Doc. 499. For more on Florentino, see Linehan, ‘Columpna firmissima’, p. 247; and Linehan, ‘An impugned chirograph, and the juristic culture of early 13th century Zamora’, in Linehan, *Historical Memory and Clerical Activity*, pp. 467-71.

he did with success, thanks to a record in Toledo cathedral archive in which Tello and Rodrigo thank their arbitrator.⁴⁹

However, we can achieve an insight into the more personal aspects of the role of judge-delegate through Archbishop Rodrigo's quarrel with the bishop of Cuenca, and his insistence on Maurice as his papally-appointed judge. Cuenca was a suffragan see of Toledo, established in 1182 following the Castilian reconquest of the area. The new bishopric had been granted the Visigothic sees of Valeria and Arcavica in order to provide some viable income, but by 1218, Rodrigo was petitioning the pope to have this arrangement annulled and the income from these sees assigned to Toledo.⁵⁰ The response from Honorius, dated to January 1218, makes clear that, in addition to the territories themselves, Rodrigo had requested the appointment of a suitable person to oversee the case.⁵¹ Honorius named Maurice, as well as two others, the abbot of Rioseco, and a canon at Burgos, with the apostolic mandate that they were to fulfil Rodrigo's wishes.⁵² Given Rodrigo's request, it seems very likely that the identity of this 'suitable' person may also have been put forward. Honorius wrote again to the same judges in May 1218, bringing the proceedings under *appellatio remota*, thus blocking appeals from the defendant to Rome.⁵³ This was far from the end of the case however. Bishop Garcia of Cuenca fought back, and in the summer of 1220, we find two more commissions to Maurice from the pope, this time asking for further information about Garcia's moral character.⁵⁴ In a case where personality and personal relations stood for so much, the identity of the judges-delegate would have been particularly important. The case dragged on beyond the deaths of both Garcia of Cuenca and Pope Honorius III, and we next see Maurice involved in April 1228, in a bull from Pope Gregory IX to the bishop of Tarazona, who was by this point judging the case. Remarkably, Gregory informs the bishop that the case between Toledo and Cuenca was to revert back to Maurice and his co-judges on the request of the archbishop.⁵⁵ Clearly, at least in some cases, the plaintiff had considerable

⁴⁹ For Toledo-Avila, *Honorio*, Doc 56. For Toledo-Palencia, *Honorio*, Doc 379 and ACT, X2.A.2.12.

⁵⁰ Linehan, *Spanish Church*, p. 12-13. Also Mansilla, *Iglesia castellano-leonesa*, p. 71. *Honorio*, Doc 146 provides the papal response: Rodrigo's claims are 'propter tenuitatem reddituum sibi fuerit alium tenere concessum...'

⁵¹ *Honorio*, Doc 146; 'provideri de persona idonea faceremus cum evidens utilitas hoc requirat'.

⁵² *Ibid*, 'quod dictus archiepiscopus postulat auctoritate nostra suffulti adimplere curetis'.

⁵³ *Honorio*, Doc 172.

⁵⁴ *Honorio*, Docs 306 and 314. For details of Rodrigo's campaign against Garcia of Cuenca, see Linehan, *Spanish Church*, pp. 11-14. Honorius had received a report from Maurice, the abbot of Oliva and the dean of Toledo concerning Garcia's character by March 1222 (*Honorio*, Doc 396).

⁵⁵ *Gregorio*, doc 96, 'Burgensi episcopo et eius coniudicibus a Sede Apostolica delegatis questione verteretur'.

scope to insist upon the appointment of the judge-delegate, and a figure such as Archbishop Rodrigo was aware of the importance of getting it right.

Moreover, in cases where papal demands conflicted with local politics, Maurice's priorities clearly lay with preserving the peace at home. In the same year, 1218, Bishop Sancho of Zaragoza, acting as papal judge-delegate, requested that Bishops Maurice of Burgos and Tello of Palencia should assist Bishop Melendus of Osma, whose see was being pillaged by Fernando III and one of his most powerful courtiers, Diego López de Haro, the governor of the Rioja.⁵⁶ Neither bishop obeyed his command, resulting in a sharp letter from Sancho later that year.⁵⁷ It was their episcopal duty, he reminded them, to aid a brother bishop, in order that the 'holy canons should be seen to be made manifest'.⁵⁸ The bishop should not offer 'mute counsel' and excuses, 'for if this were always to be feared by bishops, justice against kings and princes would always sleep'.⁵⁹ He closed by giving Maurice six months to act on the papal commission and warned that a copy of the letter would be sent to Rome. Yet, a look at the context in which this request came might explain Maurice's reticence. The reign of Enrique I had been a time of civil unrest that bordered on war, and the accession of the young King Fernando in 1217 did not lead to a restoration of peace until at least the start of the 1220s. Burgos had been invaded by King Alfonso IX of León in 1217, who had penetrated to within nine miles of the city itself, and it was the knights of Diego López de Haro who had defended the region. Clearly, it would have been inopportune at the least for Maurice to have followed the papal command to reprimand him in 1218 for pillaging the see of Osma – indeed, it was preferable that his troops should reimburse themselves in Osma than by pillaging closer to home. In this example, the pressures of the immediate context and the need to stay on friendly terms with the powerful Burgalés nobility clearly took precedent over the requests of the papacy.

Maurice also seems to have chosen tactical silence in response to papal requests that he intervene in the trials that beset the diocese of Segovia between 1224 and 1227. Bishop Giraldo of Segovia, who had been expelled from his see in 1224, seems to have been battling with King Fernando III as well as his unruly canons, as suggested by a stern letter from Honorius III warning the king to stop pillaging the diocese in the spring of 1223.⁶⁰ Following Giraldo's departure and

⁵⁶ Loperraez, *Colección diplomática del obispado de Osma*, Doc XLV.

⁵⁷ *Ibid*, Doc XLVII.

⁵⁸ *Ibid*, Doc XLVII; 'verum cum sacri canones censeant manifeste'.

⁵⁹ *Ibid*, 'Si enim hoc semper episcopis esset timendum contra reges et principes semper justitia dormitaret, illud propterea vobis non credimus disquirendum an bene vel male processerimus in hoc facto, cum hoc decretalis manifestius atestatur, et novit ille, qui hominum corda scrutatur et renes, quod quantum intelligit dominus nobis donans in omnibus proessibus justitia mediante'.

⁶⁰ *Honorio*, Doc 436.

death in 1224, the cathedral chapter duly elected his successor, Bernard, formerly archdeacon of Talavera, an election confirmed canonically by Rodrigo of Toledo but, it would seem, displeasing to Fernando III, who blocked Bernard's accession and dispossessed the see.⁶¹ Bernard appealed to Rome, and a series of correspondence from Honorius to Fernando III made clear the pope's support for the prelate and his request that the king cease his assault.⁶² This did not happen however, and so the pope's next step was to appeal to the archbishop of Toledo for assistance, and when that was met with no response, to Maurice, who received a bull instructing him and two others to reprimand the king on 8th April 1225.⁶³ They were to proceed against all those who were illegally retaining land in Segovia, and were to do so using ecclesiastical censure, although Honorius added that sentences of excommunication should not be extended to the king and his mother. Evidently, as Mansilla has pointed out, Honorius was trying to avoid a direct confrontation with the king whilst remaining bound to defend the liberties of the Church.⁶⁴ He even permitted the judges to hold another election in Segovia, but only after Bernard had been recognised by the king. It was certainly a difficult situation, but for none more so than for the judges-delegate in the midst of the controversy.

Maurice and his colleagues responded to this conundrum by doing nothing. Honorius reissued his command to Maurice a month later, on 6th May 1225, again exhorting him to speak out in defence of their brother bishop, but nothing seems to have come of it.⁶⁵ A year later, Bernard was still far from acceding to his see, and once again, Maurice and the bishop of Calahorra were firmly instructed to defend and assist him on 9th May 1226, and to proceed with ecclesiastical censures against those who were preventing the accession.⁶⁶ From 1227, Honorius changed his choice of judge-delegate, although Segovia was still oppressed by the king in March 1233.⁶⁷ Evidently, Maurice was prepared to ignore a papal commission if fulfilling it would damage his political standing with the king. Nor was it always possible for him to balance papal requests

⁶¹ Mansilla, *La iglesia castellana*, pp. 168 – 171. See also Linehan, *Spanish Church and Papacy*, p. 11, who has called this a 'spineless display'.

⁶² *Honorio*, Docs 521 and 549.

⁶³ *Honorio*, Doc 550. See Mansilla, *Iglesia Castellano-Leonesa* p.170 for more details. Honorius redirected the request to Maurice, Bishop Juan of Calahorra, and the archdeacon of Cuenca.

⁶⁴ Mansilla, *Iglesia* p. 169. Honorius suggest that once Bernard had been permitted to take the see, another election should be held immediately so that the king could exert his will.

⁶⁵ *Honorio*, Doc 554, this time commissioning Maurice, Tello of Palencia and the archdeacon of Cuenca.

⁶⁶ *Honorio*, Doc 600. Although it should be noted that the pope instructs Maurice and Juan of Calahorra to exempt the king and his mother from the ecclesiastical censure.

⁶⁷ Mansilla: 'no podemos precisar bien las causas que retardaron todavía casi dos años el tomar posesión del obispado', *Iglesia* p. 170. *Honorio*, Docs 612 (13th January 1227: the bishop of Cuenca and the archdeacon of Madrid and Sigüenza are instructed to try to restore some of the goods of Segovia); Docs 616, 617, 618, 619, 620, 621. Concerning 1233: *Gregorio*, Doc 339. Maurice is one of those requested to help.

with his allegiance to local powers, such as the Haro family, whose protection of Burgos was vital for the future of the diocese.

2. Negotiating *auctoritas*

Let us now turn to the large amount of litigation in which Maurice himself was plaintiff: the cases he brought as bishop of Burgos against a wide range of religious institutions around and beyond his diocese. Without doubt, this constitutes the majority of the documentary evidence extant for Maurice's life, and provides a vivid glimpse of the ways in which he made his episcopal power manifest in a variety of contexts. Over the course of his life, Maurice made official agreements, described as *concordiae*, with at least eight different monasteries and collegiate churches, all of which addressed and defined the powers of the bishop over the clergy and traditions of the religious institutions in question, and their duties – both practical and symbolic – towards him. These were the communities of San Esteban de Burgos (with whom he made a *concordia* in 1217), San Salvador de Oña (who reached agreements with Maurice in 1218 and 1234), Santo Domingo de Silos (1222), San Juan de Ortega (1222), Sans Cosme y Damián de Covarrubias (1222), Santa María de Castojériz (1222), Santa María de Nájera (1223), and San Juan de Burgos (1234 and 1243).⁶⁸ Five of these were signed in Burgos cathedral between January 1222 and March 1223, in an unprecedented succession of different abbots and senior clergy, some travelling considerable distances to negotiate their rights with the bishop. In some of these cases, Maurice was clearly seeking to resolve long-standing grievances, but there are also several examples of entirely new litigation, and as we shall see below, for a number of the churches and monasteries around diocese, there is no record of any contact at all with the bishop of Burgos until Maurice's lifetime.

For Serrano, as we have already discussed, all this activity was clear evidence that Maurice was taking Innocent III at his word, and 'digging up vice and planting virtue', hampered only by the resistance of monasteries themselves. A number of these cases did pass through the papal court, inevitably, given Burgos's exemption from the metropolitan see, but it is important to note that many were appealed to Rome by the monasteries in question, on the grounds that

⁶⁸ For San Esteban, see DCB, Doc 511, and for San Juan, see F. Pena Pérez, *Documentación del monasterio de San Juan de Burgos (1091-1400)*, (Burgos: J.M. Garrido Garrido, 1983). For the others, see references below.

their papal liberties were being infringed by Maurice's personal ambition. 'Reform' was very much in the eye of the beholder.⁶⁹

As ever, it is of vital importance to remember the context within which these exchanges were carried out. The diocesan and monastic borders of much of this region were still changeable and indeed challengeable in the early thirteenth century, as the ecclesiastical identities of provinces conquered from Muslim rule were established. The borders of the diocese of Burgos had been largely determined in the process of lengthy negotiations between the Council of Husillos in 1088 and the Council of Burgos in 1136, but not all points of contention had been ironed out, as we shall see.⁷⁰ The continued expansion of the Castilian borders brought new complications, as illustrated in the case of the diocese of Cuenca, conquered in 1177.⁷¹ Moreover, the exempt status of the diocese of Burgos had been under question at various points in the twelfth century, and although attempts by the metropolitan of Toledo to incorporate Burgos had largely ceased by Maurice's lifetime, Rodrigo did try to raise the question with the pope in 1218.⁷² The status and prerogatives of individual monasteries, all with unique histories and affiliations, was another point of negotiation. The individual relationships between various monasteries and churches and the diocesan bishop varied enormously, from those that were fully submitted to the bishop, to those who would not permit him to enter their lands. There is sometimes no way of being sure of the affiliation of a monastery, and in much of the litigation discussed here, both Maurice and the monasteries in question had different, conflicting accounts of their histories and privileges, to the extent that even local witnesses were unclear as to which party was legally justified in their claims.

A close reading of the correspondence, appeals and agreements that resulted from this process is essential in going any further towards understanding Maurice's actions. In what follows, we will discuss the five cases for which the most evidence survives, namely, San Salvador de Oña, Santa María de Castrojériz, Santo Domingo de Silos, Santos Cosme y Damián de Covarrubias, and Santa María de Nájera, as well as commenting on the monastery of San Miguel at Foncea.

⁶⁹ Linehan suggests that bishops sought 'tokens of subjection', *Spanish Church and Papacy*, p. 16.

⁷⁰ O. Engels, 'Husillos, Konzil von (1080)' in *Lexikon des Mittelalters* (1990) 5. 232. The text of the Council of Husillos is lost, but a diploma survives with the details of borders between Burgos and Osma; see Serrano, *El Obispado de Burgos*, I, 231 and III, nos. 31-73.

⁷¹ See above for details of Rodrigo's efforts to remove land originally granted to Cuenca. The conquests of Baeza (1228), Cordoba (1236), Cartagena (1245) and Seville (1247) all resulted in tensions between established northern dioceses over the redistribution of ecclesiastical rights; see Mansilla, *La Iglesia Castellano-Leonesa*, p. 109.

⁷² Mansilla, *La Iglesia Castellano-Leonesa*, p. 108. Toledo also had ambitions over Salamanca, Plasencia, and Zamora.

i. **San Salvador de Oña**

The most long-standing of the jurisdictional cases which Maurice pursued was that between the see of Burgos and the Cluniac monastery of San Salvador de Oña, a powerful and wealthy house some 200 kilometres to the north of Burgos.⁷³ Contention between the abbots of Oña and the bishops of Burgos had been ongoing since before 1152, the year in which the abbot and bishop made an agreement that was to be ratified by the pope and reissued on a number of subsequent occasions.⁷⁴ At the heart of the issue lay the long-debated question of the status of a Cluniac monastery vis-à-vis the diocesan bishop, and specifically, the duties and financial obligations of the any churches dependent on the monastery.

The agreement of 1152 had consisted of a concession by the then bishop of Burgos, Victor, to the monks of Oña.⁷⁵ He had conceded that the monastery should receive the *tercia* for all of the churches, monasteries, and all other holdings that it possessed in the diocese of Burgos. The monks should also receive the *decima* (the full tithe) from seven towns in Burgos which, until then, had paid this to the bishop. In return, the abbot of Oña ceded to Bishop Victor the town of Ribilla.

This agreement set the parameters of the case within which Maurice was summoned to act as papal judge-delegate in 1210. As we have seen, Bishop Garcia of Burgos had been arguing to the pope that ‘common law’ and ‘ancient custom’ in the diocese meant that the dependent institutions of Oña should be attending his synods, observing his sentences, paying procurations and paying an additional sum of gold.⁷⁶ However the procurator of Oña had countered that they had an even greater claim to ecclesiastical liberty, and presented the privileges of three former popes, as well as the document of 1152, proving the agreement with Bishop Victor of Burgos. They also promised to produce witnesses who could verify to the agreement over fifty years ago – and indeed, in the archives of the monastery, there is a document dated to 1209 in which

⁷³ There is a modern edition of the archival records of Oña: I. Oveja Gonzalo, *Documentación del monasterio de San Salvador de Oña 1032-1284* (Burgos: Ediciones J. M. Garrido Garrido, 1983); also to be supplemented by J. del Alamo, *Colección diplomática de San Salvador de Oña (822-1284)* 2 vols (Madrid: Estades, 1950).

⁷⁴ See Alamo, *Colección diplomática*, 1, Doc. 272.

⁷⁵ The agreement of 1152, made between the abbot of Oña and Bishop Victor of Burgos (1147-1156), was reconfirmed by Innocent III in May 1210 (*Inocencio*, Doc. 430); see also Alamo, *Colección diplomática*, vol 1, Doc. 272 and ff. ‘Ribilla’ is most likely the town of Revilla.

⁷⁶ See above and DCB, Doc. 426; *Inocencio*, Docs. 425-6 (24th April 1210); *ibid*, Doc. 429 (30th April 1210); and *ibid*, Doc. 431 (7th May 1210).

several witnesses affirmed the case in favour of the monks.⁷⁷ Innocent III seems to have found Oña the more convincing party, since in his commission to Maurice and his co-judges in 1210, he had confirmed that he was happy to grant Oña indulgence. The judges-delegate were requested to hear the testimonies of the witnesses supplied by Oña, and to send them back to the papal curia, at which point a final decision would be made. In May 1210, Innocent also re-confirmed the text of the agreement of 1152.⁷⁸

However, the judges-delegate did not do as they were instructed. Another series of letters from Innocent in March 1215 indicates that the case remained unsolved, since the judges had not sent him all of the required testimonies from the Oña witnesses.⁷⁹ Innocent had, on the basis of evidence supplied, mistakenly absolved the bishop of Burgos from the appeal of the monastery, but had subsequently discovered that not all of the testimonies had been supplied to his curia: 'truly, since on the part of the monastery sufficient proof was shown that not all the testimonies produced under our orders had been transmitted to us, since the statements of six witnesses...were not discovered amongst the other testimonies'.⁸⁰ The pope's response was to re-open the case and to commission a new team of judges-delegate to request that the original judges display the six missing statements, if necessary compelled by ecclesiastical censure.⁸¹ Innocent was aware of the awkward fact that one of these judges was now the bishop-elect of Burgos himself.

Innocent died before the case could be solved however. The second team of judges made no headway: two of them had been impeded, and then had been required to attend the Fourth Lateran Council, as Honorius III wrote in November 1217.⁸² The case still lingered, and in the

⁷⁷ Oceja Gonzalo, *Documentación del monasterio de Oña*, Doc. 107; 'dicit quod vidit quando contendebant super procurationibus, aureis, decimis, que omnia petebat burgensis episcopus in ecclesiis oniensis monasterii, et data fuit Ribella episcopo burgensi ut desisteret a petitione illa'.

⁷⁸ *Inocencio*, Doc 430.

⁷⁹ *Inocencio*, Doc 522 and *ibid*, Doc 521, dated 12th March 1215. However, compare Alamo, *Colección diplomática*, Docs 403 and 404, who dates this and a twin bull to 15th March 1215.

⁸⁰ *Inocencio*, Doc 522, 'Verum, quia pars monasterii sufficienti probatione monstravit, non omnes depositiones testium, quas super prescriptione produxerat, ad nos fuisse transmissas, cum dicta sex testium, videlicet, Didaci Petri de Tamayo, Cormani de Penchas, Michaelis de Penchas, Martini Dominici de Penchas, Petri Martino de Sant, et Petro sacerdotis de Sobresierra, reperta inter attestaciones alias non fuissent...'. This is also referred to by Honorius III in 1217, when he was writing to appoint a third team of judges: 'De mandato eiusdem [Innocent III] per venerabilem fratrem nostrum Zamorensem episcopum et coniudices suos recepti fuerint quidam testes, quorum sex attestaciones invente postmodum publicationis tempore non fuerint, vel penes dictos iudices remansisse vel fuisse deperditas apud eos'.

⁸¹ DCB, Doc 488, 'mandamus quatinus predictos iudices ad exhibendum vobis dicta prenominatorum sex testium, monitione premissa, per censuram ecclesiasticam, appellatione remota, si necesse fuerit compellatis'.

⁸² *Honorio*, Doc 102; also see Alamo, *Colección diplomática*, Doc 414.

meantime, two of the (necessarily elderly) witnesses from Oña who had been able to remember the 1152 agreement had died. The monks of Oña had begged the pope to act, 'lest due to defective evidence, justice might fail', and so, in November 1217, Honorius appointed a third team of judges-delegate, this time from outside of Castile: the dean of Santiago de Compostela and two canons from Orense.⁸³

Both popes clearly had some difficulty in deciding which of the two parties were acting within their rights, and for good reason. Both the bishop and the monastery had no qualms in appealing directly for papal support in their quarrels, and had procurators or representatives who could present their arguments.⁸⁴ The events between 1210 and 1217 also reveal the most obvious danger of the system of papal-judges delegate: namely that, it was impossible for the pope to know whether a recommended judge had his own vested interests in the outcome of the case. If so, they had considerable power to frustrate papal commands. Maurice's transition from judge-delegate to the bishop of Burgos certainly sheds an unfavourable light on the loss of the apparently crucial evidence in favour of Oña. Honorius's view of the lost testimonies was less charitable than that of Innocent, and in 1217 he speculated on whether the statements had remained 'in the hands of the judges'.⁸⁵

It is notable that both Innocent and Honorius reissued the agreement of 1152 twice: in 1210 and again on three further occasions, in 1215, 1217 and 1218, but copies are only to be found in the archive of Oña, and the cathedral of Burgos does not seem to have received (or perhaps preserved) this document.

However, Honorius's judges-delegate did not get a chance to report on the Burgos-Oña case, as on 2nd May 1218, Maurice drew up a *concordia* with the abbot of Oña, signed in the bishop's palace in Burgos by both parties, which finally brought the litigation to an end.⁸⁶ The financial toll of upholding a case in Rome seems to have been a decisive factor in bringing proceedings to a conclusion, as the text of the *concordia* notes that 'the monastery of Oña was greatly

⁸³ *Honorio*, Docs 101 and 102.

⁸⁴ The procurator for the cathedral of Burgos is likely to have been the formidable Gil de Zamora; see Linehan, 'Columpna firmissima: D. Gil Torres, the Cardinal of Zamora' in P. Linehan and S. Barton (eds). *Cross, Crescent and Conversion*, pp. 241-261.

⁸⁵ *Honorio*, Doc 102; 'Fratrem nostrum Zamorensem episcopum et coniudices suos recepti fuerint quidam testes, quorum sex attestations invent[a]e postmodum publicationis tempore non fuerint postquam super hoc coram eodem predecessor fuit diutius litigatum; quia sibi per testes idoneos constitit attestations ipsas vel **penes dictos iudices remansisse vel fuisse deperditas apud eos**' (my emphasis).

⁸⁶ DCB, Doc 515; also Alamo, *Colección diplomática*, Doc 415.

wounded' by the litigation.⁸⁷ Maurice was presumably referring to the costs of sending a 'procurator' to Rome to appeal against sentences, although as will shall see, he was to prove himself capable of ordering physical damage to other monasteries that withstood him.

According to the text of this agreement, the abbot of Oña was to cede to Burgos all four of the points raised in 1210: that dependent churches and monasteries should attend episcopal synods, should obey sentences, should pay the procuration, and should pay an additional sum to the bishop. They also agreed 'never to bother the church of Burgos about this'. The abbot also ceded the full *decima* on all farmland or cultivated territories owned by the monastery, and all churches or monasteries acquired since 1152 should pay the *tercia* to Burgos. As a concession, Maurice pointed out that he had withdrawn the claim for the full *decima* on these churches and monasteries, and also renounced the request for Oña to pay for all expenditure on the court case in Rome.⁸⁸

It is unclear how Maurice managed to force the monastery's agreement to this *concordia*, when the terms were clearly very much in his own favour. Most notably, the terms of the agreement are presented as being the will of Pope Innocent III and his judges-delegate, and to be 'bringing about the sentence that the said pope would have wanted'.⁸⁹ And yet, as we have seen, this was very much not the case. Innocent had been unable to proceed due to a lack of evidence, and had shown his displeasure at the failure of Maurice's team of judges to satisfactorily deliver the required evidence. It is also notable that there is no reference to Honorius III in this *concordia*, despite his appointment of new judges (as the request of Oña) just six months previously – this time, men who were from outside Castile and are more likely to have been unknown to Maurice and the canons of Burgos cathedral. Clearly, this agreement was made in the nick of time from Maurice's perspective.

The *concordia* of May 1218 seems to have effectively brought the case to a close however. A committee of six was nominated to assess the cases of individual dependent churches that were or may in future be in doubt, and consisted of three Burgalés clerics and three monks connected

⁸⁷ DCB, Doc 515; 'in persecution iam dicti negotii sepe dictum monasterium oniense enormiter lesum erat'.

⁸⁸ *Ibid*, 'Episcopus vero burgensis de consensus sui capituli recedit alite seu controversia in capitulo decimarum quas petebat a monasterio oniensi. Preterea, renunciat petitioni expensarum ad quas condempnandum esse monasterium oniense si defficeret in probatione prescriptionis'. Maurice himself as judge-delegate had ordered Castrojériz to pay all legal fees as a punishment for appealing against the bishop, see below.

⁸⁹ *Ibid*; 'in quo conclusum fuerat coram iudicibus delegatis, sententiam ferre vellet memoratus papa'.

with Oña.⁹⁰ Any further disagreements between these six were to be overseen by the abbot of San Millán de la Cogolla, a monastery that lay in neighbouring Calahorra. The document stood unchallenged for the rest of Maurice's lifetime, barring an additional agreement over one extra parish in 1236, and indeed, there seems to be no challenge to the order here established throughout the rest of the thirteenth century.

Moreover, from this moment onwards, the cathedral seems to have been much more closely involved in the monastery's financial dealings. In March 1225, Oña made an agreement with a town called Montenegro. The charter recording the deal was produced in Burgos however, and the agreement took place *in presencia Mauricii Burgensis episcopis*.⁹¹ This was followed up a few months later by an agreement between Oña and Sotovellanos, again made *in presencia mea Mauricii Burgensis episcopi*, written in first-person and suggesting that Maurice had direct power over the formulation of this agreement.⁹² Another charter, this time between Oña and the confraternity of Rubena, dated to 1229, was made *coram domino Mauricio*, and the bishop's seal attached.⁹³ In April 1230, a bequest by a lay man to Oña was made in Burgos cathedral and witnessed by Magister Martino, who signed himself as 'subdelegate for lord Maurice, bishop of Burgos'.⁹⁴ Finally, Maurice's consent was again sought for another agreement made by Oña in November 1233, and the charter sealed with his seal.⁹⁵

Evidently, both as judge-delegate in 1210 and then as bishop, Maurice had succeeded in bending the monastery of Oña to the will of the bishop of Burgos, despite papal efforts to the contrary. There seems to be little evidence here to support Serrano's interpretation of Maurice as a bringer of papal reform. Not only had this conflict been live since well before the Third Lateran Council, but even more importantly, neither Innocent nor Honorius ruled decisively in favour of Burgos, and indeed Innocent seems to have been inclined to support Oña, who had incontrovertible proof of their status, despite the best efforts of Maurice's team of judge-delegates to obfuscate this. The chaotic narrative of papal judges and witness reports is a good

⁹⁰ From Burgos, Maurice named Master Martin, Master Aparicio (who would be bishop himself thirty years later), and the abbot of Salas.

⁹¹ Alamo, *Colección diplomática*, Doc 438, March 1225.

⁹² Alamo, *Colección diplomática*, Doc 439, August 1225. This is Mansilla, *Catálogo*, doc 565.

⁹³ Alamo, *Colección diplomática*, Doc 455.

⁹⁴ Alamo, *Colección diplomática*, Doc 461; 'subdelegato a domno Mauricio Burgensis episcopo'. Intriguingly, this bequest seems to have had a history. The monks were to hold the land 'in pace et quiete' and as well as Martin, there was another canon from Burgos there, Marino, who was described as delegate for the papal legate, John of Sabina. It would seem as though the legate had visited Oña during his inspection of Spain in 1228-1229 (see Chapter Four).

⁹⁵ Alamo, *Colección diplomática*, Doc 470. It was an agreement between Oña and the clergy of Barrio de Díaz Ruiz and was made 'de consensu domini Mauricii Burgensis episcopi'.

illustration of some of the inherent problems of the judge-delegate system, and the ways in which papal structures could be manipulated to serve local purposes.

ii. Santa María de Castrojériz

The litigation between Maurice and collegiate church of Santa María de Castrojériz was also established before Maurice came to office.⁹⁶ Tensions arose sometime before 1210, when Innocent III wrote to appoint a second team of papal judges-delegate to the case, following an appeal by Bishop Garcia of Burgos on that grounds that the canons of Castrojériz had ignored his sentence of excommunication.⁹⁷ The case had become ugly: Garcia had ordered the exhumation of canons buried under excommunication and both sides had seized goods belonging to the other.⁹⁸ The nub of the matter was, again, the status of the community vis-à-vis the bishop, and both sides claimed to have a traditional right to jurisdiction. Garcia had insisted upon his right to appoint the abbot, as well as to collect the *tercia*, and to rents, tithes and visitations from the churches dependent on Castrojériz. However, Innocent's bull of April 1210 was critical of both parties, accusing Garcia of *contumacia* as well as the canons, and informing his judges-delegate that he did not have full confidence in the stories of either side.⁹⁹ Maurice and his co-judges were to try to solve the case, hearing witnesses from both sides, Innocent emphasised.¹⁰⁰

The judgement reached by the team of delegates, and imparted in a sentence dated to January 1211, was rather severe.¹⁰¹ The bishop was owed full jurisdiction over the collegiate church as

⁹⁶ Serrano describes the community of Santa María de Castrojériz most often as a 'cabildo colegial' (*Don Mauricio*, pp. 93-94; the same term is employed in his longer description of the community's history, in *El obispado de Burgos*, vol 2, pp. 186 and 235-236,) although he does also refer to it as an 'abadía secular' on occasion. As we shall see in the documents analysed here, by the thirteenth century, it consisted of a community of secular canons led by an abbot, with ownership of territories and churches across a large area. In the documents analysed below, Santa María de Castrojériz is referred to most often as 'ecclesia Sancte Marie', but is also referred to as an 'abbatia', indicating a certain fluidity of nomenclature and possibly pointing to a change in status in the community's recent history.

⁹⁷ DCB, Doc 428. We know the names of the first two delegates, but the bull commissioning them has not survived and nor is there an indication of when this might have been. There had already been 'diutius litigatum' by 1210 however.

⁹⁸ *Ibid.* The canons of Castrojériz had carried off foodstuffs, but Bishop Garcia had snatched the keys to their sacristy and stolen their book of privileges.

⁹⁹ *Inocencio*, Doc 427; 'Lite igitur coram nobis super premissis legitime contestata, quia super utrinque propositis non potuit nobis fieri plena fides'. For this reason, Innocent informed them, the case had been appealed to Rome 'super premissis legitime'. The same document is in Burgos archives; DCB, Doc 428.

¹⁰⁰ In contrast, Serrano seems to not have noticed the joint accusations in this bull; see Serrano, *Don Mauricio*, p. 93.

¹⁰¹ DCB, Doc 433.

well as over its dependent houses, they determined, and all things taken from the bishop should be returned, including the foodstuffs they carried off, and those things that had perished should be paid for, with a man named to judge the potential value of rotten or consumed goods. The canons were also instructed to supply the bishop with not only the tithe but also with additional payments, as a punishment for rejecting his authority. Four procurators were appointed on behalf of the bishop – two clerics and two lay men – to make sure all of this was carried out. The bishop was also granted the power, on his own authority and without any further royal, secular or papal permission, to sell, give away or withhold land belonging to the church, in return for the promise that he would not defraud the canons.

It is hardly surprising that the community appealed to the pope against this sentence, and at some point before his death, Innocent III appointed a second panel of judges.¹⁰² However Maurice too, now bishop, also asked for papal support and in June 1218, Pope Honorius wrote to a team of judges-delegate requesting a rapid conclusion to the litigation.¹⁰³ The case had been delayed due to foul play, he alleged; specifically, the conduct of one of the judges-delegate, R. archdeacon of Osma, who was accused of intending to hold up the case by ‘wickedly casting frivolous exceptions’.¹⁰⁴ Honorius’s final views on the case were contained in a bull sent to Maurice in September 1220, in which, after hearing the testimonies of witnesses and summoning the procurators of both parties to his court, he decided in favour of the bishop of Burgos and ruled that the church of Santa Maria could not press any further demands on him.¹⁰⁵ The one exception was, importantly, the *ius eligendi*, the right of election of the abbot, which remained in the hands of the canons of Castrojériz.

Just a few months later, in January 1221, Maurice himself and his archdeacon Marino travelled to Castrojériz and drew up a document in which the canons of Castrojériz surrendered all their rights and exemptions and submitted entirely to the bishop and his archdeacon – including the power to appoint the abbot.¹⁰⁶ It is a remarkable capitulation after so many years of discord. Fifteen canons from Castrojériz were named as agreeing ‘spontaneously and without any constraint’ that they ‘renounced to Burgos all rights that they had or were seen to have had in

¹⁰² No bull survives, but Honorius refers to this in his letter of June 1218 (*Inocencio*, Doc 177).

¹⁰³ *Inocencio*, Doc 177.

¹⁰⁴ *Ibid*: ‘asserit pars adversa ad instructionem testium faciendam iuxta mandate nostri tenorem semper ostenderet se paratam, dicens nichilominus, quod etsi pars episcopi posset testes aliquos producere non curavit, intendens tantummodo frivolas excepciones malitiose obicere per quas posset principale negotium retardari, sicut semper facere consuevit’.

¹⁰⁵ See DCB, Doc 525; and *Honorio*, Doc 325.

¹⁰⁶ DCB, Doc 527. Text also available in Serrano, *Don Mauricio*, Appendix V.

the church of Santa Maria' and requested that Maurice would mercifully provide for them.¹⁰⁷ He did so by naming sixteen canons, portionaries, and semi-portionaries to serve the church. These consisted of the original fifteen and one extra: Fernando Martinez, *burgensis porcionarius*, who was hereby to join Castrojériz. In a highly symbolic move, Maurice also named their new abbot as none other than Marino, the archdeacon from Burgos. The charter finishes with the words of an oath that each member of the community was to swear spontaneously (*spontanea*), using the formal 'vobis' to address Maurice and the more informal 'tibi' when speaking to Marino.¹⁰⁸ Its text provides a remarkable insight into the symbolic as well as practical nature of the *auctoritas* that Maurice was imposing on the canons of Castrojériz:

I swear that I shall always be faithful, obedient and devoted to you [*vobis*], Maurice, bishop of Burgos and to all your successors and to the church of Burgos, and to you [*tibi*], Marino, archdeacon of Burgos, currently abbot of Santa Maria de Castro, and to all succeeding you in the abbey of Santa Maria de Castro; and I swear that, after the aforesaid Marino who is now abbot, I shall accept, without any opposition, whomsoever the bishop of Burgos will choose and establish as abbot of the aforesaid church, and no other; and I swear that I shall accept whichever canon or portionary the bishop of Burgos and the abbot, elected and established by him, shall bestow.¹⁰⁹

The dictation of this oath of allegiance and the twice repeated claim that the clergy were agreeing out of their free will and without duress both suggest that this volte-face had been imposed on the community. In his brief reference to the clash with Castrojériz, Serrano suggested that Maurice most likely put forward Marino as a candidate for election and that he was subsequently elected, but the text of the charter makes it very clear that this was not the case, and that Maurice's actions constitute an explicit contravention of the judgement by Pope Honorius III.¹¹⁰

¹⁰⁷ *Ibid*, 'se Burgis renunciassent omni iuri quod habebant vel videbantur habere in ecclesia Sancte Marie de Castro, et post hoc, accedentes omnes supra dicti clerici, spontanee et sine aliqua coactione, a predictis episcopo et archidiacono misericordiam postularunt ut eisdem in ipsa ecclesia pro sua pietate misericorditer providerunt'.

¹⁰⁸ Both Innocent III and Honorius III used 'tibi' when addressing bishops and even when writing to the king of Castile. 'Vobis' thus seems to be an extremely formal address, and one that is not used in any of Maurice's other litigation from this period.

¹⁰⁹ DCB, Doc 527, 'Ego iuro quod semper fidelis, obediens et devotus ero vobis Mauricio burgensi episcopo, et omnibus successoribus vestris et burgensi ecclesie, et tibi, Marino, burgensi archidiacono, in presentiarum abbati Sancte Marie de Castro, et omnibus tibi in abbacia Sancte Marie de Castro succedentibus, et iuro quod post predictum abbatem Marinum, qui nunc est, recipiam sine aliqua contradictione quemcumque burgensis episcopus elegerit et instituerit in abbatem predictae ecclesie et non alium, et iuro quod recipiam quemcumque canonicum vel porcionarium burgensis episcopus et abbas ab eo electus et institutus dederint'.

¹¹⁰ Serrano, *Don Mauricio*, p. 94.

The agreement was witnessed by a small group of clergy, most of which seem to be third-party, being neither from Burgos nor Castrojériz, but there are three witnesses who stand out as being part of the bishop's retinue: Nicholaus, who is described as *capellanus domini M episcopi burgensi*; Rodrigo Diez, who was *clericus Maurici burgensis episcopi*; and M. Iohannis, who was *clericus burgensis episcopi*. These epithets are unusual, and no other document from Maurice's lifetime features witnesses who sign specifically as 'Maurice's men' as opposed to canons from the cathedral of Burgos. They do not appear to be dignitaries from the chapter, since these three names do not occur amongst those of the canons signing as witnesses for documents produced in Burgos cathedral. Quite who they were and what their relationship was with the cathedral remains a mystery, but it is clear at least that Maurice wanted their presence in Castrojériz when he went there to impose his will.

The final development in this case was the signing of a *concordia* produced in Burgos cathedral in October 1222.¹¹¹ The abbot of Castrojériz must be chosen by the bishop of Burgos and taken *de gremio burgensis ecclesie*, that is, from the lap, or perhaps the bosom, of the cathedral. The church's clergy were to be decided on by the bishop and abbot together and were to be limited to sixteen. The church should pay the *tercia* to Burgos cathedral, and so should a list of their dependent churches, over which Castorjeriz renounced its jurisdiction in favour of the bishop. The abbot was to be the sole figure in charge of discipline, and whenever he was residing at Castrojériz, he should receive a double prebend.¹¹² This seems a spectacularly bad deal for the community. Perhaps as a concession, the *concordia* closes with the statement that no canon from Burgos cathedral will ever have jurisdiction over Castrojériz – but this is a rather hollow promise given that the abbot himself would be precisely from the same *gremium*. It is perhaps important to note that this *concordia* was witnessed by a range of abbots and priors from a number of important monasteries around Burgos. The abbots of San Millán (probably San Millán de Lara), of Oña, of San Pedro de Cardeña, and of San Pedro de Arlanza, and some of their clergy were witnesses, as well as some senior lay figures from Burgos.

The decision by the judges-delegate in 1210 that the bishop should exercise his power over the church had been realised by the end of 1222, by which point Maurice had brought Castrojériz entirely within his own jurisdictional power. He was supported to a certain extent by the rather uncertain verdicts sent from Rome, but the fact that he had obtained, precisely, the right of election in Castrojériz suggests that Roman permission was not a prerequisite for his actions.

¹¹¹ DCB, Doc 544.

¹¹² *Ibid*, 'Abbas, vero, quandiu fuerit intra septa monasterii recipiat duplicem prebendam'.

iii. San Cosme y San Damián, Covarrubias

The collegial church of San Cosme y San Damián in Covarrubias, in the south of the diocese of Burgos, is an example of a case in which royal authority and the rights of a rival see came into contact with local custom and Maurice's ambitions.¹¹³ A *concordia* was signed with Covarrubias in July 1222, once again in Burgos, bringing the church symbolically and, to some extent, financially, under the authority of Burgos. The agreement was made 'peacefully and amicably', and indeed, restraint was important in the case of Covarrubias, since it was a royal foundation and still closely connected to the king himself, for which reason the *concordia* is said to be made 'with the consent and blessing of our most serene lord King Fernando of Castile' and was sealed by both the king's mother and wife, Berenguela and Beatrice.¹¹⁴ Maurice's demands are clearly put: he had 'asked' (*petebat*) that the bishop of Burgos should be allowed to confirm the abbot of Covarrubias within thirty days of election (although not necessarily to appoint him), that Maurice should be dignified by a solemn procession when he visited the church after having been to Rome or to see the king, and that the canons of Covarrubias should attend his synods. The *concordia* emphasises that these requests were permitted by Innocent III and sworn by Sancho, the former abbot. Additionally, all dependent churches within the territories of Covarrubias should pay the *tercia* to the bishop 'according to the custom of the bishopric of Burgos' and must, along with the church of San Cosme y San Damián itself, promise obedience to the bishop in all things.¹¹⁵

The document strikes a very different tone to Maurice's settlements with other institutions; there are no oaths nor mention of any discord. The canons were requested to pay a procuration to Maurice, but they were granted a discounted rate, since 'all other clerics of the episcopate of Burgos pay the bishop a maravedi', but those of Covarrubias are only to pay half a maravedi.¹¹⁶ The *concordia* also has a self-limiting clause, by which Maurice promised not to ask for anything

¹¹³ The documents of the archive of Covarrubias have been published by L. Serrano, *Cartulario del Infantado de Covarrubias* (Silos: P. Procurador 1907). There is also a summary of the church's history in Serrano, *El obispado de Burgos*, vol 2, pp. 237-240. It should be noted that, as with Castrojériz, Serrano refers to the church as Covarrubias as both a 'cabildo colegial' and an 'abadía secular'. Like Castrojériz, this was a community of secular canons led by an abbot.

¹¹⁴ DCB, Doc 542, and Serrano, *Cartulario*, Doc 35, 'de consensus et beneplacito serenissimi domini nostri F regis castelle...hec est forma pacis et amicabile compositionis'. Although the phrase rings rather ominously in the context of Maurice's violent clashes elsewhere.

¹¹⁵ Although Maurice does seem to have recognised that this was not customary for the abbot of Covarrubias: 'antiqua consuetudine que longissimo tempore in contrarium optinuerat'.

¹¹⁶ Even more curiously, the churches held by Covarrubias in Asturias are to pay Maurice in kind, 'unum porcum bonum et XV gallinas' among other things.

else not contained in the document, and also to safeguard particular properties that belonged to the church.¹¹⁷

However, in fact, the church of Covarrubias was a suffragan of Toledo, and not Burgos.¹¹⁸ Moreover, it seems as though the canons of Covarrubias had felt rather threatened just four years earlier, when they must have appealed to Rome for help, for in June 1218, Honorius had written a letter to the abbot, a copy of which was also stored in Burgos cathedral, bringing Covarrubias under his protection.¹¹⁹ The letter is clear: Honorius assured the church that it would not be 'shaken by the molestations of wicked men' and confirmed that the canons and all their territorial goods were and should always be 'divinely free from obedience along with all goods that you presently possess'.¹²⁰ Who it was threatening them is not stated, but a few years later, in 1220, Honorius wrote again to command the order of Calatrava and 'others' from Burgos, Osma and Calahorra, to stop harassing the church.¹²¹ In June 1223, the monks of Oña are named as aggressors.¹²² There is no mention as to whether or not the bishop of Burgos was counted amongst those who were worrying the church at Covarrubias, but in any case, he was evidently doing a poor job protecting it, as in February 1228, Gregory IX ordered that the church should be restored to Toledo, so that it might not be molested any longer.¹²³

iv. Santo Domingo de Silos

The conflict between Burgos and the Benedictine monastery of Santo Domingo de Silos has been described by Serrano as 'the most stormy' of Maurice's episcopate.¹²⁴ Silos was one of the richest and most powerful monasteries in Castile, and lay some 60 kilometres south of Burgos city, situated exactly on the border with the diocese of Osma.¹²⁵ Although founded at some point

¹¹⁷ *Ibid*, 'episcopus burgensis remittit eisdem et eos super eadem nulla occasione vexabit'. This was not withstanding the population of new territories, which are not included.

¹¹⁸ On 24th February 1175, Alfonso VIII had granted Sans Cosme and Damián to the metropolitan see of Toledo, along with all its properties. See *Alfonso VIII*, 2, doc 218. See also, C. de Ayala, 'Los obispos de Alfonso VIII', p. 181.

¹¹⁹ DCB, Doc 516.

¹²⁰ *Ibid*, 'ne pravorum hominum molestiis agitentur' / 'personas vestras et locum ipsum in quo divino estis obsequio mancipati'.

¹²¹ *Honorio*, Doc 330.

¹²² *Honorio*, Docs 445 and 446.

¹²³ *Gregorio*, Doc 84.

¹²⁴ 'Lo más movido', Serrano, *Don Mauricio*.

¹²⁵ For the archives of Silos, see Vivancos Gómez, *Documentación de Santo Domingo de Silos*. Many documents from this archive have also been published in D. Marius Férotin, ed., *L'abbaye de Silos* (Paris : E. Leroux, 1897); see particularly Férotin's perceptive commentary on Docs 95 and 98. See also, G. Martínez Díez, ed., *Fueros locales en el territorio de la provincia de Burgos* (Burgos: Caja de Ahorros Municipal de Burgos, 1982), pp. 78-80 and 186-188.

in the seventh century, the monastery had become particularly important from the late eleventh century as the home of – and then shrine to – the eponymous Saint Dominic Manso, who died there in 1073 and was canonised three years later, becoming a point of pilgrimage itself just off the Camino de Santiago and attracting extensive royal and noble patronage.¹²⁶

Trouble seems to have begun between Maurice and the monastery of Santo Domingo on 19th November 1218, when, on account of the ‘evil reputation’ (*sinistra fama*) of the monastery that had reached him through ‘noisy insinuation and frequent outcry’ (*per clamoram insinuationem et per frequentem clamorem*), Maurice himself made the journey south to Silos to investigate and bring episcopal correction.¹²⁷ The abbot and all his monks were warned to be in attendance on the day, and Maurice took with him ‘the elders of my church, wise, thoughtful and well-educated men’ as well as a number of neighbouring abbots. The visit began with a mass, after which Maurice, ‘observing the order of law’, started to rebuke the abbot and cellarer of the monastery on various accounts; namely, the alienation of the goods of the monastery, the reduction in the number of monks, and ‘certain excesses’ by the abbot, especially denying hospitality to pilgrims, guests and the poor. At this, the abbot, ‘like an obedient son’, confessed to the accusations and promised to obey Maurice ‘in all things’. The monks, however, proved rather more feisty than their leader: ‘they all responded, unanimous in shouting and din, and with certain among them even putting forth ignominious words, that neither to this nor to anything would I be able to compel them by law, since they suspected me to have a certain plan’.¹²⁸ Specifically, they accused Maurice of harbouring designs on land that belonged to the monastery, and informed him that he had no right of jurisdiction over them, and furthermore, that they had a privilege of exemption and were answerable only to the pope.¹²⁹ The monks then fled Maurice’s presence.

We learn all of this from a letter written by Maurice the following day, on the 20th November 1218, in which he publicly excommunicated the community of Silos and condemned their ‘frivolous and malicious’ intentions towards him.¹³⁰ The letter of excommunication was sent not just to the diocese of Burgos, but around the whole kingdom of Castile – Maurice was clearly

¹²⁶ Vivancos Gómez, *Documentación de Santo Domingo*, pp. LXII-LXXVI.

¹²⁷ DCB, Doc 517.

¹²⁸ *Ibid*, ‘omnes unanimiter cum clamore et strepitu, et quidam ex eis etiam verba ignominiosa proponendo, responderunt quod nec ad hoc nec ad aliud possem eos de iure compellere, cum me certa ratione susceptum haberent’.

¹²⁹ *Ibid*, ‘quod se a mea iurisdictione per privilegia dicebant esse exemptos et idcirco ponentes se et sua sub protectioe domini pape ad appellationis confugium ocnvolarunt, volentes in contemptum mei incontinenti a capitulo recedere nisi ab abbate et priore quasi inviti retinerentur’.

¹³⁰ *Ibid*, ‘videns et intelligens frivolas et malivolas eorum intenciones...’

intent on making his actions against the monks of Silos as public as possible. The witness list attached makes clear the identities of some of the 'thoughtful' men who were with him on the day: R, abbot of St Peter of Cardeña, G, abbot of Bujedo, two monks from each of these establishments, and two *seniores* from Burgos chapter, the dean and Pedro Diaz the cantor.

Despite Maurice's apparent outrage, this letter was carefully thought through.¹³¹ His actions were clearly presented as an *inquisitio*, a shorter form of legal inquiry which had been instigated by Innocent III at the Lateran Council of 1215 (principally the eighth canon, *De Inquisitionibus*) and which bypassed the traditional procedures involved in prosecuting a case before canon law.¹³² Central to the *inquisitio* was the ability to respond quickly to repeated outcry or rumour (*clamor et fama*) about the excesses of a prelate.¹³³ Maurice makes clear that this was the case in his letter to Silos already cited, in which he referred to the *clamor* and *sinistra fama* that had reached his ears.¹³⁴ He took with him a retinue of 'senior and wise men, thoughtful and well-educated' from Burgos and beyond, conforming to the Lateran instruction that the inquisition should be carried out 'before senior persons (*seniores*) of the Church', and referred on two occasions to the fact that he was 'observing the order of the law'.¹³⁵ The eighth canon of the Council had decreed that the person under this sort of inquiry must be present (unless *per contumaciam absentaverit*), and the charges against them must be read out openly.¹³⁶ Maurice's letter refers to both: he had warned the abbot and monks to be present for his visit, and had pronounced the articles against them openly and clearly, yet the monks had fled from his

¹³¹ Compare Brasington, 'What made Ivo mad? Reflections on a Medieval Bishop's Anger' in Ott and Trumbore Jones, *The Bishop Reformed*, pp. 209-219, for a discussion of episcopal anger in letters.

¹³² Compared to *accusatio* and *denunciatio*. Canon Eight of the Fourth Lateran Council, *De Inquisitionibus*, addresses this; Norman Tanner, ed., *Decrees of the Ecumenical Councils*, 2 vols (London: Sheed and Ward, 1990), vol 1, pp. 237-9. See also Gillian Evans, *Law and Theology in the Middle Ages* (London: Routledge, 2002), who points out that an inquisition was a form of prosecution introduced by Innocent III that allowed ecclesiastical authorities to short-cut due process in the event of widespread outcry. However, the text of the council makes clear that, in the case of correcting clergy or religious, bishops should not be the accuser but let the outcry stand as the accuser.

¹³³ Canon 8: 'si per clamorem et famam ad aures superioris pervenerit...debet coram ecclesiae senioribus veritatem diligentius perscrutari.... Sed cum super excessibus suis quisquam fuerit infamatus ita, ut iam clamor ascendat, qui diutius sine scandalo dissimulari non possit vel sine periculo tolerari, absque dubitationis scrupulo ad inquirendum et puniendum eius excessus, non ex odio fomite sed caritatis procedatur affectu'; in Tanner, *Decrees of the ecumenical councils*, vol 1, pp. 237-9.

¹³⁴ DCB, Doc 517; 'cum per clamorosa insinuationem et per frequentem clamorem...ad me sinistra fama multociens pervenisset'. We should also note his comment that this outcry related to the abbot himself: 'non tantum laicorum vel clericorum vel etiam monachorum, etiam superiorum prelatorum, de statu Sancti Dominici de Silos'.

¹³⁵ *Ibid*, 'Ut nihil de iuris ordine pretermitti videretur, ego, predictus episcopus, observato iuris ordine...'...and 'ego, predictus burgensis episcopus, observato iuris ordine'.

¹³⁶ See Tanner, *Decrees of the ecumenical councils*, vol 1, pp. 237-9.

presence *in contemptum*.¹³⁷ This letter of excommunication looks like a perfect example of a bishop acting in accordance with papal legislation to correct an erring monastery.

However, following this public excommunication, the monks of Silos appealed to Honorius III to protect them, and the pope appears to have seen the matter rather differently. In response to the appeal, on 5th December 1219, Honorius wrote to Archbishop Rodrigo of Toledo and the deans of Toledo and Segovia cathedrals about the case.¹³⁸ He recognised that Maurice was conducting an *inquisitio* against the abbot and cellarer, but his assessment of the situation differed markedly from that presented in Maurice's letter of November 1218. Rather than having an apostolic mandate, Honorius accused Maurice of acting on his own authority – *auctoritas propria* – in visiting the monastery.¹³⁹ Maurice had tried to secure rights over two monasteries and a church, which, Honorius added 'even his predecessor had plundered unjustly'.¹⁴⁰ He had also retained a church very close to the monastery, and had decreed it to be a parish within the diocese of Burgos, to the detriment to the monks of Santo Domingo, as well as levying a tithe from this newly created parish, which was wholly unlawful since tithe to Burgos was *indebite*, as the pope pointed out.¹⁴¹

Of ultimate importance seems to have been Maurice's jurisdictional status vis-à-vis the monastery of Santo Domingo, and his right, or lack of it, to hold authority over them. Honorius's strongly worded letter makes clear who he perceives to be the aggressor, and his sympathies clearly lay with the monks, who he saw as 'protesting that they were not in his diocese, and not wishing to suffer that he, who was neither judge delegate nor ordinary judge over them, and who they held in this and in other things to be their enemy, should slander the reputation of the

¹³⁷ DCB, Doc 517.

¹³⁸ Vivancos Gómez, *Documentación de Santo Domingo de Silos*, Doc 98.

¹³⁹ *Ibid*, 'Sua nobis abbas et conventus monasterii Sancti Dominici de Silos insinuatione monstrarunt quod, cum venerabilis frater noster burgensis episcopus, ad inquisitionem contra ipsum abbatem et cellerarium loci eiusdem auctoritate propria descendere niteretur'.

¹⁴⁰ These institutions were San Millán de Lara and San Millán de Perros (or Juarros, as it seems to be), and the church of San Pedro de Mercatello; Honorius comments 'quibus etiam predecessores ipsius predictum monasterium de Silos contra iustitiam spoliarent'.

¹⁴¹ The church of St Pelagius. Honorius also accused Maurice of misappropriating papal letters to the bishop of Palencia for the purposes of levying the tithe: 'occupatam detinens ecclesiam Sancti Pelagii eiusdem loci spectantem ad eos, quam parrochiam in eorum constituit detrimentum, impetrasset ad venerabilem fratrem nostrum episcopum palentinum, et suos coniudices super ecclesia Sancti Petri Sancti Dominici de Silos, decimis et rebus aliis, a Sede Apostolica litteras contra ipsos, ac eis litterarum predictarum auctoritate citatis, archipresbiter de Bahabon et magister Apparitius, canonicus burgensis, cum litteris accedentes ipsius, indebite a parrochianis eorum decimas recepissent', Vivancos Gómez, *Documentación de Santo Domingo de Silos*, Doc 98.

aforesaid abbot, the cellarer, and the monastery'.¹⁴² The monks even had a *libertas privilegia* from the papacy, which was apparently shown to Maurice, but this had been disregarded.

The letter thus sets out a rather different perspective of the events of 1218. However, the next paragraph of the document is even more interesting. The copy of the letter held at Silos, which has been reproduced by Vivancos Gómez, has been substantially altered by erasures of the text, obliterating entire clauses in a number of sentences.¹⁴³ Vivancos estimates that this damage to the manuscript was done very early on in its history, and although there is no way of proving when this was done, the erasures certainly decrease the severity of Maurice's actions, as we shall see. Fortunately, a papal copy also survives, held at the Vatican and thus intact, which has allowed a clear picture of the deleted phrases.¹⁴⁴

According to the second half of this letter, a delegation of monks from Silos travelled to Burgos and approached Maurice over the excommunication of 1218. Some apostolic judges from Osma had exempted some of the laity of Silos from excommunication, a passage that has been crossed out in the Silos version of the document. On hearing this, Maurice 'raised violent hands (*manus violentas iniecit*) against them and caused them to be beaten by his clerics and lay men, so that one of them [the monks], of the order of deacon, once he had entered the sick bed was unable to rise for many days'.¹⁴⁵ This citation is taken from the Vatican copy of the letter; the Silos copy has crossings out obliterating both the raising of *manus violenta* and the beating of the clergy of Silos.

Following this, Honorius stated, Maurice caused havoc for the monks in Silos: inciting and arming the laity of the town (their own vassals, as the pope remarked) to break into the monastery with the help of gangs from Burgos, and to loot it as well as inflicting many other injuries.¹⁴⁶ It should be pointed out that the raising of *manus violenta* was an action with some serious canonical

¹⁴² Vivancos Gómez, *Documentación de Santo Domingo de Silos*, Doc 98, 'Protestantes se in illius non esse diocesi, ac pati nolentes quod is, qui nec delegatus nec ordinarius erat iudex ipsorum, et quem habebent in hiis et aliis adversarium, famam predictorum abbatis et cellerarii et eorum monasterii laceraret'. The slander of reputation (*fama*) was a punishable crime according to canon law: see Evans, *Law and Theology*, pp. 124-129.

¹⁴³ The manuscript can be found in the Archivo del monasterio de Silos [AMS], B. XXVI.1.

¹⁴⁴ *Honorio*, Doc 257. Serrano did not seem to know of the Vatican copy of this letter, and used the damaged Silos copy as his source, leading to some misreading of the situation.

¹⁴⁵ *Ibid*, 'pontificis abiecta modestia et manus violentas iniecit in ipsos, et eos verberari acriter a laicis et quibusdam suis fecit, ita quod unus ipsorum constitutus in ordine diaconii, lectum doloris ingressus de ipso diebus plurimis non surrexit'.

¹⁴⁶ *Ibid*, 'adeo etiam contra ipsos incitavit homines de burgo sancti Dominici, vassallos eorum, quod iidem armata manu, in suum monasterium irruentes, confractis, cum hominum eiusdem Burgensis auxilio, ipsius monasterii et cellarii eius portis, res ibidem inventas hostiliter asportarunt. Preterea, idem episcopus multiples alias iniurias et dampna innumera que foret explicare difficile'.

implications, and a grave accusation against a clergyman. Canonical attitudes to clerical involvement in violence had been under discussion by church lawyers for some time by the thirteenth century, but most were unequivocal that the inciting of violence against a member of the clergy was a serious offence.¹⁴⁷ The Fourth Lateran Council had also explicitly prohibited clergy from commanding the shedding of blood (including that of a layman), and the consequences could include excommunication.¹⁴⁸ Honorius's solution was to appoint a team of judges-delegate, namely, Archbishop Rodrigo and two deans, to investigate under the instruction that, if they found proof that Maurice had unleashed violence against any member of the Church, he was to be publicly excommunicated and strictly avoided by all, without right to appeal, until the pope was satisfied that he could be absolved. Regarding the other charges of the monks against Maurice, the judges were to hear the case themselves and come to a decision.

For Serrano, and later, Vivancos Gómez, this conflict was about the jurisdiction over the town of San Pedro de Silos, and whether this should belong to the monastery or the bishop. However, a closer look at the events and their context suggest that this was merely an irritation, and that Silos lay on a much deeper fault-line that concerned the relationships between the bishops (and bishoprics) of Burgos and Osma.

The monastery itself was situated directly on the border between the two dioceses, a border that had been a point of dispute since the translation of the see from Oca to Burgos in 1075, at a time when diocesan identities in these lands, some only recently conquered from Muslim rule, was still under formation. Diocesan borders between Osma and Burgos were decided at the Council of Husillos in 1088, and then revised in the Council of Burgos at 1136.¹⁴⁹ The River Esgueva was to divide the two dioceses, and at the river's disappearance, this border was to extend north until it was in line with the furthest reaches of the River Arlanza.¹⁵⁰ Problematically,

¹⁴⁷ Attitudes to clerical arms-bearing were complicated in this period, as Duggan has illustrated, see Duggan, *Armsbearing and the Clergy*, pp. 145-61, and 182-200. See also, *idem*, 'Armsbearing by the Clergy and the Fourth Lateran Council', in A. Larson and A. Massironi (eds), *The Fourth Lateran Council and the *Ius Commune**, (Brepols, 2018), esp pp. 13-17. Canon 47 is also very firm on the punishments for 'unjust excommunication', something that Maurice is guilty of in the pope's eyes in this case.

¹⁴⁸ Canon 18 of the Fourth Lateran Council, 'De iudicio sanguinis et duelli clericis interdicto', prohibits clergy from being involved in the shedding of blood or from commanding the same, even by letter (see Tanner, *Decrees*). As Duggan has pointed out, this was most likely a means of limiting and defining permissible military action by clergy rather than eliminating it altogether, and self-defence or defence of the Church were probably excepted: Duggan, 'Armsbearing by the clergy and the Fourth Lateran Council', p. 15.

¹⁴⁹ See Mansilla, *La Iglesia Castellano-Leonesa*, pp. 126-7 and Engels, 'Husillos, Konzil von (1080)' in *Lexikon des Mittelalters* (1990) Pt. 5 p. Sp. 232. Also see Serrano, *El Obispado de Burgos*, I, 231 and III, nos. 31-73.

¹⁵⁰ Mansilla, *La Iglesia Castellano-Leonesa*, p. 126.

Silos lies between these two rivers, geographically-speaking directly between the two dioceses. However, the monastery belonged to neither, since in 1118 Pope Gelasius II had taken it under papal protection and granted it liberty in all its possessions and holdings, in the government of the monastery itself and in all abbatial elections.¹⁵¹ Even more unusually, the monastery was granted the privilege of choosing the bishop they wished to confer episcopal sacraments and ordinations.¹⁵² Both of these privileges were renewed by popes throughout the twelfth century, until the pontificate of Innocent III, who did not include the freedom to select a bishop in his bull of protection issued in February 1216.¹⁵³

One possible reason for this was the fact that by 1216, Osma had a bishop who was actively seeking to secure jurisdiction over Silos. Melendus, bishop of Osma from 1210 until 1225, was a canon lawyer of apparently Portuguese origins, who had come from Rome to take up the seat at Osma.¹⁵⁴ He seems to have also studied or taught at Bologna and Vicenza, and has been identified at the *studium* of Palencia, where he was also referred to as Magister Melendus in 1211.¹⁵⁵ Peter Linehan has described him as a ‘giant among papal chancery lawyers’.¹⁵⁶ He had also been granted the lordship and castle of Osma as a reward for his performance in the battle of Las Navas in 1212, and so was a bishop on good terms with both the pope and the king.¹⁵⁷

It was thus a serious matter when, in September 1214, Pope Innocent III wrote to Maurice requesting that he send ‘suitable men’ to the Fourth Lateran Council to answer to the claim by Bishop Melendus that Burgos had illegally expanded into the diocese of Osma – and first on the list of territories claimed by Osma was Santo Domingo de Silos *cum omnibus terminis suis*.¹⁵⁸ If Maurice did not send justification, these territories were to revert to Osma. Maurice must have rushed to respond, since in a second bull to Burgos, written in March 1216, Honorius commented that, ‘however you brought your cause to our curia before the time of the General Council’.¹⁵⁹ It would seem from this second bull that both bishops had been there in person in early 1215. In response to Melendus’s accusation, Maurice accused Osma of usurping land

¹⁵¹ Vivancos, *Documentación del monasterio de Santo Domingo*, p. LXVIII and Doc 32.

¹⁵² *Ibid*, Doc 36. Vivancos describes this as ‘uno de los privilegios más preciados de la época’ (p. LXVIII.)

¹⁵³ *Ibid*, Doc. 90.

¹⁵⁴ See Linehan, ‘Columpna firmissisima: D. Gil Torres’, p. 247. Also Linehan, ‘D. Juan de Soria, Unas apostillas’, pp. 386-7; and C. de Ayala, ‘Los obispos de Alfonso VIII’, pp. 161-162.

¹⁵⁵ See Abajo Martín, *Documentación de la catedral de Palencia*, Doc 128; and García y García, ‘Derecho común en España’, p. 59.

¹⁵⁶ Linehan, ‘Don Rodrigo and the Government of the Kingdom’, p. 97.

¹⁵⁷ See also, Linehan, ‘Juan de Osma’, pp. 384-5, for more on Melendus and his chapter; Garcia y Garcia, *Sociedad y Derecho* 1, p. 51; and Ayala, ‘Los obispos de Alfonso VIII’.

¹⁵⁸ *Inocencio*, Doc 520.

¹⁵⁹ *Inocencio* Doc 548.

belonging to Burgos, although notably, he named a far shorter list of territories, and none as significant as the monastery at Silos. The papal bull describes a period of negotiation at the curia between the two bishops, before concluding that their accusations cancelled each other out, and that they should both be content with the borders as they were and maintain the *status quo*.¹⁶⁰

However, regardless of the diocese in which it lay, Santo Domingo de Silos had been consistently, and quite legally, choosing the bishop of Osma to fulfil episcopal duties for the monastery for most of the twelfth century. Indeed, the bishop of Burgos does not appear in the Silos archives even once from at least 1170, whereas that of Osma does on many occasions.¹⁶¹ In January 1201, the abbot granted land to the bishop of Osma, and in 1213, Melendus had been appointed papal judge delegate, most likely on the petition of the monks, to pass a judgement on the citizens of Silos who had refused to pay tithes to the monastery.¹⁶² If Innocent's ruling of 1216 gave Maurice the permission (at least in theory) to assert himself as the bishop to which Silos should turn, he faced the hurdles of monastic tradition and apparent preference to the contrary.

The case between the citizens of Silos and the monastery provided him with just such an opportunity. At just the same time as the two bishops were negotiating in Rome, the laity of the town of Silos were again refusing to pay tithes to the monastery, sparking another appeal to Rome by the monks. In an unprecedented move, however, Innocent appointed a trio of judges from Burgos cathedral, and not from Osma, in a letter dated to 13th January 1216 – perhaps due to Maurice's presence in Rome.¹⁶³ Crucially, this brought Silos closer to the grasp of the episcopal jurisdiction of Burgos. Three judges were named, Martin the dean, Pedro Diez the cantor, and Marino an archdeacon. They duly investigated members of the laity of Silos, and found that the monastery deserved tithe payments from these vassals.¹⁶⁴ Their report was sent to Rome with their decision sometime in the autumn of 1216.

¹⁶⁰ *Ibid.*

¹⁶¹ Vivancos Gómez, *Documentación del monasterio de Santo Domingo* (the earliest documents contained here date from 1170). There was even an 'hermandad' (brotherhood) established between Silos and Osma in 1132, see Férotin, *Recueil des chartes de l'abbaye de Silos*, Doc 43.

¹⁶² Vivancos Gómez, *Documentación de Santo Domingo*, 82 and 86.

¹⁶³ *Ibid.*, Doc 89. It seems highly likely in this case that the pope himself appointed these judges. Silos would certainly not have chosen them, and Maurice himself was in Rome, so such a decision would be logical.

¹⁶⁴ They also noted that their judgement was not accepted by all those in question, with several refusing to attend the sentencing, see Doc 91. The judges also incorporated some criticism of the abbey in their sentence: the citizens of Silos had been subject to persuasion 'per potentiam et violentiam abbati Sancti Dominici...et per violentiam conventus eiusdem monasterii'.

However, fate cut short the jurisdiction of this delegation: Innocent died in July 1216, and the canons' report never reached him. They must have sent their feedback at the very end of the year, since they knew of his demise.¹⁶⁵ The extent to which the involvement of Burgos was unprecedented (and perhaps unwelcome by the monastery) is illustrated in the subsequent events. Rather than accept the appointment of his predecessor's delegation, Honorius III instead, reappointed a new delegation of judges to resolve the Silos tithe in March 1217 – this time, a group from Osma cathedral, in line with earlier tradition.¹⁶⁶

This was the highly complex background to Maurice's attempt in November 1218 to personally assert his authority over the monastery of Silos itself and to conduct an *inquisitio* in the monastery. Diplomacy had failed him, and even with the apparent support of Innocent III, he had not been able to draw the town of Silos into his jurisdiction nor to wield greater direct control over the monastery of Santo Domingo. It is no surprise that the report of intervention by canons from Osma in 1218 had resulted in *manus violenta*.¹⁶⁷

Nothing seems to have transpired from the pope's commission to assess Maurice for excommunication in 1219 – like many other papal bulls to Castile, this seems to have been ineffective. In any case, Maurice wasn't present in Burgos for much of the year, being on delegation to Germany to collect Beatriz, the bride of Fernando III.¹⁶⁸ However there is some evidence that the cause between Burgos and Osma continued to rankle, on a personal as well as an institutional level. A short bull from Honorius to Maurice on 25th September 1220 contains the message that the pope would no longer appoint the bishop of Osma nor anyone else from that cathedral to be a judge-delegate in any case pertaining to Burgos, since they would seek to excommunicate Maurice wherever possible.¹⁶⁹ The request came from Maurice, and the reason behind it was the 'unjust hatred' (*odium iniquus*) held by the bishop and canons of Osma towards Burgos.¹⁷⁰

This 'hatred' should also be taken into account when considering Maurice's failure to intervene in the sacking of Osma in 1217, as well as the conflict between the two bishops in Rome the year

¹⁶⁵ The opening of the report comments on 'quoniam fragilis est mortalium memoria', and the 'felicis recordationis domini pape Inocencii tercii'.

¹⁶⁶ Vivancos Gómez, *Documentación de Santo Domingo*, Doc 92.

¹⁶⁷ *Ibid*, Doc 98.

¹⁶⁸ See Chapter Five.

¹⁶⁹ *Honorio*, Doc 328.

¹⁷⁰ *Ibid*, Ex parte vestra fuit propositum coram nobis, quod cum venerabilis frater noster episcopus et canonici Oxomenses vos et ecclesiam vestram **odio** prosequantur **iniquo**, cum aliter vobis nocere nequeant, si quando aliqua negotia ipsis a sede apostolica committuntur, executionem eorum alicui vestrum committunt, ut sic in vos excommunicationis vel in ecclesiam vestram interdicti sententiam valeant promulgare.

before. This document also explains the issuing on the following day of a second bull from Honorius to Maurice, permitting him to be resolved from excommunication by one of his own chaplains when the sentence had been imposed by an 'adversary'.¹⁷¹

It is perhaps testament to Maurice's persistence that the affair with Silos rankled on until 8th January 1222, when it was finally resolved in a *concordia* drawn up in Burgos cathedral.¹⁷² The terms of both the negotiations and the ultimate agreement weigh heavily in Maurice's favour. Three appointed arbitrators were chosen 'by common consent and by both sides'; however, they were none other than Martino, Pedro and Marino – the same trio who investigated Silos in 1216.¹⁷³ The opening sentence makes clear the agenda of this document: the arbitrators have brought an end to the 'discord between Maurice bishop of Burgos...and the abbot and community of the monastery of the town of Santo Domingo de Silos, of the diocese of Burgos'.¹⁷⁴ The abbot of Silos renounced his hold over three local churches and agreed to pay the bishop of Burgos 30 gold coins per year, as well as, accepting visitations by the bishop to the monastery. In return, Maurice recognised the right of the abbot over the parish of San Pedro de Silos, and promised not to construct any new parishes in the town of Silos. The issue of the monastery's rights to the tithe of the laity of Silos was, perhaps unsurprisingly, resolved at the same time: having established the *concordia*, the same archdeacon-commissioners at once granted the abbot of Silos taxation rights over the townsmen of Silos.¹⁷⁵ The *concordia* seems to have initiated a period of calm between Burgos, Silos and Osma, and no other controversies with the monastery are recorded in Maurice's lifetime.

v. Santa María de Nájera

In March 1223, Maurice made a *concordia* in Burgos cathedral with the prior of the Benedictine monastery of Santa María de Nájera.¹⁷⁶ Unlike the other institutions discussed here, Santa María de Nájera was not in the diocese of Burgos nor even on its borders, but was situated in the neighbouring see of Calahorra. It was a house with a distinguished history, having been granted

¹⁷¹ DCB, Doc 526; *Honorio*, Doc 329.

¹⁷² DCB, Doc 537.

¹⁷³ *Ibid*, 'de comuni consensu utriusque partis electis nobis arbitris'.

¹⁷⁴ *Ibid*, 'discordia inter Mauricum, burgensem episcopum...et abbatem et conventum monasterii burgi Sancti Dominici de Silos, *burgensis diocesis*'.

¹⁷⁵ Vivancos Gómez, *Documentación de Santo Domingo*, Doc 103.

¹⁷⁶ ACB vol 31, f. 5; Mansilla, *Catálogo documental*, Doc 549; text also provided by Serrano, *Don Mauricio*, p. 139.

to Cluny by Alfonso VI of Castile in 1079.¹⁷⁷ Before this, Nájera had formerly been the metropolitan and capital of the kingdom of Navarre, and consequently owned property over a huge area, including within the diocese of Burgos, thanks to donations from the Navarrese royal house as well as later donations by the counts of Castile.¹⁷⁸

Santa María de Nájera was not a monastery with which Burgos had connections, and does not appear in the archives of Burgos cathedral before Maurice's lifetime. However, from the start of the 1220s, this situation seems to have shifted, with Maurice starting to concern himself with the monastery and its complicated network of dependent houses, and in a document from Burgos dated to January 1221, there is a reference, for the first time, to G, 'prior of Nájera'.¹⁷⁹ This charter records an undertaking by two churches dependent on the monastery, Cueva-Cardiel and Agés, both of which lay within the diocese of Burgos, that they should recognise the bishop of Burgos as well as the abbot of Nájera. Both churches agreed to attend synods when summoned by Burgos, or significantly, by the abbot of Foncea, to obey sentences of excommunication or interdict issued against them, and to pay an annual 'procuration' of three maravedis to Maurice, and a further five solidis to the abbot of Foncea. Significantly, it was the prior of Nájera whose 'voluntas' was necessary for Maurice to make this agreement.

In March 1223, Maurice went further, making a formal *concordia* with Nájera over four of its dependent churches.¹⁸⁰ The text opens with a recapitulation of the agreement of January 1221, and then expands Maurice's requests: that the bishop of Burgos should be paid the *tercia* by four churches dependent on Nájera, namely, Cueva-Cardiel, Agés, Santurdejo and Laredo.¹⁸¹ In addition, Santurdejo should owe full obedience to Burgos and pay additional procurations to the bishop. This selection of churches is intriguing. Cueva-Cardiel and Agés both lay to the north-east of the diocese of Burgos, as we have mentioned. Santurdejo was situated in Calahorra, very close to the powerful monastery of Santo Domingo de la Calzada. Laredo was a town of considerable importance that controlled a wide area of the Cantabrian coast, to the far north.

¹⁷⁷ Serrano, *Don Mauricio*, pp. 107-8.

¹⁷⁸ *Ibid*, p. 107.

¹⁷⁹ *Documentación de Burgos*, Doc 528.

¹⁸⁰ ACB vol 31, f. 5, text in Serrano, pp. 139-140. This, unlike the earlier agreement, was sealed and confirmed by the monastery: 'Hec [the earlier deal] omnia tunc facta fuissent, instrumenta de his confecta non fuerunt sigillata. Ideo prescripta omnia huic instrumento duximus annectenda, que omnia dictus J. camerarius Carrionis et modo prior Naiarensis et conventus Naiarensis rata habent et confirmant'.

¹⁸¹ Serrano, *Don Mauricio*, p. 140 ; 'terciis decimarum pontificalibus quas idem episcopus petebat ab ecclesia naiarensi in Laredo et in Covacardiel et in Fagege et in Santurdejo'.

In 1200, it had been granted the status of a royal city with its own *fuero* by Alfonso VIII, in recognition of its importance as a port.¹⁸²

There seems to have been some discord as a result of Maurice's request, and the text goes on to confirm that the bishop of Burgos should receive the *tercia* for the church of Laredo 'in peace and quiet'.¹⁸³ In return, Maurice agreed not to demand the *tercia* for the other three churches. The former rights and procurations granted in January 1221 still stood however, and additionally, the church of Santurdejo was to submit full obedience to Burgos (obeying cathedral clergy as though they were the bishop himself), and to pay Maurice an annual sum of one maravedi.¹⁸⁴

Why did Maurice choose this moment to try to extract concessions from the powerful and distant monastery of Nájera? For Luciano Serrano, Maurice was doing no more than 'regularising' the economic situation of churches that lay within the diocese of Burgos.¹⁸⁵ However, by 1223, the networks of power within which Nájera, Burgos and Calahorra were balanced had started to shift. The monastery had been involved in long and sometimes violent negotiations with the see of Calahorra as a result of its Cluniac status, and in October 1222, Maurice had acted as arbiter between the two.¹⁸⁶ His verdict was delivered in March 1223, and confirmed the monastery's freedom: Nájera was bound by 'iure privilegiorum Cluniacensis ecclesie' and was thus free of legal submission to Calahorra, along with its priories – which incidentally allowed it to make independent decisions about the four priories in question.¹⁸⁷ In return, the monastery had to receive the bishop of Calahorra in procession on formal occasions and provide him with a meal, and they also had to pay a procuration but only if he came in person to collect it. A number of dependent priories were named to accept episcopal visits of up to 20 knights.

These tensions between Nájera and Calahorra were long-standing, but it was not by chance that they should have flared up in the early 1220s, and nor was it a coincidence that Maurice should

¹⁸² DCB, Doc 305: in 1192, Alfonso VIII granted to the bishop of Burgos all the ports in the diocese, naming Santander. See B. Arízaga Bolumburu, 'La villa de Laredo y sus términos jurisdiccionales', in Juana Torres Prieto (ed.), *Historica et philologica: In honorem José María Robles* (Santander: Universidad de Cantabria, 2002), pp. 183-196

¹⁸³ Serrano, *Don Mauricio*, p. 140 ; 'et clamat eam quitam ut de cetero burgensis ecclesia ipsam habeat et possideat pacifice et quiete'.

¹⁸⁴ *Ibid*, p. 140, 'Clerici de Sancturdeio obedient in omnibus Burgensi episcopo et eius archidiacono et archipresbitero sicut et alii clerici sui episcopatus.'

¹⁸⁵ For Serrano, this was a case of 'regularising the economic situation of the clergy of Cueva-Cardiel and Agés according to the canons', *Don Mauricio*, p. 100.

¹⁸⁶ DCB, Doc 543.

¹⁸⁷ Mansilla, *Catálogo documental*, Doc 548. Full text transcribed by Serrano, *Don Mauricio*, pp. 136-9.

decide to get involved. The see of Calahorra was in crisis, one that had begun in 1216 and was still unfolding in 1236, and during which time the bishop of Calahorra had lost all authority and been expelled from his diocese. At some point towards the end of 1216, Bishop Juan García of Calahorra died, leaving a chapter that was fiercely divided over his successor, between Guillermo Durán, prior of Tudela and Rodrigo, dean of Calahorra.¹⁸⁸ After some violence, the canons supporting Guillermo appealed to Rome, and Honorius III wrote back twice in May 1219, expressing his exasperation at the lack of local progress in the matter, even after having appointed a stream of local judges (including Maurice), and he ordered Rodrigo of Toledo to re-establish canonical order and judge the case of Guillermo Durán.¹⁸⁹ Rodrigo ignored the pope's instructions and appointed his own candidate, Juan Pérez, to the see sometime before October 1220. Juan Pérez was a canon from Toledo cathedral, thereby securing Calahorra as an ally of Toledo – and indeed, Maurice was to refer to their 'special friendship' in March 1223.¹⁹⁰

However, Juan Pérez's episcopate was to prove problematic. Juan readopted the title of '*Calagurritanus et Naiarensis episcopus*', revealing an awareness of the monastery's pre-Cluniac past and its integral position as the seat of the former see, thereby threatening its independence.¹⁹¹ Trouble, as we have seen, ensued with the monastery at Nájera. He also tried to move the seat of the bishop from the city of Calahorra to the monastery of Santo Domingo de la Calzada in 1224, claiming episcopal lordship over that independent monastery, a move that was permitted by Honorius III in November of that year on the grounds that the air was too poor for synods to be held in Calahorra.¹⁹² However, this proved to be a highly unpopular step: Juan Pérez was not accepted by the monks of Santo Domingo, and by 1226, he had been physically expelled from Calzada and had fled to refuge in Rome. Juan's opponents in Calahorra were diverse, and included the cathedral chapter, but one of the most serious challenges he faced was from the king's courtier and noble, Diego Lope de Haro, governor of the Rioja.¹⁹³ From the many stern letters of Honorius III from 1227, it appears that Lope de Haro, with Fernando III's consent, was enriching his own purse from the see of Calahorra, apparently without constraint from canon or secular law.

¹⁸⁸ *Ibid*, p. 106. Both were related to Juan García.

¹⁸⁹ *Honorio*, Docs 228 and 229.

¹⁹⁰ Serrano, *Don Mauricio*, p. 137; 'specialis amicus eorum archiepiscopus Toletanus predicti episcopi [Calagurritensis]'. Serrano suggests that Rodrigo did not mean to disobey the pope, but must have been distracted by other things: 'bien fuese inconscientemente, bien en atención a otras causas'.

¹⁹¹ Peterson, *La sierra de la demanda*, p. 233.

¹⁹² *Honorio*, Doc 526; 'propter asperitatem loci accessus difficiles habeat...ita quod ibi nec commode residere nec synodum valeas celebrare'. As a result, he granted Juan permission to move the see to another place in Calahorra. Gregory IX supported to move to the new seat too.

¹⁹³ Serrano, *Don Mauricio*, p. 110.

The pope had thanked Maurice for his 'amicable' intercession between Nájera and Calahorra in 1223; however, this amicability seems to have only been available when it suited Burgos.¹⁹⁴ In October 1225, Honorius III wrote to Maurice, asking him to intervene in Calahorra again and to protect the beleaguered Bishop Juan.¹⁹⁵ However, Juan's claims over Calzada, one of the richest monasteries in Castile and positioned in the extreme west-north-west of Calahorra, almost on the border with Burgos, does not seem to have been something Maurice was willing to assist in. After Juan's expulsion, Honorius III sent a total of seven additional letters to Maurice in 1227, instructing him repeatedly to intervene and force Lope de Haro to desist.¹⁹⁶ A letter from 21st January 1227 directly orders Maurice to obey the letter from 1225 and accuses him of *negligentia* of both the pope and his brother bishop.¹⁹⁷

That Maurice did little or nothing in response is suggested by the fact that after Honorius's death, Gregory IX continued to write to him asking him to intervene and discipline Lope de Haro. On 4th April 1231, Pope Gregory appointed Maurice and two others, the deans of Burgos and Calahorra, to once again instruct Fernando III that his molestation of the church of Calahorra must stop.¹⁹⁸ The language is unequivocal: the king was 'trampling on the rights and liberty of the church of Calahorra' and Maurice and his co-judges were exhorted, once again, for the sake of the Church, to intervene and warn the king to desist.¹⁹⁹ However, Gregory was forced to repeat his request on 16th February 1233, and on 23rd September 1234, wrote to Archbishop Rodrigo and Maurice once again, recounting Honorius's attempts to resolve the situation and giving them an ultimatum of a month to confront the king in person.²⁰⁰ By 1236, Juan Pérez was dead, and the see was vacant once more.

Reprimanding the king and his leading courtiers seems to have been too unpalatable a task for Maurice, but he also had little to gain from supporting Juan Pérez. Indeed, the new bishop of Calahorra's attempts to dominate two large monasteries close to the border with Burgos – Nájera and Santo Domingo de la Calzada – would hardly have been welcome to Maurice, and it

¹⁹⁴ *Honorio*, Doc 502. Maurice was thanked by Pope Honorius III for his 'amicable' intervention (amicabiliter intercessit) between Calahorra and Nájera.

¹⁹⁵ *Honorio*, Doc 577. See I. Rodríguez R. de Lama, *Colección diplomática medieval de la Rioja* 4 vols (Logroño 1976-1990), vol 3, Doc. 505 bis.

¹⁹⁶ *Honorio*, Docs 625-631.

¹⁹⁷ *Ibid*, Doc 628.

¹⁹⁸ *Gregorio*, Doc 203.

¹⁹⁹ *Ibid*, Doc 203.

²⁰⁰ *Ibid*, Doc 317 ; and *ibid* Doc 489: 'nec...a predicti episcopi molestatione compescit...quocirca, discretioni vestre per apostolica scripta in virtute obedientie districte precipiendo mandamus quatenus, infra mensem ad regis ipsius presentiam personaliter accedentes et litteras quas ei super hoc dirigimus presentantes eidem, ipsum ad hoc moneatis attentius et inducere procuretis'.

is notable that Juan was ultimately required to cede claims to lordship over Calzada in return for peace.²⁰¹

Moreover, Maurice stood to gain from the chaos on his eastern border. From the start of the 1220s, he had been gradually extending his episcopal control over parishes that had been paying allegiance to Nájera, and intervening as a judge over Nájera. In 1229, Maurice made an agreement with Bishop Juan of Calahorra himself over the ownership of six towns and their attendant parishes and rights.²⁰² According to the wording of the agreement, these were towns that were 'held jointly across our common borders', although the deal seems to have somewhat favoured Burgos.²⁰³ All six were in the same region, on the Burgos-Calahorra border and very close also to the monastery of Foncea.²⁰⁴ These territories were to be controlled by both sees over alternate years. Finally, following Juan's death in 1236, Maurice was appointed to be governor of Calahorra for a year and a half, until a new candidate had been selected, and so had free rein to rule the diocese, administratively as well as spiritually, until shortly before his death.²⁰⁵

vi. San Miguel de Foncea

It is in this context of instability and accompanying opportunity that we should interpret Maurice's establishment of the monastery of Foncea as a satellite for Burgos cathedral. Situated on the eastern edge of the diocese and bordering Calahorra, the monastery is almost entirely absent from Burgos cathedral archives over the twelfth century, with its abbot appearing in Burgos cathedral just twice as a witness in 1187 and 1189.²⁰⁶ The monastery's cartulary similarly

²⁰¹ Serrano, *Don Mauricio*, p. 111. Indeed, Serrano has suggested that Burgos had a claim over Calzada.

²⁰² ACB: v. 27, f.18.; Mansilla, *Catálogo documental*, Doc 583.

²⁰³ ACB: v. 27, f.18.; 'Super hiis qui in confinio episcopatum nostrorum habebamus comunia'. The deal included 'omnia supradicta quantum ad temporalium ecclesiasticorum perceptionem, et ecclesiasticam iurisdictionem, ceterotumque spiritualium amministrationem episcopo'.

²⁰⁴ For more on these, see Rodríguez R. de Lama, *Colección diplomática medieval*, vol 3, Doc. 352. He identifies all six towns and informs us that one of them, La Morcuera, had been granted to Calahorra by the king in 1194. See also D. Mansilla, *Geografía eclesiástica de España: estudio histórico-geográfico de las diócesis* (Rome: Iglesia Nacional Española, 1994).

²⁰⁵ Serrano, *Don Mauricio*, p. 112, suggests that this was 'para evitar disturbios'. Maurice was administrator of the diocese until a new bishop was accepted in mid-1238, but he also seems to have overseen agreements by Juan Pérez on several occasions prior to this: Mansilla, *Catálogo Documental*, Doc, 567; ACB v. 27, f. 1; ACB vol. 27, f. 12; Mansilla, *Catálogo*, Doc 599. Maurice was appointed sometime before May 1237, when he wrote to the dean an chapter of Calahorra to inform them of his appointment; I. Rodríguez R. de Lama, *Colección diplomática medieval de la Rioja* 4 vols (Logrono 1976-1990), t.iv 'Documentos siglo XIII', Doc. 120.

²⁰⁶ DCB, Docs 271 and 286.

reveals a complete lack of interaction with Burgos over the twelfth century.²⁰⁷ This was to change in 1218, however, when Maurice appointed a new abbot to the monastery, and one who had close connections with Maurice himself – none other than Hylarius, the canon who had served as Maurice’s assistant in Toledo.

As Maurice’s assistant and delegate, we saw Hylarius on several occasions in Chapter One, named as deputy director of Toledo cathedral lighting, and buying land on Maurice’s behalf in 1214.²⁰⁸ This is the last occasion on which the name appears in the Toledan documentation, and it seems clear that he moved with Maurice to Burgos cathedral sometime after 1214, as in June 1217, *Hylarius sacrista* witnessed an exchange of some land in Burgos cathedral.²⁰⁹ It is an unusual name, and there is no other figure in either the Burgalés or the Toledan archives with this name in this period. The fact that Maurice’s ‘assistant’ from 1214 should vanish from Toledo with that of Maurice and appear in Burgos a few years later makes it extremely likely that this is the same person, and his immediate promotion to sacristan equally indicates that Maurice knew and patronised him.

Just one month after his first appearance in Burgos documentation, Hylarius appears again, but this time as mayordomo, that is, one of a small group of senior canons charged with administering much of the business of the chapter, and who represented the cathedral in transactions with the town.²¹⁰ He appeared on two further occasions in this role, in November 1217 and March 1218.²¹¹ Hylarius was also witness to one of Maurice’s *concordias*, made with the monastery of San Esteban de Burgos on 20th September 1217.²¹²

However, at some point before August 1218, Hylarius had been promoted to become abbot of Froncea, at which date he first appears with this title in the monastery’s *Cartulario de San Miguel de Froncea*, and from this moment, the relationship between Burgos and Froncea underwent an important change.²¹³ As abbot of Froncea, Hylarius seems to have made frequent visits to Burgos,

²⁰⁷ This cartulary is now in the process of preparation for publication by David Peterson, entitled *El cartulario de San Miguel de Froncea* (Froncea is an older form of the more modern name, from the Latin Frenucea or Franucea). I am very grateful to David Peterson for showing me his manuscripts and photographs of the cartulary.

²⁰⁸ See Chapter One.

²⁰⁹ DCB, Doc 508.

²¹⁰ *ibid*, Doc 509.

²¹¹ *ibid*, Docs 512 and 513.

²¹² *Ibid*, Doc 511. Hylarius is still sacristan in the witness list for this document in which Maurice claimed authority over the tithes and various other tributes from the monastery.

²¹³ *Cartulario de San Miguel de Froncea* (transcribed D. Peterson), Doc 59: ‘yo don Ylario, abbat de Franucea’.

and is listed as a witness twice in 1221, twice in 1222 and once more in 1223.²¹⁴ However, more importantly, he seems to have become something of a deputy for Maurice in his dealings with the Calahorran border and the four churches already mentioned, which had belonged to the Calahorran monastery of Nájera.

As we have seen, in January 1221, the clergy of Cueva-Cardiel and Agés swore obedience to the bishop of Burgos, but also to the abbot of Foncea. Not only were they to go to synods called by Maurice, but also those called by Hylarius; similarly, sentences of excommunication or interdict from either prelate had to be obeyed, and Hylarius was also to receive a (lesser) annual payment.²¹⁵ Both prelates were permitted to carry out visitations. Interestingly, a report of this agreement exists in the *Cartulario*, dated to the following year: the text is almost exactly the same, but has been redacted so that the first-person references to Maurice (*michi Mauricio*) have become third-person (*eum*).²¹⁶ The abbot's role was extended in March 1223, when Maurice made a *concordia* with Nájera itself, negotiating episcopal rights for Burgos from the foundations at Laredo and Santurdejo, as well as Cueva-Cardiel and Agés.²¹⁷ Here Hylarius was described as 'our deputy in these parts', and again accorded the same rights and privileges as Maurice over the four churches in question.²¹⁸ This was written up in a slightly shortened version in the *Cartulario* of Foncea, dated to the same year.²¹⁹ We should note also that the abbot of Foncea was granted a seat in the inner sanctuary of Burgos cathedral in 1230, thereby becoming one of just four abbots to be appointed a permanent seat in the cathedral hierarchy.²²⁰

Evidently, Maurice was concerned with building up his episcopal control in the monasteries along the eastern edge of the diocese, and was able to do so via diplomatic intervention in the diocese of Calahorra and the imposition of personal allies into a key monastery on the border.

²¹⁴ *Documentación de Burgos*, 1221: Docs 533 and 536; 1222: Doc 541, Doc 543; 1223: Doc 548.

²¹⁵ *Ibid*, Doc 528.

²¹⁶ *Cartulario de San Miguel de Froncea*, Doc 57.

²¹⁷ Mansilla, *Catálogo documental*, Doc 549; full text provided by Serrano, *Don Mauricio*, p. 139.

²¹⁸ Serrano, *Don Mauricio*, p. 139, 'vicario nostro in partibus illis'.

²¹⁹ *Cartulario de San Miguel de Froncea*, Doc 56.

²²⁰ *Concordia Mauriciana*, see Appendix 5. Nor were these the only monasteries brought under the control of Foncea. In 1237, a royal document granted to the towns of Villaboroy and Brieva noted 'quod consuevistis dare domino vestro episcopo [burgensis] vel abbati de Frenocea', (*Cartulario de San Miguel de Froncea*, Doc 104.)

3. The foundations of power

Diplomacy and the strategic use of canon law were both important tools in the assertion of episcopal power, but Maurice also resorted to another, even more direct, means of claiming lands and people under his jurisdiction. In addition to making agreements with monastic houses and promoting his allies into positions of power, he also toured the diocese himself, founding or re-founding churches on borderline areas. Six inscriptions can be identified across the diocese of Burgos, bearing Maurice's name and recording his movements, providing an insight into an aspect of Maurice's episcopal policy that has been entirely overlooked by Serrano and indeed almost all other historians of the medieval Castilian Church. Several have been discovered in recent years (some entirely fortuitously), and there remains much work to be done on them, particularly concerning their palaeography, original placement and reuse since the thirteenth century. Nonetheless, these inscriptions shed a new light on the ways in which Maurice exercised and displayed his episcopal authority, especially along the edges of his diocese.²²¹

The border area with Calahorra, near Nájera, was the site of Maurice's most concerted efforts, for the reasons we have explained above. Indeed, he travelled to these valleys, some 70 kilometres from Burgos cathedral, during the winter of 1224, where he consecrated three churches, leaving a number of inscriptions.

The most well-known of these is a pair of inscriptions preserved on the arch of the main door at the small church of Nuestra Señora de la Asunción in the parish of San Vicente del Valle, which were studied shortly after being uncovered for the first time in 1989 by José Fernández Flórez and have been included in Álvaro Castresana López's encyclopaedic collection of medieval inscriptions from the modern diocese of Burgos.²²² It is clear that neither inscription is in its original position, since both have been damaged by being reshaped and replaced. Both refer to the founding or re-consecration of the church by Maurice on 14th November (the day after the feast of St Bricius) in 1224. Some relics of St Christopher seem to have been conferred on the

²²¹ At the time of submission of this thesis, a seventh inscription has just been uncovered during restoration work on the church of San Andrés de Montearados in Sargentos de la Lora, near the western border of Burgos diocese (report in the local news: *Diario de Burgos*, Wednesday 23rd January 2019, p. 26). It is highly likely that there are more to be found.

²²² See J. Fernández Flórez, 'Inscripción de consagración de la iglesia de Santa María en San Vicente Del Valle (Burgos)', *Archivos Leoneses* 85/86 (1989), 309-322; and A. Castresana López, *Corpus inscriptionum christianarum et mediaevalium provinciae Burgensis ss.IV-XIII* (Oxford: Archaeopress, 2015), pp. 249-254. This church is a building of wide historical interest, that stretches far beyond its thirteenth-century inscriptions. Roman artefacts and later medieval art have also been uncovered here since a fire in the late 1980s brought the church to wider attention.

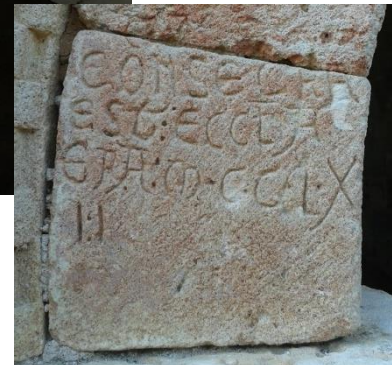
church at its consecration and buried within the main altar.²²³ The principal inscription, just to the left of the keystone of the principal arch, reads:

CONSECRATA EST ECCL[es]IA ISTA
 SANTE MARIE P[er] MANUM MAURICII
 BURGENSIS EPISCOPI ALTERA
 DIE POST FESTUM SANTI
 BRICI ANNO GRACIE MCCXXIII
 ERA MCCLXII IN MAIORI ALTARE
 RECO[n]DITE R[e]LIQ[u]E M[arti]R[um] SANTI X[risto]FORI



San Vicente del Valle, upper inscription

San Vicente del Valle, lower inscription



There is some confusion about the final few letters of the inscription, since, following ‘Santi Xristofori’, there appears to be a continuation that has been moved three voussoirs to the right, and which reads: ‘STI CE’. Both Fernández Flórez and Castresana have suggested that the dedication may have originally been in the name of two saints, but that significant damage was done to the end of the original inscription.²²⁴ Indeed, so mutilated are the voussoirs, Flórez

²²³ See Flórez, ‘Inscripción de consagración,’ p. 320.

²²⁴ Flórez, ‘Inscripción de consagración’, p. 310 and Castresana, *Corpus inscriptionum*, p. 252.

claims, that the arch must have been significantly reduced in size, resulting in each stone being made smaller and thus the upper letters being cut into and ends of the lines being clipped. He has also suggested that the original location of the inscription must have differed from its current position, and that it was most likely displaced within the arch itself at a much later date.²²⁵

The second, much shorter, inscription, lies on the left-hand springer of the arch, simply confirming the date of consecration in the Spanish era:

CONSECRA[TA]

EST ECCL[es]IA

ERA MCCLX

II

The final TA of CONSECRA[TA] has been displaced, although as Castresana has pointed out, these two letters appear rather inexplicably on the voussoir above, perhaps another indication that significant restructuring of this stone and the arch as a whole has taken place at some point.²²⁶

Both Flórez and Castresana have agreed that the palaeography of these two inscriptions should be dated to the early thirteenth century, and that they were carved at the stated date of



²²⁵ Florez, 'Inscripción de consagración', pp. 312-314; 'no queda otra alternativa. La inscripción principal fue colocada sobre el arco en su emplazamiento primitivo, pero con posterioridad se creyó oportuno trasladarlo a otro lugar, para lo que se necesitó retocar sus dovelas', (p. 313). Flórez also suggests that these inscriptions were carved in situ. On the other hand, Castresana suggests that changes were made to the structure of the arch in the Baroque period or later; Castresana, *Corpus inscriptionum*, p. 250.

²²⁶ Castresana, *Corpus inscriptionum*, p. 249, nb. 714. Also Florez, 'Inscripción de consagración', pp. 311.

consecration in 1224.²²⁷ The script of both inscriptions has been described by Flórez as ‘basically Gothic...more precisely within the period of transition from Caroline to Gothic script’.²²⁸ Both capital and uncial forms are used interchangeably, and, Flórez proposes, the sculptor had freedom of choice in choosing his alphabet, ‘not only to distribute the text but also to employ the script and letters that seemed most convenient to him’.²²⁹ Castresana has been more cautious in naming the script used here, citing both ‘pregothic’ and ‘transition’ scripts as options, but agrees that the date of the inscription and the script used correlate to suggest a form of early Gothic.²³⁰

From this it seems clear that Maurice travelled to this remote church in San Vicente del Valle, seemingly bearing some relics, to consecrate this church in person – *per manum*. The wording of the inscription is significant, and a point to which we shall return, but it is important to note here that the church at San Vicente was already in existence before the thirteenth century.²³¹ David Peterson has suggested that in fact the church building was used for agricultural storage for much of the eleventh and twelfth centuries.²³² Nor should we forget that the rebel count Álvaro Núñez had pillaged and largely razed this precise area in 1217, and so it is not unlikely that the church had been in a state of physical disrepair too.²³³ Maurice’s actions here were not to found the church but to re-found it; to consecrate it by his own hand and with relics, and to record the fact in two inscriptions, dated according to both the Spanish Era and the Anno Domini.²³⁴ Peterson has also pointed out that this church was later to become an archidiaconate,

²²⁷ Flórez, ‘Inscripción de consagración’, p. 315: pensamos que la cronología de la inscripción es la misma que la que se nos da para la consagración de la iglesia’, es decir, el año 1224.’ Flórez has put forward various hypotheses about why there may have been two inscriptions (see p. 311).

²²⁸ Flórez, ‘Inscripción de consagración’, p. 316 suggests that it is ‘un tipo de escritura de transición’ although adds that ‘de una forma general se puede decir que se trata de una escritura gótica’. He demonstrates this with a convincing table of letter forms (p. 315).

²²⁹ Flórez, ‘Inscripción de consagración’, pp. 318-319. Flórez also suggests that the sculptor was not aided by an ‘ordinator’, as suggested by the strange layout of the shorter inscription. Castresana describes this slightly differently: ‘the richness in the form of the characters, and the liberty of the scriptor, with an alteration between capitals and uncials, although with a preponderance for the latter’. Castresana, *Corpus inscriptionum*, p. 253.

²³⁰ This causes ‘un punto de indecisión’ in the naming of the script, as Castresana points out, *Corpus inscriptionum*, p. 253, nb. 723.

²³¹ Castresana, *Corpus inscriptionum*, p. 253.

²³² D. Peterson, *La Sierra de la Demanda en la edad media: El valle de San Vicente (ss. VIII-XII)*, (Logroño: Instituto de Estudios Riojanos, 2005), p. 231. See also, J. Aparicio Bastardo, ‘Estudio arqueológico e intervención arquitectónica en la Iglesia de la Asunción en San Vicente del Valle (Burgos)’, *Numantia*, 6 (1993), 153-172, p. 159.

²³³ Bianchini, *The Queen’s Hand*, pp. 132-134. Also *Chronica Latina*, pp. 80-81. And *De Rebus Hispanie*, IX.7.

²³⁴ There is further work that needs to be done on the introduction of AD dating into Castile, and specifically into Burgos, during the early thirteenth century.

although exactly at what point this occurred is unclear.²³⁵ Nonetheless, it was clearly Maurice's goal to bring this church back into ecclesiastical use and re-establish it firmly as belonging to his diocese.

Maurice's actions at San Vicente were reiterated twice more in the same region. Just a week earlier, on 7th November 1224, he was just 12 kilometres away, at the church of Santa María de Tres Fuentes at Valgañón. The following inscription is still legible, now located in the southern wall of the modern church:

CONSECRATA EST ECL[es]IA BE[atae] M[ari]ae P[er] MANU[m]

MAURICI BURGENSES EP[iscop]I VII DIE ME[n]SIS

NOV[em]BRIS ANNO GR[ati]E MCCXXIIII

ERA MCCLXII....AN[u]M²³⁶



Santa María de Tres Fuentes, Valgañón

There is a lot that is puzzling about this inscription; the space before the final word and the word itself after the date in the Spanish era, and also, the displacement of 'MANU', which seems to have been moved from the end of the first line and repositioned above it.

This inscription has escaped almost all scholarly attention, although it is included in the collection of Castresana. From a palaeographical perspective, he has suggested that this inscription was engraved in the same style as that at San Vicente and that it 'shares similarities in both its characters and its diplomatic formulation'.²³⁷ We should also note the same double-dating, in AD and Era, and the reference to the hand of Bishop Maurice, although there is no indication that relics were involved, suggesting that the church at Valgañón was not destined to

²³⁵ Peterson, *La Sierra de la Demanda*, pp. 231 and 234.

²³⁶ It is not clear what this last word is; Castresana suggests 'AINM', which doesn't fit either Castresana, *Corpus inscriptionum*, p. 4, nb. 29.

²³⁷ Castresana, *Corpus inscriptionum*, p.4 nb. 29 and p. 254.

be of the same status as that at San Vicente. Evidently, this church was visited by Maurice on the same trip, and either consecrated by him for the first time, or re-consecrated as in the case of San Vicente.

Finally, furthest to the north, we see the church of San Pedro, at Santa Gadea del Cid, being consecrated and once again displaying similar rhetoric. Very little is legible of this inscription, which has been badly mutilated. Castresana has deduced the following:

...MONIS²³⁸ ET....

DE PER MANUM

MAURICII BURG[en]

SIS EPISCOPI...²³⁹

Whilst much remains unclear about this inscription, the expression ‘per manum Mauricii burgensis episcopi’ evidently suggests another consecration or re-founding of this church by Maurice. The date has not survived, but given Maurice’s activities just south of this, in the same valleys on the edges of the diocese of Calahorra, it seems highly likely that this was undertaken at around the same time as Valgañón and San Vicente del Valle.²⁴⁰ Indeed, Maurice may have been travelling north through this region; Valgañón is the furthest south, and was dedicated first (7th November 1224), followed a week later by San Vicente, about 12 kilometres to the north (14th November 1224). Santa Gadea del Cid is almost 54 kilometres north of San Vicente, so may have been consecrated at the start of 1225, depending on the speed of the episcopal retinue. Importantly, the monastery of Foncea lies between San Vicente del Valle and Santa Gadea del Cid, and it seems very likely that Maurice would have stopped there, although there is no evidence of his presence in the archive of Foncea for the years 1224 and 1225.²⁴¹ Intriguingly however, Abbot Hylarius made a charter in Burgos cathedral in March 1225, written by the cathedral scribe and witnessed by several canons from the chapter, suggesting that Maurice had returned from the eastern edges of the diocese by then (and had perhaps been joined by

²³⁸ As regards the first word, Castresana suggests that it could be ‘Simonis’, and is thus a possible dedication to the saint, but also points out that ‘sermonis’ may be another possibility; Castresana, *Corpus inscriptionum*, p. 259.

²³⁹ Castresana, *Corpus inscriptionum*, pp. 258-259.

²⁴⁰ It should be noted that Santa Gadea pertained to the jurisdiction of Lope Díaz de Haro, who issued a fuero for the town during Maurice’s lifetime (see G. Martínez Díez, *Fueros locales en el territorio de la provincia de Burgos* (Burgos: Caja de Ahorros Municipal de Burgos 1982), pp. 71-72).

²⁴¹ The documents of San Miguel de Foncea are being prepared for publication by David Peterson, under the title *El cartulario de San Miguel de Froncea* (‘Foncea’ being a modernisation of ‘Froncea’). I am very grateful to him for allowing me to use his transcriptions

Hylarius on the way back).²⁴² It should be noted that Santurdejo, the town that had been claimed by Maurice in March 1223, was extremely close to Valgañón.

The eastern edges of the diocese were not the only areas to which Maurice paid such personal attention. He also founded three churches on the western edges of the diocese, two of them in 1222, in what is now Palencia. First was the church of San Andrés at Cabria, very close to the thirteenth-century border with Palencia, which bears the following inscription, situated on the voussiors of an interior archivolt:

SUB ERA MCCLX FUIT CONSECRATA ECCL(es)A

ISTA A MAURICIO BURGENSE EP(iscop)O IIII K(a)L(endas) MAI²⁴³

Thus, Maurice seems to have travelled some 80 kilometres north-west to consecrate this church on 28th April 1222. This tallies with the archive of Burgos cathedral, since Maurice was last there on 8th January of this year, making a concordia with the abbot of Silos.²⁴⁴ He must have returned to Burgos after this however, since we next see him in the cathedral making another agreement in June 1222.²⁴⁵ However Maurice was back in the north-west of Burgos, in the very same area, at the end of the year, since on 1st November 1222, he consecrated the church of the monastery of Santa Maria la Real at Aguilar de Campoo.²⁴⁶ The inscription reads:

Ista ecclesia est consecrata per manum

Mauricii Burgensis Episcopi tempore Ab-

batis Michaelis et Prioris Sebastiani regnan-

te Rege Domino Ferdinando III²⁴⁷ Kalendas

Novembris Anno gratiae 1222²⁴⁸

²⁴² *El cartulario de San Miguel de Froncea*, Doc. 17.

²⁴³ This inscription has been listed in Castresana's collection *Corpus inscriptionum*, p. 4, nb. 28, but there has been no scholarship devoted to it.

²⁴⁴ DCB, Doc. 537, and see above.

²⁴⁵ *Ibid*, Doc 541.

²⁴⁶ This has also been noticed by F. Flórez, 'Inscripción de consagración', p. 320, and was originally recorded by Henrique Flórez in his *España Sagrada* XXVI, p. 309. See also M. González de Fauve, *La orden premonstratense en España: el Monasterio de Santa María de Aguilar de Campoo (siglos XI-XV)* 2 vols (Aguilar de Campoo: Centro de Estudios del Románico, 1992), vol 2, Doc. 242.

²⁴⁷ Rodríguez de Diego, *Colección diplomática de Santa María de Aguilar*, p. 74, includes a transcription of this too, p. 74.

²⁴⁸ This is as quoted by F. Flórez, 'Inscripción de consagración', (p.320), and has been taken originally from H. Flórez's transcription in *España Sagrada* XXVI, p. 309. H. Flórez expanded the contractions, and

Aguilar is just about 4 kilometres west from Cabria, on banks of the Pisuerga River that separated Burgos from Palencia, and it seems very surprising that Maurice did not consecrate both churches on the same trip. One possible solution is that he visited both churches in April 1222 but that the church at Aguilar did not produce their (longer) inscription straight away and dated it to the moment of completion. However, there is also reason to consider that Maurice may have taken two different trips to the region, apart from the different dates of the inscriptions. Although very much an argument from silence, it is to be noted that Maurice was not mentioned in Burgos cathedral archives from October 1222 until early 1223, leaving plenty of time for the trip to Aguilar in November. More persuasive however is the fact that the two inscriptions are very different. The one at Cabria is substantially shorter and simpler, and is dated solely according to the Spanish Era. The inscription at Aguilar however is far more elaborate, bears the Anno Domini dating, and echoes the same phraseology – *per manum Mauricii* – used in the consecrations of 1224. Fernandez Flórez has recognised close similarities between the inscription here at Aguilar and that at San Vicente del Valle.²⁴⁹ We can now add that the churches at Valgañón and Santa Gadea also bore this phrase. Additionally, the script used at Aguilar has been described by Castresana as ‘pregothic’, matching that of the three churches on the western border.²⁵⁰ It would seem, then, that Maurice travelled to Aguilar with the same team that was to accompany him along the Calahorran border in 1224. This team seems to have been lacking earlier in the year, when he was at Cabria, or perhaps, for some reason, he simply did not give the church at Cabria the same attention and effort.

There is some corroborative evidence from Aguilar de Campoo to give us slightly more information about Maurice’s relationship with the monastery. The monastery seems to have been in the process of confirming and establishing its own hinterland in the early decades of the thirteenth century: in 1205, the local noble Fernando Nuñez de Lara confirmed the monastery’s possessions, and in 1224 Pope Honorius III did the same.²⁵¹ José Rodríguez de Diego, who has edited and published the archives of Santa María de Aguilar de Campoo, has suggested that the construction of a new abbey in 1222 was part of this process of asserting the monastery’s presence in the region.²⁵² Moreover, Maurice can be seen in the archives of the monastery in

as I have not been able to see the inscription for myself, I have reproduced his version of the transcription here.

²⁴⁹ Florez, ‘Inscripción de consagración’, p. 320.

²⁵⁰ Castresana, *Corpus inscriptionum*, p. 253.

²⁵¹ Rodríguez de Diego, *Colección diplomática de Santa María de Aguilar de Campoo (852-1230)*, p. 74; *Honorio*, Doc 487.

²⁵² *Ibid*, pp. 32 and 74.

this same year, issuing a sentence in a long-standing case involving the land holdings of the monastery, which must have correlated with his visit.²⁵³

A third example of Maurice's interest in this region is an inscription in Cantabria, around 35 kilometres north of Cabria and Aguilar, at the church of San Millán de Villepaderne. It is in very poor condition, rendering its text almost illegible, although Fita produced the following transcription in 1914:

I[n] D[e]I N[omin]E DIE V NON[as] CON
SECRATA E[st] EC[cl]ESIA
ISTA ME[nse] MARCIO FE[ria] II
ERA MCCLII I[n] D[ie] S[anc]TI IMTERICO DEDICAVIT
[EAM MA]URICIUS B[URGENSIS]
EPISCOPUS]²⁵⁴

The date identified here (although with some difficulty), is 3rd March of the Spanish era 1252, thus 1214 AD, much earlier than the other inscriptions, and the script, Castresana suggests, is Caroline, again marking a difference with the later inscriptions.²⁵⁵ If this early date is correct, it is interesting to note that there seems to be no reference to Maurice as 'electus', although since we are missing that part of the inscription, it is impossible to be sure about the exact wording.

The precise context for this inscription remains obscure. Unlike the tense situation on the Calahorran border, Maurice and Bishop Tello of Palencia often seem to have acted in each other's interests. As we have seen with Aguilar de Campoo however, monasteries were carving out the boundaries of their own authority across this period, and it was clearly in the bishop's interests to impose himself here as much as would be tolerated. On 1st January 1212, the community of Santa María of Vallespinoso de Aguilar, just under 10 kilometres away from Aguilar de Campoo, recognised Tello of Palencia as their ordinary and promised obedience to him, whilst at some point, seemingly not long after Alfonso VIII's death in 1214, the prelates of Toledo, Osma and Segovia were requested to validate the donation of the region of La Pernia by

²⁵³ *Ibid*, Doc. 336. Maurice also resolved a case between Aguilar and the neighbouring monastery of San Pedro de Cervatos in 1230; *ibid*, Docs. 412 and 475.

²⁵⁴ Castresana, *Corpus inscriptionum*, p. 3, nb. 26; E. Fita, 'El templo de Villapaderne en la provincia de Santander. Su consagración en 3 de marzo de 1214, fiesta de San Emeterio', *Boletín de la Real Academia de la Historia*, XLIV, 1914, 416-419. San Emeterio seems to be a Catalan saint from the 4th century.

²⁵⁵ Castresana, *Corpus inscriptionum*, p. 3 nb. 26.

Alfonso VIII to the bishop of Palencia, a municipality that lay close to both Aguilar and Villapaderne.²⁵⁶ Maurice and Tello did not seem to share the 'hatred' which characterised his relationship with Melendus of Osma, but the bishop of Burgos was nonetheless keen to establish his control over the monasteries and churches that might be tempted to align themselves with a different prelate.

What was the significance of re-consecrating or founding a church? As we have discussed, not all were in ecclesiastical use in the early thirteenth century, and David Peterson has shown that San Vicente del Valle was being used for agricultural storage.²⁵⁷ These inscriptions represent the re-dedication of these buildings, which, if not physically rebuilt, were at least spiritually renewed. The positioning of three of these churches on the eastern border of the diocese, with Foncea in their midst, implemented a very clear barrier between Burgos and Calahorra in the same year in which the embattled Bishop Juan Pérez of that see was attempting to claim control of this same area. An episcopal visitation would have been a very rare event in these valleys, hard as they are to reach from Burgos, and Maurice's visit was an unforgettable way of reminding them of their allegiance. Moreover, Maurice would certainly have had an entourage with him, and it seems that this included a sculptor capable of producing the Gothic inscriptions discussed above.²⁵⁸ By re-founding these churches, Maurice was leaving his own name indelibly inscribed on the frontiers of his lands; a literal symbol of his authority and the diocesan identity of the parishioners that removed any doubt about their allegiances.²⁵⁹

Conclusions

Maurice was clearly a strategist of considerable acumen, and acutely aware of the tools at his disposal to define and enforce his authority as bishop of Burgos. The symbolic re-consecration of churches went hand-in-hand with a variety of other means by which he made his episcopal power known; whether through negotiations with abbots, selective appeals to canon law, the appointment of a favourable judge-delegate, or through more direct methods, such as sending armed bands of men to the provinces. As we have seen, Maurice was surrounded by potential threats and conflicting ambitions, from the movements of the bishop of Calahorra to the legal

²⁵⁶ T. Abajo Martín (ed.), *Documentación de la catedral de Palencia (1035-1247)* (Burgos: J.M. Garrido Garrido, 1986), Docs. 122 and 129.

²⁵⁷ Peterson, *La Sierra de la Demanda*, p. 231.

²⁵⁸ The Gothic cathedral of Burgos was founded just three years before this, and so there would have been many highly skilled stone-masons in Burgos to choose from (see Chapter Five).

²⁵⁹ Jeffrey Bowman has demonstrated that bridges could fulfil the same function; Bowman, 'The Bishop Builds a Bridge', pp. 1-16.

challenge of Melendus of Osma. His relationships with the monasteries of Silos and Nájera were, in both cases, proxies for the larger question of Burgalés authority vis-à-vis a rival bishop. Even one of Maurice's closest allies, Archbishop Rodrigo of Toledo, seems to have had the control of Burgos in his sights in 1218, when he wrote unsuccessfully to Rome to inquire about whether Toledo had any historic right to jurisdiction over Burgos.²⁶⁰

In June 1218, Honorius III had recognised that his judges-delegate had been delayed in their work because of 'wars and disturbances in the kingdom.'²⁶¹ Maurice lived in a turbulent society, and throughout the early years of his episcopal career, he had to contend with the threat of invasion from the north and political instability within Castile itself. In this context, the networks of power we discussed in Chapter One were clearly crucial. We have no evidence of any direct communication between Burgos cathedral and the aristocratic López de Haro family over these years, but their relationship with the diocese of Burgos and perhaps with Maurice personally must surely go a long way towards explaining why the bishops of Osma, Segovia and Calahorra faced pillaging from the Haro forces in 1217, 1223 and 1224, but Burgos was spared. Noble power could be unpredictable, and bishops clearly had much to fear as well as much to gain.

Nor could the king be relied upon to keep the interests of his bishops at heart. Certainly, in the cases of Segovia and Calahorra, it is clear that Fernando III was either complicit or actively involved in pillaging. More than anything, he needed revenue from them to pay for the ongoing attempts to bring war against the Almohads to the south, and in cases where the bishop was having trouble raising the requisite taxes, the king's respect for episcopal dignity clearly stood for little.²⁶² The Castilian bishops had contributed half of their yearly income to the battle of Las Navas in 1212, and although we had no evidence as to how this might have affected Burgos, Maurice had other major expenses too: principally, appealing to Rome and, from 1221, the construction of a highly ambitious cathedral.²⁶³ His strenuous efforts to command the *tercia* and

²⁶⁰ See Linehan, *Spanish Church*, Rodrigo's request for a papal bull dating back to a moment when the metropolitan had held authority over Burgos. Indeed, Rodrigo clashed briefly with Tello of Palencia too, in 1221, briefly suspending him from office, leading to Tello's complaint that 'deductum est in scandalum et discordias totum regnum'. See Linehan, *Spanish Church*, p. 15, and the resulting agreement, in which Maurice was arbitrator, which is unpublished: ACT, X.2.A.2.12.

²⁶¹ June 26th 1218, *Honorio*, Doc 177: 'in causa nondum testes recipere potuistis propter guerras et turbationes in regno'.

²⁶² Calahorra was a particularly poor diocese, and Juan Pérez had to sell lands from his private demesne to fund his trips to Rome. Similarly, Garcia of Cuenca had to do likewise to attend the Fourth Lateran Council. We have no evidence at all pertaining to the financial state of Burgos, but judging from Maurice's decisions, it must have been considerably better off. For comparison, see O. Robinson, 'Bishops and bankers', in Eichbauer and Pennington, *Law as Profession and Practice*, pp. 11-26.

²⁶³ On the payments for Las Navas and poverty of the episcopate, see Linehan, *Spanish Church*, pp. 101-127.

decima payments from as wide a range of institutions as possible was an important symbol of submission, but would also have an obvious practical value too.

What had been clear from the start of Maurice's career was that the pope could do little in reality to support a beleaguered bishop. As judge-delegate in 1210, Maurice and his colleagues had effectively been local agents acting on behalf of the diocese of Burgos, doing their best to bring about a result that favoured Bishop Garcia. Indeed, it was extremely hard for the papal curia to prevent this from being the case, given the quantity of petitions arriving in Rome. Even in cases where bishops faced violent secular opposition, there was little the pope could practically do beyond accepting their retirement in Rome, as Geraldo of Segovia, Juan Pérez of Calahorra, and Bernard of Segovia all found out.

Nonetheless, papal authority was a valuable tool for Maurice, and he drew on it when he needed to; both through the system of appointing judges-delegate as helpful local agents, and by appealing to Rome for help when he considered this to be an effective route to take, such as in the contest with Melendus of Osma. The *inquisitio* with which he tried to impose his authority over the monastery of Silos is a clear example of such selective deployment of canon law. Yet he also knew when to switch to other strategies, and when to put different sorts of pressure on the abbots of the diocese and beyond, such as the support of his own personal 'clerks', the ability to stir up civic unrest in the diocese, his confidence in drawing up his own legal documents, and the symbolism invested in personally visiting the churches that lay in some of the more disputed areas of Burgos.

Reflecting on episcopal power in medieval Europe more broadly, John Ott has provided a fitting summary with his statement that 'the debates and mandates of the royal or papal courts at this time were often perceived faintly, a muffled echo against a din of local voices'.²⁶⁴ It was precisely these local voices that Maurice was responding to throughout much of his career, and especially in the lengthy litigation discussed in this chapter. Bishops had to defend their territories and their rights, and those who were unable to suffered serious consequences. What emerges from the litigation to which Maurice devoted much of his career is a need to establish, clearly and incontrovertibly, the extent of his power as bishop, the resources on which he could draw, and the men and houses over which he could wield 'episcopal authority' in a turbulent and challenging society. He could not afford for secular and spiritual powers to clash too often or too dramatically, and nor could he afford to pay too much attention to either.

²⁶⁴ J. Ott, 'The bishop reformed', p. 19.

Chapter 4

Order in heaven and on earth: the *Concordia Mauricana*

We saw in Chapter Three how Maurice established and underpinned his episcopal power across the diocese of Burgos through the imposition of a series of agreements or *concordiae* on abbots and priors. In this chapter, we will turn our attention to how Maurice exercised his authority within the cathedral itself, through a study of his constitution, written in November 1230 and entitled, presumably after his death, the *Concordia Mauricana*. It was a fitting title for a document that combines Maurice's own ideas about reform with those of the Fourth Lateran Council, and enfolds all of these within a mystical theology of hierarchy, at the earthly pinnacle of which stood the bishop himself. It was a text that would establish a link between Maurice and the order of Burgos cathedral for several hundred years, since observation of the *Concordia* was decreed in 1377, and the text was incorporated into synodal legislation in 1503 and 1533.¹ The fourteenth and fifteenth-century inventories in the cathedral list several copies of what is referred as the 'Mauricana' and the 'little book of Maurice', and it is the earliest constitution, indeed the earliest legislative documentation of any sort, surviving from Burgos cathedral.²

This relatively short but extremely important text provides us with an unparalleled glimpse into Maurice's episcopal rule, his ambitions for his cathedral, and his vision of his own role and that of the Church itself. The opening section of the *Concordia* consists of a statement of theological intent that proclaims not simply how Maurice saw the cathedral of Burgos, but what he believed about the order of the heavens and earth. As the text makes clear, it is within this monumental scheme of order that he positions the cathedral of Burgos. This theological framework for what is, at heart, a very practical document, is entirely unique, both within the Iberian Peninsula in the thirteenth century, and, as far as this study has been able to ascertain, beyond it. As a result, it provides us with an important glimpse into Maurice's own theological outlook and ambitions. In contrast to the opening passage, the majority of the text is concerned with the regulation of liturgical practice and canonical conduct within the chapter. Here we see Maurice's attention to even the most mundane detail. It is a highly practical series of instructions, in which Maurice determines the hierarchies within the chapter, the appearance and dress of the canons,

¹ For which reason Antonio Garcia y Garcia has suggested that Maurice's constitutions had as much authority 'as if they had been synodal texts'; Garcia y Garcia, *Synodicon* vol VII (Burgos y Palencia), pp. 9-13.

² Mansilla, *Codices de la catedral*, p. 166 (Item 78, 'La Mauricana') and p. 185 (Item 27, Libro 'Mauritiana').

canonical wages, the issue of absentee clerics, and precise aspects of the liturgy and singing that should take place.

Despite its importance to the cathedral and to our understanding of Maurice himself, the *Concordia* has benefitted from surprisingly little scholarly attention. Garcia y Garcia listed it amongst his important collection of synodal texts from medieval Castile, but he did not provide any details or analysis of the text itself, referring the reader to Serrano's *Don Mauricio*, where the reader is provided with a brief description of Maurice's practical commands.³ On the other hand, Marie-Thérèse d'Alverny and Lucy Pick have both noted the Pseudo-Dionysian imagery of the text's opening passage, phraseology that Pick has suggested identifies Maurice as a member of an intellectual milieu in Toledo.⁴

This chapter seeks to bring both parts of the *Concordia* together, in an analysis of what is the most important extant text to be written by Maurice. We shall first assess the opening passage, that is, Maurice's theology of order, in order both to understand how he envisaged the rightful order of his church, and to identify parallels to this theological framework within Castile and beyond it. The second half of the chapter will deal with the practical implications of the *Concordia*; that is, the manifestation on earth of a heavenly order, and Maurice's rhetoric for putting this in place. Although comparative material is extremely sparse, it is nonetheless clear that, at least in some ways, Maurice was reacting to the agenda of the Fourth Lateran Council of 1215, as well as balancing this with other, most likely older, traditions that are beyond identification. And yet, as we shall see, he was also making a statement about his own power, and the place of the bishop himself within this hierarchy of being, who, as both 'wise man' and 'high priest', had a God-given position at the very apex of cathedral order.

1. Heavenly order

A Theology of Order

Maurice's constitution was a detailed set of instructions about how the chapter of Burgos should perform the office and conduct themselves in the cathedral, but it opens with a passage that positions his endeavours within a far larger context: the order that God ordained for both the world and the heavens. d'Alverny has described the opening passage of the *Concordia* as a

³ Garcia y Garcia, *Synodicon* vol VII (Burgos y Palencia), p. 9; Serrano, *Don Mauricio*, pp. 66-67.

⁴ D'Alverny, 'Une rencontre symbolique'; also Pick, 'MS in Toledo', pp. 104-105; and *idem*, *Conflict and Coexistence*, p. 101.

‘prologue’, and the term is in some ways apt, although there is no indication in the text of any separation between the opening passage and the rest of the constitution.⁵ It was a statement of intent, a declaration by the bishop of the divine significance of his actions and his theological impetus in undertaking them. Maurice opened the text with an exhortation to order drawn from the Bible:

When the Apostle discussed the many gifts and offices distributed by the one Spirit within the church of God, in his first letter to the Corinthians, he added, as if in a certain corollary at the end of the same chapter: *let all things be done decently, and according to order* amongst you, [1 Cor.14:40] that is to say, lest any might seem to be blameworthy or without utility.⁶

Maurice then goes on to set out a relationship of parallelism between the order of the earth and that of the heavens, as ordained by God and understood on earth by the ‘wise man’:

For indeed, the wise man does not ignore the great value of order even in the things of nature, since without order, the workings of the sensible world would not exist even for a moment. Likewise, in the invisible and eternal things, which are more worthy, how greatly order can prevail; let he who wishes to know read the book of the great Dionysius *On the Celestial Hierarchy*, where he discusses marvellously and in an unworldly manner the nine orders of the celestial hosts. The same holy martyr teaches in the book *On the Ecclesiastical Hierarchy* that that which takes place in the church of God, whether in the sacraments or in the office, holds a certain likeness to those things that the Supreme Hierarchy, that is to say, the divine goodness who is the beginning of all things, has set in order in the supercelestial hierarchy.⁷

The relationship between microcosm and macrocosm is specifically one of ‘likeness’ or ‘similitudo’, and although the things of heaven are of course ‘more worthy’ than those of earth, nonetheless, the same order should prevail amongst earthly things too. This order is divine, and established by God Himself, who has ‘set in order’ (*ordinavit*) the heavens. Maurice establishes

⁵ D’Alverny, ‘Deux traductions latines du Coran’, pp. 128-129; also, d’Alverny and Vajda, ‘Marc de Tolède’, p. 106.

⁶ CM, ‘Cum de diversis donis et officiis ab uno Spiritu distributis in ecclesia Dei disputasset apostolus in prima epistola ad Corinthios, in eiusdem fine capituli subiunxit velud quiddam corollarium: *omnia honeste et secundum ordinem fiant* in vobis ne quid scilicet vituperari possit vel absque utilitate fieri videatur’. (See Appendix 5). Notably, Lucas of Tuy cites the same phrase: ‘*Omnia enim honeste et secundum ordinem debent fieri*’ in *Lucae Tudensis: De Altera Vita*, ed. Emma Falque Rey (Turnhout: Brepols, 2009), III.17.

⁷ CM, ‘Quante siquidem dignitatis sit ordo etiam in rebus naturalibus vir sapiens non ignorat, cum sine ordine mundi sensibilis machina non subsisteret etiam per momentum. In invisibilibus quoque que digniora sunt et eternis, quantum valeat ordo, legat qui scire voluerit librum Dionisii Magni de Celestia Ierarchia, ubi disputat mirabiliter et supermundane de novem ordinibus celestium virtutum. Idem sanctus martir docet in libro de Ecclesiastica Ierarchia que fiunt in ecclesia Dei sive in sacramentis sive in officiis, similitudinem quandam habere cum illis que Supremus Ierarches, qui est principium omnium, divina scilicet bonitas in supercelesti Ierarchia ordinavit’.

the existence of three tiers within this hierarchy of being: the earthly tier, or 'the things of nature'; the 'invisible and eternal things', that is, the celestial tier in which are 'celestial hosts'; and finally, the supercelestial tier, where God, the Supreme Hierarch or high priest, abides at the apex of all hierarchies.

God manifests his order directly in the heavens, but the order of the earthly things is the responsibility of the 'wise man'. Maurice describes this realm variously as the 'workings of the sensible world' and 'the things of nature', but it is clear that his focus is on 'that which takes place in the church of God, whether in the sacraments or in the office'. Further on in the *Concordia*, Maurice refers to the arrangements of the earthly Church as 'the temporal things'.⁸ And it is as a result of the need for rightful order in these earthly things that Maurice wrote the *Concordia*:

Considering these things, I, Maurice, by the mercy of God bishop of the church of Burgos, and the whole assembly of that same church, wishing to restore to fixed order in our church those things that seemed to be less ordered... we have proceeded in this way.

Such an introduction lends an immediate significance to the reforms laid out in the remainder of the *Concordia Mauriciana*. The order that Maurice was about to set out was, even in its most intricate and mundane details, rich in theological symbolism. If correctly ordered, Burgos would be nothing less than a reflection on earth of the divinely ordered state of the heavens.

The wise man had a guide in understanding this heavenly order however, and this, Maurice informs us, is the theology of 'the great Dionysius', specifically, his *De Coelesti Hierarchia* (On the Celestial Hierarchy) and *De Ecclesiastica Hierarchia* (On the Ecclesiastical Hierarchy), where he writes 'marvellously and in an unworldly manner'. Even without this explicit reference to the sixth-century theologian, the Pseudo-Dionysian overtones of Maurice's text are clearly recognisable, and have led d'Alverny to suggest that the *Concordia* reveals Maurice's own 'fervent veneration for the writings of Pseudo-Dionysius' and constitutes the most substantial evidence of Pseudo-Dionysian ideas in Castile in this period.⁹ Pseudo-Dionysius 'the Areopagite', mistakenly referred to here by Maurice as the 'holy martyr' (he had made the same conflation of characters as the monks of Saint-Denis) was most likely a Syriac theologian writing in the late fifth and early sixth centuries, about whom extremely little is known but whose theology would

⁸ *Ibid*, 'Nos Episcopus et universum capitulum supradicti quod qui participes sunt laboris et servicii ecclesiastici gaudere debent rerum temporalium consolatione ad honorem Dei et gloriose virginis Marie'.

⁹ M-T d'Alverny, 'Une rencontre symbolique', p. 175; also d'Alverny and Vajda, 'Marc de Toledo', p. 106.

have a profound impact on the medieval Church.¹⁰ His theological treatises constitute an early Christian interpretation of the thought of the Neoplatonic Greek philosophers, particularly Proclus and Plotinus, to the extent that Andrew Louth has described Pseudo-Dionysian thought as ‘the point where Christ and Plato meet’.¹¹ In addition to the *De Coelesti Hierarchia* and *De Ecclesiastica Hierarchia*, he wrote *De Divinis Nominibus* (‘On the Divine Names’) and *De Mystica Theologia* (‘On Mystical Theology’), and a number of letters.¹²

Pseudo-Dionysius’s theology of hierarchy was based on the understanding that God had unfolded his creation through hierarchies, within which all of creation, both in heaven and on earth, had a place. Central to this was the Neoplatonic idea of mankind’s return to and union with the divine, Christianised by Pseudo-Dionysius into a process of ‘divinisation’ via hierarchies of being.¹³ These hierarchies were the means by which God related to creation and ultimately allowed the salvation to his creatures; in the words of the *De Hierarchia Ecclesiastica*, God ‘has bestowed hierarchy as a gift to ensure the salvation and divinisation of every being endowed with reason’.¹⁴ Thus earthly order was created to reflect that of the celestial world: God ‘modelled it [the earthly order] on the hierarchies of heaven, and clothed these immaterial

¹⁰ For a survey of the introduction and development of Pseudo-Dionysian thought and works in the medieval Latin west, see E. Jeaneau, ‘Denys l’Aréopagite, promoteur du néoplatonisme en Occident’, in L. Benakis (ed.), *Néoplatonisme et philosophie médiévale* (Turnhout: Brepols, 1997), pp. 1-25; also J. Pelikan, ‘The Odyssey of Dionysian Spirituality’, in C. Luibheid (ed.), *Pseudo-Dionysius: The Complete Works* (London: SPCK, 1987), p. 21; and H. Fichtenau, *Heretics and Scholars in the High Middle Ages 1000-1200*, trans. D. Kaiser (Philadelphia: University of Pennsylvania Press, 1998), p. 176. For the use of Dionysian ideas in a Cluniac context, see Dominique Iogna-Prat, *Order and Exclusion: Cluny and Christendom face heresy, Judaism and Islam (1000-1150)* (trans. G. Edwards), (Ithaca and London: Cornell University Press, 2002), pp. 12-13. Pseudo-Dionysius was so named because he wrote under the nom de plume of Dionysius, the Athenian judge converted by St Paul in Acts 17: 16-34.

¹¹ A. Louth, *Denys the Areopagite* (London: Geoffrey Chapman, 1989), p. 11. See also, P. Rorem, *Pseudo-Dionysius: A Commentary on the Texts and an Introduction to Their Influence* (Oxford: Oxford University Press, 1993), pp. 51-53. For a discussion of medieval Neoplatonism more generally, see I. Netton, *Muslim Neoplatonism: an Introduction to the Thought of the Brethren of Purity* (Edinburgh: Edinburgh University Press, 1991), pp. 33-52.

¹² The complete collection of the works of Pseudo-Dionysius can be found in P. Chevallier (ed.), *Dionysiaca. Recueil donnant l'ensemble des trad. latines des ouvrages attribués au Denys de l'Aréopage* 2 vols (Bruges: Desclée De Brouwer, 1937-1951). An English translation is provided by Luibheid, *Pseudo Dionysius*.

¹³ See S. Klitenic Wear and J. Dillon, *Dionysius the Areopagite and the Neoplatonic Tradition* (Aldershot: Ashgate, 2007), pp. 117-129, and Rorem, *Pseudo-Dionysius*, p. 52. Also, Netton, *Muslim Neoplatonism*, p.33, and Fichtenau, *Heretics and Scholars*, p. 176. Andrew Louth argues that Pseudo-Dionysius coined the Greek noun ‘*hierarchia*’, Louth, *Denys the Areopagite*, p. 38.

¹⁴ Pseudo-Dionysius, *Ecclesiastical Hierarchy [EH]*, I.4, trans. Luibheid, *Pseudo-Dionysius*, p. 198. For the original, see Chevallier, *Dionysiaca* vol 2, pp. 1092-1093: ‘Dicimus itaque quomodo divina beatitudo, natura Divinitas, principium deificationis, ex quo est deificari deificatis, bonitate divina hierarchiam in salute et unitate omnium et rationalium et intellectualium essentiarum donavit’. See also, Pseudo-Dionysius, *Celestial Hierarchy [CH]*, I.3 in Luibheid, *ibid*, p. 146, and in Chevallier, *ibid* vol 2, pp. 734-735. Additionally, Klitenic Wear and Dillon, *Dionysius the Areopagite*, pp. 51-73.

hierarchies in numerous material figures'.¹⁵ Maurice's claim that the heavens and earth were ordered according to a divine pattern, ascending ultimately to God, the Supreme Hierarchy, was, at its root, profoundly Pseudo-Dionysian, as was his identification of nine orders of angels in the celestial realm.¹⁶ It is within this theological schema that Maurice positioned the cathedral of Burgos and all its 'temporal things', all of which should bear 'similitude' to the divine arrangements of God in heaven.

As Edouard Jeuneau has pointed out, the second half of the twelfth century saw a resurgence of scholarly interest both in the thought of Pseudo-Dionysius and in the translations and writings of John Scot Erigena, the Areopagite's most widely-known Latin interpreter.¹⁷ Erigena, an Irish theologian who was writing at the Frankish court in the 860s, produced Latin translations of the Dionysian corpus, as well as commentaries on these texts and a number of theological treatises of his own, through which he 'established the reputation of Pseudo-Dionysius in the West'.¹⁸ Although his principal treatise, the *Periphyseon (De divisione naturae)*, was condemned as heretical by Pope Honorius III in 1225, Erigena's Latin translations and commentaries remained the principal vessel for the transmission of Pseudo-Dionysian thought and 'cast of doctrine' in the early thirteenth century, and it was his Latin terminology by which this hierarchical theology came to be known.¹⁹ The influence of Pseudo-Dionysian theology can be seen to be reflected in a number of French ecclesiastical houses across the twelfth century; notably, Saint-Victor, Chartres and Saint-Denis, where another Latin translation of the corpus was produced by John Sarrazin in the 1140s.²⁰ Hugh of Saint-Victor (d.1173) wrote a commentary on the *Celestial*

¹⁵ CH, 1.3, in Luibheid, *Pseudo-Dionysius*, p. 146. The full quote reveals yet more resonances with Maurice's text: 'Propter quod et sanctissimam nostram hierarchiam perfectissima sacrorum dispositio caelestium hierarchiarum supermundana imitatione dignam iudicans, et dictas immateriales hierarchias materialibus figuris et formalibus compositionibus uarificans tradidit ut proportionaliter nobis ipsis a sacratissimis formationibus in simplas et non figuratas ascendamus altitudines et similitudines'. See CH, 1.3, in Chevallier, *Dionysiaca* vol 2, pp. 733-735.

¹⁶ Louth, *Denys the Areopagite*, pp. 33-40 and pp. 78-96. Pseudo-Dionysius used the term 'Hierarchy' to refer to bishops and figures of spiritual authority, see *The Divine Names [DN]*, III.2 in Luibheid, *Pseudo-Dionysius*, p. 70. Also CH, XII.1, in Luibheid, *ibid*, p. 175, and EH, I.3; EH, I.5; EH, II.ii.1-8, in Luibheid, *ibid.*, pp. 197, 199-200, and 201-204. Luibheid also points out that 'although the term 'hierarchy' had a prehistory designating a cultic leader, the derivation 'hierarchy' was new with Dionysius', *ibid*, p. 197.

¹⁷ Jeuneau, 'Denys l'Aréopagite', p. 16.

¹⁸ Fichtenau, *Heretics and Scholars*, p. 176; D'Alverny, 'Une rencontre symbolique', p. 175.

¹⁹ John O'Meara, *Erigena*, (Oxford: Clarendon Press, 1988), p. 52, who describes Erigena as conveying 'a certain cast of doctrine'; Leclercq, 'Influence and noninfluence of Dionysius in the Western Middle Ages', in Luibheid, *Pseudo-Dionysius: The Complete Works*, pp. 25-33, p. 27.

²⁰ O'Meara, *Erigena*, p. 55 and Leclercq, 'Influence and noninfluence', pp. 27-28; and Jeuneau, 'Denys l'Aréopagite'. The Greek texts of Pseudo-Dionysius were kept at the French abbey of St-Denis from the early ninth century, and translated by the abbot Hilduin sometime before 834; O'Meara, *Erigena*, p. 55. Another, lesser-known version was made by Jean Sarrazin, a monk at Saint-Denis, who wrote a commentary on the *De Coelesti Hierarchia* in 1140, and subsequently made a translation of that text and the remaining corpus; see Leclercq, 'Influence and noninfluence of Dionysius', p. 27-28.

Hierarchy between the years 1125 and 1137, which proved to be highly influential both within and beyond the monastery, and interest in Pseudo-Dionysian theology was to be continued by a number of later Victorines, most notably, Thomas Gallus. Another Parisian circle amongst which the theology of the Areopagite made an impact was that of the followers of Gilbert of Poitiers, known as the *Porretani*, reflected in particular in the writings of Alan of Lille.²¹

There is nothing to indicate whether Maurice had direct knowledge of the *Celestial Hierarchy* and *Ecclesiastical Hierarchy* himself, or whether his reference to these two treatises was through one of the above commentaries or the result of some other influence. Certainly, as d'Alverny noted, the terminology of these lines recalls that of Erigena, and Maurice refers not only to the titles of these two treatises but also the major themes that underpin Pseudo-Dionysian theology.²² Whether or not Maurice had read these texts himself or not, it is important to point out that he could have had direct access to at least one of them from Burgos. A copy of the *Celestial Hierarchy*, which appears to be the commentary by Hugh of Saint-Victor, can be found in a thirteenth-century inventory at Osma.²³ This was not far away for book borrowing purposes, and as Susana Guijarro has demonstrated, the circulation of texts between cathedrals and monastic houses was very common in this period.²⁴ Unfortunately, no inventories of books exist in Burgos cathedral that can be dated earlier than the fourteenth century, but it is worth adding that the works of Pseudo-Dionysius also feature widely in the fourteenth and fifteenth century inventories from Burgos (although of course we have no way of knowing how old the codices were nor how long they had been at the cathedral).²⁵

This framework of mystical theology thus provided the justification for Maurice's reform of his cathedral in the *Concordia Mauricana*. Indeed, for a bishop intent on reorganising the liturgy, this was a fitting conceptual template. Pseudo-Dionysius's writings have been described as 'liturgical theology', meaning that his notion of hierarchical order stretched even into the

²¹ Pick, *Conflict and Coexistence*, p. 81; and D'Alverny and Vajda, 'Marc de Tolède', pp. 108-109.

²² Such as Maurice's reference to God as the Supreme Hierarch, and also as the divine goodness (*divina bonitas*). Also note 'supermundane', 'supercelestis'; Lawell describes these as 'hyper-adjectives', considered to originate with Erigena's attempts to render the complicated Greek of Pseudo-Dionysius into Latin. Also see Bartlett, *Natural and Supernatural*, p. 13; Bartlett suggests that Erigena devised new terms specifically for the complicated Greek vocabulary of Pseudo-Dionysius, the translation of which required detailed terminology that could express various layers of celestial and supercelestial existence.

²³ Guijarro, *Maestros, escuelas, libros*, pp. 141-153; also listed by Guijarro under 'Scholastic theology' is Peter Comester's *Historia Scholastica*, Peter of Poitiers's *Distinctiones* and more. See also, Teodoro Rojo Orcajo (ed.), *Catálogo descriptivo de los códices que se conservan en la Santa Iglesia Catedral de Burgo de Osma (Madrid: Tipografía de Archivos, 1929)*, pp. 655-792.

²⁴ S. Guijarro, 'El saber de los claustros: las escuelas monásticas y catedralicias en la edad media', *ARBOR Ciencia, Pensamiento y Cultura*, CLXXXIV (2008) 443-455 (pp. 448-449). Also, M. Díaz y Díaz, *Libros y librerías en la Rioja altomedieval* (Logroño: Instituto de Estudios Riojanos, 1991).

²⁵ See Guijarro, *Maestros, escuelas, libros*, pp. 153-172.

smallest details of liturgical practice; Rorem points out that even the blessing of holy water could take on a symbolic significance.²⁶ This mirrors precisely the sort of the text that was to follow in the *Concordia*, in which Maurice was to re-order similar details from the daily routine of the cathedral canons. If all of creation could be perfected by divine order, then so could Burgos cathedral.

It is important to note that this theological framework was hardly typical of the language of reform in the thirteenth century, and distinguishes the *Concordia Mauriciana* from the other constitutions and legislative texts produced in the Peninsula in this period. Constitutions were practical texts, with a very clear function in arranging the daily life of the cathedral. As mentioned in the introduction, the comparative evidence is very sparse indeed; very few constitutions were written or survive from early thirteenth-century Castile or the surrounding kingdoms. As we shall see below in more detail, the constitutions given to Toledo in 1229 and Astorga in 1228 refer simply and very briefly to ‘correcting’ the ways of the chapter in each case. A more global perspective was adopted by the papal cardinal sent to reform Salamanca cathedral in 1245, who spoke of the pope’s care for all churches of the world.²⁷ However, the framing of the *Concordia Mauriciana* within the language of hierarchical theology distinguished it from all of these. Maurice’s message was clear: the reform of his cathedral had a theological, even mystical, significance, and was intended to ensure that Burgos cathedral suitably reflected the divine order of the heavens.

Reflections in Toledo and beyond

Whilst there is no constitutional document comparable to the *Concordia Mauriciana* in Spain, an intellectual context for his ideas can be found in Toledo across the first two decades of the thirteenth century, in the theological treatises written by Archbishop Rodrigo and the scholars in his immediate circle. This was an ecclesiastical milieu within which, as we saw in Chapters One and Two, Maurice himself had a well-established place. Lucy Pick has suggested that the hierarchical theology of the Areopagite, expressed in the language of Erigena, was well-known in Toledo, where ‘hierarchy and the place of mortals in the scheme of things’ was a central theme in the writings of Rodrigo and Michael Scot and some of their contemporaries. In

²⁶ Rorem, *Pseudo-Dionysius*, p. 49, and O’Meara, *Eriugena*, p. 64. See also, Louth, *Denys the Areopagite*, pp. 57-67, and Klitenic Wear and Dillon, *Dionysius the Areopagite*, pp. 110-115.

²⁷ A. Quintana Prieto, ‘Constituciones capitulares de cabildos españoles del siglo XIII’, *Anthologica Annua* 28-29 (1981-82), 485-529, Doc 3 (p. 501).

particular, Pick has argued, these Toledan scholars relied closely in their interpretations of celestial hierarchies on the thought of the theologian and *Porretani*, Alan of Lille (c.1128-1203).²⁸ Furthermore, Pick has also identified the opening of the *Concordia Mauriciana* as symptomatic of the same intellectual and theological interests, and points out that Maurice's words 'should remind us immediately of Alan of Lille and Michael Scot'.²⁹

Certainly, Maurice's discussion of the three hierarchies of being would seem to fit closely into that presented by Michael Scot in the prologue to his *Liber Introductorius*, which, as we have discussed in Chapter Two, was heavily influenced by the translator's time in Toledo.³⁰ Michael identified three stratified orders of being, namely hierarchies in *supercelestis* (the Trinity), *celestis* (the angelic hosts) and *subcelestis* (the world below the heavens).³¹ In what seems to be a subtle difference to the *Concordia*, Michael identifies the *subcelestis* with 'the prelates and lords of this world', not just the Church.³² Pick has illustrated that both in these three orders of being and in many other ways, notably, his identification of nine orders of angels and their names, his definitions and terminology, and his subdivisions of each hierarchy of being into further hierarchies, Michael was basing his interpretation on Alan of Lille's *Quoniam Homines*.

Similarly, Archbishop Rodrigo's apologetic text, the *Dialogus libri vite*, composed sometime before 1218, reflects 'an interest in the angelic hierarchy and the way it models the earthly ecclesiastical hierarchy'.³³ Rodrigo clearly saw the Church of men as a reflection of the order ordained by Christ in the Church of angels.³⁴ In the fourth book of the *Dialogus*, in a chapter entitled *De ordinacione ecclesie*, Rodrigo lists nine orders of angels and then a number of

²⁸ Pick, 'Michael Scot in Toledo', pp. 101-109; also *idem*, *Conflict and Coexistence*, pp. 97-103.

²⁹ Pick, *Conflict and Coexistence*, pp. 101-102, and 'Michael Scot in Toledo', pp. 104-105. Indeed, for Alan of Lille, order is one of 4 tools (or 'adminicula') that God gives mankind so as to arrive at an understanding of the divine; Alan of Lille, *Summa 'Quoniam homines'*, II.1, ed. P. Glorieux in *Archives d'histoire doctrinale et littéraire du Moyen Âge* 20 (1953), 119-359, p. 271: 'ordinem et in esse conservationem potuit homo comprehendere invisibilia Dei'.

³⁰ Pick, *Conflict and Coexistence*, p. 119; Maurice 'used Pseudo-Dionysian and Eriugenian themes of hierarchy as these were interpreted by Alan of Lille'.

³¹ 'Dividitur autem gerarchia in supercelestem et celestem et subcelestem'; Alan of Lille, *Summa 'Quoniam homines'*, II.143, p. 281. See also, Pick, *Conflict and Coexistence*, pp. 97-100. She claims that Michael Scot's *Liber introductorius* also uses these terminological divisions. See also Pick, 'Michael Scot in Toledo', p. 101 and ff.

³² *Ibid*, p. 101.

³³ *Ibid*, p.105.

³⁴ 'Christus ut angelorum sic et hominum ecclesiam ordinavit'; *Roderici Ximenii de Rada, Historiae Minores: Dialogus Libri Vite* eds. Juan Fernández Valverde and Estévez Sola (Turnhout: Brepols, 1999), IV. 4, p. 298.

ecclesiastical offices, from pope down to psalmist, and Pick has pointed out that Rodrigo also discussed the existence of orders of angelic hierarchy in his *De Rebus Hispanie*.³⁵

However, the text in which we see the closest link to Maurice's *Concordia* is in fact the treatise written by Diego García, chancellor of Castile under Alfonso VIII and canon in Toledo. This wide-ranging theological work, entitled *Planeta* (The Planet), was written sometime before Diego's death in 1218, in which year it was dedicated to Archbishop Rodrigo.³⁶ Diego García reproduced the idea of the sub-celestial world mirroring the order of the heavens, and as Pick has pointed out, he used the same idea of nine orders of angels in three hierarchies, once again echoing Alan of Lille and Michael Scot.³⁷ Diego García also names Erigena's commentaries on Pseudo-Dionysius as his source at many points in the text.

However, García goes further than either Michael Scot or Rodrigo in establishing and describing the liturgical symbolism of his theology. Book five of *Planeta* is devoted to angels, and here, García establishes direct parallels between the orders of heaven and earth, reflected most precisely in the structure of the earthly Church and its proceedings during the mass and offices. Just as in the *Concordia*, in book five of *Planeta*, heaven is mirrored in the hierarchical structure within the church, its building, people and practices. In heaven, Archangel Michael is head of the choir of angels, and has powers similar to the dean in his chapter or the cantor in the choir: 'for he will not be installed by Michael in the angelic choir who will not have installed Michael in his own breast. Just as Michael exercises his jurisdiction in heaven, so the prior in the cloister, so the dean in the chapter, so the cantor in the choir'.³⁸ For Diego García, God is the 'Ordinator': he has arranged heaven to be an example for the Church on earth, and ultimately, to lead man to salvation.³⁹

³⁵Ibid, IV. 4; Primus omnium sumus pontifex, qui solus habet plenitudinem potestatis; deinde cardinales, qui ei cotidie in regimine coassistunt; deinde alii in partem solitudinis euocati, ut patriarche maiores, primates, archiepiscopi, episcopi, sacerdotes, diaconi, subdiaconi, acoliti, exorciste, lectores, hostiarii et psalmiste, sumo pontifice omnibus presidente. Pick has also pointed out that Rodrigo's angelic order is a little different to that of Alan; see, *Conflict and Coexistence*, pp. 98-99.

³⁶ The principal source of information is Manuel Alonso's commentary, in *Planeta: obra ascética del siglo XIII*, ed. Manuel Alonso (Madrid: Instituto 'Francisco Suárez', 1943); pp. 15-85. This is a text that is urgently in need of scholarship. See J. Martínez Gázquez, 'Alegorización de la declinación latina en el *Planeta* de Diego García de Campos (1218)', *Revista de Estudio Latinos* 2 (2002), 137-147.

³⁷ 'Novem ordinibus angelorum, tribus gerarchiis'; in *Planeta: obra ascética del siglo XIII*, ed. Alonso, p. 361.

³⁸ 'Non enim installabitur a michaeli in choro angelico qui non installaverit in suo pectore michaeli. Exercet siquidem iurisdictionem suam michael in celo, tanquam prior in claustro, tanquam decanus in capitulo, tanquam precentor in choro...' *ibid*, p. 370.

³⁹ And he has arranged the celestis in this order since the beginning of time; *ibid*, p. 378; 'ab inicio stantes in ordine suo'; and *ibid*, p. 382; 'ad quam nos perducat dominus noster deus dei filius Ihesus Christus: qui conformis hominibus iherarchyis celestibus dominatur per infinita secularum'.

As a result, every layer of the celestial hierarchy has a reflection in the earthly Church. Much of book five is taken up with the retelling of an apocalyptic vision, during the course of which García describes the structure of heaven and the divine mass that would take place at the end of the world. Nine orders of angels reflected the orders of the earthly Church.⁴⁰ Anchorites were an earthly representation of guardian angels, prophets were like archangels, patriarchs represented the virtues on earth. The martyrs represent the principalities, confessors were like the powers, and the apostles like the dominions. Finally, and highest in their respective hierarchies, monks were like the thrones, the doctors of the Church were cherubyn, and, intriguingly, what appears to be friars minor, *caritativi simplices*, represent the seraphyn, the very highest order of angel in heaven. The Church is explicitly described as representing a likeness to the court of heaven.⁴¹

The centrepiece of Diego's vision is his description of a celestial mass, each action of which is reflected in the liturgy performed on earth.⁴² The Church triumphant would become a wondrous building, 'as if like a temple or an expertly-built church'. Within this, the heavenly hosts would process, in splendid robes. St Paul would be the sub-deacon, standing in the middle of the choir singing the gospel, whilst St Peter and Archangel Michael would be the cantors, with St Peter holding the sceptre in his right hand 'in similitude (*similitudo*) to the cantor'.⁴³ All the hosts of heaven will be arranged in the choir stalls, 'so a place of majesty is assigned to each according to the quality of their merits'. The holy innocents would lead the procession, followed by 'diverse orders of angels, sorted according to their dignity', and then the dean, who would be John the Baptist, carrying the Gospels. Finally, Jesus, the heavenly priest, would arrive dressed in pontifical robes. The choir should sing the mass 'both with melodies and with harmonies'; the term Diego García uses for this is 'organis', that is, the most up-to-date form of Parisian harmonic chant.⁴⁴ This heavenly mass was reflected in every detail in the order of the mass performed by the churches on earth: in Diego's words, 'all that the angels do, is done by us too, but in a greatly inferior way'.⁴⁵

The theological frameworks that underpinned the *Concordia* and *Planeta* are thus closely linked. Diego García's theological treatise concerned the things of heaven – it was by regarding the

⁴⁰ *Ibid*, p. 384.

⁴¹ *Ibid*, p. 379; 'Videre namque videor in hominibus novem ordines non dissimiles supercelestibus, in quibus ecclesia militans: instar celestis curie representat'.

⁴² *Ibid*, p. 384.

⁴³ *Ibid*, p. 384; 'ad similitudinem precentoris'.

⁴⁴ *Ibid*, p. 385.

⁴⁵ *Ibid*, p. 380; Omnia faciunt et angeli: facimus et nos, set longe inferiori modo

celestial mass through his vision that he understood the connections with the mass celebrated on earth. Maurice approached the same paradigm from the other side: his *Concordia* dealt with the things of the earthly Church, reordering them so that they would reflect those of the celestial plane. This was a difference of genre rather than of theological understanding, as unlike any of the texts produced in Toledo, the *Concordia* was not a treatise or commentary, but a practical document for capitular reform. Yet both Maurice and Diego García were united around the idea that ‘that which takes place in the Church of God, whether in the sacraments or in the office’ was characterised by its *similitudo* to the order of the supercelestial mass, at which God himself was to be the celebrant.

These Toledan texts provide a clear intellectual context for Maurice’s words in the *Concordia*. As we have seen, Maurice had spent at least five years in Toledo cathedral, and would undoubtedly have known Diego García well, as well as, of course, Archbishop Rodrigo, with whom Maurice seems to have been in contact across most of his life. We have discussed in chapter two the possibility of Maurice also working alongside Michael Scot sometime before or around 1215; in any case, the two were at the Lateran Council together in this year. It seems clear that Maurice had read the same texts or participated in the same theological debates as these colleagues of his. What precisely these texts were cannot be conclusively proved, but as Pick’s research has demonstrated, Alan of Lille was clearly a very important influence, although Maurice did not adhere entirely to his ideas about the earthly hierarchy. The common denominator, however, ideologically if not textually, was unquestionably the works of Pseudo-Dionysius in their translation by Erigena. It is clear that, seventeen years after leaving Toledo, Maurice was still interested in these shared ideas about divine hierarchy.

The similarities with the *Planeta* are clear, but there are also some more unexpected intellectual resonances in the *Concordia* that suggest that Maurice may have been adding to his ideas from other sources. As we have seen, one of the very likely channels of Pseudo-Dionysian thought in Castile was the commentary on the *Celestial Hierarchy* by Hugh of Saint-Victor, an early thirteenth-century copy of which is now stored in the cathedral archive of Osma. d’Alverny suggested that the writings produced at the monastery of Saint-Victor shaped the language of the *Concordia Mauricana*, since, in her words, ‘we see reappearing under his pen the terms dear to the Neo-Platonists of the Victorine school’.⁴⁶ We shall now turn to explore this possibility.

⁴⁶ D’Alverny, ‘Deux traductions’, p. 128.

Alan of Lille's hierarchies of being were named the *supercelestis*, the *celestis*, and the *subcelestis*; yet Maurice does not entirely apply this terminology; notably, his description of the earthly realm differs. As we have seen, he discusses 'the things of nature', 'the sensible world', and the 'temporal things', as well as, of course, 'the Church of God', all of which are in contrast to the 'invisible and eternal things', that is, the celestial realm. Maurice's comment that 'without order, the machine of the sensible world would not exist even for a moment' deserves some further attention. Robert Bartlett has suggested that the term *mundi machina* emerged into mainstream use among theologians in the twelfth century, following its use in astronomical and scientific texts that were coming under scrutiny from the turn of that century.⁴⁷ Bartlett notes that Peter Lombard (1100-1160) used the phrase in his highly influential *Sentences* to describe the organisation of the earthly realm (*disposita est universitatis huius mundi machina*), and Hugh of Saint-Victor also mentioned the *mundi machina* twice in much the same context.⁴⁸ As Bartlett has pointed out, 'clearly, one would not wish to pin too much on the history of a single term, but it does seem that a new explicitness in the categorisation of phenomena marked the period from the thirteenth century'.⁴⁹

A more convincing parallel, however, can be seen in the work of another Victorine, Thomas Gallus, who was at Saint-Victor until 1219. Thomas Gallus, who has been described by Declan Lawell as 'a major contributor to the early thirteenth-century Latin reception of the Christian Neoplatonic thought of Dionysius the Areopagite', also described the world as a *machina*, twice referring to the 'machine of sensible things' in his *Explanatio in Libros Dionysii*, his most important Pseudo-Dionysian work.⁵⁰ However, more importantly, he presented the relationship between the 'sensible', 'temporal' world and the invisible heavens in terms that bear a clear similarity to the *Concordia*. Gallus wrote several commentaries and glosses on the Pseudo-

⁴⁷ R. Bartlett, *The Natural and Supernatural in the Middle Ages* (Cambridge: Cambridge University Press, 2008), pp. 12-16 and pp. 35-48.

⁴⁸ *Ibid*, p. 38. Peter Lombard, *Sententiae in IV libris distinctae*, II.14.9, in I. Brady (ed.), *Spicilegium Bonaventurianum* 5 vols (Rome, 1971-1981), vol 4, pp. 398-399; 'the machine of all this world was arranged'. Hugh of Saint-Victor used it in his *Sententiae de divinitate*, Pars Prima: 'proposita est ei mundi machina quasi exemplar ut sicut divina dispositio ab informitate prima ad summam redegit pulchritudinem, sic divina cooperante grati ab informitate vitiorum homo posset reduci ad conformitatem virtutem, et his de causis, neque simul neque statim formatus factus est mundus'. Also: 'tota mundi machina excreaverit'.

⁴⁹ Bartlett, *Natural and Supernatural*, p. 16.

⁵⁰ Declan Lawell, 'Qualiter vita prelatorum conformari debet vite angelice: A sermon (1244-46?) attributed to Thomas Gallus,' *Recherches de Théologie et Philosophie Médiévales* 75.2 (2008), 303-336, p. 323. For 'machina sensibilis', see D. Lawell, *Thomae Galli: Explanatio in Libros Dionysii* (Turnhout: Brepols, 2011), *De divinis nominibus* 1 (G), p. 101; totius huius machine sensibilis, eo quod omnia Dei invisibilia summe unum sint; and *ibid*, *De divinis nominibus* 4 (A), p. 182; hanc sensibilem machina, radiis copiosis profundit, ita divina bonitas.

Dionysian corpus, the most lengthy of which was his *Explanatio in libros Dionysii*, as well as at least one sermon.⁵¹ There are many striking similarities, linguistically and conceptually, between the opening passage of the *Concordia* and Gallus's *Explanatio*. Like other commentators on Pseudo-Dionysius, Gallus described the three hierarchies of being, each divided into three orders, and the nine orders of the celestial angels. He too used the terminology of the supercelestial and celestial realms. However, when referring to the earthly realm, which for Alan of Lille and the Toledans was 'subcelestial', Gallus described it as the 'temporal and sensible things' (*res temporales et sensibiles*).⁵² These temporal and sensible things were contrasted with the 'celestial and eternal' things.⁵³ It is only from the things of the sensible world that mankind can start to know the invisible world, a point that Gallus makes repeatedly in his preface to the chapter on the *Celestial Hierarchy*.⁵⁴ Moreover, this applies to the order of the earthly Church: 'from the ecclesiastical order of the sensible world [we should know] the order of the spirits of heaven which are laid out in divine imitation'.⁵⁵ These ideas about order, Gallus writes, are based on 'the books of the great Dionysius'.⁵⁶

It seems clear that Thomas Gallus was interpreting the theological schema of Pseudo-Dionysius in terms very similar to those found in Maurice's *Concordia*. A complicating factor however is that Gallus and Maurice were almost exact contemporaries; the *Explanatio* has been dated to the early 1240s, and so Maurice could not have read it. Nor do Gallus's earlier writings, including his earliest text, a set of glosses on the *Celestial Hierarchy* dated to c.1224, reflect the same language with anything like the consistency and frequency of the *Explanatio*.

⁵¹ For the most recent scholarship on Gallus, see Lawell, *Thomae Galli: Explanatio*; D. Lawell (ed.), *Thomae Galli: Glose super Angelica Ierarchia* (Turnhout: Brepols, 2011); and Lawell, 'Qualiter vita prelatorum'. See also J. McEvoy (ed.), *Mystical Theology: The Glosses by Thomas Gallus and the Commentary of Robert Grosseteste on De Mystica Theologia* (Paris, Leuven, and Dudley: Peeters, 2003).

⁵² Lawell, *Thomae Galli: Explanatio, Super Ecclesiastica Ierarchia III*, p. 829; *Varietatem materialem, id est res temporales et sensibiles*.

⁵³ Lawell, *Thomae Galli: Explanatio, Super Ecclesiastica Ierarchia III*, p. 847; *Divina, divinitus sibi data et divinis mandatis subdita, et sursumagente, id est ad celestia et eterna bona tendente*; also Lawell, *Thomae Galli: Explanatio, Super angelica hierarchia*, p. 475; *secundo capitulo, quibus considerationibus celestia et eterna*. See also all of *Explanatio, Super angelica hierarchia*, ch.2. *passim*

⁵⁴ *Explanatio, Super angelica hierarchia*, p. 477; 'Paterna pietate prouidit Deus infirmitati nostre cum inuisibilia per uisibilia in scripturis designauit ut per cognita ad incognita gradatim ascendamus. Vnde et statum animorum celestium inuisibilium et immaterialium formis et figuris sensibilibus rerum designauit, sic dirigens mentes nostras et sursumagens ad imitationem et contemplationem celestium substantiarum nobis in propria natura nunc incontemplabilium'.

⁵⁵ *Ibid*, p. 477; 'Ex sensibili pulcritudine estimamus utcumque pulcritudinem inuisibilem, ex bono odore sensibili suauitatem spiritualem, ex lumine sensibili lumen intellectuale et superintellectuale, ex sacra scriptura comprehensiuam Dei cognitionem, ex sensibili ordinatione ecclesiastica ordinationem celestium animorum qui ad imitationem diuinam disponuntur, ex eucharistie perceptione inuisibilem Domini Ihesu communicationem, et similiter de similibus'.

⁵⁶ *Ibid*, p. 477, 'magni Dionysii libros'.

Clearly, much remains unknown about Maurice's sources and the influences that may have shaped his theological ideas. What does seem very likely is that Maurice had access to texts and ideas from the house of Saint-Victor. As we have already mentioned, a copy of Hugh of Saint-Victor's commentary on the *Celestial Hierarchy* was available at Osma according to a thirteenth century inventory – a see that had belonged to Rodrigo Jiménez de Rada, later Archbishop of Toledo, in 1209 – and although this text does not convey equally close ideas about hierarchy, it nonetheless illustrates the fact that Victorine texts were making their way into Castile.⁵⁷ The Osma catalogue also reveals the presence of Peter Lombard's *Espositio Psalteri* and *Sententiarum libri quatuor* and a number of other twelfth-century Parisian texts.⁵⁸ Manuel Alonso has argued that the *De sacramentis christianae fidei* of Hugh of Saint-Victor was well-known to the Toledan canon Domingo Gundissalinus, whose importance to Maurice we discussed in Chapter Two.⁵⁹ As we have already noted, the earliest inventories from Burgos do not permit a glimpse into that cathedral archive before the fourteenth century, but certainly, by then, there were a large selection of texts by Hugh of Saint-Victor and by a range of other twelfth and thirteenth-century Parisian scholars.⁶⁰ Both Archbishop Rodrigo and Diego García have been shown to have studied at the nascent university of Paris; Rodrigo around the year 1201, and García substantially earlier, in the 1170s and 1180s.⁶¹ Pick has also suggested that Rodrigo studied with Alan of Lille, and that he may have been joined by Mark of Toledo and by Maurice himself.⁶² The question remains inevitably open about whether Maurice also studied in Paris, but we know that he at least was present in the city in 1219.⁶³ Moreover, we should not forget that Maurice's nephew, Juan de Medina, was studying in Paris by the 1230s, and, as we have seen in Chapter One, was making occasional visits back to Burgos, and he was surely one of many scholars to act as a vector between the two cities. There were clearly many possible routes for

⁵⁷ T. Rojo Orcajo, *Catálogo descriptivo de los códices que se conservan en la santa iglesia catedral de Burgos de Osma* (Madrid, 1929), pp. 177-182. See also, S. Guijarro, 'Libraries and books used by cathedral clergy in Castile during the thirteenth century', *Hispanic Research Journal*, 2 (2001), 191-210, (p. 199); Mansilla, *Catálogo de los códices*; and J. M. Martí Bonet, *Guía de los archivos de la iglesia en España* (Barcelona: Asociación de Archiveros de la Iglesia en España, 2001).

⁵⁸ Rojo Orcajo, *Catálogo descriptivo de los códices*, pp. 153-265; for example, the *Summa Theologica* of Simon of Tournay and a treatise by the liturgist John Beleth.

⁵⁹ Manuel Alonso, 'Hugo de San Victor, refutado por Domingo Gundisalvo hacia el 1170', *Estudios Eclesiásticos* 21 (1947), 209-216. See also, M. Alonso, *Temas filosóficos medievales: Ibn Dāwūd y Gundisalvo* (Santander: Pontificia Universidad Camillas, 1959).

⁶⁰ Guijarro, *Maestros, escuelas, libros*.

⁶¹ For Rodrigo, see Pick, *Conflict and Coexistence*, pp. 122-123. For Diego García, see Alonso (ed), *Planeta*, p. 42 and 71.

⁶² Pick, *Conflict and Coexistence*, pp. 122-123.

⁶³ See Chapter Five for more on this.

the circulation of ideas in Castile and for Maurice to have come into contact with the very latest discussions concerning the works of Pseudo-Dionysius from Saint-Victor or elsewhere.

Clearly, the linking of the hierarchies of heaven and earth and the reuse of Pseudo-Dionysian ideas were not unique to Maurice and his *Concordia* in Castile, and he can be seen to be writing within an intellectual context in which such theology was both well-known and discussed. However, what was unique was Maurice's deployment of this theology as a justification for ecclesiastical reform. Unlike other texts we have just discussed, the *Concordia* was not a treatise nor a commentary, but a legislative document. Maurice's reference to the order of the earthly realm was a means to explain its re-ordering under his auspices. The impetus he claimed for his actions was inspired by mystical theology, but the consequences, in Burgos were deeply practical.⁶⁴

2. Ecclesiastical Order

The theological framework within which Maurice placed his cathedral marks out the *Concordia* as unique amongst the other constitutional and synodal texts in thirteenth-century Castile and León. However, what of the text's practical implications? The bulk of the *Concordia* consists of a highly detailed series of instructions to Burgos cathedral chapter. Were these original too? Or was Maurice influenced by the practices adopted by neighbouring cathedrals or by the recent ecclesiastical legislation that had proceeded from Rome in the aftermath of the Fourth Lateran Council? As Isabelle Cochelin has pointed out, normative texts such as constitutions and customaries were, in themselves, often highly symbolic documents, capable of aligning communities with particular ecclesiastical models or alternatively, distinguishing them, on the basis of even the most detailed and seemingly mundane choices of ecclesiastical practice.⁶⁵ Maurice provides us with very little by way of his intentions in the text itself, referring only to the precedent of 'ancient custom', but a comparative assessment of the *Concordia* within its immediate context suggests that Maurice's ideas were shaped in part by local context and necessity, but also by norms and customs from outside of Burgos.

⁶⁴ It should be pointed out that Lawell has claimed that Thomas Gallus was entirely unique in using Pseudo-Dionysian ideas in a practical context – as the basis of his sermon on moral reform of the clergy. This has been dated to the 1240s however, so Maurice predates him.

⁶⁵ Isabelle Cochelin, 'Customaries as Inspirational Sources' in C. Marino Malone and C. Maines, *Consuetudines et Regulae: Sources for Monastic Life in the Middle Ages and the Early Modern Period* (Turnhout: Brepols Publishers, 2014) pp. 27-72.

It is extremely difficult to assess what was original about the *Concordia* Mauriciana and what Maurice recycled from elsewhere, on account of the scarcity of comparative texts, both within and outside of the Iberian Peninsula. Three constitutions pre-date Maurice's own in Castile and León: the constitution of León, dated to 1224, that of Astorga from 1228, and finally, the only Castilian comparison, a constitution from Toledo dated to 1229. However, all three are different to the *Concordia* in one important regard: they were all bestowed upon the cathedrals in question by papal representatives. The Spanish Cardinal Pelayo Gaitán wrote the constitution of León for the see's beleaguered bishop in 1224 and had it approved by Honorius III, whilst the those from Astorga and Toledo were both written by no other than the papal legate, John of Abbeville. As we shall see, comparison with these three constitutions nonetheless reveals some important parallels with the *Concordia*.

It is clear that a key point of comparison for the *Concordia* will be the papal reform agenda, as set out in the Fourth Lateran Council of 1215, and represented in Castile by the same papal legate, John of Abbeville, Cardinal of Sabina, during his visit to the Peninsula in 1228. John had much to do with Maurice and Burgos during his trip. He visited the cathedral at least once, and perhaps twice, and wrote Maurice a letter after his departure, outlining the changes he wished to see in Burgos cathedral. He also held a general synod at Valladolid in 1228, at which Maurice was most likely present. When compared to the various documents produced by the legate, it is clear that the *Concordia* owed not a little to his influence.

In what follows, we shall explore the practical implications of the *Concordia* Mauriciana within Burgos cathedral. In the opening lines of the text, Maurice professed both the 'sacraments and the office' to represent heavenly order, but as we shall see, the order he goes on to set out is mainly concerned with the office, and particularly, the performance of the liturgy, as well as the lives and conduct of the canons of Burgos and the financial arrangements of the cathedral. We shall then try to trace the precedents for this text and possible influences over Maurice's choice of norms, as far as the evidence permits. The various texts produced by the papal legate in the two years immediately preceding the composition of the *Concordia* will provide the closest point of comparison, but we will also consider the constitutions of León, Astorga and Toledo, as well as the only two synods celebrated in Castile in these years, that of Segovia, held in 1216, and that of Calahorra, from 1240.⁶⁶ It is only when assessed within this immediate ecclesiastical and

⁶⁶ The synod held by the bishop of Segovia in 1216, deliberately modelled on the canons of the Fourth Lateran Council, and the synod of Calahorra, held in 1240, and based on the decrees of John of Abbeville. For the text of the Segovia synod, see Garcia y Garcia, *Synodicon Hispanium*, vol VI, pp. 246-258. For Calahorra, see *Synodicon*, vol VIII, pp. 9-18.

legislative context that the *Concordia*, and Maurice's intentions in producing it, can start to be understood.

The order of the *Concordia*

The *Concordia Mauriciana* contains a detailed account of the 'ordo' that Maurice sought to impose. The cathedral was to be administered by three different groups of men: canons, that is, those of highest status and paid the most; *portionari maiori*, that is, prebendary priests and deacons that were not of full canonical status but nonetheless endowed with an income;⁶⁷ and *portionari elemosinaris*, or alms prebendaries, on the smallest incomes (although as we shall see, Maurice paid particular attention to these).⁶⁸ It should be noted that Maurice does not establish a figure for either the canons or the *portionari maiori*, but he does order that there should be twenty of the most minor prebendaries in the chapter.⁶⁹ The *Concordia* refers to those who were termed '*de loco*', possessing prebends from Burgos itself, in apparent contrast with others who were present in the chapter but whose prebend was supported elsewhere in the diocese. Richard Fletcher has pointed out, from his study of León cathedral, that '*portionari* were required to be resident and had no power to deliberate in meetings of the chapter; they look like minor canons'.⁷⁰

⁶⁷ See I. Sanz Sancho, *La iglesia de Córdoba (1236–1454): Una diócesis de la provincia eclesiástica de Toledo en la Baja Edad Media* (Madrid: Fundación Ramón Areces, 2006), pp. 190-191. Sanz Sancho suggests that, in thirteenth-century Córdoba cathedral, *portionari* were supposed to 'cooperate with the chapter of canons in the administration of the tasks entrusted to the latter and to contribute to the splendour of worship in the cathedral'.

⁶⁸ CM, 'minor, qui dicitur elemosinarius', that is to say, 'alms prebendaries'. Menéndez Pidal defined 'elemosinaria' simply as alms: R. Menéndez Pidal, *Léxico hispánico primitivo (siglos VII-XII)* (Madrid: Espasa Calpe, 2004), pp. 212-213. However, Fort Cañellas defines 'almonero/elemosinero' as being the cleric charged with almsgiving, M. R. Fort Cañellas, *Léxico Romance en documentos medievales aragoneses s.XI-XII* (Zaragoza: Gobierno de Aragón, Departamento de Educación y Cultura, 1994), p. 156. An idea of their relative status can be obtained from legislation from Burgos in 1252, according to which canons should be paid 80 morabetinos a year, whilst *portionari* were to receive 40, and those in minor benefices, 20. See Mansilla, *Iglesia Castellano-Leonesa* pp. 359-369.

⁶⁹ It is important to state this because Serrano mis-transcribed a word as 'trigenta', and henceforth established the custom that there were traditionally thirty canons in Burgos. Whilst the number would be a reasonable one, there is no mention of any figure in the text.

⁷⁰ R. Fletcher, *The Episcopate in the Kingdom of León in the Twelfth Century* (Oxford: Oxford University Press, 1978), p. 147. Menéndez Pidal points out that 'porzione' comes from 'portio', meaning a portion of land, Menéndez Pidal, *Léxico hispánico primitivo*, p. 502. There is an additional sense of 'porcionario' as meaning 'participant' or 'part-taker', see M. Alonso, *Diccionario Medieval Español: desde las Glosas Emilianenses y Silenses (s.X) hasta el siglo XV*, 2 vols (Salamanca: Universidad de Salamanca, 1986), vol 2, p. 1509. The figure proscribed in the *Concordia* indicate that Burgos cathedral chapter was probably a similar size to that of the nearby cathedral of León, which supported some 75 clerics, although notably smaller than Toledo, where the chapter contained more than 90 members. For León, Quintana Prieto,

The positioning of the canons and other clergy in the choir was central to Maurice's vision of rightful order. All canons, as well as all prebendary priests and deacons *de loco* were to sit in the upper choir, an instruction that Serrano interprets to refer to the inner-most choir stalls.⁷¹ Should there be too many men to fit in upper choir, those with the smallest benefices should be first to relocate to the lower choir.⁷² Hierarchies determined by status were crucial to this, and priests were above all to retain a place in the upper choir, on account of 'the honour of the rank of priest'.⁷³ Sub-deacons, and all other holders of minor benefices, were to be seated in the lower choir. The positions established here were also to be preserved in all activities undertaken by the choir: not only when seated in the chapter, but also during processions, and 'each one is to maintain his position according to the time of his reception of it'.⁷⁴

At the top of this hierarchy, and closest to the bishop, were placed a small group of thirteen dignitaries, namely, the canons of highest rank and abbots of important monasteries around the diocese.⁷⁵ These are the only figures in the *Concordia* for whom individual places are specifically named. To Maurice's right were to sit the dean, the cantor, the archdeacons of Valpuesta and Treviño, the sacristan of Burgos, the abbot of Foncea, and the abbot of Cervatos.⁷⁶ On his left were placed the archdeacon of Burgos, the archdeacons of Briviesca, Lara, and Palenzuela, then the abbot of Salas de Bureba and the abbot of San Quirce.⁷⁷ The bishop thus was positioned,

'Constituciones capitulares', pp. 495-498. Indeed, in Toledo, measures were taken in 1229 to reduce to number of clerics to 90: see *CT*, doc 428.

⁷¹ *CM*, 'Omnes sacerdotes et diachoni portionarii qui dicuntur de loco'. On these ecclesiastical positions, see A. Augustí, 'Ordenes Sagradas' in Q. Aldea Vaquero, T. Marín Martínez, J. Vives Gatell (eds.), *Diccionario de Historia Eclesiástica de España* 5 vols (Madrid, 1972-87), vol 3, pp. 1820-1831. See also a very useful discussion of the various roles in the chapter of Córdoba cathedral at this time, in Sanz Sancho, *La iglesia de Córdoba*, pp. 186-191.

⁷² *CM*, 'ita tamen ut si sedes superiores non suffecerint omnibus, illi qui fuerint in minori beneficio cedant aliis qui fuerint in maiori'.

⁷³ *Ibid*, 'propter honorem ordinis sacerdotalis ut omnes sacerdotes qui dicuntur habere beneficia elemosinaria, sint in choro superiori'. Jennifer Harris has suggested that observing strict order in clerical ranks at Cluny 'symbolised the sacred nature of the community itself'; see Jennifer A. Harris, 'Building Heaven on Earth: Cluny as locus sanctissimus in the eleventh century', in S. Boyton and I. Cochelin (eds.), *From Dead of Night to End of Day: The Medieval Customs of Cluny* (Turnhout: Brepols, 2005), pp. 131-151, p. 148; and Isabelle Cochelin, 'Études sur les hiérarchies monastiques : le prestige de l'ancienneté et son éclipse à Cluny au XIe siècle', *Revue Mabillon* 11 (2000), 5-37.

⁷⁴ *CM*, 'Idem ordo servetur in processionibus sicut in choro. Similiter in capitulo cum aliquis voluerit defendere locum suum'.

⁷⁵ See García y García, *Synodicon Hispanum* vol.7, p. 7, for more details on these collegiate-abbeyes. See also F. Hernández, *Las rentas del rey: sociedad y fisco en el reino castellano del s.XIII* (Madrid: Fundación Ramón Areces, 1993), pp. 61-119.

⁷⁶ The 'cantor' was an administrative as well as musical position, being in charge of the performance of the liturgy and central to the chapter's proceedings, as is illustrated by his high rank in the choir (see Sanz Sancho, *La iglesia de Córdoba*, p. 188). Fort Cañellas describes the cantor as leading the responses, hymns and all other songs, in choir and in processions, and claims that he would be obeyed by the rest of the chapter; *Léxico Romance*, p. 157.

⁷⁷ Serrano, *Don Mauricio*, p. 67, has been most useful in translating these names.

quite literally, in the centre of not only his chapter but also his diocese, a physical manifestation of the role of the bishop as the spiritual and material lord of his diocese.

As we have seen already, Maurice had spent much of the first decade of his episcopate establishing his personal and episcopal power across the diocese, and his decision to seat next to him the abbots of the four monasteries of Cervatos, Salas, San Quirce, and Foncea had a strategic importance. There is no way of knowing whether these abbots held such a position in the chapter before 1230, but at least two of them seem to be new-comers to the power dynamics of the diocese, namely, the abbots of Foncea and Salas, who only feature in the archives of the cathedral under Maurice's episcopacy. As we saw in Chapter Three, Foncea had been entirely absent from the cathedral until Maurice's cultivation of the monastery and his appointment of his own supporter, Hylarius, as abbot from 1218. The abbot of Salas also appears in Buralgós documentation for the first time during Maurice's lifetime, and particularly often between 1228 and 1234, when the abbot, Gonzalvo Petri, seems to have been frequently on hand in Burgos, although it should be noted that he was abbot from at least 1209.⁷⁸ Contrarily, there are no references to the abbots of Cervatos or San Quirce from the documents during or preceding Maurice's episcopate.

The *Concordia* also provides some detailed information about the specific roles and duties of some of these dignitaries. Most notable is the role of the cantor, whose importance within the chapter hierarchy is clear. Under Maurice, this post had been assigned to one Pedro Diaz, who had been appointed (undoubtedly by the bishop) by March 1216, and who died in the same year that the *Concordia* was composed, 1230.⁷⁹ The cantor had control over who was allowed into the choir, and, with his assistant, the succentor, was in charge of the performance of the office: 'no one is to oppose the cantor or the succentor in singing or psalming, indeed the whole choir is to follow him'.⁸⁰ It was also the cantor's job to collect any punitive fines from the canons and to distribute them to the poor. The succentor, on the other hand, was responsible for assigning names to a list of canons who were to have particular roles in the celebration of the office on feast days. An important point to note, however, is the existence of what appears to be a separate group of singers, the *cantores*, who seem to lead the choir on feast days, and wore silk

⁷⁸ It should also be noted that around the year 1222, the cathedral prior, Martin Andres, was briefly listed as abbot of Salas – but subsequently returned to being prior and Gonzalvo returned to the post of abbot. As abbot, Gonzalvo also played a significant role in the chapter in the years c.1228-1234.

⁷⁹ See Chapter Five for more on Pedro Diaz. The next mention of a cantor in Burgos cathedral however is not until 1243, ie, after Maurice's death.

⁸⁰ *CM*, 'Nullus incipiat cantum in choro nisi cantor vel succentor...nullus in cantando vel psallendo resistat cantori vel succentori'. The succentor in 1230 was a canon called Domingo Petri.

cappas when they sang. Quite how these cantores interacted with the traditional choir-masters, the cantor and succentor, is unclear, but as we shall see in the next chapter, there is evidence to suggest that Maurice introduced new, French-style polyphonic singing into Burgos, and if this was the case, a group of specialised, and quite possibly separate, singers would be likely candidates to perform this. The other senior canon to receive direct duties in the *Concordia* was the sacristan, who was not seated among the cathedral dignitaries, and who was to be responsible for supplying and training the altar boys.⁸¹

The *Concordia* then moves on to a set of extremely precise regulations concerning clerical dress and appearance. All members of the chapter must wear the cappa (the cape worn as the outermost layer of the clerical habit) when in the choir, and it was to be well-fitted ('at least to the ankles').⁸² Maurice also stipulates the colour and material of this garment.⁸³ Two different types of footwear are banned from the choir: galoshes and *patinis*, shoes with metal or wooden soles.⁸⁴ On feast days, the canons are to wear cappas of silk both in the office and during processions.⁸⁵

Shaving rules are also ordained for the canons whose turn it is to celebrate the mass. 'The priests, as well as the deacon and sub-deacon, are to have shaved their beards and crowns at the start of their week and are to have proper tonsure'.⁸⁶ Maurice lists a number of ceremonies and festivals on which 'all of the canons and all other clergy ought to have shaved beards and crowns', which would have assured a shave perhaps once a month on average.⁸⁷ The punishment for failing to comply with this was the loss of the daily income, or 'portion'.⁸⁸

As well as regulating canonical appearance, the *Concordia* also addressed clerical conduct within the chapter and, in particular, the question of absenteeism. All members of the chapter were to serve in their own persons (that is, they could not deputise their duties without a valid excuse),

⁸¹ The sacristan in 1225, was Magister Aparicio, brother of Juan Peregrino. Yet by 1229, it is someone called Magister Dominicus, and by 1233, it is Martin Besugo.

⁸² On the cappa and other clerical vestments, see Miller, *Clothing the Clergy*, p. 248.

⁸³ *CM*, 'Nullus intret chorum cum capa nisi sit de bruneta nigra, vel de sayo, vel de galabruno vel elembruno nigro, et capa sit competentis mesure, ad minus talaris'. See below for details on the colour and type of cloth, note 140.

⁸⁴ *CM*, 'Galochiis vel patinis'.

⁸⁵ *CM*, 'Cum capis sericis'. These festivals are listed as: the birth of the Lord, the feast of the Purification, Easter, Pentecost, the Assumption, and All Saints.

⁸⁶ *CM*, 'Tam sacerdos quam diaconus et subdiaconus in principio ebdomade sue sit rasmus barbam et coronam et tonsuram habeat competentem'.

⁸⁷ These festivals are listed as: the first Sunday of Advent, the nativity of the Saviour, the Epiphany, the Purification, Ash Wednesday, the Passover of the Lord, the feast of the Ascension, the feast of Pentecost, the birth of St John the Baptist, the Assumption of the Holy Mary, the birth of the Holy Mary, the feast of Saint Michael, and the feast of All Saints.

⁸⁸ *CM*, 'Privetur integra portione in ipso festo'.

and failure to do so was to result in a fine: 5 solidi for priests, and 3 solidi for deacons and subdeacons. Likewise, they were to be deprived of their daily ration if they did not fulfil all duties incumbent on them. To ensure the correct fulfilment of duties on solemn feast days (when, presumably, they would have been most onerous), the succentor was instructed to draw up a list of singers and readers for each office, failure to adhere to which resulted once again in a loss of daily income.⁸⁹

Additionally, Maurice made substantial changes to the financial arrangements of the chapter, on the grounds that 'participants in the work and service of the church rites ought to rejoice in the consolation of the things of this temporary world to the glory of God and the glorious Virgin Mary'. Most notable is the expansion of the income of the minor *portionari*, the twenty clerics holding the smallest benefices. Their daily portion is increased from two denarii to five, a dramatic rise in salary. This was to be funded partially by the chapter (which was to pay one additional denarius per day) and partially by the bishop himself, who grants his own income from the church of St Stephen, worth 115 morabetinos *per annum*, to pay for an additional two denarii every day, bringing the total income attached to these positions to five denarii. He also makes over half of his episcopal income from the city (specifically, from customs duties and the courts) to the provision of funds to support these same clerics.⁹⁰ Maurice's use of the singular first-person pronoun, 'ego', here clarifies the contribution specifically from his own income, in contrast to that from the chapter's revenue. The monthly ration of wheat was increased too.⁹¹ An important caveat to this expansion of these wages is Maurice's statement that these benefices 'shall not be given to scholars studying outside the city', according to 'ancient custom'.⁹²

⁸⁹ *CM*, 'Succentor scribat in matricula in capitulo in ipsa vigilia nomina illorum qui cantare vel legere debeant'.

⁹⁰ For more on trade in and around Burgos city walls, see T. Ruiz, 'The Economic structure of the area of Burgos, 1200-1350', in T. Ruiz, *The City and the Realm: Burgos and Castile, 1080-1492* (Aldershot, 1992), pp. 1-12.

⁹¹ From one 'almud' and a third, to one and a half. *CM*, 'Pro almude et tercia que percipere consueverat unoquoque mense de tritico, percipiat unum almudem et dimidium'. 'Tritico' translates as wheat, from *triticum sativum* (see Fort Cañellas, *Léxico Romance*, p. 60.) There is some uncertainty about what precisely constitutes an 'almud'. Alonso, *Diccionario Medieval Español* vol 1, p. 257, claims that 'almud' comes from Arabic, al-mudd, a XII-XV century term for the measure of grains and cereals. This should be compared with Fort Cañellas's suggestion that it could be an arabisation of the Latin '*modius*', (Fort Cañellas, *Léxico Romance*, p. 60). On the 'tercia' more generally, see P. Linehan, *The Spanish Church and the Papacy* (Cambridge, 1971), pp. 111-112.

⁹² *CM*, 'Optinuit ab antiquo quantum ad hoc quod non dabitur scolaribus extra civitatem studentibus'.

Precedents and models: the context of Lateran reform

A text of such detail and precision, albeit a normative one, permits a quite unprecedented glimpse into the ecclesiastical world of Maurice and the heavenly order that he devised for his cathedral. It also begs the question of originality; where did these ideas and norms come from? Anne Duggan's assessment of thirteenth-century ecclesiastical legislation has revealed that most constitutional texts are 'a mélange of recent ecclesiastical legislation', although identifying the sources that lay behind the *Concordia* presents a significant challenge.⁹³ Serrano simply suggested that the *Concordia* was probably representative of 'contemporary norms'. Maurice provides little clue as to what influenced him, beyond references to 'ancient custom', and as there is no extant legislation from Burgos cathedral that predates the *Concordia*, it is extremely difficult to assess the influence of local tradition and practices internal to the cathedral.⁹⁴ As G. R. Galbraith pointed out in the 1925, 'startling innovations are not as a rule introduced in already established bodies', and it is to be expected that many aspects of the *Concordia* were a legislative representation of pre-existing practices rather than liturgical innovations on the part of Maurice.⁹⁵ Nonetheless, a close textual analysis reveals some far more recent influences over the text, and by reading the *Concordia* critically and comparatively, we can achieve a much clearer idea of how it related to its immediate context, both within and beyond the kingdom of Castile. Although Maurice makes no reference to it, the ecclesiastical precedent of the most importance by far was the Fourth Lateran Council of 1215, or more precisely, the articulation of the same in Spain by the papal legate, John of Abbeville, who was in Burgos just two years before Maurice wrote the *Concordia*. It is to this subject that we will now turn.

Maurice was present at the Lateran Council of 1215, one of around four hundred bishops and eight hundred abbots and priors from across the Latin world to travel to Rome at the summons of Pope Innocent III for 'the largest, most representative, and most influential council assembled under papal leadership before the end of the fourteenth century'.⁹⁶ The Council marked the

⁹³ Anne Duggan, 'Conciliar Law 1123-1215: The legislation of the four Lateran Councils', in W. Hartmann and K. Pennington, *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the decretals of Pope Gregory IX* (Washington, D.C.: Catholic University of America Press, 2008), pp. 318-366, p. 355.

⁹⁴ Thanks to Rose Walker for advice about this.

⁹⁵ G. R. Galbraith, *The Constitutions of the Dominican Order, 1216 to 1360* (Manchester: Manchester University Press, 1925), p. 8. On the relationship between written legislation and custom, see Gert Melville, 'Action, Text and Validity: On re-examining Cluny's consuetudines and statutes', in S. Boyton and I. Cochelin (eds.), *From Dead of Night to End of Day: The Medieval Customs of Cluny* (Brepols: Turnhout, 2005), pp. 67-83.

⁹⁶ On Maurice's presence at the Council, see A. Garcia y Garcia, 'El concilio IV Lateranense (1215) y la Península Ibérica', *Revista Española de Teología* 44 (1984), 355-376, p. 358. Also, S. Kuttner and A.

pinnacle of Innocent's ambitions as reformer as well as the culmination of centuries of legislative and legal evolution within the Latin Church.⁹⁷ Not only was Maurice there, but as we saw in Chapter Three, he travelled to Rome early, in order to pursue his case against Melendus of Osma at the papal curia. He was one of a strong showing of bishops from the Iberian Peninsula: a total of twenty-seven attended, of the forty-two existing dioceses, a rate of attendance from the Peninsula that was far higher than any other papal council.⁹⁸ Moreover, as Garcia y Garcia has shown, each bishop was accompanied by an entourage of canonical assistants (although those who travelled with the bishop of Burgos are not recorded), and so the number of clerics from the Iberian Peninsula who had had a direct experience of the Council was very high. Among Maurice's immediate peers from Castile were the bishops of Toledo, Ávila, Cuenca, Osma, and Segovia, and it is quite likely that the bishops of Palencia and Plasencia were also present, or at least represented.⁹⁹

Despite this however, the Council had little immediate impact in the Christian kingdoms of Spain. As Peter Linehan has comprehensively demonstrated, when Honorius III despatched a papal legate to the Peninsula in 1228 with the aim of enforcing the canons of 1215, that legate arrived to 'virgin territory untouched by the spirit of the Fourth Lateran Council'.¹⁰⁰ Only one Castilian bishop, the Italian Giraldo of Segovia, had attempted to bring the papal reforms into his diocese, holding a synod in 1216 the text of which was largely, and self-consciously, based on the canons of the Council.¹⁰¹ However the clergy of Segovia revolted, Giraldo was retired to Rome on the

Garcia y Garcia, 'A new eyewitness account on the Fourth Lateran Council', *Traditio* 20 (1964), 115-178, pp. 136-38; and Duggan, 'Conciliar Law', p. 341.

⁹⁷ Duggan, 'Conciliar Law', pp. 341-2. The pope's aims, in his own well-known words, were 'to extirpate vices and plant virtues, correct abuses and reform morals, suppress heresies and strengthen faith, pacify discords and strengthen peace, repress oppression and support liberty, to induce Christian princes and peoples to support the Holy Land with the financial aid of clerks and lay men, and many other questions'. There is a huge literature on the Fourth Lateran Council. For a very useful and recent summary of the most relevant literature, see references in J. Wayno, 'Rethinking the Fourth Lateran Council of 1215', *Speculum* 93:3 (2018), 611-637.

⁹⁸ Garcia, 'Legislación de los concilios y sínodos', p. 97.

⁹⁹ Garcia y Garcia, 'El concilio IV Lateranense (1215)'.

¹⁰⁰ Linehan, 'Councils and Synods', p. 101; *idem*, *The Spanish Church and the Papacy*, pp. 4-19; J. F. O'Callaghan, 'Innocent III and the Kingdoms of Castile and Leon', in Moore, *Pope Innocent III and his World*, pp. 317-335; A. Garcia y Garcia, 'Innocent III and the Kingdom of Castile', in Moore, *Pope Innocent III and his World*, pp. 337-350. See also, Mansilla, *La iglesia castellano-leonesa*.

¹⁰¹ See Garcia 'Primeros reflejos del Concilio 4 Lateranense en Castilla', in *idem*, *Iglesia, Sociedad y Derecho* 2 vol (Salamanca: Universidad de Salamanca, 1985-7), vol 2, pp. 209-235. Also A. Duggan, 'Conciliar law', p. 361, note 226. Giraldo referred openly to the 'statutum pape' ('servetur constitutio domini pape'). See also, José Sánchez Herrero, 'Los concilios provinciales y los sinodos diocesanos españoles 1215-1550', *Quaderni Catanesi* 3 (1981), 113-177; 4 (1982), 111-197.

grounds of insanity, and Archbishop Rodrigo nullified his synodal decrees in 1220.¹⁰² There is no evidence of any similar attempts by other Castilian prelates, and no manuscripts pertaining to the Council have been found in Castilian archives. Notwithstanding this, some echoes of Lateran legislation can be uncovered, as Kyle Lincoln has recently pointed out.¹⁰³ Maurice himself was clearly aware of the recent legislation on the judicial process of *inquisitio*, as we saw in Chapter Three, reflecting canon eight of the Council. Additionally, in 1217, Pope Honorius III wrote to Bishop Tello of Palencia, informing him that Maurice of Burgos had complained that the Jews within the region were not abiding by the dress codes stipulated at the Council, in apparent reference to canon sixty-eight.¹⁰⁴ Lincoln has revealed other instances in which Castilian bishops clearly had an awareness of the papal agenda, even if they chose not to act on it.¹⁰⁵

The papal legate, the Frenchman John of Abbeville, Cardinal of Sabina, was aware of what Linehan has famously described as ‘the torpid contentment of the Spanish Church’.¹⁰⁶ He arrived sometime in May or early June of 1228, and spent the following months on a whirlwind tour of the Peninsula; Linehan, who has traced his progress, estimates that he must have travelled an average of thirteen miles a day on a journey that covered all of Christian Spain, and the *Chronica Latina* describes him as ‘running’ through the kingdom.¹⁰⁷ John of Abbeville’s visit brought the Lateran agenda into the backyards of the bishops of the Iberian Peninsula.¹⁰⁸ He imposed a new

¹⁰² For the decrees and more details, see Garcia, *Synodicon VI*, pp. 247-258; and for details on Giraldo, see also Garcia, ‘El Concilio IV Laterense’, pp. 364-371; Linehan, *The Spanish Church*, pp. 20-26; and *idem*, ‘Councils and Synods’, p. 101.

¹⁰³ Kyle Lincoln, ‘Riots, Reluctance and Reformers: The Church in the Kingdom of Castile in the Wake of IV Lateran’ (forthcoming).

¹⁰⁴ Sadly Maurice’s original letter does not survive, so we cannot say how explicitly he made the connection with the Lateran Council. He also complained that they were not paying tithes; see *Honorio*, Doc 26: ‘iudei commorantes in diocesi et civitate Burgensi, nec se a christianis per habitus qualitatem distinguere nec pro decimis et oblationibus supradictis satisfactionem curant ecclesiis exhibere, sicut venerabilis fratris nostri Burgensi episcopi oblata nobis petitio patefacit’.

¹⁰⁵ See Lincoln, ‘Riots, Reluctance and Reformers’.

¹⁰⁶ Linehan, *The Spanish Church and the Papacy*, p.20.

¹⁰⁷ P. Linehan, ‘A papal legation and its aftermath. Cardinal John of Abbeville in Spain and Portugal, 1228-1229’, in P. Linehan, *Historical Memory and Clerical Activity in Medieval Spain and Portugal* (Farnham: Ashgate Publishing, 2012), Part I; and Linehan, *The Spanish Church*, pp. 20-26. Abbeville’s visit is recorded in Rodrigo’s, *De Rebus Hispanie*, IX.7: ‘in comitatu Pontivi, Sabinensis episcopus cardinalis, vir bonus, sapiens, litteratus, qui celebratis in singulis regnis conciliis’. See also H. Flórez, *España Sagrada* (Madrid, 1771), vol. XXXVI., ch.VII, p.215.

¹⁰⁸ Garcia, ‘Legislación de los concilios’, p. 101. On the movements of Abbeville in Castile, as reconstructed by Peter Linehan, ‘A Papal Legation’, Appendix I (pp. 249-251): Calahorra, Burgos, San Pedro de Cardeña (dioc. Burgos) (8th June 1228), Segovia (16th July 1228), Avila, Cardeña (8th August 1228) [unknown venue], Valladolid, Carrión de los Condes (dioc. Palencia) (20th August), then into León. Return to Castile: Talamanca (dioc. Toledo) (20th February 1229); then, Toledo, Ocana (dioc. Toledo) (3rd June 1229), Sotos (dioc. Cuenca) (14th June 1229), San Lorenzo de la Parrilla (dioc. Cuenca) (22nd June 1229), Sigüenza (17th July 1229), into León (6th August), Lerma (dioc. Burgos) (17th August 1229), then into Aragon. Return to Rome after 26th September 1229.

bishop in the diocese of Ávila, wrote a constitution for the cathedral of Astorga in León, and, doubling back into Castile in 1229, composed a constitution for none other than the cathedral of Toledo.¹⁰⁹ Most importantly, however, John of Abbeville also summoned the clergy of the archdioceses he visited to attend a general synod, and that which concerned Toledo and the bishops of Castile (including Burgos despite its independence) was held at Valladolid in 1228.¹¹⁰ The acts of this council, preserved solely through a fifteenth-century translation into Romance held in the archives of the cathedral of León, provide an insight into John's mission; to enforce the decrees of the Fourth Lateran Council and to punish those who acted against it.¹¹¹ These acts illustrate a strict interpretation of the Lateran agenda, and the legate's particular concerns were the morality of the clergy, clerical concubines, the subdivision of benefices (pluralism), absentee clerics and the education of the clergy.¹¹² The acts also frankly recognise the lack of enthusiasm for the 1215 Council and require two synods a year to be held after the legate's departure. He was, in the words of Garcia y Garcia, 'more like an aseptic academic than like an expert ecclesiastical leader' and 'Innocent III's slavish interpreter' in the words of Linehan.¹¹³

Maurice undoubtedly came into direct contact with the legate on a number of occasions. It is extremely likely that he was at the council at Valladolid, although the archival documentation

¹⁰⁹ For Astorga, see Quintana Prieto, 'Constituciones capitulares', Doc 2 (pp. 498-500). For Toledo; CT, doc 428.

¹¹⁰ The others were Lérida (March 1229) and Salamanca (1229). There is a Latin text for the Lérida synod, see Linehan, 'A papal legation', and *idem*, *Spanish Church and Papacy*, p. 28. For a modern edition of the canons of the synod at Valladolid, see A. Garcia y Garcia, 'Legislación de los concilios y sínodos del Reino Leonés', in *El reino de León en la alta edad media, II: Ordenamiento jurídico del reino* (Leon: Centro de Estudios e Investigación San Isidoro, 1992), pp. 105-114. An older edition of these decrees can be found at H. Flórez, *España Sagrada* (Madrid, 1771), vol. XXXVI., ch.VII, pp.216-227.

¹¹¹ See the Constitutions of Valladolid (1228), in Garcia y Garcia, 'Legislación de los concilios', pp. 216-217; 'Mandamos que daqui en delante con mayor diligencia sean aguardados los establecimientos del Sancto Concilio general, los quales en gran partida non sien grave peligro son despreciados, et que sean castigadas afincadamente todas aquellas cosas que locamente son fechas contra esse mismo Concilio'. Linehan argues that these constitutions may be incomplete, and also raises the likelihood of two other councils, one at Salamanca and one at Lérida, which may have had a marked affinity with that of Valladolid; see Linehan, *Spanish Church and Papacy*, p.28; and Duggan, 'Conciliar Law', pp. 361-362. Although closely based on the constitutions of Lateran IV, there are several occasions on which John revealed a more disciplinarian approach, notably, in his punishments for clergy with concubines, who were faced with excommunication, loss of benefice, suspension from saying mass, and the burial of their consorts 'en la sepultura de las bestias'.

¹¹² See Duggan, who has demonstrated the close dependence of the Acts from the Lérida council in 1229 on Lateran IV; Duggan, 'Conciliar Law', p. 361.

¹¹³ Garcia y Garcia, 'El Concilio IV Lateranense', p. 365. He 'proceeded more like an aseptic academic than like an expert ecclesiastical leader. He set out the norms of the fourth Lateran Council in a way that could be described as chemically pure, without attempting to adapt them to the socio-economic, ecclesiastic, and political realities of the kingdoms of the Iberian Peninsula, which were certainly singular'. Also, Linehan, 'A Papal Legation', p. 237. J. F. O'Callaghan, has suggested that conflict arose amongst the clergy as a result of the visit, see *The Latin Chronicle of the Kings of Castile* (Arizona, 2002), pp.108-109.

for Burgos is particularly sparse for 1228, making Maurice's movements difficult to trace. Serrano suggested that not only was Maurice present at Valladolid but that he played a fundamental role in shaping the legate's decrees, but there is no evidence to support this claim.¹¹⁴ John of Abbeville also visited Burgos, at least once and possibly twice, between May and June of 1228, that is, very early on in his legation.¹¹⁵ He did not issue a constitution to Burgos, unlike Toledo and Astorga, but he did write a letter to Maurice from his next port of call, the abbey of San Pedro de Cardeña, on 8th June 1228. The letter, an edition of which has been published by Serrano, expresses much praise for both Maurice and his cathedral, although John was also quick to point out that his warm words did not excuse the canons from absenteeism, which, John estimated, was prevalent in Burgos, as it was all over Spain.¹¹⁶

The *Concordia Mauriciana* was written no more than a year after John's departure, and contains clear traces of the legate's influence. One of John's foremost concerns was the issue of absenteeism, and the need to link the daily payment of the 'ration' with daily attendance at the office. As we have seen, he issued legislation against this in Valladolid in 1228. The constitutions he issued for both Toledo and Astorga also take a hard line on this, commanding fines and deprivation of the ration for all clerics who did not attend the office, or who were late, or who could be counted 'absent' on any other grounds. Peter Linehan has demonstrated that John of Abbeville pressed this point home in the Catalan diocese of Vic too, where, in the immediate aftermath of the legate's visit, the clerics issued a detailed list of questions to their local archbishop about what precisely constituted a permissible absence, and under what circumstances the ration would still be paid.¹¹⁷ John's letter to Maurice also made clear his displeasure that the Buralés canons were receiving payment for non-attendance. There were canons in Burgos, the legate informed Maurice, who, despite living 'healthy and unharmed in the city', did not enter the cathedral day or night to celebrate any of the offices, and yet were permitted to receive the daily distributions granted by the chapter for anniversaries and memorials. Nor did they ever attend vigils or masses for the dead. As a consequence, the legate ordered that: 'no canon or beneficiary living healthy and unharmed in the city [of Burgos] should receive the daily portion unless he has been personally to matins and has undertaken to be present at least at the main mass of the day or vespers. Also regarding the distributions which

¹¹⁴ Serrano, *Don Mauricio*, pp. 80-81.

¹¹⁵ Linehan, 'A Papal legation', pp. 249-250.

¹¹⁶ Serrano, *Don Mauricio*, Appendix X, pp. 140-141.

¹¹⁷ The archbishop of Tarragona replied, informing them that absence due to tiredness was not legitimate, but that they could self-certify as being too ill to attend, and were to be believed unless later spotted on horse-back by their fellow canons; Linehan, 'A papal legation', p. 244.

are made on the anniversaries or memorials of the dead, no one should receive a portion unless they were present at either the vigil or the mass for the dead'.¹¹⁸ In addition to financial punishment, the legate instructed Maurice that the cathedral cantor should write a list every week of the names of those reading in the mass, and also, on feast days, those who were due to read or sing in matins as well as the mass.¹¹⁹

And Maurice did take heed of the legate's order. As we have seen, absenteeism features prominently in the *Concordia*, and attendance is made a requisite for the daily payment of the portion. All canons and *portionari* are to serve at the altar in person 'unless they have a proper excuse' (although Maurice makes no reference as to what might constitute such an excuse), and 'if anyone should go against this, he will be punished a previously determined penalty; that is to say, punishment for priests is five solidi, punishment for both deacons and subdeacons is three solidi'. Even more strikingly, the *Concordia* reiterates Abbeville's instruction that a list should be drawn up within the chapter. There are some slight variations: the succentor (rather than the cantor) was responsible, and the list was only to be deployed for ceremonies on the solemn feast days, and not every week as the legate had demanded. Nonetheless, the parallels between the legate's letter and the text of the *Concordia* are clear: 'By the vigil immediately preceding any of the solemn feasts listed, the succentor should write in a list the names of those who ought to sing or read at the first vespers and at matins and the mass and at the second vespers; and the list should be read out in the chapter at the same vigil, and afterwards should be placed in a suitable place and should remain there until after the great mass has been sung. And the penalty for those not singing or reading as has been written, either in person or by another, if he should have offered a reasonable excuse, should be the loss of the whole portion of his provisions'.¹²⁰

¹¹⁸ Serrano, *Don Mauricio*, Appendix X, pp. 140-141; 'Statuimus ut nullus canonicus aut beneficiatus existens in civitate sanus et incolumis, cothidianas porciones percipiat nisi matutinis personaliter interfuerit et saltem in die ad maiorem missam vel verperas curaverit interesse. In distributionibus quoque que fiunt in aniversariis vel memoriis defunctorum, nisi vel vigiliis vel misse pro defunctis interfuerint nullam percipiant porcionem.'

¹¹⁹ *Ibid*, 'Quare duximus statuendum ut in ecclesia vestra a cantore in matricula de cetero scribantur eorum nomina qui de missa et de evangelio et epistola facere debent ebdomadam; necnon et illorum qui in festis novem lectionum in matutinis lectiones vel responsoria et in missis graduale vel tractum vel alleluia cantaturi sunt vel lecturi'.

¹²⁰ *CM*, 'In vigilia cuiuslibet proximo scripte sollempnitatis succentor scribat in matricula nomina illorum qui cantare vel legere debeant in primis vesperis et in matutinis et in missa et in secundis vesperis, et legatur matricula in capitulo in ipsa vigilia, et postea ponatur in loco competenti et sit ibi usque post missam maiorem cantatam, et pena non cantantis vel non legentis sicut scriptum fuit vel per se vel per aliam si forte rationabilem excusationem pretenderit de pera sua sit privatio integre portionis'. An interesting point of comparison are the constitutions of the early Dominican order, in which the cantor's job was to write a list of celebrants and then intone it in the chapter; see Ludwig Theissling (ed.), 'De modo scribendi et legendi tabulam', in *Ordinarium juxta ritum Sacri Ordinis Fratrum Praedicatorum* (Rome: Collegium Angelicum, 1921), pp. 221-32.

Significantly, these instructions also appear in John of Abbeville's constitutions for Astorga, written in September 1228, just a few months after he had been in Burgos.¹²¹ Again, the legate stipulated that 'the cantor should make a list every day', and failure to comply was to result in the deprivation of the portion for the day.¹²² Equally, the punishment for non-attendance was a fine of five solidos paid to the cantor; that is, the same punishment as that meted out to priests in the *Concordia*.¹²³

Maurice's instructions regarding confession also appear to be a reference to the Lateran reform agenda, as distilled by John of Abbeville. The Fourth Lateran Council was the culmination of a movement towards the greater prominence of lay confession on a regular basis. Canons twenty-one and ten contained the order for the laity to attend confession once a year, and the appointment of suitable clerics to hear lay confessions.¹²⁴ John of Abbeville reflected this when he ordered that 'clergy in the mass should exhort the people to confess, upholding the constitution of the general council'.¹²⁵ The legate specified that in cathedrals, two clerics should be designated 'to hear confessions generally', that is, the confessions of the laity.¹²⁶ And this is reflected in the *Concordia Mauriciana* too. Despite being a document almost entirely dedicated to the internal affairs of the chapter, there is just one reference to pastoral care for the laity, and that lies in Maurice's command that a deacon and sub-deacon should assist a priest in hearing confessions during the Mass at the main altar, the time when the laity are most likely to

¹²¹ Quintana Prieto, 'Constituciones capitulares', p. 499.

¹²² *Ibid*, 'Cantor quotidie faciat matriculam et qui, injunctum sibi officium non implereit, ad insinuationem cantoris, per decanum ejusdem diei portione privetur'.

¹²³ *Ibid*, 'Si quis autem Canonicus vel portionarius in missa vel evangelio vel epistola defectum fecerit, pro quolibet defectu quinque solidos cantori persolvat'. There are other similarities between the *Concordia* and the constitution for Astorga written by John of Abbeville. Both texts follow a very similar structure, and the arrangements that the legate sought to impose in Astorga bear some notable similarities to those envisioned by Maurice. Priests, deacons and canons who were portionarii should sit in the 'superior' part of the choir, whilst subdeacons were relegated to the 'secundus gradus'. The legate also orders that each should retain his place in the order according to the time of his reception of it: Astorga constitution; 'et in utroque gradu post personas secundum ordinem suum et tempus receptionis sue unusquisque de cetero obtineat locum' Quintana Prieto, 'Constituciones capitulares', p. 499. Compare the *CM*; 'et unusquisque defendat locum secundum tempus receptionis sue'.

¹²⁴ As Murray has pointed out, this was not the first time that the Church had promoted lay confession, but the Lateran canons made the practice central to pastoral care; see Alexander Murray, *Conscience and Authority in the Medieval Church* (Oxford: Oxford University Press, 2015), pp. 17-48. For reading on confession and the Lateran Council, see William Campbell, *The Landscape of Pastoral Care in 13th-Century England* (Cambridge: Cambridge University Press, 2017), pp. 140-167; A. Murray, 'Confession before 1215', *Transactions of the Royal Historical Society* 6.3 (1993), 51-81; also, R. Meens, Meens, Rob, 'The Frequency and Nature of Early Medieval Penance', in Peter Biller and A. J. Minnis (eds.), *Handling Sin: Confession in the Middle Ages* (Rochester, New York: York Medieval Press, 1998), pp. 35-61

¹²⁵ Canon VII, 'Mandamos que los clerigos de missa amonesten a su pueblo que se vengan a confesar, aguardando la constitución del concilio general'; Garcia, 'Legislación de los concilios', p. 109.

¹²⁶ Canon II, 'En cada egleſia cathedral sean escogidos dos barones los maes ydoneos e maes letrados que y fueren para predicar la palavla de Dios e pora oyr las conessiones generalmente'; *ibid*, p. 106.

have been in the cathedral. Maurice orders that the deacon and sub-deacon should 'go out of the vestry together with the priest', and after the Mass, 'return with him to the vestry', indicating that these confessions were heard outside the chapter, and thus outside the canonical community.¹²⁷ Importantly, this team of confessors were to be shaved and to have their tonsures tidied in preparation for their task, which seems to have been allotted on a weekly basis, part of Maurice's broader effort to ensure that clergy were clearly distinguishable from their lay congregants, an issue that was most important at moments of direct interaction such as confession.

Maurice's instructions concerning clerical dress and appearance also appear to be inspired by the papal reform agenda. As Cordelia Warr has pointed out, 1215 was the first time a papal council had included specific, detailed dress requirements, an effort not only to reflect a clerical vocation through humble attire, but perhaps more importantly, to distinguish the clergy from the laity and also to allow a distinction to be drawn between the growing number of clerical, monastic and, by the early thirteenth century, mendicant orders.¹²⁸ Canon sixteen of the Council decreed that all clergy were to be clearly distinguished from the rest of society by maintaining a 'becoming crown and tonsure'. They were also to wear garments that were well-fitted ('neither too short nor too long'), and were to shun red or green cloth and long sleeves, as well as decorated shoes ('with embroidery or pointed toes'), 'or anything else indicative of superfluity', such as buckles or jewellery.¹²⁹ These instructions were echoed in John of Abbeville's decrees made in Valladolid in 1228, where he forbade superfluity in garments, and commanded that clergy should have appropriate tonsure ('neither very large nor very small'), clothes that were well-fitting ('neither very long nor very short'), and should avoid red or green vestments and shoes made 'with cords' or 'beak-like' (seemingly embroidered or pointed shoes, in line with canon sixteen). The legate also seems to have been concerned with the need to distinguish the Jewish population of Castile from the clergy, accusing Jews of wearing 'cappas cerradas like the

¹²⁷ See Appendix 5.

¹²⁸ C. Warr, 'De indumentis: The importance of religious dress during the papacy of Innocent III', in *Urbs et Orbis*, pp. 489-502; and C. Warr, 'Religious habits and visual propaganda: the vision of Blessed Reginald of Orléans', *Journal of Medieval History* 28 (2002) 43-72. See also Miller, *Clothing the Clergy*, pp. 189-191; who points out that tonsure and a 'long, dark, closed cloak' were key distinguishing features between laity and clergy.

¹²⁹ N. Tanner (ed.), *Decrees of the Ecumenical Councils*, 2 vols (London: Sheed and Ward, 1990), vol 1, p. 243. The Council also called for bishops to wear garments of linen when in public, and for all clergy to keep their mantles closed in public. It should be noted that red and green cloth was not only a marker of luxury but of hierarchy and status, being worn by popes; see Miller, *Clothing the clergy*, pp. 187-194, who points out that legislation regulating clerical vestments could 'reinforce and clarify hierarchies within the clergy, and...make claims for the elevated status of the entire clerical estate'.

clergy wear', something that Maurice had shown himself to be concerned about in 1217, as we have seen.¹³⁰

Maurice's instructions concerning dress and appearance in the *Concordia* are the most detailed such commands amongst the peninsular constitutions by some way, and they echo some of this language. Both the cappa and the tunic 'must fit appropriately and respectably', 'at least to the ankles'. The *Concordia* also commands 'respectable footwear' amongst all members of the chapter, although the canons of Burgos seem to have been rather inclined towards practicality than luxury, since it is shoes with iron or wooden soles that are prohibited. As we have seen regarding confession, proper tonsure was also a concern, especially when the clergy of Burgos were to interact with the laity.¹³¹ Another occasion on which Maurice specifies shaving of beards and tonsure are a number of major festivals, on which the canons would have been processing through the cathedral and indeed the city, and so would have been visible. The *Concordia* is unique in the attention paid to the clerical tonsure; the only other reference to this is found in the doomed synod of Bishop Giraldo of Segovia, a cleric who declared himself to be implementing the Lateran canons and whose very first decree simply ordered that all canons must be tonsured.¹³²

When determining the specifics of clerical dress in Burgos however, Maurice seems to have diverged from the papal model. He ordered that all clergy in the choir must wear 'a dark brown cappa', made either of sack-cloth, or of wool dyed in oak apples and salt, the most common form of wool dye.¹³³ These types of cloth were marked out as low quality, and in particular, the term *sayo*, from *sayal*, appears to have been a similar sort of material as that employed by the early Franciscans, and marked the 'rustics' and labourers from other society groups in later medieval Spanish culture.¹³⁴ Maurice was thus complying with the broader sense that clerical garments should be both humble and distinctive. But it is notable, by contrast, that both Bishop Giraldo of Segovia, in his synod of 1216, and Bishop Aznar of Calahorra, in 1240, reproduced

¹³⁰ Valladolid, Canon IX (García, 'Legislación de los Concilios', p. 110): 'mandamos que los judios non trayan capas cerradas como traen los clerigos, ca cosa desguisada seria que los judios, que han de ser destremados e departidos de los christianos por alguna señal, trayan habito de clerigos'.

¹³¹ For more on hair symbolism, see Ian Wood, 'Hair and Beards in the Early Medieval West', *Al-Masāq*, 30:1 (2018), 107-116; Robert Bartlett, 'Symbolic Meanings of Hair in the Middle Ages', *Transactions of the Royal Historical Society* 4 (1994), 43-60; L. Trichet, *La Tonsure* (Paris, 1990).

¹³² García, *Synodicon*, Vol VI, p. 233. Canon 1; 'mandamus quod omnes clerici sive maiorem sive minorum ordinum habeant coronam et tonsuram clericalem. Quod si non habuerint, non defendentur ab Ecclesia'.

¹³³ See Appendix Five, notes 9, 10 and 11.

¹³⁴ *Sayo*, from *sayal*; course cloth, sackcloth, used to distinguish peasants and labourers by the Spanish Golden Age. See Charlotte Stern, *Sayago and Sayagués in Spanish History and Literature*, *Hispanic Review* 29.3 (1961), 217-237, p. 225, note 21.

Innocent III's ban on red, green and striped cloth, and both referred explicitly to the Lateran Council (and, in Calahorra, to the legatine visit) as their model.¹³⁵ Maurice's choice of cloth, like so many other aspects of the *Concordia*, is most likely to make sense only in the context of the 'ancient customs' of medieval Burgos – or indeed, Castile more widely – practised in the years prior to 1230, of which we have no trace.

In his recent article, Jeffrey Wayno has pointed out that the choices of individual bishops across the Latin West – and their very ability to pick and choose – meant that the future of the Fourth Lateran Council was entirely in their hands.¹³⁶ He has added that it is only through detailed studies of local constitutions and synods within churches and cathedrals across the thirteenth century that the impact of Innocent III's ideas can be gauged. The *Concordia Mauricana* reveals that Maurice, whilst undoubtedly acquainted with the papal agenda, was highly selective in implementing aspects of it in Burgos. Indeed, it should be pointed out that, whilst on the questions of absenteeism, confession and, to some extent, clerical appearance, Maurice followed the guidelines of the papal legate, these represent just a fraction of the reforms that John of Abbeville had sought to implement in Castile. Pluralism, cathedral education, concubines, the morality and conduct of the clergy, and most importantly of all, the spiritual instruction of the laity were central to the legate's decrees at the Council of Valladolid, and were closely rooted in the canons of 1215 – yet none of these are mentioned in the *Concordia*.

The *Concordia* in fact contradicts John of Abbeville's decrees on the issue of clerical education. The 1228 acts of Valladolid highlighted the importance of suitable education for the clergy: all should read and speak in Latin and further study was to be encouraged. The legate chose the *studium* of Palencia as the optimal place for those who wished to become masters of arts or theology, and ordered that any cleric from across Castile who wished to study in Palencia should be provided with a financial incentive to do so: 'those who wish to become masters there and read any of the sciences, and all those who wish to hear theology there, should surely and fully receive their benefices for five years'.¹³⁷ The school of Palencia, a royal foundation that had been renowned as a centre for the study of theology and the arts (including natural philosophy) under the direction of Bishop Tello, had also benefitted from papal patronage and protection too, in

¹³⁵ For Segovia, see Garcia, *Synodicon* VI, p. 231 (Canons 2 and 3). For Calahorra, see Garcia, *Synodicon* VIII, p. 14.

¹³⁶ Jeffrey Wayno, 'Rethinking the Fourth Lateran Council of 1215', *Speculum* 93:3 (2018), 611-637.

¹³⁷ Garcia, 'Legislación de los concilios', p. 107. For the link between Valladolid and the *studium* at Palencia, see S. Barton, 'The Count, the Bishop and the Abbot; Armengol VI of Urgel and the Abbey of Valladolid', *The English Historical Review* 111, No. 440, (Feb, 1996), p. 88.

1220, 1221 and 1225.¹³⁸ However, the *Concordia* does not seem to recognise its special status, and with reference to the scholars from Burgos cathedral, Maurice decreed that they should not receive prebendary funding from the cathedral if they studied anywhere outside Burgos itself – an indication, perhaps, that he was keen not to lose the more promising of his canons to his colleague Tello.¹³⁹

Although Wayno has cautioned that bishops often did not have access to Lateran texts or to copies of the canons, this can hardly be the case as far as the *Concordia Mauriciana* is concerned, since the papal legate was actually in Burgos at least once, where he must have met Maurice in person. It is also extremely likely that Maurice attended his council in Valladolid, to which all the bishops of Castile were invited and which was also attended by the king.¹⁴⁰ The synod of Segovia in 1216 closely adhered to both the letter and the spirit of the Lateran Council, and so did that of Calahorra in 1240, which cites the influence of the legate throughout. Maurice's choices, on the other hand, reveal a somewhat cooler reception of the papal reform agenda. Or, to put it another way, whilst it is difficult to be sure about the variety of influences that shaped Maurice's constitution for his cathedral, it is clear that some of the canons of the Lateran Council, distilled by the papal legate in 1228, were knitted in amongst other, less easily identifiable influences. What these other models might have been for the *Concordia* is extremely hard to ascertain in the absence of comparative legislation from Castile, but it is clear that the long-standing practices in Burgos must also have played a large part.

Voices of authority in the *Concordia*

Wherever the ideas behind the *Concordia* may have come from, the text itself makes very clear where the impetus to re-order the cathedral originated: with the bishop himself. As Maurice states near the beginning of the *Concordia*, he came to his new order after reflecting on his

¹³⁸ See Abajo Martín, *Documentación de la catedral de Palencia*, pp.282-285. In October 1220, Pope Honorius III sent a bull to Palencia stating that a quarter of the 'tercias de fábrica' of the churches in the diocese of Palencia should be given as an endowment to the university. In March 1221, Honorius responded to a petition by Tello to take the university of Palencia under papal protection, and in 1225, he prolonged the special funding arrangements for the *studium* for another five years. On Palencia, see A. Rucquoi, "La double vie de l'université de Palencia 1180-1250," *Studia Gratiana* XXIX (1998), pp. 723-748 ; and Peter Linehan, *Spain 1157-1300: a Partible Inheritance*, pp. 46-52.

¹³⁹ *CM*: 'Eadem conditio remanebit in huius beneficiis que optinuit ab antiquo quantum ad hoc quod non dabitur scholaribus extra civitatem studentibus'.

¹⁴⁰ Garcia, 'Legislación de los Concilios', pp. 100-101.

reading of Pseudo-Dionysius, and then consulted with his greater clergy (presumably the dignitaries mentioned above) and finally the whole chapter:

Considering these things, I, Maurice, by the mercy of God bishop of the church of Burgos, and the whole assembly of that same church, wishing to restore to fixed order in our church those things that seemed to be less ordered...we have proceeded in this way. First, I, the bishop, and our greatest clergy, in lengthy consultation, diligently discussed that which was to be ordained, and that which was to be established in certainty. After this, the words were written down and presented to the whole chapter¹⁴¹

And what he went on to ordain was supported by the authority of antiquity, 'in accordance with the ancient customs of the church', as he stated on three occasions.¹⁴²

The rhetoric with which Maurice couches his constitutions is more notable once it is compared to that of the other constitutions of these years. The *Concordia* was surprisingly unique in being written by the bishop of the cathedral himself. Bishop Rodrigo of León had been forced to accept the constitution bestowed upon that cathedral in 1224 by Cardinal Pelayo Gaitán, having clashed with Honorius III the year before.¹⁴³ He was also suspended from collecting benefices for two years and was accused of being 'negligent, tepid and remiss' by the pontiff. Similarly, in Astorga in 1228, John of Abbeville wrote of 'correcting and reforming' the church when he issued his constitution there.¹⁴⁴ Closer to home, the legate's constitution for Toledo cathedral, the metropolitan see, in 1229 was even more striking. John addressed his text to 'my dear sons the dean and chapter of Toledo', and Archbishop Rodrigo is mentioned only once, at the end of the text.¹⁴⁵ Instead, the constitution confirms some legislation issued by Archbishop Martín, Rodrigo's predecessor (and Maurice's patron). The legate chides the canons of Toledo for acting 'against the statute of Martin of good memory, once archbishop of Toledo' in allowing an

¹⁴¹ CM, 'Hec igitur atendentis Ego Mauricius, Dei miseratione ecclesie Burgensis episcopus, totusque conventus eiusdem ecclesie, volentes quedam que minus ordinata videbantur in ecclesia nostra ad certum ordinem reducere, quedam etiam que velud ambigua sub ancipiti fluct[u]abant, statuere certa in perpetuum duratura, tempore nostre translationis ad novam fabricam processimus in hunc modum. Primo tractavimus diligenter longa deliberatione versantes Ego episcopus et maiores nostri que forent ordinanda, que etiam sub certitudine statuenda. Postmodum in scriptis redacta fuerunt et universo capitulo presentata. Igitur que sequ[un]tur de comuni consensu omnium statuimus in perpetuum valitura'.

¹⁴² See CM, Appendix 5. Of course, reference to ancient custom was also a good defence against any hint of *novitas*. The diocese had only been in Burgos since 1075, so 'ancient' is something of an exaggeration.

¹⁴³ See Linehan, *Spanish Church and Papacy*, pp. 290-292. Also see M. J. Branco, 'Portuguese ecclesiastics and Portuguese affairs near the Spanish cardinals in the Roman Curia (1213-1254)', in A. Jorge, H. Vilar and M. Branco, *Carreiras eclesiásticas no ocidente cristão: séc. XII-XIV / Ecclesiastical careers in Western Christianity: 12th- 14th C.* (Lisbon: Universidade Católica Portuguesa, 2007), pp. 79-102, p. 96.

¹⁴⁴ See Quintana Prieto, 'Constituciones capitulares', p. 498.

¹⁴⁵ CT, Doc 428, 'Iohannes Dei gratia Sabinensis episcopus apostolice sedis legatus dilectis filiis decano et capitulo Toletanis salutem in Domino'.

extravagant number of canons and declares his desire to rectify the situation by issuing his own laws for the cathedral, 'by our authority as legate'.¹⁴⁶ It was a visit full of corrections for Toledo, and it is surprising that Rodrigo himself is only referred to at the close, as being the figure 'who now presides' and who will enforce the legislation of the legate.¹⁴⁷

Another point of local comparison is the cathedral of Palencia. Bishop Tello had written to Honorius III twice to request permission to make changes to his chapter, as responses from the pope in 1223 and 1225 make clear.¹⁴⁸ Honorius acknowledges that he had 'supplicated humbly' in order that 'by our permission you may be able to order the same church [of Palencia]', permission that Honorius granted.¹⁴⁹

In this context, the rhetoric of episcopal authority in the *Concordia Mauriciana* stands out. There is no mention of any external influence over the text, not even when such an influence is in evidence, as we saw above. And indeed, a text of this nature had a value that was as much symbolic as it was practical. As André Artonne has commented, the drawing up of such legislation was 'l'oeuvre capitale d'un eveque'.¹⁵⁰ It was what bishops were supposed to do, and a uniquely episcopal responsibility, that is, when they had the authority to do so – and evidently, not all those in Maurice's immediate surroundings did. We have seen in chapter three how Maurice fought to retain the power and independence of the bishopric of Burgos, and this independence of ecclesiastical power is on display in the *Concordia* too. As the opening lines of the *Concordia* point out, it is the wise man who knows the value of order, in the sensible world as much as in the heavens. This sensible world was the world of Burgos cathedral, its canons, customs and all the other details we have discussed above. Maurice was indisputably the 'wise man' at the centre of this, establishing divine order where 'doubtful ambiguities' had crept in.

¹⁴⁶ *Ibid*, 'Attendentes ad ecclesiam vestram ut ei visitationis inpendere officium quedam invenimus corrigenda quorum correctionem subiectis capitulis duximus annotandam, siquidem contra statutum bone memorie M(artini) quondam archiepiscopi Toletani tam canonicorum mansionarorum quam canonicorum extravagantium necnon et portonariorum mansionariorum excreverat numerus... Nos, auctoritate nostre legationis, hoc perpetuis temporibus observari mandamus'...

¹⁴⁷ *Ibid*, 'Quia vero per sollicitudinem et prudentiam venerabilis patris R(oderici) archiepiscopi vestri qui modo presidet ampliata sunt ecclesie vestre bona'. He confirms all with his seal and the threat of damnation.

¹⁴⁸ Abajo Martín, *Documentación de Palencia*, Docs 152 and 165.

¹⁴⁹ Abajo Martín, *Documentación de Palencia*, Doc 165; 'Unde, humiliter supplicastis ut, promissione ac iuramento huismodi non obstantibus, de licentia nostra possetis eandem ecclesiam ordinare. Nos, igitur, vestris supplicationibus inclinati, presentiu vobis auctoritate concedimus ut, non obstantibus promissione ac iuramento predictis, ecclesiam ipsam, prout si et vobis expedire videbitur, ordinare possitis'.

¹⁵⁰ Cited in Linehan, 'Councils and Synods', p. 105. See André Artonne, 'Le livre synodal de Lodève', *Bibliothèque de l'école des chartes* 108 (1950), 36-74, pp. 70-72.

We are afforded a further insight into Maurice's understanding of his own episcopal role in another document that he wrote in the very same month as the *Concordia*, November 1230. This was a document establishing Maurice's own memorial, which we mentioned in Chapter One. The text opens with a statement of the duties and responsibilities of the bishop:

As much as the apex of pontifical glory shines in honour, so it is all the more greatly weighed down by the heaviness of negligence, while *the bishop [pontifex] is raised up above men and set in place on behalf of men in those things that pertain to God* [Heb 5.1], yet beset by weakness, he does not fulfil the holy ministry in a manner befitting of God, distracted by the care of temporal things, and burdened even more greatly *by earthly habitation pressing down upon the mind that muses on many things* [Ws 9.15].¹⁵¹

We are reminded at once of the opening lines of the *Concordia*. The bishop, literally the 'high priest', was raised up above his men in an earthly hierarchy, of which he was the apex, and from which position it was his task to 'fulfil the holy ministry in a manner befitting of God'. The responsibility that accompanied this high office was 'the care of temporal things', which were surely no different to the 'earthly things' ordered by the wise man of the *Concordia*. For both the pontifex and the wise man, these temporal things were just the first, earthly, step towards the things of heaven.

Conclusions

Clearly, Maurice felt keenly his responsibilities as bishop. The *Concordia Mauriciana* is a text that brings together the Toledan intellectual that we saw in Chapter Two, with the authoritarian figure of episcopal power from Chapter Three. Both the contents and context of the *Concordia* make this clear. He was, in his own words, the 'vir sapiens' who recognised the value of order, and at the same time, the 'pontifex' whose job it was to implement this order. It is a text that thus provides us with a glimpse into what could perhaps be described as Maurice's 'episcopal theology'; his understanding of what it meant to be a bishop and how this office should be manifest in the Castile of the early thirteenth century.

There is much that remains unknown or unclear about this document, both with regard to the theological framework with which it opens and the precise background to the reforms it

¹⁵¹ Appendix 4, 'Pontificalis apex sublimitatis quanto clarior est in honore, tanto majori negligentiarum premitur onere, dum *ex hominibus pontifex assumptus et pro hominibus constitutus in hiis que sunt ad Deum* [Hebrews 5.1] *circundatus tamen infirmitate sanctum ministerium digne Deo non adimplet, distractus rerum temporalium cura multiplicior gravatus terrena inhabitacione deprimente sensum multa cogitantem*' [Wisdom 9.15]

imposes. The paucity of comparative texts in Castile limits our ability to see the *Concordia* clearly within its context. Yet the comparisons that we do have suggest that the *Concordia* was quite unique; in its articulation of episcopal authority, in its reception of aspects of the Fourth Lateran Council, and in the way in which all of this was framed within the language of mystical theological hierarchies. Not all of Maurice's ideas of ecclesiastical reform can be identified, and there must surely have been much in the text that was an expression in legislation, probably for the first time, of local customs and norms. However, by incorporating some of the instructions of the papal legate, John of Abbeville, the *Concordia Mauricana* challenges the prevailing historiographical view that the legation of 1228 left no traces in Castile. Maurice does not seem to have been interested in propagating the Lateran agenda *per se*, with its emphasis on pastoral care and on the deeper understanding of the faith by both clergy and laity; these aspects of papal reform find little by way of parallel in the *Concordia*. But his selections from it suggest that it nonetheless provided a model from which he could pluck aspects as they fitted his own agenda – quite in contrast to the other constitutions we see issued in Iberian Peninsula at this time.

Clearly, for Maurice, ecclesiastical and divine order went hand-in-hand, and by imposing the former, he was aligning himself with the latter. His statements to this effect reveal another side to Maurice's intellectual engagement with the Toledan milieu, discussed in Chapter Two, and also, more speculatively, a wider possible context of ideas influenced by texts from Paris and the monastery of Saint-Victor. Maurice's involvement in the intellectual debates that must have taken place in Toledo did not cease on his removal to Burgos, and seventeen years later, these were still evidently important to him, and of use within his practical ambitions for the cathedral. The text was Maurice's statement of how he wanted his cathedral to be, in ideological and practical terms. As we shall see in the next chapter, this was a vision that was not confined to the text of the *Concordia*, but would be applied to the whole cathedral, both the building itself and the variety of practices that took place within it.

Chapter 5:

The apex sublimitatis: The foundation of the Gothic cathedral of Burgos

Without question, the most celebrated moment of Maurice's career was his foundation, on 20th July 1221, of the Gothic cathedral of Burgos.¹ This was the first entirely Gothic cathedral to be built in Castile, and is a building of unique importance in the architectural and cultural history of Spain.² The first half of the thirteenth century has been seen as the moment at which French Gothic architecture arrived in the Peninsula, the *opus francigenum* prefigured in buildings such as the Cistercian monastery of Las Huelgas and whose epitome was reached in the impressive constructions in Burgos, Toledo and later, León, Osma, Palencia and many others.³

The architectural development of this new Gothic cathedral had been the subject of relatively little scholarship across the twentieth century until the comprehensive monograph of Henrik Karge, *La catedral de Burgos*, published in 1995.⁴ Karge's analysis has revealed a highly complex and in many senses ground-breaking structure, combining influences from a number of French models across the chevet, transept, nave and towers, and occupying a 'decisively intermediary position between French and Spanish art in the thirteenth century'.⁵

However, little attention has been paid to the precise historical context and circumstances in which this undoubtedly different and foreign-looking cathedral was constructed in Burgos. For Luciano Serrano, Maurice's foundation of a new cathedral was simply a practical solution to a logistical problem: the old Romanesque building was too 'timid and modest' to contain the

¹ ACB, *Kalendarium Antiquum*, Codex 27 and 28; also Sonia Serna Serna, *Los Obituarios de Burgos* (León: Centro de Estudios e Investigación 'San Isidoro, 2008), pp. 480-481.

² For the most important studies of Burgos cathedral, see H. Karge, *La catedral de Burgos y la arquitectura del siglo XIII en Francia y España* (Valladolid: Junta de Castilla y León, 1995); and also M. Martínez y Sanz, *Historia del templo catedral de Burgos* (Burgos, 1866; reprint, Burgos: Institución Fernán González, 1983); E. Lambert, *L'art gothique en Espagne au XII et XIII siècles* (Paris: Laurens, 1931), pp. 218-238; T. López Mata, *La catedral de Burgos* (Burgos: Hijos de Santiago Rodríguez, 1950); E. Rodríguez Pajares (ed.), *El arte gótico en el territorio burgalés* (Burgos: Universidad de Burgos, 2006); and J. González Romero, *El secreto del gótico radiante. La figuración de la Civitas Dei en la etapa rayonnant: Burgos, León y Saint-Denis* (Gijón: Trea, 2012) pp. 83-121.

³ See above, and also Nickson, *Toledo Cathedral*; P. Abella, 'Opus francigenum en el lter francorum : el fecundo siglo XIII y la nueva arquitectura de Castilla', *Portium, Revista d'Estudis Medievals* 1 (2011), 69-104; J. Harvey, *The Cathedrals of Spain* (London: Batsford, 1957). Also, for medieval cathedrals more generally, see J. Gimpel, *The Cathedral Builders* trans T. Waugh (Salisbury: Michael Russell, 1983).

⁴ The only significant works on the cathedral preceding Karge are those of Elie Lambert and Teófilo López Mata (see above).

⁵ Karge, *La catedral de Burgos*, p. 15 and *passim*.

growing congregation of the city, and so a new one was built in the most recent style available.⁶ Similarly, whilst there have been many excellent studies assessing how Gothic architecture developed in Castile, there has been little discussion of the cultural significance behind the various reproductions of and innovations upon French models.⁷ Rocio Sánchez Ameijeiras, writing about the sculpture of Burgos cathedral, has put her finger on a wider problem when she points out that the architectural developments of thirteenth-century Castile have too often been seen as no more than ‘the result of the passive reception of an exotic and foreign new style’.⁸

One reason for this is that the architectural developments of cathedral buildings themselves have often been discussed in isolation from the figures who populated and perhaps most importantly, commissioned them.⁹ As Tom Nickson has recently demonstrated with regard to Toledo cathedral, the cultural horizons and priorities of the founding-archbishop, Rodrigo Jiménez de Rada, played a pivotal role in the development of his cathedral from 1226, and was for him a way of ‘writing history by other means’.¹⁰ The cultural and intellectual identities, connections and interests of the bishops who introduced cultural change into Castile must, clearly, be central to any understanding of the introduction of Gothic architecture.

New and nuanced questions about the ‘frame of cultural reference’ within which medieval buildings were constructed have also been raised in the recent work of Lindy Grant, Paul Binski, Paul Crossley, Jerrilynn Dodds and many others.¹¹ As Margot Fassler has pointed out in her analysis of Chartres cathedral, medieval patrons, clergy and laypeople did not necessarily view

⁶ Serrano, *Don Mauricio*, p. 57.

⁷ See for example, Abella, ‘Opus francigenum en el lter francorum’; J. Ávila Jalvo, ‘La explosion gótica: del origen de su lenguaje constructivo’, in Pajares, *El arte gótico en el territorio burgalés*, pp. 47-59; R. Suckale, ‘La theorie de l’architecture au temps des cathedrales’, in R. Recht (ed.), *Les batisseurs des cathedrales gothiques* (Strasbourg: Editions Musées de la ville de Strasbourg, 1989), pp. 41-50.

⁸ R. Sánchez Ameijeiras, ‘La portada del Sarmental de la catedral de Burgos: Fuentes y fortuna’, *Materia: Revista internacional d’Art* 1 (2001), 161-198, p. 161.

⁹ Nickson, *Toledo Cathedral*, p. 8.

¹⁰ *Ibid*, p. 4.

¹¹ L. Grant, *Architecture and Society in Normandy, 1120-1270* (New Haven and London: Yale University Press, 2005), p. 232. Some of the most important recent works on medieval architectural culture include: P. Binski, *Becket’s Crown: Art and Imagination in Gothic England, 1170-1300* (New Haven and London: Yale University Press, 2004); S. Murray, *Notre-Dame: cathedral of Amiens: the power of change in Gothic* (Cambridge: Cambridge University Press, 1996); C. Radding and W. Clark, *Medieval architecture, medieval learning: builders and masters in the age of Romanesque and Gothic* (New Haven and London: Yale University Press, 1992); P. Binski, ‘Working by words alone: the architect, scholasticism and rhetoric in thirteenth-century France’, in M. Carruthers (ed.), *Rhetoric Beyond Words: delight and persuasion in the arts of the Middle Ages* (Cambridge: Cambridge University Press, 2010), pp. 14-51; E. Fernie and P. Crossley (eds.), *Medieval architecture and its intellectual context: Studies in honour of Peter Kidson* (London and Ronceverte: Hambledon Continuum, 1990); and J. Dodds, *Architecture and ideology in early medieval Spain* (University Park, PA.: Pennsylvania State University Press, 1990).

their churches in the same way as modern historians.¹² Gifts and endowments, for example, would often link the 'opus' of the cathedral fabric with the celebration of the cult, and the two often developed and changed in parallel. An understanding of the ways in which the internal life and ceremony of the cathedral functioned and developed is crucial in interpreting changes to the structure itself.

When we turn our attention from the *fabrica* itself to the life of the community that inhabited it, it becomes clear that the introduction of Gothic architecture under Maurice was accompanied by a range of changes to the celebration of the cult in Burgos. There was nothing passive about Maurice's choice of architecture, nor about the changes he imposed in his cathedral. Indeed, the 1220s and 1230s were a period when he actively, and in some ways, radically, re-shaped the cathedral of Burgos and the worship that took place there. In this chapter, we shall first assess the architectural and structural developments that took place under Maurice's auspices, and then the changes in ecclesiastical culture that accompanied them, as Maurice introduced new liturgy, music, books, ideas and personnel into his cathedral over these decades. These changes can also be seen to be reflected in the sculptural programme of the Puerta del Sarmental, the southern portal completed over the course of the 1230s under Maurice's direction, and it is to this liminal space, between the outside world and inner life of the cathedral, that we shall turn for the final manifestation of Maurice's ecclesiastical vision.¹³

1. The New Fabric

The *opus francigenum* in Burgos

The date of the new cathedral's foundation, 20th July 1221, is recorded in the thirteenth-century calendar and obituary of Burgos cathedral, the *Kalendarium Antiquum*: on this day, the feast of St Margaret of Antioch, Maurice 'began the construction of the church of Burgos'.¹⁴ There is also a

¹² M. Fassler, *The Virgin of Chartres: Making History through Liturgy and the Arts* (New Haven and London: Yale University Press, 2010), pp. 190-1. See also Dominique Iogna-Prat for his ideas about 'ecclesia', and the connection between community and building; D. Iogna-Prat, *La Maison de Dieu : Une histoire monumentale de l'Église au Moyen Âge (v. 800-v. 1200)* (Paris, Éditions du Seuil: 2006).

¹³ Some ideas within this chapter have already been discussed by the author in T. 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.

¹⁴ ACB, Codices 27 and 28 (20th July), 'Festo beato margarite incipit dominus Mauricius episcopus burgensis fabricam ecclesie burgensis'. There are two codices of this *Kalendarium*, both of which supply the same date in AD and in Spanish Era. See Serna Serna, *Obituarios de Burgos*, pp. 480-481. It appears however that the entry in Codex 28 has been corrected by a later hand: for a full discussion of this, see Karge, *La catedral de Burgos*, p. 40. It is worth noting however that the date of 1221 has been widely accepted by scholars.

contemporary narrative account, the *Chronicon Mundi* of Lucas, bishop of Tuy, finished around the time of Maurice's death in 1238, which mentions the new cathedral in Burgos, as well as several later foundations.¹⁵ Lucas informs us that 'the most wise bishop Maurice built the church of Burgos to be beautiful and strong'.¹⁶ News of the building had clearly reached Rome by 1223, since we find a bull from Pope Honorius III in this year granting forty days of indulgence to all who contributed to funding the building, in order that 'the structure should rise nobly and indeed sumptuously'.¹⁷

However, it is more of a challenge to identify precisely how far the building project had progressed by the time of Maurice's death in 1238, that is, the 'strong and beautiful' cathedral that Lucas had described by the end of the same decade. This is important, as in attempting to probe Maurice's relationship with his new cathedral, we can, of course, only take into account what he himself would have been responsible for commissioning.

The detailed architectural study of Henrik Karge has illustrated that the nucleus of the Gothic cathedral was constructed between 1221 and the end of the 1270s, by which point the ground plan and basic structure of nave, transept and chevet were complete.¹⁸ The first stage of the building campaign was very rapid, as the chevet, a crown of chapels (although not the crown in existence today), and the eastern walls of the transept, as well as at least one rectangular chapel at the corner with the transept (the chapel of St Nicholas) appear to have been completed by 1230 (see Figure 1).¹⁹ The magnificent southern portal, the Puerta del Sarmental, was underway and most likely complete by the end of the decade. The sculpture of this portal has also been dated to the 1230s, and work on the great rose window above it was underway not long afterwards.²⁰ Finally, there was also a bishop's palace, which seems to have pre-existed the Gothic structure, although possibly being re-built or altered at the start of the thirteenth

¹⁵ *Chronicon Mundi*, IV.95.

¹⁶ *Ibid*, 'Prudentissimus Mauricius episcopus Burgensis ecclesiam Burgensem fortiter et pulchre construxit'.

¹⁷ *Honorio*, Doc 461, 'Structura nobili et adeo sumptuosa consurgat'. The pope also pointed out that 'vestram opus tan pium et sanctum valeat feliciter consumari'.

¹⁸ Karge, *La catedral de Burgos*, pp. 39-53 and *passim*.

¹⁹ *Ibid*, pp. 39-43.

²⁰ For the two key studies of the Puerta del Sarmental, see F. Deknatel, 'The Thirteenth Century Gothic Sculpture of the Cathedrals of Burgos and Leon', *The Art Bulletin* 17, 3 (1935), 243-389; and Sánchez Ameijeiras, 'La portada del Sarmental', pp. 161-198. With regard to the rose window in the southern portal, see M. P. Alonso Abad, 'Recuperación de algunas de las más notables vidrieras de la catedral de Burgos', *Boletín de la Institución Fernán González, Burgos* 85, 233 (2006/2), 341-371; and M. P. Alonso Abad, *Las vidrieras de la catedral de Burgos* (Madrid: C.S.I.C., 2016), pp. 52-69.

century, and which lay to the south of the new cathedral, accessible from the Puerta del Sarmental; very little survives or is known of this building however.²¹

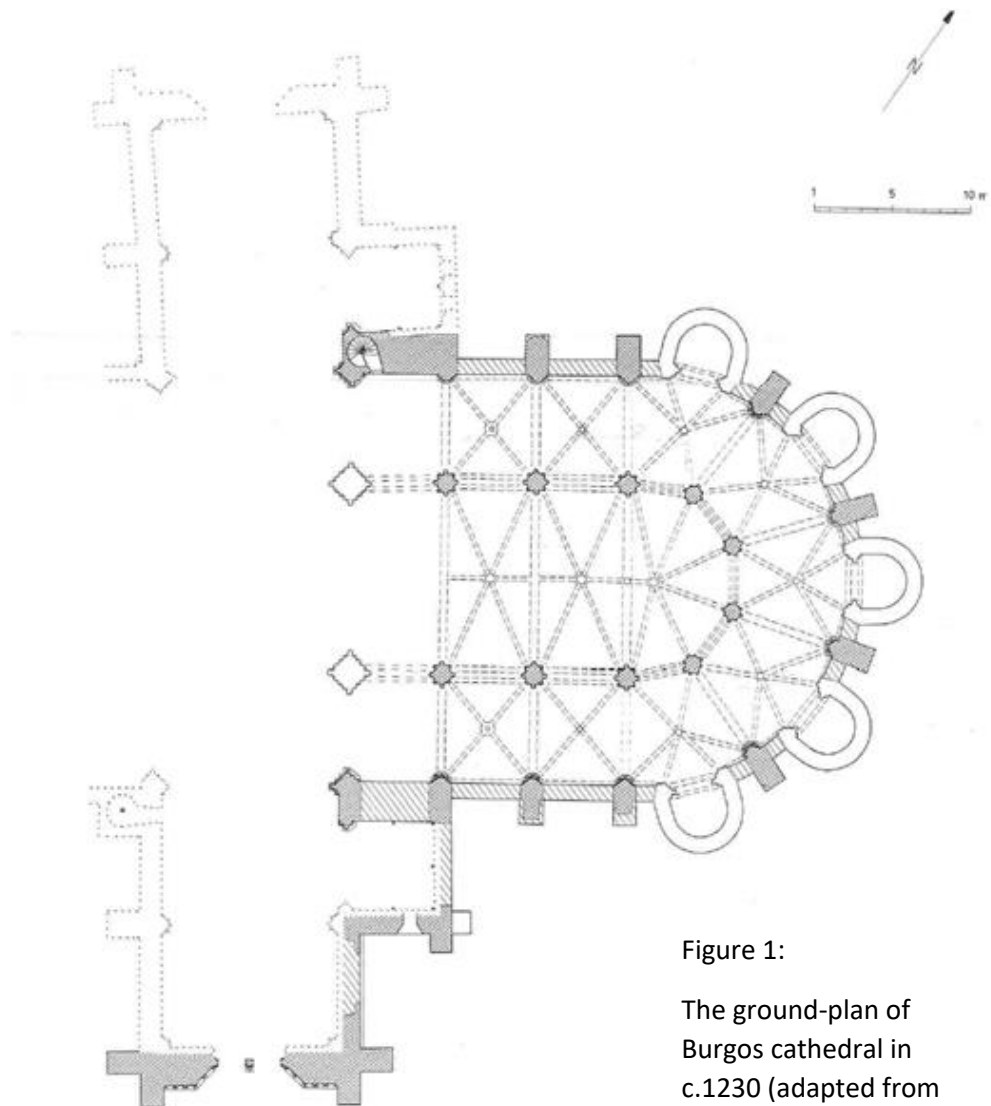


Figure 1:
The ground-plan of Burgos cathedral in c.1230 (adapted from Karge, *La catedral de Burgos*)

The completed chevet that had been erected by Maurice's death would thus have provided a workable space for the celebration of mass by the chapter, most likely protected by a temporary wall as building work continued to the west and the old Romanesque church began to be

²¹ See Karge, *La catedral de Burgos*, p. 24. A number of documents from Maurice's life are recorded as being signed here, for example, a charter from October 1222 was signed 'in palatio domini episcopi, iuxta claustrum' (DCB, Doc. 543). For more on episcopal palaces, see M. Miller, *The Bishop's Palace: Architecture and Authority in Medieval Italy* (Ithaca: Cornell University Press, 2000).

dismantled.²² As Karge's analysis has revealed, the new choir was flanked by arcades and an ambulatory, in which there were six-ribbed vaults. Off this ambulatory were isolated, semi-circular radial chapels dotted between the buttresses, which were replaced in the 1260s once the basic structure of the whole cathedral was near completion.²³ Given the rapidity of this early construction, it is possible that work had begun before the official laying of the foundation stone – although, as we shall see later, it is unlikely to have begun before the end of the year 1219.

Karge has illustrated that this east end was unquestionably the work of a French master mason, and most likely, a French team of builders, who used the measurement system known as the 'Parisian foot' in both floor plan and elevation.²⁴ Moreover, it seems clear that these masons and their workshops must have arrived in Burgos from the French city of Bourges, since the Burgos chevet, as Karge has demonstrated, was closely modelled on the cathedral of Bourges, one of the most spectacular cathedrals of early thirteenth-century French Gothic.²⁵ Although Burgos is considerably smaller and has three naves instead of Bourges's grandiose five, the heights of the arcades, the triforia, the clerestory, and the total height, are proportionally nearly identical to those of the lateral naves of the Bourges east end. The forms of elevation of the Burgos choir are also extremely similar; there are, for example, three different forms of pillar used in Burgos, which are prefigured only in the lateral naves and ambulatories of Bourges and are not observed elsewhere. Similarly, the bases of columns, the design of the triforia, profiles of the arcade and other structural links have led Karge to his conclusion that the early work on the cathedral was an attempt to reproduce the grandeur of the cathedral of Bourges, and he suggests that 'no Gothic building has been so greatly influenced by the French cathedral of Bourges than the Castilian one of Burgos'.²⁶ Subtle variations in the design have led Karge to suggest that the master mason of the Burgos chancel was in fact attempting to solve problems that he had encountered in the construction of Bourges.²⁷ It is important to point out that the transept and nave diverge from this model and were clearly influenced by other major French cathedrals, suggesting that after Maurice's death, the plans for the rest of the building

²² Karge, *La catedral de Burgos*, p. 42.

²³ *Ibid*, p. 103.

²⁴ *Ibid*, pp. 71-74. There is no reference to a master mason in the cathedral until 1277, that is, Master Enrique, who was also the mason of Leon cathedral. However, he would have been too young (if alive) in 1221 to have led work on Burgos from its foundation. Rocio Sánchez Ameijeiras has warned against the 'distorting prism' of seeking a particular named mason; see Sánchez Ameijeiras, 'La portada del Sarmantal', p. 165. It should be noted that Harvey, *The cathedrals of Spain*, pp. 46, 94 and 241 mentions a 'Ricardo of Burgos' as an English master mason in Castile in the late twelfth century and attributes Burgos cathedral to him, although I have found no documentary evidence to support this theory.

²⁵ Karge, *La catedral de Burgos*, pp. 71-97 and 131-139.

²⁶ *Ibid*, p. 131.

²⁷ *Ibid*, p. 133.

developed in a slightly different direction to the chevet, a conclusion also supported by the redesign of the radial chapels just thirty years after the original chapels were built.²⁸

There are very few references to the ongoing building works in the cathedral archive during the period of Maurice's life, and almost no mention of any of the masons, carpenters or sculptors who must have inhabited Burgos at this time. The earliest surviving reference to any canonical support for the building project is found in the will of canon Juan Peregrino from 1225, in which he leaves 50 gold coins for the 'fabric' of the building.²⁹ Not long afterwards, in 1230, the cantor Pedro Diaz de Villahoz left money to the *maestro de obra*, although without naming him, and in 1246 Maurice's successor, Bishop Juan, granted the princely sum of 4,000 maravedis to the building project.³⁰

However, it is possible to extrapolate some indications about the progress of the building work from the archival documents. The chevet must have been complete, or at least complete enough for use, by 1230, the year in which Maurice wrote his constitution for the cathedral, the *Concordia Mauriciana*, in which the movements of the canons within this very space are determined.³¹ Thus, for a period of about nine years, the old Romanesque cathedral remained in use: not only did the royal wedding of Fernando III and Beatrice Hohenstaufen take place there in November 1219, but also that of King John of Jerusalem to Berenguela, Fernando III's sister in 1224.³²

The next indication of progress in the construction is found in the will of the cantor, Pedro Diaz. Writing in 1230, he founded the chapel of St Nicholas, a chapel still extant on the northern corner of the transept, and ordered that his body should be buried there (see Figure 2).³³ He must have been on his death bed when he wrote this will, as there is indeed a corresponding gravestone in this chapel, still extant and dated to 1230, on which Pedro Diaz is commemorated.³⁴

²⁸ *Ibid*, pp. 71-73.

²⁹ ACB, v.40, fol. 209.

³⁰ For the will of Pedro Diaz, see Karge, *La catedral de Burgos*, p. 42. For the will of Bishop Juan, see ACB, v.25, fol. 351.

³¹ Karge agrees that 1230 was the date by which the chevet was in use, see *La catedral de Burgos*, p. 42.

³² For Fernando and Beatrice, see *Fernando III*, Doc 93: 'in cathedrali ecclesia Burgensis duxi sollempniter in uxorem'. This must have taken place in the cathedral itself, since it is recorded as happening *in ecclesia burgensis* (and thus not in the monastery of Las Huelgas, the only possible alternative). For John and Berenguela, see Chapter Two.

³³ Karge, *La catedral de Burgos*, pp. 42-43.

³⁴ *Ibid*, pp. 42-43.



Figure 2: The chapel of St Nicholas

Another chapel, dedicated to St Peter, must have been complete by November 1230, when Maurice himself founded two chaplaincies within it for the commemoration of his own death and the deaths of his parents, relatives and patrons.³⁵ A transcription of this document can be found in Appendix Four. Work on the chapels must have continued up to and beyond Maurice's death, as in February 1239, two chaplaincies were founded by canon Apparicio, archdeacon of Treviño, to attend to the altar in the chapel of St John the Evangelist.³⁶ Importantly, Apparicio's will also provides a glimpse into the state of the inside of the cathedral; in particular, he describes a lack of altar vestments, and stipulates for the provision of vestments for the altar of St John. He also countenances the possibility that his sepulchre will have to be moved in the future, suggesting a rapidly

changing and expanding church interior. Finally, in 1242, a donation was signed 'in the chapel of the altar of St Michael', the fourth chapel that must have been under construction by the late 1230s.³⁷ These three chapels, dedicated to St Peter, St John the Evangelist and St Michael, must have been part of the original crown of radial chapels constructed in the first wave of building, and then taken down in the 1260s, as identified by Karge.³⁸

This then was the new building for which Maurice was responsible, although just how directly responsible remains to be seen. The chevet must have been constructed at a remarkable pace over the 1220s to have been ready for use in 1230. Indeed, a bull of Innocent IV granted indulgences for the cathedral's consecration in 1243, which would have required an astonishingly rapid level of construction over the 1230s, but ultimately, the consecration was deferred until 1260.³⁹

³⁵ ACB, Capellanes del Número, caja 6, folio 45 (formerly 40). See Appendix Four.

³⁶ ACB, v. 18, fol. 224.

³⁷ ACB, v. 26, fol. 316.

³⁸ Karge, *La catedral de Burgos*, p. 103.

³⁹ Serrano, *Don Mauricio*, p. 66 and Deknatel, 'Thirteenth-Century Gothic Sculpture', p. 253

The immediate question that is raised by this discussion of the chevet is that of Maurice's model: why did he employ masons who would recreate the architectural imagery of Bourges? And was this connection accidental, or did it have a significance for Maurice? To begin to answer these questions, we will first turn to Maurice's direct connections with France, as far as these can be established, to uncover a direct context for the events of July 1221.

French Connections

We have seen at various points in this thesis that Maurice was well acquainted with theological texts and ideas that can be linked to French *studia*, particularly that of Paris, in the twelfth century, although there is no solid evidence for where he himself may have studied. We have also seen that he had numerous personal connections, amongst his friends, colleagues and family, who had studied in Paris and who travelled between Castile and France. However, there is also evidence to suggest that Maurice himself had visited France on two possible occasions, and indeed, was most likely in Bourges just two years before his foundation of the new cathedral in 1221.

The first of these occasions is the more speculative of the two, and involves Maurice's career as archdeacon under Archbishop Rodrigo in the cathedral of Toledo. In the run up to the battle of Las Navas de Tolosa, which took place in July 1212, Archbishop Rodrigo went on a trip to France to recruit military support. His aim was to present the war as a crusade, and his mission was to engage as much French support as possible.⁴⁰ There are several references to this trip to France in the chronicles from this period, including Rodrigo's own account in his *De Rebus Hispanie*, but we have limited evidence of precisely where or when he went.⁴¹ However, he returned to Toledo followed by nobles, knights and prelates from across Gaul ready for battle, among which were the archbishop of Burgundy, the bishop of Nantes, and barons from the Loire Valley, as well as the archbishop of Narbonne.⁴² As Tom Nickson has pointed out, the fact that he was trying to

⁴⁰ Nickson, *Toledo Cathedral*, pp. 4-6. See also, Pick, *Conflict and Coexistence*, pp. 39-41 and Linehan, *The Spanish Church*, p. 5-6; also see Chapter Two for discussion of this.

⁴¹ *De Rebus Hispanie*, VIII.1. We have confirmation that Archbishop Rodrigo went on a preaching campaign to France in the *Chronicon Mundi*, IV.88: 'Etenim fultus auctoritate domini Pape Innocencii Gallias adiit, verbum Dei assidue proponendo et suadendo populis, ut ad defensionem fidei convenirent'. Another account is supplied by the *Chronica Latina*, p. 32: 'Rex gloriosus miserat archiepiscopum Toletanum et legatos suos in Franciam et in alias regiones Christianorum invitare populum catolice fidei sectarorem ad bellum futurum'. On the French campaign, see Pick, *Conflict and Coexistence*, pp. 36-43.

⁴² *De Rebus Hispanie*, VIII.2.

preach a crusade means that a stop by Bourges was extremely likely.⁴³ We also have evidence from the *Chronicle* of Bernard Itier that a group of 400 men left Limoges for Toledo in 1212.⁴⁴

Did Maurice, then one of the most senior canons in the chapter of Toledo, accompany Rodrigo on this trip into France? He was certainly involved in the preparations for the battle, although, as we saw in Chapter Two, his involvement seems to have been of a more intellectual nature. However, in June 1211, Pope Innocent III wrote to Rodrigo, and referred by name to a messenger sent to the papal court by the archbishop; none other than *Mauricius, clericus tuus*.⁴⁵ Clearly, at some point early in 1211, Maurice too had been travelling across Europe. Whether he accompanied his archbishop for part of the mission in France before travelling on to Rome is impossible to ascertain, but if he had gone as far as the Loire Valley with Rodrigo, he would have seen the cathedral of Bourges shortly before its completion.

Maurice travelled through France for a second time in 1219. Sometime at the start of this year, he was sent as an ambassador to Suabia on behalf of King Fernando III, in order to propose marriage to Beatrice, daughter of King Philip Hohenstaufen.⁴⁶ We know very little about this mission and Maurice's precise route. Archbishop Rodrigo's *De Rebus Hispanie* contains the longest description of the journey:

The ambassadors who went to request her, *Bishop Maurice of Burgos, a praiseworthy and wise man*; Pedro, abbot of San Pedro de Arlanza; Rodrigo, abbot of Ríoseco; and Pedro Odoario, prior of the Hospital, went to Germany before Frederic, king of the Romans, who then had custody of the young lady, and were honourably welcomed by the king [the Holy Roman Emperor, Frederic]. And after explaining the motive of their mission as had been ordered of them, the aforesaid king and his princes delayed the response for some time, and the aforesaid ambassadors waited for almost four months. Finally, King Frederic, emperor elect, sent his niece Beatrice, a noble, elegant, beautiful, and wise young lady, to King Fernando with the abovementioned ambassadors and with a splendid bridal party. And *when they arrived in Paris*, the king of the French, called Philip [Augustus or Philip II] who

⁴³ Nickson, *Toledo Cathedral*, p. 47.

⁴⁴ A. Lewis (ed.), *The Chronicle and Historical Notes of Bernard Itier* (Oxford: Clarendon Press, 2013), pp. 84-85.

⁴⁵ J. Gorosterratzu, *Don Rodrigo Jimenez de Rada: gran estadista, escritor y prelado* (Pamplona: Imp. y Lib. de Viuda de T. Bescansa, 1925), p. 416; 'Quoad petitiones tuas, quas obtulisti nobis per Mauricium, clericum tuum'.

⁴⁶ Bruno Meyer has seen this as an expression of the growing proximity between Castile and the Holy Roman Empire. See B. Meyer, *Kastilien, die Staufer und das Imperium. Ein Jahrhundert politischer Kontrakte im Zeichen des Kaisertums* (Husum: Matthiesen, 2002), esp. pp. 72-83. See also J. Valdeón, K. Herbers, K. Rudolf (eds.), *España y el 'Sacro Imperio'. Procesos de cambios, influencias y acciones recíprocas en la época de la 'europeización' (siglos XI-XIII)* (Valladolid: Universidad de Valladolid, 2002); and M. Caballero Kroschel, *Reconquista und Kaiseridee. Die Iberische Halbinsel und Europa von der Eroberung Toledos (1085) bis zum Tod Alfonsos X. (1284)* (Hamburg: Kramer, 2008).

then governed over Gaul, received them wonderfully, conceding them a guard of honour through his land, and so they arrived happily to the kingdom of Castile.⁴⁷

Although we have no details here about precisely where this group went, we do have some corresponding evidence from the Lorraine area. Richer's *Deeds of the Church of Senones*, written by the 1260s, records a group of Spanish ambassadors passing through in 1219, whose mission was to request the hand of Beatrice.⁴⁸ On his way back through Paris, where he was received 'wonderfully' by King Philip II (Augustus), Maurice must surely have visited Blanche of Castile, Philip II's daughter-in-law and wife of Prince Louis, as well as aunt of Fernando III. Lindy Grant has pointed out that Blanche, who stayed in close contact with her Castilian family, was a powerful figure at the French court and often supported Castilians in Paris; she would undoubtedly have been keen to meet any senior figures from the kingdom of Castile who were passing through Paris.⁴⁹ We have no evidence of how long Maurice spent in France on this leg of his mission, nor are there any more details beyond the information that his party had a 'guard of honour' from the French king and that they reached Castile by November 1219.

This was clearly another opportunity for Maurice to have come into contact with the *opus francigenum*, and particularly that of Bourges, which lay on one of the major pilgrimage routes up from Spain, along which Maurice is likely to have travelled. Moreover, passing Bourges in 1219 would have revealed a particularly impressive sight. The east end of the cathedral was completed in 1214, and what is more, the bishop-founder of this construction, Guillaume, had been canonised just before, in May 1218.⁵⁰ At his canonisation, his body was transferred into the new cathedral choir, set in a gold and silver chest, and raised up on columns behind the great

⁴⁷ *De Rebus Hispaniae*, IX.10, 'Missique pro ea nuncii Mauricius Burgensis episcopus, vir laudabilis et discretus, Petrus abbas sancti Petri de Aslancia, Rodericus abbas de Rivo Sicco, Petrus Odoarii prior Hospitalis ad Fredericum Romanorum regem, sub cuius custodia erat tunc temporis domicella, in Theutonia accesserunt et ab ipso rege honorabiliter sunt recepti. Cumque legationis causam, ut iniunctum fuerat, explicassent, predictus rex et sui principes responsionem aliquandiu suspenderunt et fere per menses IIIIor predicti nuncii expectarunt. Tandem rex Fredericus in imperatorem electus consobrinam suam Beatricem, domicellam nobilem, pulcram, compositam, et prudentem, regi Fernando per predictos nuncios cum apparatu nobili destinavit. Et cum Parisius advenissent, rex Francorum Philipus nomine, qui tunc Galliis presidebat, eam honeste recepit per terram suam honorifice dans ducatum, et ad regnum Castelle felici itinere pervenerunt'. The *Chronica Latina* tells the same story, although with some different companions; see *Chronica Latina*, p. 59. My translation and emphasis.

⁴⁸ 'Nuntii regis Yspanie postulantes regis Phylippi filiam domino suo dari in uxorem', see *Richeri Gesta Senoniensis Ecclesiae*, ed. in *Monumenta Germaniae Historica, Scriptores*, vol. 25 (Hannover, 1880), pp. 249-345 p. 292.

⁴⁹ Blanca/Blanche was the daughter of Alfonso VIII and Eleanor of England, and sister to Berenguela (Fernando's mother). For more on Blanche, see Grant, *Blanche of Castile*, pp. 149-182. See Chapter One for more evidence of a connection of sorts between Maurice and Blanche.

⁵⁰ Also known as Saint William of Donjon (c. 1155 – 1209). See O. Nauleau, 'Saint Guillaume du Donjon, archevêque de Bourges (1200-1209)', *Cahiers d'archéologie et d'histoire du Berry* 105, (1991), 3-8.

altar.⁵¹ This would have been *in situ* a year later in 1219 (indeed it remained so until the sixteenth century).⁵² It is also very tempting to see this as the opportunity not only for Maurice to decide to build a cathedral like Bourges, but to have been able to meet masons involved in the work and perhaps to have even recruited the team and master mason who would begin work on Burgos, just two years later.

A New Order in Burgos

We have thus an immediate context for the foundation of the Gothic cathedral in Burgos, and a suggestion of why the model of Bourges, one of the most impressive and awe-inspiring examples of the *opus francigenum* from this period, might have been selected for the new chevet. However, there is evidence to suggest that, far from being simply an aesthetic decision, the foundation of the new building may have had a more theological significance to Maurice too.

The role of founder-bishops, and of medieval patrons more generally, has received increasing scholarly attention in recent years, although as Lindy Grant has pointed out, it is rare to uncover evidence of how medieval individuals understood and interpreted the buildings they commissioned; one of the most well-known exceptions is Abbot Suger and his written account of the building of the basilica at Saint-Denis, whilst Henri of Avranches's description of the architectural symbolism of Lincoln cathedral is another.⁵³ In 1951, Erwin Panofsky famously suggested a connection between the architectural and intellectual developments of the twelfth century, linking the form and architectural design of Saint-Denis with the scholarly interests and theological intentions of its abbot.⁵⁴ Much subsequent scholarship has checked this contention, and as Peter Kidson has pointed out, the path between the scholar's cell and the stone mason's yard has yet to be found.⁵⁵ The question of how to understand medieval architectural developments within their cultural, intellectual and theological context – immediate and general – has remained pressing for historians and art historians. Recent work has raised more nuanced

⁵¹ A. Boinet, *La cathédral de Bourges* (Paris : Champion, 1912), p. 12.

⁵² *Ibid*, p. 12.

⁵³ Grant, *Architecture and Society*, p. 2; also Miller, 'The Building Program', and see above. For Henri of Avranches's description of Lincoln cathedral, see Charles Garton (ed.), *The Metrical Life of Saint Hugh of Lincoln* (Lincoln: Honywood Press, 1986), pp. 53-61.

⁵⁴ E. Panofsky, *Gothic architecture and scholasticism* (Philadelphia, University of Pennsylvania, 1951).

⁵⁵ P. Kidson, 'Panofsky, Suger and St Denis', *Journal of the Warburg and Courtauld Institutes* 50 (1987), 1-17. For a summary of the most important critiques of Panofsky, see A. Speer, 'Is there a theology of the Gothic cathedral? A re-reading of Abbot Suger's writings on the abbey church of St. Denis', in Jeffrey F. Hamburger and Anne-Marie Bouché, eds., *The mind's eye: art and theological argument in the Middle Ages* (Princeton: Princeton University Press, 2006), 65-72.

questions about the 'frame of cultural reference' within which medieval buildings were constructed, the role of the architect or patron, and the 'symbols, formal ideals, and unconscious attitudes' that lay behind some of the major building projects of the Middle Ages.⁵⁶

Although there remain many gaps in our knowledge of the early stages of Burgos cathedral, we can in fact get closer to Maurice's own ideas about his new building by returning to his own words on the matter: the *Concordia Mauricana*, the constitution he composed in 1230 on the inauguration of the chapter into the new building.⁵⁷ As we have seen in Chapter Four, the *Concordia's* primary function is the enforcement of order in the chapter, with legislation determining customs ranging from dress code to the payment of canons.⁵⁸ However, in the text's remarkable prologue, we are given an insight into a more conceptual understanding of this order and its relationship with the new building. Maurice wrote that the order of the Church, the *ecclesia Dei*:

holds a certain likeness (*similitudo*) to those things that the Supreme Hierarch...set in order in the supercelestial hierarchy.⁵⁹

As a result of this, Maurice states himself to be:

wishing to restore to fixed order in our church those things that seemed to be less ordered... in this time of our translation to new fabric (*ad novam fabricam*).⁶⁰

This 'new fabric' of the cathedral, the literal reordering of the stones of the cathedral itself, was then part of a larger manifestation of the heavenly order Maurice was seeking to impose. The movement of the chapter into the new chevet was inherently bound up in his efforts to bring about this *similitudo* between the Church on earth and the divine order of the heavens. As we discussed in Chapter Four, the language and imagery of this passage are clearly Pseudo-Dionysian, and explicitly based on the Celestial and Ecclesiastical Hierarchies of the sixth-century theologian, as well as on later interpretations of these. Maurice's efforts were to reorder what

⁵⁶ Grant, *Architecture and society*, p. 232 and Dodds, *Architecture and ideology*, p. 1. For a selection of key works, see above, note 11.

⁵⁷ See Appendix Five.

⁵⁸ See Chapter Four.

⁵⁹ CM, 'Fiunt in ecclesia Dei sive in sacramentis sive in officiis, similitudinem quandam habere cum illis que Supremus Ierarches, qui est principium omnium, divina scilicet bonitas in supercelesti Ierarchia ordinavit'.

⁶⁰ CM, 'Volentes quedam que minus ordinata videbantur in ecclesia nostra ad certum ordinem reducere... tempore nostre translationis ad novam fabricam'.

he could, namely, the 'workings of the sensible world' in an attempt to match 'the invisible and eternal things, which are more worthy'.⁶¹

These opening lines thus attach an immediate significance to the order that the *Concordia* goes on to establish in Burgos cathedral. However detailed the instructions of the *Concordia*, they had a part to play in this wider theological vision of an ecclesiastical *ordo*. Under Maurice, Burgos cathedral was to become a microcosm of a wider, indeed universal, order. The 'new fabric' of the building was thus intrinsically linked to the practices that took place within it; both were mirror images of the divine order of heaven. In this sense, we should interpret the re-ordered stones of the Gothic cathedral as being no less than an external manifestation of a re-ordered church more broadly.

An important article by Paul Binski has suggested a link between architectural design and intellectual symbolism, seen through the vocabulary that was coming into use in the Parisian schools.⁶² He suggests that, as the works of Aristotle, particularly his *Physics* and *Logic*, reached the syllabus in Paris, as we know they did from the censorships of 1210 and 1215, architectural terminology came to be used by intellectuals as a means of discussing causality. Aristotle's Primary Cause was symbolised as an architect: the *auctor* who was able to order others. The outcome of this process was *ordinatio*, the correct ordering of society, and this had a moral significance – rightful order was quite literally 'edifying'.⁶³

Binski's article has revealed how these ideas are expressed most clearly by Thomas Aquinas, whose *Summa Contrae Gentiles* draws on St Paul's first letter to the Corinthians to explain how it is the job of the 'wise man' to order his society. Aquinas combines this with the Aristotelian imagery of the architect and the mason – the architect is the 'wise man', and has the ability and indeed duty to impose rightful order on others. This rhetoric, Binski points out, provides us with a link between the intellectual processes of the Parisian schools in the early thirteenth century and the ongoing Gothic building projects of the same time.⁶⁴

⁶¹ CM, 'Sine ordine mundi sensibilis machina non subsisteret etiam per momentum. In invisibilibus quoque que digniora sunt et eternis, quantum valeat ordo'.

⁶² Binski, 'Working by words alone', pp. 14-51.

⁶³ *Ibid*, esp. pp. 21-27 and 36-41.

⁶⁴ Other manifestations of 'ordinatio' are also mentioned in the article such as the layout of manuscripts from the early thirteenth century; compare M. Parkes, 'The influence of the concepts of 'ordinatio' and 'compilatio' on the development of the book', in J. Alexander and M. Gibson (eds.), *Medieval Literature and Learning: Essays presented to Richard William Hunt* (Oxford: Clarendon Press, 1976), pp. 115-141. On the idea of conceptual copying, see C. Whitehead, *Castles of the Mind: A Study of Medieval Architectural Allegory* (Cardiff: University of Wales Press, 2003).

It is also a rhetoric reflected in Burgos, where Bishop Maurice was also busy re-ordering the architecture of the cathedral to be modelled on one of the most important French Gothic cathedrals of the early thirteenth century. And Maurice, as we have seen, was aware of these same ideas concerning the *ordinatio* of his world. The *Concordia* opens with a phrase from St Paul's first letter to the Corinthians, an exhortation to order: 'let all things be done decently, and according to order among you', and the words *ordo* and *ordinatio* are repeated nine times in the opening lines of the text.⁶⁵ Moreover, Maurice also draws on the idea of the wise man engaging with order, for, as he states in the *Concordia*, 'the wise man (*vir sapiens*) does not ignore the great value of order even in the things of nature, since without order, the workings of the sensible world would not exist even for a moment'.⁶⁶ The 'wise man' in this instance was the bishop himself: he was responsible for 'restoring things to order', and he was doing so both inside the cathedral and simultaneously in the fabric of the building, as its *auctor*.

The *Concordia Mauriciana* thus provides an important insight into the bishop's own priorities when founding the new cathedral of Burgos in 1221, and one that not only shapes our understanding of Maurice himself but also challenges what Jerrilynn Dodds has described as the 'deterministic and geocentric view of medieval architecture as an evolutive juggernaut lumbering towards Gothic'.⁶⁷ The re-ordering of the fabric of the cathedral must be seen in conjunction with the re-arrangement of the internal life of the cathedral, reflecting Maurice's efforts to align Burgos within what he saw to be a universal hierarchy. The physical church on earth was, as his own words make clear, nothing less than a reflection of heaven – and in Burgos, heaven looked a lot like the splendid cathedral of Bourges. Maurice's choice of Gothic architecture was not haphazard; it was a statement of his own cultural and theological priorities.

2. The interior life of the cathedral

Lights and liturgy

Just as the *fabrica* itself manifested Maurice's beliefs about divine order, equally, the ongoing life of the cathedral community and its rituals was an issue of no less importance, and was concurrently reformed and reordered during Maurice's episcopate. The *Concordia Mauriciana*

⁶⁵ I Corinthians 14.40; quoted in the *Concordia Mauriciana* as, 'Omnia honeste et secundum ordinem fiant in vobis' – compared to the Vulgate's 'Omnia autem honeste, et secundum ordinem fiant'.

⁶⁶ CM, 'Quante siquidem dignitatis sit ordo etiam in rebus naturalibus vir sapiens non ignorat, cum sine ordine mundi sensibilis machina non subsisteret etiam per momentum'.

⁶⁷ Dodds, *Architecture and ideology*, p. 3.

provides the most obvious example of this, in its scrupulous attention to the liturgical and practical details of the canons' lives, as we have seen in Chapter Four. Indeed, new legislation would have been a necessary accompaniment to the new chevet, as the space within the Gothic cathedral would have been arranged quite differently compared to the earlier Romanesque building.⁶⁸

Liturgy grew with and reflected the shape of the building in which it was performed. The *Concordia* emphasises the strict hierarchical arrangement of the cathedral clergy, positioned in either the upper or the lower choir, with the ordained sitting in the more prominent positions, as we saw in the previous chapter. Within this space, the canons' activities, their singing, and their appearance was highly choreographed. A hierarchy of feasts was established; the most important days, on which the canons were to process in public wearing silk copes, were Christmas, the Feast of Purification, Easter, Pentecost, the Assumption of Mary and All Saints. Canons were required to shave on these days, as well as on a series of feast days for which there were no processions: the first Sunday of Advent, the Epiphany, the first Sunday of Lent, the Ascension, the birth of St John the Baptist, the birth of the Virgin Mary, and the feast of St Michael (Michaelmas). This final feast day would certainly have involved a procession to the new chapel of St Michael, an example of the building and the practices that took place within it developing in tandem. Similarly, in his memorial document of November 1230, Maurice refers to a new missal that he had ordered to be written for the chapel of St Peter.⁶⁹ Maurice's instructions to the two altar boys mentioned in the *Concordia* point to his wider goal; he was 'wishing to increase the honour of the church'.⁷⁰ To this end, the two boys should carry thuribles to incense the great altar during the consecration until the taking of the host, following which they should return to the choir and incense the canons.⁷¹ The necessary incense and candles were to be administered by the sacrist, who was also to pay the boys and provide them with

⁶⁸ On liturgical space in Gothic churches, see E. Fernie, 'La fonction liturgique des piliers cantonnés dans la nef de la cathédrale de Laon', *Bulletin Monumental* 145:3 (1987), 257-266. Also E. Carrero Santamaría, 'Architecture and Liturgical Space in the Cathedral of Santiago de Compostela. The Libro de la Coronación de los Reyes de Castilla', *Hispanic Research Journal*, 13:5 (2012), 468-488.

⁶⁹ Appendix Four, 'Pro hiis omnibus dicentur orationes sicut ordinate sunt a nobis in missali quod scribi fecimus ad servitium altaris praedicti'.

⁷⁰ CM, 'volentes ad honorum ecclesie ampliare'.

⁷¹ CM, 'duo pueri sint parati cum turibulis ad incensandum altare maius usque post susceptionem sacramentorum et tunc ibunt ambo pueri ad chorum et incensabunt eos qui fuerint in choro, pro quo labore uterque puer percipiet denarium unum quolibet die, quos denarios dabit sacrista; et incensum ministra[b]it et luminaria sicut honestum fuerit ampliabit, et pueris camisas decentes et succintoria et amictus ad hoc servitium idem sacrista providebit. Propter hoc enim omnia assignavimus sacristie ecclesiam Sancte Marie de Vieia rua'.

appropriate clothing, and an income was assigned for this purposes, institutionalising the role.⁷² Clearly, the splendour of the rituals should match that of their surroundings.

The connection between liturgical renovation and the honour of the church is one that can also be seen in Toledo just eight years later, when in 1238, Archbishop Rodrigo provided for twenty extra prebendaries to occupy his new cathedral, ‘justifying its construction in the name of liturgical magnificence’.⁷³ The parallel with Toledo would not have been lost on Maurice. Indeed, even as archdeacon he seems to have had a particular concern with the forms of liturgical celebration within the church. As we have seen in Chapter One, in June 1213, he made a huge personal investment of 1,000 maravedis towards the ‘proper’ lighting of Toledo cathedral, securing for himself the power to determine how the lighting of the cathedral – described as the *opus luminarium* – should reflect its liturgy.⁷⁴ The language of this charter is striking. The lack of lighting in Toledo cathedral was ‘an enormous and intolerable fault’; it was actively dishonourable to the church.⁷⁵ Maurice’s insistence (apparently ‘day and night’) and his 1,000 maravedis were out of ‘attention to our honour and that of our church’.⁷⁶ This rhetoric, connecting the church’s honour with appropriate liturgical performance and equipment, matches that of the *Concordia*. Clearly, even as archdeacon, liturgical propriety was important to Maurice, and he had the authority or self-confidence to insist upon it.

The immediate impact of this became apparent the following month, on 31st July 1213, when Maurice issued a charter legislating for the deployment of candles and their function within the Toledan liturgy.⁷⁷ He stipulated that twelve candles ‘of pure wax’, each weighing 2.5 pounds, were to be lit ‘in a suitable place’ at Easter, Pentecost, the feast of St Peter, the Assumption of the Virgin, All Saints, Christmas, the birth of the Virgin, and the feasts of two local saints, Saints Eugene and Ildefonsus.⁷⁸ These candles were to remain lit for vespers, matins, the mass at terce,

⁷² Maurice assigns the whole income from the church of Santa Maria de Vieja Rua for this task, thus institutionalising its place within the daily liturgical events of the cathedral.

⁷³ Nickson, *Toledo Cathedral*, p. 111.

⁷⁴ ACT, A.11.A.1.1.; a summary is provided in CT, Doc 332. Also see Chapter One.

⁷⁵ ACT, A.11.A.1.1.; ‘defectum enormum et intolerabilem’.

⁷⁶ *Ibid*, ‘cura honorem nostrum et ecclesie nostre’. The same point is made twice: ‘apud nos die et noctuque institit ut iamdicte ecclesie nostre curaremus in luminaribus honorifice providere’.

⁷⁷ ACT, A.11.A.1.4 is the original manuscript, and an early cartulary copy can be found in AHN, L.996 fol. 33 (p. 35). A partial transcription of this document was published in the text of Rivera, *San Eugenio de Toledo*, pp. 64-65. For more details, see Chapter One.

⁷⁸ ACT, A.11.A.1.4, ‘In praecipuis octo sollempnitatibus, scilicet Pasca, Pentecoste, festo Sancti Petri, Assumptione beate Virginis Marie, festo omnium sanctorum, Natali Domini nostri Ihesu Christi, festo Sancti Ildefonsi et passione Sancti Eugenii et insuper in nativitate beatae Virginis Mariae fiant XII cerei, quorum quilibet habeat duas libras et dimidiam de pura cera, et isti XII cerei accendantur in principio vesperarum in vigilia ipsius festi et ponantur in loco competenti et ardeant per totas vesperas et per totas matutinas et dum cantatur missa de tertia et per totas vesperas eiusdem festi’.

and the following vespers on these feasts. For regular daily masses, two such candles should be lit, whilst on minor festivals and Sundays at which the cappa was worn, the two candles on the altar should be augmented by two more, carried by the priests in the procession to the altar. Finally, on feast days for which a dedicated altar exists, two candles were to burn on this altar on the relevant feast day. This, as the charter makes clear in the opening line, is ‘to the honour of our Lord Jesus Christ’ – and at the close of the document we are reminded that ‘in such a way, he wished to confer honour’.⁷⁹

Whilst Maurice’s concern for the organisation of the Toledo liturgy during his time as archdeacon is evident, perhaps even more striking is the fact that he continued to express an interest in the liturgy of Toledo much later on, as bishop of Burgos. In a charter made in Brihuega on 9th February 1227, we see Maurice once again ordering the *opus luminarium* of his former cathedral.⁸⁰ In this document, his original legislation from 1213 is expanded to include three feast days as major festivals: the feasts of the Annunciation, which he says ‘should be much better described as the feast of the incarnation of our lord’, the Ascension, and the Purification of the Virgin.⁸¹ He also greatly increased the number of candles used on these major feasts, from twelve to eighteen, with a further twelve being placed on the altar of the Virgin – although it is not entirely clear from the document how this much larger quantity of candles is to be paid for, since no new source of funding is included.⁸²

Clearly Maurice had a degree of authority when it came to the *opus luminarium* and felt able to dictate his ideas to a cathedral that was not his own – and moreover was the seat of the archbishop. It is particularly noteworthy that he should ‘correct’ the name of the Annunciation to the Incarnation, as the former was the name by which this feast was most commonly known in the thirteenth century.⁸³ Maurice’s intervention in a cathedral in which he had no rights to intervene would seem to suggest an interest in the liturgical order that went beyond even his own church. We should not forget that Rodrigo had begun his own building project in Toledo

⁷⁹ ‘Ad honorem domini nostri Jesu Christe’, *ibid*.

⁸⁰ ACT, A.11.A.1.4b; for a transcription and translation, see Appendix Three. I am grateful to Tom Nickson for drawing my attention to this document, which does not appear in Hernández’s catalogue.

⁸¹ *Ibid*, ‘La fiesta de la Anunciacion de Sta Maria la qual debe ser dicha mucho major fiesta de la Encarnacion de nuestro Senor Jesus Christo’.

⁸² *Ibid*, ‘Otro si como sea establecido primeramente que sean doze candelas, ordeno agora que sean diez et ocho las quales sean ordenadas en ese mesmo lugar que sean dessa mesma quantitat et peso que son las primeras. Sean otrosi doze candelas sodobladas a las mayores las quales sean puestas convenientemente en todas las fiestas sobredichas ante el altar de la bienaventurada Virgen Maria’.

⁸³ The thirteenth-century breviary (Codex 19) in Burgos refers to the Annunciation, as do the liturgical calendars of Paris, Rome and others. See Fassler and Baltzer, *The Divine Office*.

just one year before, in 1226; did Maurice see a parallel between his own new Gothic cathedral and that of Archbishop Rodrigo?

Liturgical propriety, as well as its accompanying accoutrements, was clearly of considerable importance to Maurice. The formalisation of the liturgy of Burgos was taking place as the new structure itself was under construction, and although our evidence is limited, it is apparent that Maurice had an active and detailed interest in this. The correct lighting, vestments, and practices mattered to him – and he also instructed other churches in Burgos diocese to pay attention to such matters, such as in his letter in November 1236 to the town council of Santa Maria de Almonúñez, commanding them to spend a third of their income on the ‘books, vestments, bells and lighting’ of their local church.⁸⁴

Of course, liturgy was not only performed within cathedral walls: processions often led from the cathedral through the streets of the city, and indeed sometimes beyond the city walls. An agreement made between Maurice and the monastery of San Juan de Burgos provides a detailed example. San Juan lay barely one kilometre outside of the city, on the pilgrimage route to Santiago. An agreement was drawn up between Maurice and the monastery’s prior concerning the duties of the church of San Lesmes, which pertained to the monastery and was adjacent to it. The document was confirmed by Bishop Juan in 1243, since Maurice had died before he could finalise it.⁸⁵ The chaplains of San Lesmes were not obliged to come to the cathedral for processions on feast days – unlike other chaplains.⁸⁶ The only exception was Palm Sunday, about which the instructions are highly detailed and give us an insight into the sorts of liturgical celebrations Maurice would have been undertaking: ‘if the bishop processes outside the city of Burgos, the chaplain or chaplains from St Lesmes should attend the procession with a cross and their parishioners. Once the sermon is finished and the office completed, they should return or be guided to the monastery of San Juan. However, before the bishop and the procession have entered the church of Burgos [the cathedral, seemingly], the monks must not ring bells nor sing the divine office unless in the case of sudden danger...’⁸⁷ These Palm Sunday instructions give

⁸⁴ ACB v.25, fol. 313.

⁸⁵ Or in the charter’s prosaic terms, ‘morte proventus efectivi eam non potuit mancipare’; ACB, v. 41, p. 1, fol. 522.

⁸⁶ *Ibid*, ‘ad processiones vel letanias capellanus vel capellani Sancti Adelesmi non compellentur venire ad Burgensem ecclesiam’.

⁸⁷ *Ibid*, ‘Si episcopus processionem facerit extra civitatem Burgensem, capellanus vel capellani Sancti Adelesmi debent venire ad processionem cum cruce et parrochianis suis et, finito sermonen et officio consummato, revertatur vel revertantur ad monasterium Sancti Iohannis; sed ante quam episcopus cum processione intret ecclesiam Burgensem, monachi non debent pulsare campanas ad missam nec divinum officium incorare, excepto etiam si aliquo periculo emergente...’.

us some indication of the sorts of liturgical practices that were taking place in Burgos under Maurice, and the extent of his detailed efforts to regulate them.

Nor was Maurice the only one adding to the liturgical splendour of the new cathedral of Burgos. As we have seen, in 1225, canon Juan Peregrino left money to the construction work – however, his brother, Apparicio, archdeacon of Treviño, made contributions to the *opus lampadis* instead.⁸⁸ His will, dated to 1239 (one year after Maurice’s death), founds two chaplaincies to tend to the altar of St John the Apostle, who, as we have mentioned above, was the dedicatee of one of the original radial chapels completed by 1230. Their duties are made clear: each ‘should serve the choir day and night, as if one of the beneficiaries of the church’, revealing that these chaplaincies were separate from canonical positions within the chapter.⁸⁹ These two chaplains should perform mass one immediately after the other, he specifies.⁹⁰ If the chaplains bring any scandal to the church, they should be replaced. Two candles (of unspecified weight) are to burn at the altar of St John every day during the mass, and Apparicio sets up an annual payment of six gold coins for this purpose. Finally, the will also makes allowances for a potential lack of necessary altar garments and vestments in the chapel, suggesting that it was being supplied from scratch.⁹¹

We have very little further detail about the interior of Burgos cathedral during Maurice’s lifetime. The will of his successor, Bishop Juan, mentions two purple priests’ robes, a silver altar vessel, and an item of Limoges enamel work, probably a liturgical utensil not unlike the thirteenth-century pyx of copper and enamel preserved in the cathedral museum. Nonetheless, the evidence we do have suggests that the interior life of the cathedral was becoming increasingly regulated as the new building was being erected. The fact that there is no indication of the nature of the liturgy before Maurice’s lifetime may be a discrepancy in the survival of the cathedral records, but Maurice’s language, equating honour with ‘proper’ liturgy, and his involvement in Toledo as well as in his own cathedral indicate an attempt to ensure that the internal life of his new cathedral matched the splendour of its Gothic exterior.

⁸⁸ ACB, v. 18, fol. 224.

⁸⁹ ACB, v. 18, fol. 224., ‘serviat choro de die et de nocte, sicut unus de beneficiates ecclesie’.

⁹⁰ *Ibid*, ‘Secundus capellanus statim incipiat divinum officium, ex quo missam prior celebraverit capellanus nullo interposito intervallo’.

⁹¹ *Ibid*, ‘Volo quod totum istud residuum de predicta summa in die aniversarii mei et fratris mei I Peregrini in caritate canonicus Burgensis ecclesie tribuatur, nec forte ornamentum altaris et indumenta sacerdotalia capellanis ad celebrandum necessaria debeant renovari. Volo enim quod primo loco defectus vestimentorum altaris suppleatur...’.

Music in organo: polyphony in Burgos

From 1222, there is also evidence of another change taking place in Burgos cathedral. In October of that year, a document in the cathedral archive records Maurice arbitrating a case between Bishop Juan of Calahorra and the abbot of the monastery of Nájera.⁹² The deed is witnessed by many members of the cathedral chapter, including one *P. Leonis, burgensis magister in organo*. The same figure reappears in March 1223.⁹³ This is the first such reference in the archives to any musician in the chapter other than the cantor, whom we know to have been Pedro Diaz de Villahoz until 1230, and the succentor, or sub-cantor, who, in 1229, was a canon named Gundissalinus.⁹⁴ No subsequent cantor is named in the witness lists in the years after Pedro's death, but by May 1242, a Master Juan Matteo has been appointed 'capiscol'.⁹⁵

The *magister in organo* seems to have been a musician of a rather different calibre to the cantor and succentor. This was a term that denoted a specific form of polyphonic liturgical music that emerged in Paris over the later twelfth century, involving complex harmonies of at least three or four voices.⁹⁶ Performance of the office 'in organo' in Notre Dame was reserved for specialist, skilled singers, and performed generally on major feasts, according to the decretals of Eudes de Sully in 1198.⁹⁷ Guillaume Gross has suggested that liturgical music of this complexity was 'at the heart of the intellectual developments that came about in Paris during the transitional period from the end of the twelfth and first half of the thirteenth centuries'.⁹⁸ The early thirteenth century saw this elite Parisian form of liturgical music spread from Notre Dame to other French cathedrals, the papal courts in Rome and later, Avignon, to England, and also to Toledo cathedral in Castile.

⁹² DCB, Doc 543.

⁹³ Serrano, *Don Mauricio*, pp. 136-9.

⁹⁴ For Pedro Diaz, see above. Pedro Diaz even had his own seal; DCB, Doc 517.

⁹⁵ ACB v. 25, fol. 323. For more on musical education in Castilian cathedrals more generally, see Bernabé Bartolomé Martínez, 'Los niños del coro en las catedrales españolas, siglos XII-XVIII', *Burguense* 29/1 (1988), 139-193.

⁹⁶ David Catalunya, 'Thirteenth-Century *Organistae* in Castile', *Orgelpark Research Reports* 4 (2017), 105-140; C. Wright, *Music and Ceremony at Notre-Dame de Paris 500-1500* (Cambridge: Cambridge University Press, 1989), pp. 258-267.

⁹⁷ Gross suggests that it was an art 'reserved for the most skilled singers'; G. Gross, 'L'organum aux XII e et XIII e siècles : le discours musical comme stratégie de communication ou la légitimation implicite de l'autorité épiscopale', *Revue Historique*, 313 (2011), 487-510, pp. 490-491; G. Gross, 'L'organum, un art de cathédrale ? Musiques autour de saint Guillaume', *Cahiers de recherches médiévales et humanistes*, 26 (2013), 35-55, p. 36. Also, R. Baltzer, 'The Geography of the Liturgy at Notre-Dame of Paris', in T. Kelly, *Plainsong in the Age of Polyphony* (Cambridge: Cambridge University Press, 1992), pp. 45-64.

⁹⁸ 'Au cœur des mutations intellectuelles qui s'opèrent à Paris dans la période charnière de la fin du XIIe siècle et de la première moitié du XIIIe siècle' ; Gross, 'L'organum, un art de cathédrale?', p. 50.

David Catalunya has illustrated that this new, Parisian form of liturgical music was being performed in Castile in the early thirteenth century.⁹⁹ There are records of three different 'organistas' in Toledo. As Catalunya has pointed out, the dates for these instances are uncertain, but a 'Master Stephen organista' was certainly in Toledo cathedral in 1234. Catalunya suggests that 'the presence of organistae and polyphonic activity in the Toledo Cathedral during the initial decades of the thirteenth century should be viewed in relation to one of the most notable figures of the political and ecclesiastical scene of that time: Rodrigo Jiménez de Rada. His patronage must therefore have played a crucial role in the introduction of French polyphonic music at the Toledo Cathedral'.¹⁰⁰

The appearance of P. Leonis, master in this same style of French polyphony, suggests that a similar development had taken place in Burgos, under the auspices of another major figure of the thirteenth-century Castilian Church – Maurice of Burgos. By 1222, a master of organo was in Burgos cathedral. And although we have no further evidence about P. Leonis himself, we are at once reminded of the group of 'cantores' referred to in the *Concordia*; singers who were deployed on feast days, when they wore silk cappas, and who were notably separate from the body of the choir. The position of musician *in organo* was institutionalised in Burgos cathedral later in the century, when, in 1254, the 'doctor in organo' was assigned a fixed income.¹⁰¹ As such, this appears to provide evidence of the crystallisation of the position of the *organista* as part of the life of the chapter, a later recognition of a form of liturgical music that was evidently being performed in Burgos cathedral from the 1220s.

Catalunya has suggested that the *magister in organo* was a bi-partite role, consisting of vocal instruction of a group of singers to perform distinctive polyphonic harmonies over plainchant melodies (in Notre Dame, this involved three or four singers or groups of singers), and also playing the organ as a form of liturgical accompaniment.¹⁰² And in fact, we not only see reference to a master of the organ in the documents, but in the sculpture of the cathedral too. The Puerta del Sarmental, the magnificent southern portal of the cathedral, was, as we have mentioned, complete or near completion by the end of Maurice's life. The sculptural programme has a complex iconography, discussed below, but noteworthy at this juncture are the three archivolts, which are bedecked with angels, elders of the Apocalypse, and representations of the Liberal

⁹⁹ For Catalunya's important conclusions regarding the introduction of *organum* into Castile, and particularly Toledo and Burgos, see, 'Thirteenth-Century Organistae in Castile', pp. 105-140.

¹⁰⁰ Catalunya, 'Thirteenth-Century Organistae in Castile', p. 109.

¹⁰¹ *Ibid*, p. 113 and Mansilla, *Iglesia castellano-leonesa*, pp. 358-369.

¹⁰² Gross, 'L'organum, un art de cathédrale?', pp. 35-43.

Arts. Amongst these latter are two separate representations of music – one depicted as a seated figure and child striking bells, and the second, a figure playing what appears to be a portable organ, with a child working the bellows (see Figure 3).



Figure 3: The organist on the Puerta del Sarmental

This organ, a multi-piped free-standing instrument on a four-legged stand, is unusual. It does not feature in the standard repertoire of instruments, for example, those that decorate the Portico de la Gloria in Santiago de Compostela, famously covered in musical elders.¹⁰³ Catalunya, who has studied these instruments, has suggested that this 'depiction of the organ shows details of such realism that we may presume that the Burgos

cathedral had a similar instrument around 1230-40'.¹⁰⁴ This *vousoir* then was not just symbolic of musical performance, but realistic in displaying the sort of instrument that the *magister in organo* would have played within the cathedral. Another such organ is depicted on the cathedral of León, carved in around 1270, in a portal that largely copies the decoration of the Puerta del Sarmental – but this organ at Burgos is a uniquely early indication of the sort of instrument that the early *organistas* of Castile were using.¹⁰⁵ It seems very likely that this was the sort of instrument played by specialist musicians such as by P. Leonis.

Moreover, it is important to note Guillaume Gross's recent suggestion that the cathedral of Bourges was one of the earliest cathedrals outside of Paris to adopt music *in organo*. There were close links between Bourges and Paris, not least the fact that Guillaume, the saintly archbishop of Bourges, had been a canon at Notre Dame sometime before the 1180s.¹⁰⁶ Gross points out

¹⁰³ See L. Cleaver, *Education in twelfth-century art and architecture: images of learning in Europe, c.1100-1220* (Woodbridge: The Boydell Press, 2016), pp. 130-154.

¹⁰⁴ As Rocio Sánchez Ameijeiras has pointed out, 'todo indica que el estilo gótico llegó a España acompañado de una importante renovación de la música polifónica en los coros catedralicio'. See Sánchez, 'Puerta del Sarmental', p. 180

¹⁰⁵ Catalunya points out that by the start of the fourteenth century, larger, fixed organs seem to have been introduced, including in Burgos, 'Thirteenth-Century Organistae in Castile'. It should be noted that an organist, playing a similar-looking instrument, is depicted in the stained-glass window of León cathedral too, constructed in the 1270s. This glass depiction appears alongside a lute player and a violist and the words 'Dialéctica – Gramática – Aritmética', leading Nieto Alcaide to suggest that they formed part of a depiction of the Liberal Arts; see V. Nieto Alcaide, *La vidriera española: ocho siglos de luz* (Madrid: Nerea, 1998), pp. 62-63.

¹⁰⁶ Gross, 'L'organum, un art de cathédrale?', p. 36; also O. Nauleau, 'Saint Guillaume du Donjon, archevêque de Bourges (1200-1209)', *Cahiers d'archéologie et d'histoire du Berry* 105 (1991), pp. 3-8.

that Eudes of Sully, bishop of Paris between 1197 and 1208 and promoter of this new form of polyphony, had previously been the cantor at Bourges, and his article draws many other intellectual and cultural links between the two cities in the late twelfth and early thirteenth century.¹⁰⁷ Indeed Guillaume was to become one of the patron saints of the university of Paris, and thus, as Gross has revealed, from 1218 his feast day was celebrated using this elite form of liturgical music, along with those of the principal saints of Paris: Denis, Stephen, Germain, Andrew, and Nicholas.¹⁰⁸ It seems most probable that the chapter of the cathedral of Bourges – reputed to be founded by the saint – also performed this form of liturgy for St Guillaume after his canonisation.¹⁰⁹

The connection with Bourges may thus be one route by which a *magister in organo* appeared in Burgos in 1222. It was certainly an art with considerable prestige and requiring both training and skill. For Gross, the music's complexity and its specific connections to late twelfth-century Paris brought a rather intellectual prestige to the cathedral in which it was sung, and specifically to the bishop who was responsible for it, since it was 'reserved for a clerical elite steeped in the culture of the cathedral-schools of the twelfth century'.¹¹⁰ Whether or not Maurice was motivated by such considerations, there can be no doubt that this new, Parisian music was also held in high esteem in Castile, as testified by its introduction in Burgos, Toledo and later, in other cathedrals across the Peninsula.

Writing history: the *Kalendario Antiquo*

Maurice's project for the transformation of Burgos cathedral also included its textual production, and most particularly, the cathedral's great obituary-calendar, the *Kalendario Antiquo*. As texts with both liturgical and administrative functions, obituaries often defy simple categorisation, combining necrologies with a liturgical calendar and often other texts too: the Burgos *Kalendario* has been referred to by historians as an obituary, a martyrology, and a *Liber Capituli*, as well as an 'Old Calendar'.¹¹¹ Such texts situated local historical events within the

¹⁰⁷ Gross, 'L'organum, un art de cathédrale ?', p. 37. Also J. Baldwin, *Paris 1200* (Stanford, CA: Stanford University Press, 2010), pp. 215-216.

¹⁰⁸ Gross, 'L'organum, un art de cathédrale ?', p. 44; see also, Wright, *Music and Ceremony*, p. 242-243.

¹⁰⁹ Much of the archive of Bourges was lost in a fire; however, a *Vita* of St Guillaume dated to c.1225 survives, and does mention singing – but does not conclusively prove the existence of organum. Gross, 'L'organum, un art de cathédrale ?', pp. 39-42.

¹¹⁰ *Ibid*, p. 50, 'Réservé à une élite de clercs imprégnés de la culture des écoles-cathédrales du XIIe siècle'

¹¹¹ S. Serna Serna 'Obituarios y libros de Regla: Entre la administración y la devoción', in J. Munita Loinaz and J. Lema Pueyo (eds.), *La escritura de la memoria: libros para la administración* (Bilbao: Bilbao: Universidad del País Vasco, 2012), pp. 1339-162, p. 146. The only recent study devoted to this text is

ancient cycles of Christian liturgical tradition, structuring the daily prayers and commemorations performed by the cathedral canons, and also often recording their rights and payments for the celebration of anniversary masses. They are, as such, texts of extraordinary value in understanding medieval cathedral chapters and liturgical culture.¹¹² What is more, they were also 'living books', in use over centuries and designed to be added to and updated over time, and acting as important compendiums of local as well as liturgical information.

The *Kalendario Antiquo* of Burgos is one such compound text. It consists of a martyrology, in the central column of the page, very closely based on the two principal martyrologies of the Middle Ages, the ninth-century works of Usuard and Adon, and surrounded by two different forms of local obituary notices in the narrower columns to either side. These were, on the left, the obits, in which the dead and their commemoration ceremonies are recorded, and on the right, a memorial or anniversary section, in which far more detail is supplied about the deceased, including the resources left behind to be spent on prayers for the dead. Some additional notices can also be found in this column, such as events of local importance, with a notable example being the foundation of the cathedral itself in 1221, recorded on 20th June, St Margaret's day. Information in this section is also more likely to be dated, although most entries have no date.

The text of the *Kalendario* itself survives in two manuscripts, codices 27 and 28, of which the two texts are almost entirely identical. Nonetheless, Demetrio Mansilla's catalogue of the cathedral archive has listed codex 27 as the *Martirologium Romanum*, whilst codex 28 is entitled *Martirologio o Kalendario Antiquo*, and he estimated that they were produced concurrently at the end of the thirteenth century for use by the cathedral chapter.¹¹³ However, the text has been reassessed by the recent scholarship of Sonia Serna Serna, whose recent monograph analysing the palaeography and codicology of the *Kalendario*, which she re-names the 'obituary' of Burgos, has radically reshaped our understanding of these codices.¹¹⁴ Based on her detailed analysis of both manuscripts, Serna Serna has concluded that the codex 27 in fact predates codex 28, and

Serna Serna, *Los obituarios de la catedral de Burgos*. For more general reading on this sort of record-keeping, see also J.-L. Lemaître, *Répertoire des documents nécrologiques français* (Paris: Recueil des historiens de la France, 1980), pp. 17-35, and 48-53; Baudoin de Gaiffier, 'De l'usage et de la lecture du martyrologe: témoignages antérieurs au XIe siècle', *Analecta Bollandiana* 78 (1960), 40-59; and A. Borst, *The Ordering of Time: from the ancient computus to the modern computer* (Chicago: University of Chicago Press, 1993).

¹¹² Fassler, *Virgin of Chartres*, p. 97, who adds some more 'functions' of obituaries. Also M. Fassler, 'The liturgical framework of time and the representation of history', in R. Maxwell (ed.), *Representing History, 900-1300: Art, Music, History* (University Park, PA: Pennsylvania State University Press, 2010), pp. 163-164; and Serna Serna, *Obituarios*, pp. 31-60.

¹¹³ Mansilla, *Catálogo de los códices*, pp. 102-103.

¹¹⁴ Serna Serna, *Los obituarios de la catedral de Burgos*.

should be dated to the second quarter of the thirteenth century.¹¹⁵ According to her assessment, the martyrology and the earliest obituary and memorial notices were completed in this period, and the text continued to be added to and revised until approximately 1350, when codex 28 was begun. At this point, Serna Serna suggests, the entire text of the codex 27 was copied into codex 28, which was then used and updated exclusively for an unknown period. At some point in the fourteenth century, codex 27 was resurrected and the new data from codex 28 was added, whilst later on, perhaps in the fifteenth century, several pages of codex 27 were replaced.¹¹⁶ From the mid-fourteenth century, Serna suggests that both codices were used concurrently, with new entries being added until the sixteenth century, when the *Kalendario* moved from being a 'living text' to becoming a dead one.

This then brings the initiation of the composition of the *Kalendario* to within the period of Maurice's life and the context of ongoing change in the cathedral. In codicological terms, there is also a notable difference between the two codices of the text: codex 27 is a deluxe manuscript, Serna points out, written on very high-quality parchment with few imperfections, unlike 28, the parchment of which is both rougher and more damaged by use.¹¹⁷ Care was also taken, she suggests, in the replacing of a number of folios in codex 27, which appear in a different and later hand, but still on parchment of similar quality.¹¹⁸

As we have mentioned, the ninth-century martyrologies of Usuard and Ado provided the basis for the martyrology that is central to the *Kalendario*, although Serna Serna's painstaking analysis has also traced some other, older sources. Whilst it is beyond the scope of this study to address the issue of sources for the martyrology in any greater detail, closer investigation of its contents is nonetheless of use in further supporting Serna's palaeographical dating of the *Kalendario* codex 27 to within the life of Maurice, and indeed, to his patronage.

As Victor Leroquais pointed out in 1934, the dating of a liturgical text by its contents (and not its palaeography) is dependent on the addition of the most recent saints' feasts or other changes to the liturgical calendar by Popes Innocent III, Honorius III and Gregory IX.¹¹⁹ The martyrology section of the *Kalendario* in codex 27 was written by the same hand, and along with the earliest

¹¹⁵ *Ibid*, pp. 86-87.

¹¹⁶ *Ibid*, pp. 63-65.

¹¹⁷ *Ibid*, p. 90. Codex 27 consists of 112 folios, of which ff. 5-96 verso contain the *Kalendario*. Ff 85-96v have been replaced (most likely sometime in the fifteenth century). See *ibid*, p. 91.

¹¹⁸ That is, ff. 80 and 81, 85-96. See *ibid*, p. 90.

¹¹⁹ V. Leroquais, *Les bréviaires manuscrits des bibliothèques publiques de France* 5 vols (Paris, 1934), vol I, pp. LXXXV-XCIV. He is supported by Baltzer, 'The Sources and the Sanctorale'.

obit references, was the first part of the text to be written. As such, the feast days included in this martyrology are themselves indications of the period in which this text was produced.

The inclusion of the feast of St Guillaume of Bourges on 10th January provides a clear *terminus post quem*.¹²⁰ As we have mentioned, St Guillaume died in 1209 and the cathedral of Bourges pressed for his canonisation over the course of 1216-1217. He was recognised as a saint in 1218 by Honorius III, and in her important article on the appearance of new saints in the Parisian liturgy, Rebecca Baltzer argues that his feast was being celebrated in Paris by the 1220s. Bourges cathedral would have been more prompt in instigating celebrations.¹²¹ As we know, Burgos cathedral had a number of links with Bourges, and it seems thus very probable that the cathedral chapter may have known about and incorporated the feast of the saintly archbishop as quickly as, or even more quickly than, the canons of Notre-Dame de Paris.¹²²

Another indication of the date of composition is the fact that the feast of St Francis of Assisi appears in the *Kalendario*, but not in the martyrology. Intriguingly, a memorial notice, to the right-hand side, adds the feast after the martyrology text was finished, noting that St Francis should be celebrated on 4th October with 'IV capas', that is, the highest dignitary.¹²³ It is impossible to know when this memorial notice was added, but it is clear that the scribe who wrote the martyrology did not know about the feast of St Francis. The saint was canonised in 1228 and began to appear in the liturgical calendars across the Latin church very quickly, not least because of the spread of the Franciscan order.¹²⁴ The feast was celebrated in Paris from the early 1230s, where it was immediately accorded a rank of nine lessons, that is, the equivalent of the IV cappas in Burgos.¹²⁵ There was a community of Franciscans in the city, and indeed, according to J. Moorman, Burgos was the site of one of the earliest Franciscan foundations in Castile, from 1214, founded by St Francis himself, at least according to legend.¹²⁶ Indeed, the saint himself is represented on the Puerta de la Corona, the north transept door of Burgos cathedral, which was completed by the end of the 1240s, in a scene that has been widely interpreted to show St Francis, St Dominic and a bishop, suspected to be Maurice, entering

¹²⁰ Serna Serna, *Los obituarios*, p. 90.

¹²¹ See Gross, 'L'organum, un art de cathédrale?', pp. 35-55.

¹²² R. Baltzer, 'The Sources and the Sanctorale', in Benjamin Brand and David J. Rothenberg, eds., *Music and Culture in the Middle Ages and Beyond Liturgy, Sources, Symbolism* (Cambridge: Cambridge University Press), pp. 111-141, p. 135.

¹²³ Serna Serna, *Los obituarios*, p. 565.

¹²⁴ J. Moorman, *Medieval Franciscan Houses* (New York: Franciscan Institute, 1983).

¹²⁵ Baltzer, 'The Sources and the Sanctorale', p. 126. She has pointed out that the pope fixed the feast as the 4th October, which is where it appears in Parisian calendars from the 1230s, but due to clashes with the Parisian St Aurea, it ended up being moved to the 3rd October in Parisian sanctorales.

¹²⁶ Moorman, *Medieval Franciscan Houses* p. 96.

heaven.¹²⁷ In this instance, then, the failure to record the feast in the martyrology and its subsequent addition do seem to suggest that the main text was written between 1218 and the end of the 1220s.

The appearance in the *Kalendario's* martyrology of the feast of St Thomas Becket on 29th December also has some relevance to the date of the text. The cult of the English saint had grown enormously since his murder in 1170 and canonisation just three years later. He was certainly known in Burgos, and an altar to him was founded in the Romanesque building in approximately 1202.¹²⁸ A chapel was dedicated to the saint in the second crown of chapels too, in 1259.¹²⁹ Burgos cathedral also possesses a magnificent silver and jewel-encrusted arm-reliquary for the saint, dated to the thirteenth or fourteenth centuries. Chapels were also dedicated to St Thomas in Toledo; one in the old Toledo cathedral in 1177, and again in the new Gothic building in 1249.¹³⁰ However, intriguingly, St Thomas's nativity (that is, his martyrdom) is the only feast celebrated in the *Kalendario*. There is no mention of the feast of his translation, which took place on 7th July 1220, and became a major feast day for the veneration of the saint, being added to the Paris sanctorale by the 1240s at the latest.¹³¹ Of course, arguments from silence are of limited value, but given the apparent interest in the cult of St Thomas in Castile, and indeed in Burgos, it does seem clear that the news of the translation feast on 7th July had not reached the cathedral by the time the *Kalendario* was composed.

Other later additions to the *Kalendario*, either amongst the obits or the memorials, confirm the early dating of the text's composition. One is a memorial notice recording the addition of the feast of the Conception of the Virgin on 8th December, a feast that was instigated in the 1280s.¹³² Similarly, St Thecla has been added into the obit column on 23rd September, the standard feast day for the saint, having been left out of the martyrology (although, curiously, there is an entry for her in the martyrology on 21st December).¹³³ As St Thecla has a long-standing recognition in the Latin tradition, it is not clear why the saint was left out, although intriguingly, Margot Fassler reports that this same feast was added in the martyrology of Chartres cathedral at some point

¹²⁷ See Deknatel, 'Gothic sculpture', pp. 280-281.

¹²⁸ DCB, Doc 363. Also, J. M. Cerda, 'Leonor Plantagenet and the Cult of Thomas Becket in Castile', in P. Webster and M.-P. Gelin (eds.), *The Cult of St Thomas Becket in the Plantagenet World, c.1170-c.1220*, (Woodbridge: Boydell Press, 2016), pp. 133-147. p. 143.

¹²⁹ See Karge, *La catedral de Burgos*, p. 53.

¹³⁰ See Nickson, *Toledo cathedral*, p. 38, for the Romanesque altar, and p. 236 for thirteenth-century foundation.

¹³¹ See Baltzer, 'Sources and Sanctorale', pp. 113-114.

¹³² *Ibid*, p. 123.

¹³³ Serna Serna thinks this might be a local saint, p. 646.

during the thirteenth century.¹³⁴ Finally, the feast of St Casilda, an eleventh-century Toledan saint, was also added to the *Kalendario* on 9th April, but this is a much later addition from perhaps the fifteenth or sixteenth century, according to Serna Serna's analysis.¹³⁵

There are surprisingly few local saints listed: indeed, the only one is St Domingo of Silos, on 20th December, an eleventh-century saint who was venerated locally from just after his death in 1073, and whose monastery had become a point of pilgrimage within the diocese of Burgos (the control of which had become a point of considerable tension for Maurice).¹³⁶ There are some notable absences from the *Kalendario* that complement a tentative dating of the text to the late 1220s. Most interesting are the absences of both Iberian saints to be canonised in the 1230s: St Dominic of Guzman, who was from the region of Burgos and may indeed have been personally known to the bishops of Castile in this period, who died in 1221 and was canonised in 1234; and also, St Anthony of Padua, the Portuguese Franciscan, who died in 1231 and was canonised a year later by Gregory IX.¹³⁷ Indeed, St Guillaume of Bourges is the most recent saint to be added into the martyrology of the *Kalendario*, and there is no mention of Hugh of Lincoln (c.1220), William of York (c.1226), Elizabeth of Thuringia (c.1235), or Edmund of Canterbury, whose canonisation in 1247 was overseen by Blanche de Castile.¹³⁸

These entries thus consolidate Serna Serna's palaeographical dating of the martyrology to the early thirteenth century, and indeed, seem to indicate a date of composition towards the end of the 1220s or possibly the early 1230s, that is, during the life of Maurice and at a time when many other changes were taking place in the cathedral of Burgos. The feast days mentioned, as well as notable omissions and important later additions, provide a rough indication of the sorts of information available in Burgos cathedral when the *Kalendario* was begun. The appearance of St Guillaume of Bourges is particularly noticeable, given the absence of many of his sainted contemporaries, but hardly surprising considering the close links with Bourges reflected in the design of the cathedral itself; not only would the artisans employed from Bourges have been a source of information about him, but furthermore, Maurice's passage through France in 1219 would most likely have brought him into contact with that cathedral and its chapter very shortly

¹³⁴ Fassler, *Virgin of Chartres*, pp. 380-381. This is not a change that is visible in the Roman or Parisian records (according to the work of Baltzer).

¹³⁵ Serna Serna, *Los obituarios*, p.382. It is also worth mentioning that the feast of St Clair on 4th November was moved to the following day, 5th November, in the Parisian calendars of the 1250s, but the *Kalendario* lists the feast on the 4th. It is not clear whether the Roman breviary also changed or whether this was a change specific to Paris.

¹³⁶ See previous chapter.

¹³⁷ A. Vauchez, *Sainthood in the Middle Ages*, trans. J. Birrell (Cambridge: Cambridge University Press, 1988), pp. 252-253.

¹³⁸ Baltzer, 'The Sources and the Sanctorale'.

after the canonisation. Moreover, the saintly archbishop had been dead since 1209, and his tomb had been the subject of veneration from at least 1213.¹³⁹ An early effort for his canonisation was presented at the Lateran Council in 1215, at which Maurice was present.¹⁴⁰

The *Kalendario Antiguo* thus represents a version of the 'standardised' Roman martyrologies used across Latin Europe, up-dated to around the 1220s. It seems to have been the first such martyrology-obituary produced in Burgos; there are no records of any earlier texts of this nature in the cathedral, although as a functioning community it is certain to have had some sort of list of the dead. Indeed, in her assessment of obituary documents from this period, Sonia Serna Serna has claimed that only two other similar texts predate the Burgos *Kalendario* from across the Iberian Peninsula: the *Liber Capituli* of the monastery of San Isidoro of León, dated to the late twelfth century, and the *Obituaries* or *Liber Capituli* of León cathedral, of which the earliest manuscript has been dated to the turn of the century.¹⁴¹ A *Libro de Regla*, consisting of a calendar, martyrology, obituary, copy of the Augustinian rule, and lectionary, was produced in the 1220s or 1230s in Oviedo, thus providing a direct parallel with Burgos.¹⁴²

And indeed, capitular guides to the Roman liturgical year were of particular significance in early thirteenth-century Castile. Although the Roman liturgy and accompanying calendar of saints were widespread across much of Latin Europe from the tenth century, this rite was not adopted in Castile until much later, being formally accepted in 1080 at the Council of Burgos under the auspices of King Alfonso VI. The replacement of the practices that had pertained to the Visigothic church, known also as the Mozarabic or Old Hispanic rite, by the Roman rite and its accompanying liturgical customs, music and festivals, shaped the development of Castilian church culture for much of the twelfth century (with the exception of a handful of 'Mozarabic' parishes in Toledo who were exempted from the new rules).¹⁴³ This cultural shift had wide-reaching effects on every aspect of the Castilian church, and not least, as Susan Boynton has pointed out, on its book culture, as churches and cathedrals not only had to learn new liturgical forms but also had to replace and rewrite the liturgical books that accompanied them.¹⁴⁴ The composition of the *Kalendario Antiguo*, a high-quality edition of the Roman liturgical calendar,

¹³⁹ Archives du chapitre métropolitain de St-Etienne de Bourges, 8G350 and 8G351.

¹⁴⁰ Vauchez, *Sainthood in the Middle Ages*, p. 67.

¹⁴¹ Serna Serna 'Obituarios y Libros de Regla', pp. 150-155.

¹⁴² *Ibid*, pp. 156-7.

¹⁴³ S. Boynton, 'Writing history with liturgy' in R. A. Maxwell (ed.), *Representing History, 900-1300: Art, Music, History* (University Park, PA: Pennsylvania State University Press, 2010), pp. 187-200, pp. 188-193. See also, R. Walker, *Views of transition: liturgy and illumination in medieval Spain* (London: British Library, 1998); A. Castro Correa, 'Visigothic script versus Caroline minuscule: The collision of two cultural worlds in twelfth-century Galicia' *Mediaeval Studies* 78 (2016), 203-242.

¹⁴⁴ Boynton, 'Writing history with liturgy', p. 193.

including the most recent additions, must thus be understood within this context. Its significance for Maurice's new cathedral lay not only in being a splendid and functional codex for the chapter to use, but also as a symbol of the broader theological change that had taken place in Castile over the last century. The dead of Burgos were commemorated alongside the saints of the Roman rite, and their names would be read out in the office of Prime each day, in line with the custom of churches throughout the rest of Latin Christendom.

The obituary references in the *Kalendario* are also of course of great importance. Maurice himself is commemorated eleven times throughout the liturgical year, and his name is almost always the first to be listed in the obits on the day on which he is commemorated – usually around the 12th of the month.¹⁴⁵ The entry for the 12th October informs us that this was the day he died in the year 1238. The *Kalendario* is also our source for the anniversary of his parents, Rodrigo and Orosabia, and his brother Pedro Rodriguez, and we learn of at least one 'alumpnus' of Maurice's too.¹⁴⁶ Members of the cathedral chapter under Maurice also appear, although the frequent absence of dates means they are often very hard to identify. One example is the entry for Pedro Diaz the cantor, on 9th March, who is recorded as 'Petrus Didaci, precentor', and whose death is dated to 1230, which matches his bequest to the chapel of St Nicholas (see above).¹⁴⁷ The entry informs us that he also left a sizeable grant to the chapter for his memorial.

The obit notices however do not begin in the 1220s; there are dated entries that stretch back into the tenth century. Some examples, taken from the first two weeks of August, include the following obit notices: on 1st August, 'Cid presbiter', who died in 1087; on 7th August, 'Nicholaus archidiaconus' who died in 1052; on 10th August, a lay lady, Maria Iohannis, who died in 1014. On 11th November we also find 'Iacobus, filius Garsie Molenarii' whose death is dated to 991. This is particularly interesting when we consider that the see of Burgos had been established in 1075, not long before the famous council of 1080. Serna Serna suggests that the notices recorded here must have been copied from much older lists of the dead that were collected from the original church in Oca, before the seat of Burgos was founded, and perhaps from other local churches around the city of Burgos.¹⁴⁸ These would have had no practical value to Burgos cathedral in the 1220s; no memorial donations are listed and nor would any bequests hold any meaning in a different diocese over 200 years later.

¹⁴⁵ Memorials for Maurice are recorded on: 12th February, 15th March; 13th April; 15th May; 13th June; 14th July; 13th August; 13th September; 12th October; 13th November; and 11th December.

¹⁴⁶ Rodrigo and Orosabia are recorded on 10th December; Pedro is on 6th February; and the alumpnus is on 25th July. For more on Maurice's family, see Chapter One.

¹⁴⁷ Serna Serna, *Obituarios*, p. 350

¹⁴⁸ Serna Serna *Los obituarios*, pp. 48-51.

However, they may have had a value in reminding the reader of the *Kalendarium* of the importance and historical grandeur of Burgos cathedral – even if some of it was acquired elsewhere. Indeed, texts of this nature were ‘a major facet in the history-making enterprise’, combining history and liturgy in one text, as local events (deaths and memorials) were registered within the wider story of the Roman liturgical year.¹⁴⁹ The recent scholarship of Helene Sirantoine and Patrick Henriët has suggested that the production of grand codices could be ‘just as much of a monument as the building or ornaments of the cathedral’.¹⁵⁰ They have, moreover, identified a process of ‘cartularisation’ – that is, the compiling of cartularies – across Spain over the course of the twelfth century, as demonstrated by the cartularies in Toledo (compiled, Sirantoine has argued, by Archbishop Rodrigo) and León, dated to the early thirteenth century, and a *Liber Testamentorum* from Oviedo, made in the twelfth century. These have been seen by Sirantoine and Henriët as a conscious statement by the bishops who commissioned them, aimed to ‘coincide with the affirmation of the identity of the great ecclesiastical centres’.¹⁵¹ The production of such a codex was an active means of creating and consolidating the history and identity of a cathedral, whilst at the same time providing a visible statement of its grandeur.¹⁵²

Indeed, history and liturgy were inextricably entwined in such compilations, not least, as Margot Fassler has pointed out, because those in charge of the performance of the liturgy were also responsible for the production of the cathedral’s historical and institutional documents: that is, the ‘cantor-historian’ and his assistant, the succentor.¹⁵³ We have no evidence concerning the production of texts in Burgos, or the existence of a scriptorium – although there must have been one – but we do have one reference to Maurice himself ordering the succentor to produce a text. This is the instruction in the *Concordia Mauriciana* that the succentor should write a list of canons responsible for the liturgical celebrations every week: ‘By the vigil immediately preceding any of the solemn feasts listed, the succentor should write in a list the names of those who ought to sing or read...and the list should be read out in the chapter at the same vigil, and afterwards

¹⁴⁹ Fassler, ‘The Liturgical Framework of Time’, pp. 149-173.

¹⁵⁰ P. Henriët and H. Sirantoine, ‘L’Église et le roi: Remarques sur les cartulaires ibériques enluminés (XIIe s.), avec une attention particulière au Liber Testamentorum de Pélage d’Oviedo’, in H. Sirantoine and J. Escalona (eds.), *Chartes et cartulaires comme instruments de pouvoir* (Toulouse: Le Mirail, 2013), p. 185.

¹⁵¹ *Ibid*, p. 167

¹⁵² Escalona and Sirantoine, ‘Produit culturel et instrument de pouvoir: les vies de l’acte’, in Sirantoine and J. Escalona (eds.), *Chartes et cartulaires comme instruments*, p. 21. Of particular relevance for this study is Sirantoine’s suggestion that Archbishop Rodrigo of Toledo, Maurice’s direct contemporary, commissioned the creation of the deluxe thirteenth-century cartularies of Toledo cathedral as a weapon in his quest to prove the primacy of the archiepiscopacy of Toledo.

¹⁵³ Fassler, ‘Representing History’, p. 169; Fassler, *Virgin of Chartres*, p. 97: necrologies were generally ‘compiled by cantors or their assistants.’ See also, M. Fassler, ‘The office of the cantor in early Western monastic rules and customaries: a preliminary investigation’, *Early Music History* 5 (1985), 29-51.

should be placed in a suitable place'.¹⁵⁴ Was it this same man, seemingly a canon named Gundissalinus (as we have mentioned), who wrote the earliest entries of the *Kalendarium*? Of course, this question must remain unanswered. Nonetheless, the production of the *Kalendarium Antiquum* in the chapter of Burgos during the 1220s was clearly another way in which Maurice wished to add to the grandeur of his new cathedral, ensuring that the history of Burgos and indeed even its distant dead were commemorated in the most up-to-date Roman liturgical calendar possible.

Living stones: the cathedral canons

The changes that were taking place in the cathedral of Burgos had a direct impact on the lives of the chapter and the ways in which the canons practiced their daily liturgy. These individuals are crucial, if rarely accessible, components in understanding the developments that took place within Burgos cathedral under Maurice. Indeed, it could be said that the identities of the canons were both part of the cause and the results of the cultural changes led by Maurice. A close look at the identities of those who filled the stalls of the cathedral – as far as they can be known, which is often to a limited degree – suggests that the makeup of the chapter did change under Maurice, and in particular from the 1220s onwards.

We have already seen evidence to suggest that Maurice was actively appointing individuals to his cathedral chapter. The first example is that of Hylarius, his assistant and chaplain from Toledo, who, as we saw in Chapter Three, became an important player in Maurice's diocesan networks as abbot of Foncea from 1217 onwards. In August of that same year, Maurice also appointed a relative of his, 'G', to the cathedral, which, as we saw in Chapter One, led to scandal amongst many of the canons. It is, then, to Maurice's influence that we look to account for the notable rise in the number of canons who bore the title of Master, or *magister*, in the cathedral chapter of Burgos from the start of the 1220s.

The term *magister* is a complex and nebulous one, as we have discussed elsewhere, but it was, by all accounts, a term of distinction amongst the clergy of thirteenth-century Castile.¹⁵⁵ As we saw in Chapter One, Maurice was fairly unusual in being a 'magister' during his archidiaconal career in Toledo, and nor were there many in Burgos in the same period: we find mention of just

¹⁵⁴ CM, 'In vigilia cuiuslibet proximo scripte sollempnitatis succentor scribat in matricula nomina illorum qui cantare vel legere debeant... et legatur matricula in capitulo in ipsa vigilia, et postea ponatur in loco competenti'.

¹⁵⁵ See above, Chapter One, for a discussion of this term.

one in the years 1200 to 1213.¹⁵⁶ This seems to have changed quite dramatically after Maurice's appointment to the episcopate. In April 1214, a canon named Master Helias began to appear on witness lists.¹⁵⁷ It is unclear if this is the same as the 'Helias de Limoges' who appears as a witness in 1216.¹⁵⁸ Master Martino joined the chapter in December 1214, reappearing four times until March 1218.¹⁵⁹ In June 1217, at the same time as the arrival of Hylarius from Toledo, we also encounter Master Apparicio, who became sacristan in May 1221 and prior just a month later, and who would ultimately end up becoming bishop of Burgos in 1246.¹⁶⁰

From 1221, after Maurice had returned from his journey to Suabia and founded the cathedral, the number of such appointments began to grow markedly. Master Marino, archdeacon, had taken office by May 1221,¹⁶¹ and by the end of the year he had been joined in the chapter by four other masters, Vela, Martino, Pedro and Rodrigo.¹⁶² The post of cathedral dean went to Master Arnaldo in April 1222, whilst a certain Master Pedro went on to become sacristan in June 1222 (taking over from Apparicio), illustrating what seems to be Maurice's preference for 'masters' in the more senior canonical positions.¹⁶³ By 1225, a new archdeacon of Palenzuela, Master Fernando, was in place.¹⁶⁴ The archdeacon of Treviño was also Master Apparicio in this year, whilst by November 1229, Master Domingo was promoted to sacrist, where he remained until 1234.¹⁶⁵ By the final decade of Maurice's life, more and more of the canonical witnesses signing their names on the documents of Burgos cathedral bore this title. The witness list to an agreement between the bishop and the monastery of Oña in August 1236 is just one example,

¹⁵⁶ A Master Rodrigo: DCB, Docs 477- 485.

¹⁵⁷ DCB, Doc 471.

¹⁵⁸ DCB, Doc 494.

¹⁵⁹ DCB, Doc 485, (Dec 1214); Doc 493 (May 1216); Doc 496 (May 1216); Doc 500 (Dec 1216); Doc 513 (March 1218).

¹⁶⁰ Master Apparicio: DCB, Doc 508 (June 1217); Doc 530 (May 1221); Doc 533 (Dec 1221); as prior, Doc 541 (Dec 1222); Doc 545 (Dec 1222). He became bishop in 1246, after Maurice's successor Juan had died, and remained bishop until 1257.

¹⁶¹ Master Marino, archdeacon; DCB, Docs 530 and 541.

¹⁶² Master Vela de Lara, from December 1221 to December 1222 (DCB, Docs 533, 536, 541 and 545); Master Martino, archdeacon of Palenzuela, from December 1221 to December 1222 (*ibid*, Docs 533, 537, 541, and 545); Master Pedro, from sometime in 1221 until December 1222, (*ibid*, Docs 536, 537 and 545); and Master Rodrigo, 1221 until December 1222 (*ibid*, Docs 536 and 545). Martino can also be seen in the post of archdeacon of Lara in August 1225, see del Alamo, *Colección diplomática de San Salvador de Oña*, Doc 439.

¹⁶³ DCB, Doc 539. Dean Master Arnaldo is also referred to as judge in September 1227; see Menéndez Pidal, Doc 178.

¹⁶⁴ ACB v. 40, fol. 209 (23rd April 1225) For Master Fernando, see Alamo, *Colección diplomática*, Doc 439.

¹⁶⁵ See ACB v. 37, fol. 5 (November 1229); ACB v. 27 fol. 18 (December 1229); ACB v. 25, fol. 320 (1234) and Alamo, *Colección diplomática*, Doc 439.

listing Masters Pedro the dean, Martin archdeacon, Domingo archdeacon, Juan Mattei abbot of San Millán (a resident dignitary in Burgos cathedral), and Fernando.¹⁶⁶

Clearly, something of a shift had taken place in the makeup of the cathedral chapter of Burgos, although the term ‘magister’ is notoriously difficult to quantify, as we have discussed in Chapter One.¹⁶⁷ It is important to point out that not all canons in senior office held the title, and some examples remain of non-magisterial individuals in high office.¹⁶⁸ As we saw in Chapter One, of Maurice’s colleagues who bore the title, most can be identified as having received a high level of education, generally abroad, with the two most frequent destinations being Paris and Bologna.¹⁶⁹ We lack any sort of background information for almost all of the canons mentioned above in Burgos, but there is one who can be identified: the Master Juan of November 1236, a reference to Maurice’s nephew, Juan de Medina de Pomar. As we saw in Chapter One, there is clear evidence that Juan *did* study in Paris in these years – but whether he was representative of any of the others is impossible to say.¹⁷⁰

However the term ‘magister’ is to be precisely interpreted in this context, the rapid and marked increase in its use is notable under Maurice. Whether these ‘magisters’ came to Burgos of their own accord, or whether Maurice appointed them deliberately is hard to assess. As we have demonstrated, Maurice was perfectly capable of bringing canons into the cathedral, even when this was to the displeasure of the existing members. Moreover, the appearance of these figures in the upper echelons of the chapter clearly indicates that they were promoted to these posts – which suggests that whether Maurice actively brought these individuals to Burgos or not, he valued their presence in his chapter. We should remember that the offices of archdeacon, dean and sacrist were the most important in the cathedral, and those that worked most closely with the bishop himself; indeed, that even sat next to him in the chapter, as the *Concordia Mauricana*

¹⁶⁶ ACB v. 25, fol. 348 (August 1236).

¹⁶⁷ See also an important publication by S. Guijarro González, *Maestros, escuelas y libros : el universo cultural de las catedrales en la Castilla medieval* (Madrid: Dykinson, 2004), pp. 77-90; and Vicente Beltrán de Heredia, ‘La formación intelectual del clero en España durante los siglos XII, XIII y XIV’, *Revista española de Teología* 5 (1946), p. 31.

¹⁶⁸ Such as the archdeacon of Valpuesta in November 1236; see ACB v. 25, fol. 313.

¹⁶⁹ Guijarro suggests that there was ‘una colonia de hispanos compuesta basicamente de maestros’ in Bologna in the twelfth century, and many notable Spanish individuals there in the thirteenth century; Guijarro González, *Maestros, escuelas y libros*, pp. 86-87.

¹⁷⁰ As Guijarro points out, ‘en general, es difícil valorar si los casos expuestos de estudiantes castellanos en universidades francas son la punta del iceberg de un fenómeno más frecuente de lo que registra la documentación o son una expresión de lo minoritario de esta opción’, Guijarro González, *Maestros, escuelas y libros*, p. 90.

indicates. Maurice, it seems, was ambitious, not just for the appearance of the building, but also with regard to the canons that staffed it.

These, then, were the canons who served in the cathedral under Maurice, who were on the receiving end of his regulations and liturgical innovations, and who populated the new Gothic cathedral. And there is also evidence that the cathedral drew visitors to Burgos from further afield. We have already discussed the figure of P. Leonis, *magister in organo*, who was in the cathedral in 1222 and 1223. Moreover, in October 1222, we also encounter a signature by Master Odo, canon of Palencia.¹⁷¹ This was in fact none other than Master Odo of Cheriton, the fabulist and biblical commentator from Kent, who spent time studying and teaching in Paris from 1200.¹⁷² A. C. Friend has pointed out that he is referred to by the title of 'Magister' by 1210, and suggests that he lived in Paris until 1219, meeting, among others, Cardinal Robert de Courcon, whom Odo describes as one of his acquaintances.¹⁷³ At some point around 1220, he travelled to southern France and then on into Spain, a move reflected in references to experiences in the Peninsula and to various Spanish cities in his sermons, as Friend points out.¹⁷⁴ There are additionally, two manuscripts attributed to Odo and found in fourteenth-century copies in Spain, one in Burgo de Osma, signed 'O. de Ceritonia', and one in Madrid, as Ferreiro Alemparte has revealed.¹⁷⁵ Indeed, a recent study by Enzo Franchini has suggested that not only did Odo travel to Spain, but that he spent most of the 1220s in Castile and was summoned there to join the cathedral chapter of Palencia and to teach in the city's famous *studium* in 1220, as one of the foreign masters of theology referred to in the *De Rebus Hispaniae*, thus explaining his epithet 'of Palencia'.¹⁷⁶ A 'Master Odo' appears on a witness list in Palencia in April 1223, and Ferreiro Alemparte agrees that 'this refers, without doubt, to Odo of Cheriton, the famous medieval fabulist'.¹⁷⁷

What brought Odo of Cheriton to Burgos? Masters and scholars were often itinerant in this period, with the mixture of foreign and local scholars travelling to Toledo providing the supreme example of this. However, although Toledo was the most well-known centre for translations and

¹⁷¹ DCB, Doc 543.

¹⁷² A. C. Friend, 'Master Odo of Cheriton', *Speculum* 23 (1948), 641-658, pp. 645-647.

¹⁷³ *Ibid*, p. 647.

¹⁷⁴ *Ibid*, pp. 654-5. E. Franchini has also illustrated through textual analysis that Odo spent a number of years in the Iberian Peninsula, see E. Franchini, 'Magister Odo De Chérítón, ¿Profesor de las universidades de Palencia y Salamanca?', *Revista de poética medieval* 2 (1998), 79-114.

¹⁷⁵ J. Ferreiro Alemparte, 'Hermann el Alemán, traductor des siglo XIII', *Hispania Sacra* 35 (1983), 9-56, p. 31; see also J. Jacobs, *The Fables of Odo of Cheriton* (New York: Syracuse University Press, 1985).

¹⁷⁶ Franchini, 'Magister Odo De Chérítón', pp. 86-89. He points out that the term 'of Palencia' was only used by Odo from 1220-1223, at which point he moved to Salamanca. See *ibid*, pp. 105-107.

¹⁷⁷ Ferreiro Alemparte, 'Hermann el Alemán, traductor des siglo XIII'.

new learning in the twelfth and early thirteenth centuries, it was not the only destination where scholarship was encouraged in the Peninsula, particularly not by the second decade of the thirteenth century. Palencia was a *studium* of considerable importance for scholars, attracting the attention of Archbishop Rodrigo as well as the interest of ‘masters in theology and the arts’ from abroad, and other cities such as Osma, Salamanca and Zamora were also starting to emerge as centres of learning and culture in early thirteenth-century Castile.¹⁷⁸

Maurice’s efforts to recruit artisans, musicians, sculptors and of course architects and masons from the cutting edges of their practices, including from outside of Castile, and the notable growth in the number of masters in the cathedral during his lifetime suggest that Maurice had similar ambitions for Burgos.¹⁷⁹ Nor were Odo and P. Leonis the only foreign scholars to have visited the city in this period. The translator and philosopher, Hermanus Alemanus, spent some years in Burgos, where he can be seen for the first from around 1240 – that is, just after Maurice’s death.¹⁸⁰ He stayed in the city until 1246, during which time he continued working on a Latin translation of Avicenna’s *Kitab al-Shifa*, a work which d’Alverny has described as ‘une somme de philosophie théorique’, and one that is generally understood to be a continuation of the efforts of translators in Toledo since the late twelfth century.¹⁸¹ This translation was in fact was dedicated to Maurice’s immediate successor, Bishop Juan of Burgos, who was in office from 1241 until 1246.¹⁸² There also seems to be a connection between Hermanus and the cathedral of Palencia, and Ferreiro Alemparte suggests that he was a canon at that cathedral in the 1230s as well as one of the ‘foreign masters’ at the *studium*, pointing out that the translator’s will leaves donations to the Palencian chapter.¹⁸³ That Hermanus should have moved to Burgos at some point in the late 1230s or early 1240s suggests that there was an interest in his translations

¹⁷⁸ See A. Rucquoi, *Dominicus Hispanus: Ochocientos años de la orden de predicadores* (Valladolid: Junta de Castilla y León, 2016); P. Linehan, ‘An impugned chirograph, and the juristic culture of early 13th century Zamora’, in Linehan, *Historical Memory and Clerical Activity* (Farnham: Ashgate, 2012) VI, pp. 461-487; A. Iglesia Ferreiros, ‘Escuela, estudio y maestros’, *Historia: Instituciones, Documentos* 25 (1998), 313-326; S. Guijarro González, *Maestros, escuelas y libros: el universo cultural de las catedrales en la Castilla medieval* (Madrid: Dykinson, 2004), pp. 77-90; and Vicente Beltrán de Heredia, ‘La formación intelectual del clero en España durante los siglos XII, XIII y XIV’, *Revista española de Teología* 5 (1946)

¹⁷⁹ It should also be noted that in 1246, the will of Bishop Juan leaves money in thanks to ‘the men of Master Martin Glazaron who come and go to Paris: Garcia Juanes, Martin Domingo and Martin Esteban’; ACB v. 25, fol. 351.

¹⁸⁰ M.-T. d’Alverny, ‘Notes sur les traductions médiévales d’Avicenne’, *Archives d’histoire doctrinale et littéraire du moyen age* 19 (1952), 337-358; also Burnett, *Arabic into Latin in the Middle Ages: The Translators and their Intellectual and Social Context* (Aldershot: Ashgate Variorum, 2009), pp. 370-404.

¹⁸¹ D’Alverny, ‘Notes sur les traductions’, p. 340; Ferreiro Alemparte, ‘Hermann el Alemán, traductor des siglo XIII’, p. 35, suggests that Hermann held a residency at Palencia from 1231 until 1240.

¹⁸² Juan was himself previously bishop of Osma, it should be pointed out, and also chancellor to Fernando III and author of the *Chronica Latina*. See the introduction of this thesis.

¹⁸³ Ferreiro Alemparte, ‘Hermann el Alemán’.

and potential patronage available to him – once again, an indication that, under Maurice, the cathedral of Burgos was starting to become a centre of cultural and intellectual significance in Castile more broadly.¹⁸⁴

3. The Puerta del Sarmental

Having discussed the new cathedral building and the development of its interior under Maurice, let us finally turn to the point at which these two intersected: the Puerta del Sarmental, the southern portal of the cathedral (see Figure 4). This was the only portal constructed before Maurice's death, and would therefore have been the exclusive entry to the chevet from 1230 until the end of his life. It was also the only major sculptural project with which he was involved. Frederick Deknatel, whose study of the portal in 1935 remains a major point of reference today, has suggested that this portal and its sculpture were complete by the early 1230s, although more recent assessments by Rocio Sánchez Ameijeiras and Henrik Karge have concluded that whilst the lower blind arch was probably finished by 1230, the upper part of the door and its sculpture was most likely completed by the end of the decade.¹⁸⁵

The tympanum depicts what would typically be described as an Apocalypse scene: that is, a Christ in Majesty surrounded by evangelists. The figure of Christ is seated at the centre of the tympanum, and has both crown and nimbus, with his right hand raised in what seems to be a blessing and a book in his left hand. At his head, and cutting through his crown and nimbus, is a thick cloud, and he is immediately surrounded by the familiar symbols of the four evangelists, arranged (in clockwise order from the top right) as Matthew, Luke, Mark and John. Further out, to the side and above these symbols, are four more depictions of the evangelists, this time as

¹⁸⁴ Indeed, Ferreiro Alemparte suggests that Hermann's link with Castile may well have been as part of Beatrice Hohenstaufen's retinue (which was of course led by Maurice) or alternatively, that he may have been linked with the Master of the Teutonic Order, who was in Silos in 1231. It should be pointed out that Guijarro, *Maestros, escuelas, libros*, pp. 86-87, and I. Sanz Sancho, 'Prosopografía de los componentes del cabildo catedralicio de la catedral de Córdoba en la edad media (1238-1450): aportaciones a la historia social y cultural', in A. Jorge, H. Vilar and M. Branco, eds., *Carreiras eclesíásticas no ocidente cristão: séc. XII-XIV / Ecclesiastical careers in Western Christianity: 12th- 14th C.* (Lisbon: Universidade Católica Portuguesa, 2007), pp. 31-62, p. 60, have both identified Burgos cathedral as having the highest proportion of canons studying in Paris and Bologna by the start of the fourteenth century.

¹⁸⁵ Deknatel, 'Thirteenth Century Gothic Sculpture'; Sánchez Ameijeiras, 'La portada del Sarmental'; and Karge, *La catedral de Burgos*, p. 43. For more on the sculpture of Burgos cathedral in the 1240s and 1250s, see J. Gardener, 'Stone Saints: Commemoration and Likeness in Thirteenth-century Italy, France and Spain', *Gesta* 46 (2007), 121-134; H. Karge, 'From Naumburg to Burgos; European Sculpture and Dynastic Politics in the Thirteenth Century', *Hispanic Research Journal* 13:5 (2012), 434-448; and F. Hernández, 'Two Weddings and a Funeral: Alfonso X's Monuments in Burgos', *Hispanic Research Journal* 13:5 (2012), 407-433.

men, writing at desks, with their heads bent and quills in hand. The two in the lower part of the tympanum are seated on ornate chairs, whilst the two crammed in above Christ, seated on the cloud, are on simpler benches. In the lintel sit twelve apostles holding books and conversing with each other; the various lengths of beard and appearance of four clean-shaven apostles suggests varying ages.¹⁸⁶ There are three archivolts above the tympanum; the inner row staffed by angels and the two outer rows filled by elders of the Apocalypse, many playing musical instruments, as well as six vousoirs that Rocio Sanchez Ameijeiras has recently demonstrated to be representations of the Liberal Arts.¹⁸⁷ One vousoir in the central archivolt appears to be missing, and a much later angel in darker stone has been used to fill the gap, although it is not clear whether this space should contain a Liberal Art or an elder.¹⁸⁸ The lower jamb figures are not contemporary with the rest of the portal, and seem to have been added in the seventeenth or eighteenth centuries.¹⁸⁹ The carved corbels supporting the lintel are from the 1230s however,



Figure 4: The Puerta del Sarmental

¹⁸⁶ Rocio Sánchez sees this as being a representation of Maurice's instructions to shave regularly ('La portada del Sarmental'). However, other twelfth-century depictions of the Apostles also feature these variations, for example, the Apostles on the tomb of St Domingo of Silos.

¹⁸⁷ Deknatel comments on them but does not conclusively identify them, 'Thirteenth Century Gothic Sculpture', p. 259.

¹⁸⁸ Of course, a seventh Liberal Art is a tempting hypothesis.

¹⁸⁹ *Ibid*, p. 259. Martinez y Sanz dates them to the nineteenth century, *Historia del templo catedral de Burgos* (Burgos, 1866; reprint, Burgos: Institución Fernán González, 1983), p. 31.

as is the large statue of a bishop standing in the trumeau, wearing a mitre and holding a crosier in his left hand, whilst his right hand blesses those who enter through the door below.¹⁹⁰

Although some precursory examples of Gothic sculpture do exist in the Peninsula, for example, at Santiago de Compostela and Tuy, as Deknatel has noted, this portal is the earliest full series of Gothic tympanum art in the Peninsula. Like the new chevet to which it gave access, the Puerta del Sarmental was the work of expert artisans from France. These sculptors were not only familiar with the work of contemporary Gothic portals, but according to Deknatel's analysis, 'unquestionably came to Burgos from Amiens'.¹⁹¹ In particular, the Christ at the centre of the Sarmental tympanum shows remarkable technical similarity to the 'Beau Dieu' of Amiens, the carving of Christ in Majesty that bedecks the central tympanum of Amiens western façade. Deknatel points out that even the imitation attempts elsewhere on the façade at Amiens were unable to reproduce the effects that we see in the Burgos Christ, indicating that this particular master must have carved the tympanum Christ himself. The same sculptor also produced the writing evangelists, whilst the apostles of the lintel and the great statue of the bishop seem to have been produced by a second master, equally demonstrated by Deknatel to have come from the Amiens workshop. So great is the similarity in sculptural style, Deknatel suggests that these two masters must have come to Burgos straight after finishing Amiens – sometime in the late 1220s – and as he points out, it is unlikely that the two most senior sculptors from such a project would drift all the way to Spain in search of subsequent work. His hypothesis is that 'in the case of the Amiens masters, it is more reasonable to suppose that the journey to Spain was the result of negotiations on the part of Burgos authorities'.¹⁹² In her important article from 2001, Rocio Sánchez Ameijerías agrees that the sculptors must have come from Amiens, although she adds that they also knew the sculptural style of the cathedral of Reims.¹⁹³ Clearly the sculptors who decorated the Puerta del Sarmental were using the most contemporary and advanced techniques, and were wholly competent in producing the latest French fashions in their sculptures.

Unlike the chevet however, the sculpture of this tympanum does not appear to recreate any particular model, and in fact, its iconography is strikingly different from that of Amiens or any other contemporary Gothic portal. For Deknatel, the design of Sarmental is overwhelmingly

¹⁹⁰ It must be noted that the statue currently in place is a copy made in 1948; the original medieval statue can be found in the cloister. See Sánchez, 'La portada', p.164. There is considerable debate as to the identity of this statue; see below.

¹⁹¹ Deknatel, 'Thirteenth-century Gothic Sculpture', p. 260.

¹⁹² *Ibid*, p. 270-273.

¹⁹³ Sánchez, 'La portada', p. 165.

‘archaic’ and ‘old-fashioned’, and can be most closely compared with the central portal of the west façade of Chartres, carved over one hundred years previously, which depicts a Christ in Majesty surrounded by the four symbols (although in a different order to that of Sarmental).¹⁹⁴ His suggested explanation is that: ‘this clothing of old ideas in the most advanced style of the time indicates that the iconography must have been determined by someone other than the man who executed the sculpture...The determination of the iconography was probably done by local ecclesiastics who were either ignorant of the decoration of the portals of the cathedrals which were then being built in France, or who, while aware of new work going on, still clung to old formulas’.¹⁹⁵

The Puerta del Sarmental was the southern portal, the connection between the bishop’s residence (and most likely the *vestarium* or sacristy), and the chevet. This means it would have been intended for use primarily by the bishop and chapter, and was a comparatively private portal, whose iconographical message was directed not at the general masses but at the cathedral clergy. The patron whose unusual choices influenced the iconography of this portal was without doubt Bishop Maurice. Not only was he the sole ecclesiastical figure with the authority to make such decisions about his new cathedral, but as we shall see, this portal reflects Maurice’s broader vision of his church. The portal’s most unusual features, and those that particularly startled Deknatel, were those connected with learning, in particular writing: the writing Evangelists, the Liberal Arts in the archivolt, and the curious cloud that cuts through Christ’s head.

Indeed, Rocio Sánchez Ameijerías, whose extremely important article on this portal was published in 2001 and is the most recent work of modern scholarship on the subject, has suggested that this iconography was not ‘archaic’ and uninformed – after all, the selection of sculptors *à la mode* indicates quite the opposite – but forms purposefully chosen by the patron in order to articulate ‘an original discourse, to the extent that sculptors were forced to think up new formulations.’¹⁹⁶ For Sánchez, this discourse can be summed up as the ‘scholarly tone’ of the portal, its emphasis on the role of learning and philosophy, which, she suggests, suggests the presence of a new school in the cathedral.¹⁹⁷

The earliest name on record for this portal was not Sarmental, but the ‘Revelation of the Gospel’, a name that accurately reflects the central action of the tympanum, which reveals the embodied

¹⁹⁴ Deknatel, ‘Thirteenth-century Gothic Sculpture’, pp. 255-259.

¹⁹⁵ *Ibid*, p. 255.

¹⁹⁶ Sánchez, ‘La portada’, p. 162.

¹⁹⁷ See Sánchez, ‘La portada’, *passim*.

Christ dictating or teaching the gospels to the four Evangelists, who are actively writing it down.¹⁹⁸ The Word, or Logos, is represented in three ways; Christ himself, the open book of the Gospels in his left hand, and finally, in continual production on the sloping desks of the Evangelists, in the four corners of the tympanum (see Figure 5). Sánchez has suggested that this is not a Christ in Majesty, but ‘a Christ-Logos, a master Christ dictating the Gospels to his disciples’.¹⁹⁹



Figure 5: Christ the Logos and the writing Evangelists.

He is surrounded by the highly unusual image of the Evangelists writing – an image that indeed is quite unique. The only sculptural precedent identified by Sánchez is in the cloister portals of two French abbeys, St-Benoit-sur-Loire, and St-Pierre-Le-Moutier, although loose parallels exist on the south portal of the west façade at Chartres in the statues of two philosophers or writers sitting at writing desks and holding quills (although from a different angle to the writers on the

¹⁹⁸ See J. Olarte, ‘La Portada del Sarmental de la Catedral de Burgos, exégesis artística de Mt, 23, 8.10’, *Cultura Bíblica* 3 (1946), pp. 45-50.

¹⁹⁹ Sanchez, ‘La portada’, p. 186; ‘un Cristo-Logos, un Cristo maestro dictando el evangelio a sus discípulos’. See also L. Huidobro Serna, *La catedral de Burgos* (Madrid, 1949), pp. 25-26: ‘Ocupa el centro del tímpano la bellísima figura de Nuestro Señor Jesucristo coronado, en actitud, no como suele interpretarse de bendecir, sino de enseñar’ (cited by Sánchez.)

Puerta del Sarmental – and of course, these are not Evangelists).²⁰⁰ The voussoir sculptures of the Liberal Arts that surround this scene are the first such sculptures to be seen in Spain (see Figure 6).²⁰¹ Represented are the allegories of geometry, music (the organist), medicine, rhetoric, grammar, and music a second time (ringing bells), an unorthodox selection, although as Gerardo Boto Varela has pointed out, not all archivolt featured the standard ‘seven’ arts, and the Liberal Arts at Laon also include medicine.²⁰² Logic, arithmetic and astronomy appear to be absent, although one may be missing (as discussed above). These arts are represented by pairs of figures, each depicting an adult male (in a variety of garments, suggesting both lay and clerical figures) accompanied by a child, an extremely unusual configuration that Sánchez has

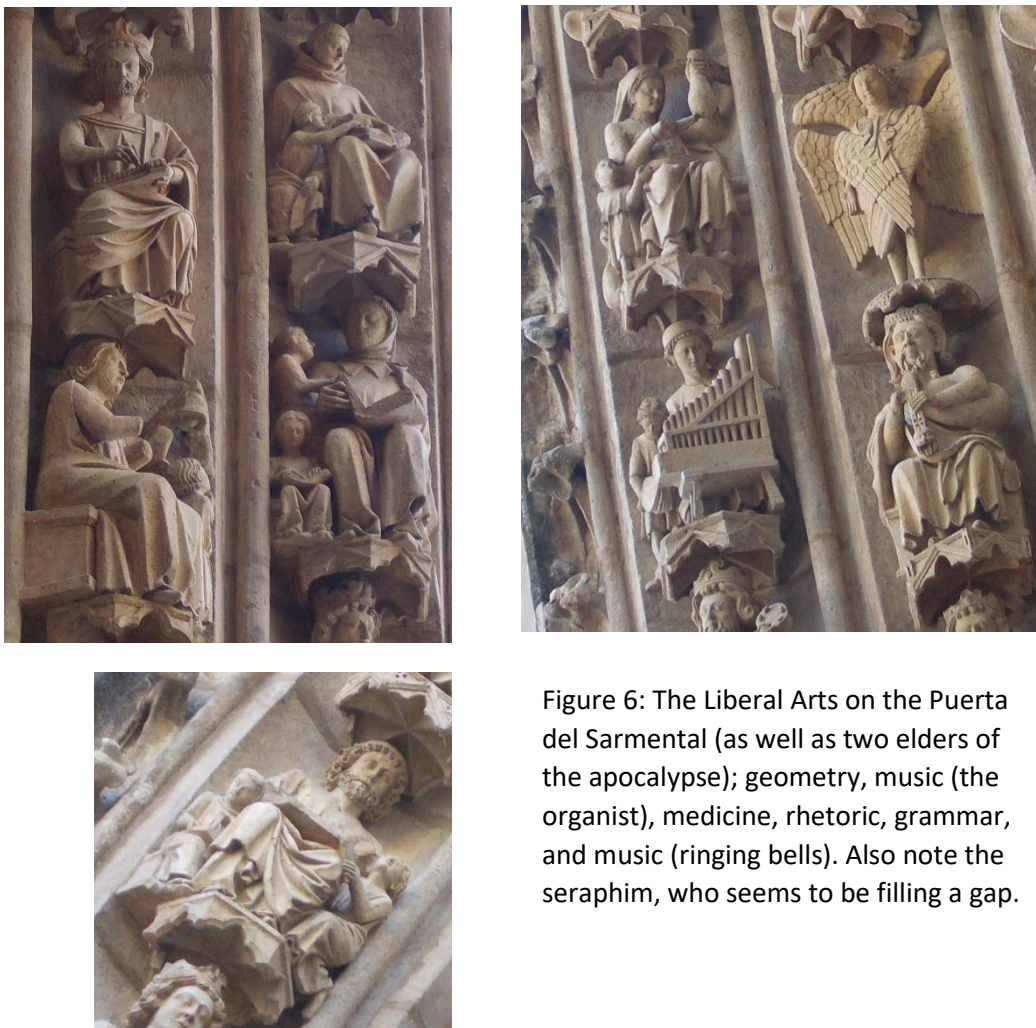


Figure 6: The Liberal Arts on the Puerta del Sarmental (as well as two elders of the apocalypse); geometry, music (the organist), medicine, rhetoric, grammar, and music (ringing bells). Also note the seraphim, who seems to be filling a gap.

²⁰⁰ For the abbey portals, see Sánchez, ‘La portada’, pp. 189-190. For the philosophers at Chartres, see Cleaver, *Education in twelfth-century art and architecture*, p. 16.

²⁰¹ For the identification and analysis of these sculptures, see Sánchez, ‘La portada’, pp. 172-177.

²⁰² G. Boto Varela, ‘Sobre reyes y tumbas en la catedral de León. Discursos visuales de poder político y honra sacra’, en Joaquín Yarza Luaces, María Victoria Herraiz y Gerardo Boto Varela (editores), *La Catedral de León en la Edad Media. Congreso Internacional. Actas* (León: Universidad de León, 2004), p. 321; and Cleaver, *Education in twelfth-century art and architecture*, p. 16. Compare the list of six Arts in the stained-glass windows at León (dated to the 1270s), which depict ‘Dialectic, Grammar and Arithmetic’, according to Nieto Alcaide, *La vidriera española*, pp. 62-63.

described as ‘a form for which there are no known precedents in the field of allegorical series in French monumental art’.²⁰³ Again, the closest iconographical links to this are in manuscript illuminations, and Sánchez has identified a parallel typology in illustrations of a copy of Isidore of Seville’s *Etymologies* from Suabia.²⁰⁴

Such scholarly imagery, as Sánchez has pointed out, presents scholarship and learning as an ideal, and thus would seem to indicate the presence of a school of some sort at the cathedral of Burgos, which, as we have discussed above, is a proposition supported by other evidence too.²⁰⁵ Indeed, as Laura Cleaver has suggested in her study of the iconography of learning, such imagery was not simply a reflection of the chapter, but could also ‘indicate an individual’s desire to be recognised as a scholar’.²⁰⁶ That individual would of course be none other than the bishop and patron of the sculptural design, and given what else we know of Maurice, this seems highly likely.²⁰⁷ Indeed, Cleaver has suggested that, beyond the connotations of immediate scholarship within the cathedral, the imagery of the Liberal Arts in fact ‘formed part of presentations of universal order’.²⁰⁸ Such portals were to be read inwards from the outside of the archivolt – thus through the arts, and then the angels (and the elders of the Apocalypse, in the case of Burgos) to the representation of God at the centre. This, Cleaver suggests, is the schema within which such depictions should be understood, as on the façade at Sens (completed in around 1200) and the west façade of Chartres (dated to the 1140s). In this context, the Liberal Arts were displayed as ‘a means by which man can come to a greater understanding of God’.²⁰⁹

A revealing comparison is that of the west façade of Chartres, where both Cleaver and Fassler have linked the representations of scholarship and the Liberal Arts in the archivolt to the school of thinkers at the cathedral, scholars such as Bernard of Chartres, Gilbert of Poitiers, and Thierry of Chartres.²¹⁰ Indeed, although interpretations of the sculptural programme of the west façade at Chartres are still an issue of debate, Fassler has demonstrated that the three portals each treat aspects of mankind’s ascension towards and perceptions of the divine. In particular, she points out, the northern portal, often considered to be a representation of the Ascension, is in

²⁰³ Sánchez, ‘La portada’, p. 174.

²⁰⁴ *Ibid*, p. 175. Sánchez has also identified broader similarities with sculptures at Chartres, Laon and Sens (*ibid*, p. 172-4 and 184).

²⁰⁵ *Ibid*, pp. 177-178.

²⁰⁶ Cleaver, *Education in twelfth-century art and architecture*, p. 24.

²⁰⁷ On bishops as patrons of sculpture, see *Ibid*, pp. 26-28.

²⁰⁸ *Ibid*, p. 9.

²⁰⁹ *Ibid*, p. 9.

²¹⁰ *Ibid*, p. 24; see also A. Katzenellenbogen, *The sculptural programs of Chartres Cathedral : Christ, Mary, Ecclesia* (Baltimore: John Hopkin Press, 1959).

fact a depiction of 'Christ-to-come', Christ the unseen, who is hidden in swathes of cloud.²¹¹ Knowledge of God was through prophecy alone. The iconography of the southern portal, on the other hand, reflects the world after the coming of Christ – the 'time of Grace', as Hugh of St Victor referred to it – in which the divine was accessible to man, and could be reached by the pursuit of the Liberal Arts, which are carved on the archivolts of this portal. This portal, Fassler suggests, is a manifestation of the writings of Hugh of St Victor, and his statement that 'it is clear that all the natural arts serve divine science, and that the lower wisdom, rightly ordered, leads to the higher'.²¹² For the iconography to produce such a complex theological message, 'the artists must have worked in concert with the theologians'.²¹³

The example of Chartres is important, not only because it features the Liberal Arts in the archivolts as at Burgos, but because cloud around Christ also plays a central role on the tympanum of Sarmental. Indeed, this is one of the features of the Sarmental Christ that has prompted Sánchez to suggest that the iconography on the Puerta del Sarmental is 'contaminated with the allegory of philosophy'.²¹⁴ In particular, she suggests, the book, the crown and the cloud at Christ's head, revealing him stretching from the heavens to the earth, echo the representation of 'philosophy' in the *De consolacione philosophiae* of Boethius, represented as a figure whose head 'pierced the very heavens'.²¹⁵

Cleaver has suggested that this imagery equally inspired the representations of philosophy in the portals at Loches, Sens, and Laon.²¹⁶ The example of Laon is particularly notable, where the statue of philosophy on the north window of the west façade, probably complete by the 1190s, is seated and holds an open book whilst her head disappears into a cloud.²¹⁷ A ladder leaning against the figure completes the clear message that ascension to heaven – which is necessarily unseen – is only possible through scholarship, of which philosophy is the keystone.

The cloud cutting off Christ's crown and nimbus on the Puerta del Sarmental, like that at Laon and Chartres, provides a commentary on the nature of the divine. Unlike the carefully segmented tympana of contemporary Gothic portals in France – for example, those of Amiens (including the Beau Dieu portal), Notre Dame de Paris, Bourges, and Reims – the Sarmental

²¹¹ Fassler, 'Liturgy and Sacred History in the Twelfth-Century Tympana at Chartres', pp. 509-511.

²¹² *Ibid.*, citing Hugh of St Victor's *De Sacramentis Christianae Fidei* I, Prologue, VI.

²¹³ Fassler, 'Liturgy and sacred history', p. 517.

²¹⁴ Sánchez, 'La portada', p. 186; for further analysis of Christ as wisdom, see *ibid.*, pp. 186-190.

²¹⁵ Boethius, *De consolacione philosophiae*, 1.i, 'Quam cum altius caput extulisset, ipsum etiam coelum penetrabat respicientiumque hominum frustrabatur intuitum', as cited by Sánchez, 'La portada', pp. 186-8.

²¹⁶ Cleaver, *Education in twelfth-century art and architecture*, p. 16-23.

²¹⁷ *Ibid.*

tympanum is fully devoted to just this one scene. The cloud does not layer off another section within the image (unlike the divisions seen in most tympana), but is integral to the image of Christ himself. Two evangelists sit perched on the edges of the cloud, but they are very much part of the whole narrative of the image, and not in a separate 'segment' of the tympanum.

Indeed, just as at Chartres and in the unknown knowledge of the philosopher represented at Laon, the cloud around the Christ of the Sarmental is one of invisibility. The divine attributes of Christ are hidden, and thus his status as God is not visible on earth and to the Apostles of the lintel. The other figures on the tympanum (apart from the angels) can only see him as Christ the man, although the viewer standing in front of the portal can see at once that he is in fact connecting heaven and earth, just as in the description of philosophy by Boethius. It is the teachings of Christ, the theological order he establishes around him with his raised finger and the Gospels, that provide a way for the other figures on the tympanum to understand his divinity.

This imagery, the invisible heaven approached through the order of the visible world, recalls another text: the *Concordia Mauriciana*, where the theological imperative for the ordering of the 'workings of the sensible world' is made clear. God has set his order in the 'invisible and eternal things', and it is precisely this Celestial Hierarchy that confronts the viewer of the Puerta del Sarmental, and which must be mirrored in the 'temporal things' of this world. To achieve this 'similitude' was the goal of the Church on earth, as instructed by St Paul in the opening sentence of the *Concordia*: 'let all things be done decently and according to order'. The Christ in the centre of the tympanum is engaged in doing precisely this, teaching the four Evangelists the words of the Gospels, and thus revealing the divine order that the Church on earth must follow in order to ascend to the invisible heaven. This message is reinforced by the signs of order around Christ, and most of all by the Liberal Arts carved just above him, which, as we have discussed, refer not just to the value of scholarship but also to establishment of universal order. Even contemporary French music is part of the order that Christ proclaims from the centre of this tympanum.

Moreover, the Sarmental tympanum is the scene of an ongoing mass. Christ is surrounded by angels carrying liturgical objects: six incense him with their thuribles, whilst two acolyte angels bear candles. The scene was a direct reflection of the reality below, as canons would have processed through these doors each day for mass, holding candles and thuribles just as the *Concordia* instructs. Awaiting them on the altar were the Gospels and the Host – the Christ from

the tympanum – the only things to be displayed on the high altar.²¹⁸ The canons of Burgos who processed beneath this imagery embodied the rightly-ordered Church on earth, the Ecclesiastical Hierarchy as it should be, in their well-fitting copes, with neat tonsures and suitable footwear, accompanied by the most up-to-date polyphony and celebrating the liturgical feasts stipulated in the *Kalendario Antiguo*.²¹⁹ Some of them were distinguished for their learning. All of this took place within the most splendid chevet the bishop could have commissioned, a replica of the recently-finished cathedral of Bourges and a building that would, in 1230, have been radically different from any other in Castile.

Whilst it was God who ordered his heaven, the job of recreating this order within the earthly Church fell to the bishop. We saw this expressed clearly in the *Concordia*, when Maurice referred to the role of the wise man in the ordering of the things of nature. We also see it clearly in



Figure 7:
The bishop
on the
trumeau

²¹⁸ Jennifer Harris has described the altar as an ‘axis mundi’, where earth and heaven collide; J. Harris, ‘Building Heaven on Earth: Cluny as Locus Sanctissimus in the Eleventh Century’, in Boynton and Cochelin, *From dead of night*, pp. 131-152, p. 136.

²¹⁹ Compare Sánchez’s comments on the beards of the lintel Apostles, idem, ‘La Portada’, p. 192.

Maurice's memorial document, written in the same month, November 1230, in which he describes his own role as being that of the 'pontifex...raised up above men and set in place on behalf of men in those things that pertain to God'. The bishop stood at the very top of the hierarchy of the Church on earth; he was 'the apex of glory', from which point he bore the responsibility of ordering all those below him. In this way, the bishop reflected the role of Christ himself; he was the builder of the *ecclesia Dei* on earth, a role that Maurice clearly felt keenly.²²⁰

This imagery of the bishop at the apex brings us back to the statue of an unidentified bishop that stands at the trumeau of the Puerta del Sarmental (see Figure 7). Like Christ on the tympanum above, the bishop is both teaching and blessing, with two fingers raised. He is below the level of heaven but very definitely raised up above men, and most immediately, over the men who processed through this portal on a daily basis. The trumeau of a cathedral portal is most commonly occupied by a saint or by Christ himself, and this statue, identifiable as neither, has been the subject of much speculation. In 1935, Deknatel pointed out that, unprecedented as it would be to feature a living bishop on a trumeau, Maurice himself seemed to be the most likely option, given the lack of alternatives, also citing local tradition in Burgos that the statue does indeed depict Maurice.²²¹ Several recent scholars have disagreed however, suggesting that the trumeau depicts one of two Visigothic bishops of Oca (the where the see resided before Burgos).²²² Yet neither of these two Visigothic saints appear in the *Kalendario Antiquo*, and there are no chapels or dedications to them. However, when understood within the iconography of the Puerta del Sarmental and with relation to Maurice's clearly articulated understanding of the bishop's place in the world, it seems far more likely that this statue continues the relationship of *similitudo* between earth and heaven by representing the bishop himself; literally, the pontifex at the apex of the Ecclesiastical Hierarchy, but figuratively, representative of the original key-stone, Christ himself.

²²⁰ On the *ecclesia* as heaven on earth, see logna-Prat, *La Maison de Dieu*, pp. 167-177; also, Eric Palazzo, 'Archéologie et liturgie', in Boynton and Cochelin, *From dead of night*, p. 316.

²²¹ Deknatel, 'Thirteenth-century Gothic sculpture', p. 259.

²²² Writing in 2001, Sánchez suggests that the trumeau may show a Visigothic bishop of Burgos, perhaps San Indalecio or San Asterio, bishop of Oca in 589, see Sánchez Ameijeiras, 'La portada', p. 191. See also; José Azcárate, *Arte gótico en España* (Madrid: Catedra, 1990), p. 155, who has suggested that the figure is San Indalecio, and Salvador Ordax, *La catedral de Burgos, patrimonio de la humanidad* (León: Edilesa, 1993), p. 27, who has favoured San Asterio.

Conclusions

Maurice's vision of the Church on earth, encapsulated in the words at the opening of the *Concordia* and in the iconography of the Puerta del Sarmental, provides us with a new way of understanding the changes that he spent much of his life introducing into Burgos cathedral. The new fabric of Burgos cathedral was the most visible expression of a theological imperative that drove his episcopal career; to establish what he saw to be the rightful order of heaven in the Church on earth. As we have seen throughout this chapter, this vision was manifest not only in the rebuilding of the cathedral, but in a far more wide-reaching programme cultural change, incorporating liturgical, musical and textual, as well as artistic and architectural, reform that brought the practices of Burgos up-to-date with, in particular, the most sophisticated French cathedrals. The splendour of the *opus francigenum* lay not only in its flying buttresses and magnificent internal spaces, but also in its symbolism; it was a statement of Maurice's own cultural and theological priorities and ambitions, as both *vir sapiens* and *pontifex*.

General Conclusions

Maurice was an ambitious bishop who thought deeply about what it meant to hold episcopal office in a turbulent and changing world. Throughout this study of his life, we have seen that he was a man of considerable importance in both secular and ecclesiastical networks of power across Castile, and a key figure in many of the intellectual and cultural developments of his day. From his earliest days as archdeacon amongst the Mozarabs of Toledo, his career straddled cultural and religious boundaries. He was a patron, judge and builder, as well as a negotiator and pastor to Burgos cathedral, keenly aware of his status as the ‘high priest...raised up above men’, and as we have seen throughout this study, many of his decisions were informed by his own intellectual interests. The extant sources for Maurice’s life have permitted us not only to map out his actions and their context, but to go further in understanding why he undertook them and what they meant to him. The resultant picture, as we have seen, is that of a prelate who lived at the heart of Castile but whose life was animated by ideas and influences from Paris, Cordoba, Bourges, Rome and beyond. He grappled with some of the major theological, intellectual and ecclesiological problems of his day: how to understand Islam, how to relate to Arabic philosophy in a Christian context, how to establish episcopal *auctoritas* amongst conflicting demands from lay, papal and monastic powers, and, more broadly, how to fulfil the ‘heavenly ministry’ of episcopal office, as he himself described it. In analysing Maurice’s career and his attempts to find solutions to some of these problems, this thesis has offered a new perspective from which to assess some of the most important cultural and theological developments of the thirteenth century.

One salient point to emerge from this thesis is that, throughout his career, Maurice had a rich intellectual life and was unquestionably a scholar who engaged in some of the most pressing intellectual debates of his day – and was seen as such by his contemporaries. As we have discussed in Chapter Two, he was a figure of considerable importance in the scholarly milieu centred around the cathedral of Toledo, and his patronage was key in bringing about a Latin translation of the teachings of Ibn Tūmārt, a text heavily influenced by Avicennan philosophy. Maurice thus brought a unique voice into ongoing theological debates amongst his Toledan colleagues, debates that drew heavily on the theology of Alan of Lille, Gilbert of Poitiers and Jean Scot Erigena, as Lucy Pick has demonstrated. Nor was his scholarly life restricted to his time in Toledo: in Burgos some seventeen years later, he drew on closely related ideas about hierarchies of being as a model for his own reforms of Burgos cathedral, as we saw in Chapter Four. The intellectual lives of bishops remains an issue that has been very rarely considered in

scholarship pertaining to medieval Castile, and so Maurice stands alongside the much more well-known figure of Archbishop Rodrigo as an important example of the reception of twelfth-century French scholarship in the Iberian Peninsula.

The precise means by which Maurice originally came into contact with these ideas remains elusive. There has been no way of tracing his life before November 1208; however, evidence discussed throughout this thesis points to the clear probability that Maurice was one of numerous Spanish clerics to have studied at the University of Paris. He shared theological ideas and interests at Toledo with several other scholars who are known to have studied at the University, most notably, his lifelong colleague and ally, Archbishop Rodrigo, as well as Diego Garcia and others. Moreover, as we saw in Chapter Four, much later in his life, Maurice was still connected to this thought-world, and seems to have been influenced by themes and ideas that were being explored in the school of Saint-Victor. The only certain evidence we have for Maurice's presence in the city of Paris is his visit there in 1219, but it is clear that texts and ideas continued to circulate between France and Castile throughout Maurice's life. Moreover, as we have seen in Chapter One, Maurice's nephew, Juan de Medina, spent several years studying in Paris, where he owned property and enjoyed close connections with the French royal family – networks that Maurice, as his uncle and mentor, would most likely have been responsible for. Juan was one of a number of scholarly canons to enter Burgos cathedral under Maurice, and such figures may have provided a direct means of communication and contact with the intellectual developments taking place north of the Pyrenees. Far from being isolated from the ultramontane world, Maurice provides a clear example of a Castilian prelate whose career was closely bound up with communications with France.

Nowhere was this cosmopolitanism more evident than in Maurice's foundation in 1221 of the first Gothic cathedral in Castile. The role of Maurice as patron of the Gothic cathedral of Burgos affords a unique insight into the movement of architectural and cultural ideas in medieval Europe. As we have seen in Chapters Four and Five, Maurice's foundation of the new cathedral was the most visible manifestation of his much larger theological and cultural aim – to reform the church of Burgos and bring it in line with the most up-to-date developments in the European Church. It was a cultural project that included new liturgy, music, and texts, as well as an updated ecclesiastical calendar, reshaping ecclesiastical practice in Burgos. It went hand-in-hand with the introduction of foreign scholars as well as masons and sculptors, and it was inspired, as we have seen in the *Concordia Mauriciana*, by Maurice's theological understanding of the rightful order of the Church on earth, an order reflected in the iconography of the cathedral's southern portal. Clearly, when it came to Burgos cathedral, ideas were accompanied by art. The

case of Maurice's foundation at Burgos is perhaps unique, in that we have been able to unite theory with practice; namely, Maurice's theological vision of the Church with his project for his own church. But it nonetheless provides an example of an episcopal patron proactively engaging with architectural form as part of his broader cultural agenda, thus raising important new questions about the movement of architectural and artistic ideas in medieval Europe more generally.

Christian understandings of and approaches to Islam is another key theme upon which this thesis has touched. Maurice's career captures something of the variety of medieval responses to Islam. As we saw in Chapter Two, he was involved in some of the key military campaigns of the 'Reconquista', and appears to have been, along with Archbishop Rodrigo, a vehicle by which papal ideas about crusade came to be known in Castile. Yet alongside this, he was clearly interested in a more intellectual approach to Islam, as his patronage of two translations in 1210 and 1213 made clear. In particular, as we have seen, Maurice's commission of a Latin translation of the *Little Book on the Unity of God* by Ibn Tumart was an attempt to benefit from the philosophical teachings contained therein as part of wider Christian debates on the nature of God, an approach that would resonate in the work of much later theologians such as Ramon Llull. Evidently, Christian interest in Islamic thought continued throughout the intensification of conflict between the Almohads and Castile, and Arabic texts continued to be translated throughout the first half of the thirteenth century – including at Burgos, where Hermanus Alemanus was working on translations of Avicenna in the 1240s.

This thesis has also analysed the ways in which Maurice constructed and articulated his episcopal authority in the sometimes turbulent society of thirteenth-century Castile, shedding light upon the overlapping and often conflicting networks of power upon which medieval bishops drew. His various attempts to assert his authority over abbots and priors, as well as over rival bishops, provide a rich insight into the instability and insecurity that even the most powerful medieval Castilian bishops could face. Maurice established his control around the diocese of Burgos through treaties, tactical appointments, and also through his policy of consecrating churches in contentious territories, visible symbols of the power of the bishop of Burgos. Moreover, as we saw in Chapter One, he was known to the highest secular powers, including King Alfonso VIII, even before his appointment as bishop, and he was also connected in some way to the powerful Haro family, the nobles who governed much of Burgos. Maurice's closeness to the royal court was most marked during the early years of his episcopate, and the absence of close interaction with Fernando III is notable in the later years of Maurice's life. It is tempting to speculate that, as Peter Linehan has demonstrated in the case of Archbishop Rodrigo, he was

one of the cohort of bishops appointed by Alfonso VIII whose stars at the royal court faded as the young king Fernando broke free from the influence of his mother Berenguela (Alfonso's daughter) from the mid-1220s.¹ Nonetheless, as we saw in Chapter Three, royal and noble support could make or break episcopal power, and Maurice was careful to keep both on his side, often at the expense of papal pleasure.

As bishop of an independent see, Maurice's only spiritual superior was the pope, and throughout this thesis, we have seen that Maurice had a rather variable relationship with the popes of his day. Chapter Three has illustrated the largely ineffectual role of the papacy in Burgalés disputes, and papal wishes were rarely heeded by the so-called papal judge-delegates (who, as we have seen, were effectively local appointees). Maurice's own career, during which time he was frequently appointed judge-delegate, provides plentiful evidence of this. Yet the hallmark of Maurice's relationship with the popes of his day was selectivity. Maurice was familiar with canon law, and deployed it on occasions, such as in his efforts to win his case against the monastery of Silos. He was also happy to obey the papal instruction to preach crusade in 1225, when this request fitted with Fernando III's decision to declare war on the Almohads. In Chapter Four's analysis of the *Concordia Mauriciana*, we saw that Maurice had chosen to implement a small selection of decrees of the Fourth Lateran Council in Burgos. This study thus adds a new perspective to the ongoing historiographical debates about the impact of papal authority on the Castilian Church, and provides a case-study to contribute to a growing understanding of the ways in which individual dioceses across Latin Europe received (or rejected) the message of papal reform across the thirteenth century.

Maurice had a keen understanding of the glory of episcopal office, and of the duties that accompanied it, duties that included patronising scholars, consecrating churches, and reordering his cathedral to reflect the divine order of heaven. In his memorial document composed in November 1230, Maurice wrote that, as bishop of Burgos, he stood at 'the apex of pontifical sublimity', from where he was nonetheless 'distracted by the care of temporal things'. It was a tension between the celestial and the mundane that would have been familiar to many medieval bishops across Latin Europe. This analysis of Maurice's life and career has revealed him to have been a key player in the history of thirteenth-century Castile, and a figure whose life raises new and exciting questions about the connections between Castile and the wider world.

¹ Peter Linehan, 'Don Rodrigo. Linehan, Peter, 'Don Rodrigo and the Government of the Kingdom,' *Cahiers de linguistique et de civilisation hispaniques médiévales*, 26 (2003), 87-99.

Afterword:

Bishop Maurice and Mauricius Hispanus

We have seen, throughout this thesis, that Maurice had many and various connections with French thought and culture. This Afterword will explore one further possible connection between Maurice and the intellectual world of Paris.

In August 1215, a set of statutes were issued for the masters and scholars at the University of Paris by the papal legate, Robert of Courson. These provided a series of regulations concerning the behaviour, dress, and privileges of students at the university, and also prohibiting the study of particular authors and texts. Among them, we read that:

They [the masters of the arts] shall not lecture on the books of Aristotle on metaphysics and natural philosophy or on summaries of them, nor concerning the doctrine of master David of Dinant, or the heretic Amaury, or **Mauricius of Spain**¹

The identity of this final figure, Mauricius of Spain, has been a subject of considerable debate amongst scholars, although none of it conclusive.² In the 1930s, M. Bouygues suggested that the text was a corruption of 'Maurus Hispanus', and thus most likely referred to Avicenna, a thesis supported in 2011 by Angus Braid.³ Fredrick Copleston and others have suggested Averroes as an alternative attribution.⁴ Scribal error was also suspected by Manuel Alonso, who suggested

¹ 'Ne autem legantur libri Aristotelis de metaphysica et de naturali philosophia, nec summae de iisdem, aut de doctrina magistri David de Dinant aut Almarici haeretici aut **Mauricii Hispani**', (my emphasis) H. Denifle and A. Chatelain (eds.), *Chartularium Parisiensis*, I (Paris: Université de Paris, 1889), pp. 78-79, no. 20; translation in L. Thorndike, *University records and life in the Middle Ages* (New York: Columbia University, 1944), pp. 27-28. It should be noted that there is a degree of ambiguity concerning the translation of this sentence. It is not entirely clear whether the summae relates to *both* Aristotle and the subsequent doctrines (which is how it has been interpreted by Amos Bertolacci and several others), or whether the summa refer to the Aristotelian texts alone, and the doctrines of the three others are to be prohibited as part of a separate clause (which is the impression that Thorndike's translation, cited here, gives). The confusion is centred on the function of 'de'. Thorndike translates 'de' to be 'concerning' rather than carrying across from the 'summae' of the previous clause. However, this seems like the more unlikely grammatical reading to me.

² The most important works to speculate on the matter are M. Bouygues, 'Connaissons-nous le Mauritius Hispanus interdit par Robert de Courçon en 1215?', *Revue d' Histoire Ecclesiastique* 29 (1933), 637-58; Martin Grabmann, *I divieti ecclesiastici di Aristotele: sotto Innocenzo III e Gregorio IX* (Rome: Saler, 1941), pp. 49-52; F. van Steenberghen, *Les philosophes belges: textes et études* vol 13 (Louvain, 1942), p. 86; Pick, *Conflict and Coexistence*, pp. 118-119; Angus Braid, *Mysticism and Heresy: Studies in Radical Religion in the Central Middle Ages (c.850-1210)* (York: Alcuin, 2011); Amos Bertolacci, 'On the Latin reception of Avicenna's Metaphysics before Albertus Magnus', in *The Arabic, Hebrew and Latin Reception of Avicenna's Metaphysics*, ed. D. Hasse and A. Bertolacci (Berlin-Boston: De Gruyter, 2012), pp. 197-225.

³ Bouygues, 'Connaissons-nous', p. 654; Braid, *Mysticism and Heresy*, pp. 262-266.

⁴ Frederick Copleston, *A History of Philosophy: Volume II, Mediaeval Philosophy: Augustine to Scotus* (London: Burns Oates & Washbourne, 1950), p. 209. Georges Duby also suggested Averroes as a likely candidate.

that 'Mauricius' was most likely a mistaken reference to the twelfth-century philosopher Juan Hispanus.⁵ However, in a very important article published in 1948, entitled 'Deux traductions latines du Coran au Moyen Age', Marie-Thérèse d'Alverny suggested for the first time that this shadowy figure might in fact be Bishop Maurice of Burgos.⁶ Her hypothesis was based on the fact that Maurice was 'à la fois fervent dyonisien...et amateur de théologie musulmane'.⁷ However, as she pointed out, the problem lay in finding a suitable 'doctrine' that might have merited censorship in 1215. In the same article, she speculated that Maurice might have been the author of an anonymous early thirteenth-century treatise on creation, but concluded that 'il nous reste à trouver les oeuvres hypothétiques de 'Maitre Maurice' pour examiner sérieusement les titres de ce candidat à une place chaudement disputée'.⁸ The likelihood of a connection between Bishop Maurice and Mauricius Hispanus has been alluded to by a number of subsequent scholars, including, most recently, Carlos de Ayala Martínez, Lucy Pick, Patrick Henriët and Adeline Rucquoi, all of whom have referred back to the work of d'Alverny.⁹

Now that we know rather more about Maurice himself, this hypothesis bears further examination. As a scholar with a keen interest in French intellectual and cultural developments, and most likely a student at Paris himself, Bishop Maurice certainly seems to be a more promising candidate now than he was in 1948. This Afterword will put forward the suggestion that Maurice's patronage of the *Libellus de Unione Dei* in 1213, as reinterpreted in this thesis, may go some way towards supplying the missing link between Bishop Maurice of Burgos and the unknown Mauricius Hispanus of the 1215 prohibition.

⁵ M. Alonso, *Temas filosóficas medievales*, 1959, pp. 149-150.

⁶ d'Alverny, 'Deux traductions latines du Coran' (1948), p. 129

⁷ *Ibid*, p. 129.

⁸ *Ibid*, p. 129-30; the treatise in question is the R. De Vaux (ed.), *Notes et textes sur l'avicennisme latin aux confins des XIIe-XIIIe siècles* (Paris: Vrin, 1934), 83-140, with commentary and analysis on pp. 63-80. However, in a later article, d'Alverny suggests that an English provenance for the *De causis primis et secundis* is more likely; see d'Alverny, 'Une rencontre symbolique', p. 175. See also Davidson, *Alfarabi, Avicenna and Averroes*, pp. 210-211.

⁹ de Ayala, *Ibn Tumart, el arzobispo Jiménez de Rada*, p. 30; Pick, *Conflict and Coexistence*, p. 119; Patrick Henriët, 'Hagiographie léonaise et pédagogie de la foi: Les miracles de Saint Isidore et la lutte contre la hérésie, XI-XIIIe siècles', in D. Baloup *L'enseignement religieux dans la couronne de Castille. Incidences spirituelles et sociales (XIIIe-XVIe siècles)* (Madrid : Casa de Velasquez, 2003), pp. 1-28, p. 25; Adeline Rucquoi, 'Contribution des 'studia generalia' à la pensée hispanique médiévale, in José María Soto Rábanos, *Pensamiento hispano medieval. Homenaje a D. Horacio Santiago-Otero*, (Madrid: CSIC, 1998), pp.737-770, p. 755; also Elamrani, 'La philosophie arabe', p. 35.

The prohibitions at the University of Paris

It will first be necessary to briefly outline the context within which we encounter ‘Mauricius Hispanus’. The prohibitions of 1215 were a manifestation of the unease felt by certain elements within the University of Paris at the arrival of Aristotelian texts and commentaries by later Islamic philosophers. These prohibitions in fact constituted an extension and clarification of earlier legislation, issued in 1210 by the council of Sens, under the auspices of the Archbishop of Sens, Peter of Corbeil.¹⁰ In 1210, all public and private teaching of Aristotle’s *Natural Philosophy* had been forbidden, along with ‘commentaries’ (*commenta*) on these.¹¹ This was extended by the cardinal legate, Robert of Courson, in 1215 to include lectures on Aristotle’s *Metaphysics* as well as the *Natural Philosophy*, and ‘summaries’ (*summa*) of both of these. Precisely what these commentaries and summaries were has been the subject of some debate, but there is a consensus in recent scholarship that both of these terms must be references to the arrival in Paris of the Latin translations of Avicenna’s *Kitāb al-Šifā’*, specifically, his *Metaphysics* (translated under the title of *Philosophia Prima*) and *De Anima*, both of which ‘aroused the suspicion and alarm of the members of the faculty of theology’.¹² Amos Bertolacci has pointed out that the prohibitions of 1210 and 1215 provide evidence that, by the second decade of the thirteenth century, the *Metaphysics* of Aristotle was viewed as distinct from Avicenna’s commentary on it (the *Philosophia Prima*), and that the latter text was considered to be a commentary on the former.¹³ The commentaries of Averroes, also considered possible identifications for the *commenta* in question, have recently been shown not to have been available in Latin until the 1220s.¹⁴

Both sets of prohibitions also name several contemporary individuals, about whose ‘doctrines’ far less is known, but whose texts or teachings equally appear to have aroused the suspicions of the theology faculty. In the 1210 legislation, the writings of Master David of Dinant were banned,

¹⁰ Bertolacci, ‘On the Latin Reception’, p. 213.

¹¹ ‘Nec libri Aristotelis de naturali philosophia nec commenta legantur Parisius publice vel secreto’; *Chartularium Universitatis Parisiensis*, I, p. 70, no. 11.

¹² See Bertolacci, ‘On the Latin Reception’, p. 217. On the identification of the *summa* and *commenta* as Avicenna’s texts, see Bertolacci, pp. 213-217; De Vaux, *Notes et textes*, pp. 45-52; d’Alverny, *Les pérégrinations d’une âme*, p. 242; Van Steenberghen, *La philosophie au IIIe siècle*, p. 85; Elamrani-Jamal, *La réception*, pp. 34-35; L. Bianchi, *Censure et liberté intellectuelle à l’université de Paris* (Paris : Belles Lettres, 1999), p. 94. See also Alexander Fidora, ‘Domingo Gundisalvo y la introducción de la Metafísica al occidente latino’, *Disputatio* 3:4, (2014), 51-70; and Dag Nikolaus Hasse, *Avicenna’s De Anima in the Latin West: The Formation of a Peripatetic Philosophy of the Soul 1160-1300* (London: Warburg Institute, 2000).

¹³ Bertolacci, ‘On the Latin Reception’, pp. 213-215. Evidence of this is also clear in the works of John Blund.

¹⁴ Michael Scot was the first translator of Averroes, see Bertolacci, ‘On the Latin Reception’, p. 206 and 216.

and Amaury of Bene was condemned as a heretic and excommunicated posthumously. There has been extensive historiographical debate about the 'doctrines' of these two figures, mired by the fact that very little textual evidence survives of their theological positions, although some fragments of David of Dinant's writings have been put together.¹⁵ David, a physician and master at Paris who died in c.1214, appears to have been a figure well-known to Pope Innocent III, and is referred to by Innocent in 1206 as 'our chaplain', suggesting that he had a position at the papal curia.¹⁶ Attempts by historians to piece together an understanding of his teachings have concluded that he was strongly influenced by the works of Aristotle (especially the *Physics* and *Metaphysics*)¹⁷, and that he espoused a theology that lent itself to accusations of pantheism, on the grounds that all of creation is made up of one basic substance, namely, the divine essence.¹⁸

Amaury of Bene had also studied and taught at Paris until his death in 1206. He has also been considered to have supported a form of pantheism, according to which God is Being itself, and thus 'all is one, because whatever is, is God'.¹⁹ There has been some debate amongst historians about the extent to which Amaury was (or was not) influenced by David of Dinant.²⁰ Once again, however, the evidence is hard to assess, as much of the available information about his theology is provided by those who wrote from the hostile citations of later opponents, such as Albertus Magnus and Thomas Aquinas.²¹ It is notable that Amaury was well-known at the French royal

¹⁵ The *Quaternuli* survives in fragments (see, G. Théry, *Autour du décret de 1210: I. — David de Dinant. Étude de son panthéisme*, (Le Saulchoir, France: Kain, 1925)) whilst a medical treatise by David was discovered in 1969, (see B. Lawn, *I Quesiti salernitani* (Salerno, 1969), pp. 101-105.) See also a recent addition by Tristan Dagron, 'David de Dinant', *Revue de métaphysique et de morale* 40 (2003-4), 419-436.

¹⁶ See Dronke, *History of Twelfth-Century Western Philosophy*, p. 447.

¹⁷ Braid, *Mysticism and heresy*, p. 258.

¹⁸ According to Braid's translation, 'there is only one substance, not only of all bodies but also of all souls, and this substance is nothing other than God himself', Braid, *Mysticism and heresy*, pp. 258-260. Enzo Maccagnolo on the other hand suggests that he was mainly a translator of Aristotle; E. Maccagnolo, 'David of Dinant and the Beginnings of Aristotelianism in Paris', in Dronke, *A History of Twelfth-Century Western Philosophy*, pp. 429-442.

¹⁹ Or, in the words of the Council of Paris, 'Omnia unum, quia quicquid est, est Deus' (all is one, because whatever is, is God); see Braid, *Mysticism and heresy*, p. 258. For the most important works on Amaury, see M. Vicaire, 'Les Porrétains et l'avicennisme avant 1215', *Revue des sciences philosophiques et théologiques* 26 (1937), 449-482; J. Thijssen, 'Master Amalric and the Amalricians: Inquisitorial procedure and the suppression of heresy at the University of Paris', *Speculum* 71 (1996), 43-65.

²⁰ Maccagnolo denies that this was possible, but others, such as Braid, hold David to be a significant influence.

²¹ Originally pieced together in G. Capelle, *Amaury de Bene: Étude sur son panthéisme formel* (Paris: J. Vrin, 1932) and d'Alverny, 'Un fragment du procès des Amauriciens', *Archives d'Histoire Doctrinale et Littéraire du Moyen Âge* 18 (1950-51), 325-336. New evidence has been published by Thijssen, 'Master Amalric and the Amalricians'. In his refutation of errors on the immanence of God, Aquinas wrote that 'others have said that God is the formal principle of all things; this is said to have been the opinion of the Amalricians', cited in Braid, *Mysticism and heresy*, p. 157.

court, and appears to have been close to Blanche of Castile and her husband, Louis VIII for a period before 1206.²² Amaury's teachings were also condemned at the Fourth Lateran Council in 1215, where Innocent III described them as 'mad more than heretical'.²³

These then were the two other figures whose 'doctrines' were banned from the syllabus of Paris in 1215 alongside those of Mauricius Hispanus. It should perhaps be pointed out that the wording and internal logic of the 1215 prohibition itself seems to favour the suggestion that this third figure was of a broadly similar profile to the other two; that is, that he is most likely to have been a contemporary, and probably Christian, scholar. In both 1210 and 1215, the legislation mentions the more exotic texts first – Aristotle and Avicenna – before moving on to the writings of local scholars whose work had also incurred theological suspicion. On the same grounds, it is also probable that this Mauricius Hispanus had studied and taught at the University of Paris. It seems unlikely that any reference to Avicenna or to a 'Maurus' of Spain would be thus positioned at the end of the prohibition alongside two Christian theologians.²⁴ Additionally, the appearance of Mauricius Hispanus in 1215 begs an obvious question of timing; clearly, given its absence in the earlier prohibition, the doctrine of this person must only have become subject to suspicion after 1210. Yet the masters who drew up the legislation on both occasions were already aware of the *Philosophia Prima* and the *De Anima* of Avicenna, as we have seen. There is no evidence of any other Avicennan text or other philosophical translation being made available in Paris in this brief window of time between 1210 and 1215. A more logical solution is that Mauricius Hispanus was a contemporary scholar like David and Amaury, and that, at some point after 1210 but before 1215, a text or idea associated with this name had caused concern in the University of Paris; either because of its similarity to Aristotelian or Avicennan thought, or because of some connection with the pantheistic theology of which David and Amaury had been accused.

The case for Bishop Maurice and the *Libellus*

Having reassessed Bishop Maurice throughout this thesis, there are new grounds for considering him to be a likely candidate. As we have already mentioned, Bishop Maurice was clearly a scholar himself, and involved throughout his canonical career at Toledo (thus from at least 1208 until c.1214) in discussions about the nature of divine unity, informed by the thought of Alan of Lille,

²² Grant, *Blanche of Castile*, pp. 192-195.

²³ Canon 2, 'eius doctrina non tam haeretica censenda sit, quam insana'; Tanner, *Decrees*, vol 1, p. 233.

²⁴ For example, Avicenna was broadly referred to as the 'Commentator' of Aristotle; another term employed for him was 'Expositor' (by William of Auvergne). See Bertolacci, 'Latin Reception of Avicenna', p. 201, and Hasse, *Avicenna's 'De anima'*, p. 44.

Gilbert of Poitiers and John Scot Erigena. Such ideas continued to remain important to him throughout his life, as we saw in Chapter Four, and he appears to have ongoing connections with the Parisian intellectual world, through the circulation of texts and individuals between Castile and France. Several of his colleagues are known to have studied at the University of Paris, and Maurice himself was known as ‘Magister’ to them and more widely.

Most importantly, however, it is now also possible to suggest a potential ‘doctrine’ with which Bishop Maurice may have been associated in 1215; namely, the *Libellus* of Ibn Tumart, translated under Maurice’s patronage in Toledo in 1213. A reassessment of this text, and of Maurice’s interest in it, in Chapter Two, has revealed that not only was the *Libellus* considered by Maurice himself to be a work of philosophy, but that its contents fit neatly within the intellectual milieu of the prohibitions described above.

There is much circumstantial evidence in favour of this suggestion. The Latin text of the *Libellus* was completed in June 1213, providing a timeframe that fits exactly with the appearance of Mauricius Hispanus in the legislation of 1215 and not in 1210. Two years would have been ample time for the movement of a text from Toledo to Paris, and the close intellectual links between these two cities, including the circulation of ideas in both directions, make this very likely. In 1216, Gerald of Wales commented that texts from Toledo had recently been prohibited in Paris, a comment that has been generally considered to refer to the 1215 legislation – although, of course, it may be the case that Gerald was simply referring to the *Philosophia Prima* and *De Anima* of Gundissalinus.²⁵ Little can be deduced about the *Libellus* from a codicological perspective, although it is perhaps to be noted that there is only one extant manuscript, dated to c.1400 and located in Paris.²⁶

This suggestion also goes some way towards clarifying the debate surrounding the name ‘Mauricius Hispanus’. Clearly, Maurice was not the author of the text itself. However, he was the patron responsible for bringing the ‘little book’ (*libellus*) to the attention of the Latin world. The prologue to the text makes clear that it was translated at the request of ‘Master Maurice,

²⁵ ‘Ad literaturae quoque reparationem, et tempestivam sanioris doctrinae reversionem, illud etiam ex parte facere posse videtur, quod libri quidam, tanquam Aristotelis intitulati, Toletanis Hispaniae finibus nuper inventi et translati, Logices quodam modo doctrinam profitentes, et tanquam prima fronte praeferentes, vel philosophicas longe magis de rerum scilicet naturis inquisitiones et subtiles quoque discussiones, quamdet, et prioribus.....doctrinae sanioris....novitatibus....et haereses.....(ni)miis affectibus adhaerentes indulserunt, nuper in Franciae (finibus), ne legerentur amplius in scholis sunt prohibiti’; from Brewer, Dimoch and Warner, *Giraldi Cambrensis Opera, vol 4: Speculum Ecclesiae, De Vita Galfridi archiepiscopi eboracensis* (Cambridge, 2012), pp. 9-10. See also Hunt, ‘The preface of the *Speculum Ecclesiae* of Gerald of Wales’, *Viator* 8 (1977), 189-213.

²⁶ Mazarine Library (MS 208/1); also see d’Alverny, ‘Marc de Tolède’.

archdeacon of Toledo and bishop elect of the church of Burgos' – evidently an epithet that would be most clearly and concisely shortened to 'Maurice of Spain' as a means of distinguishing this text within a Parisian milieu.²⁷

More significant, however, is the fact that the content of the *Libellus* itself can be understood as corresponding to the intellectual context of the 1215 prohibitions. As we have seen in Chapter Two, Maurice regarded Ibn Tumart as a philosopher, and his interest in the *Libellus* was determined by Ibn Tumart's 'reasoning' – that is, his reliance on the thought of Avicenna, and, to a lesser extent, that of al-Ghazali. In particular, Ibn Tumart drew heavily on Avicenna's Metaphysics (the *Ilāhiyyāt* of his *Kitāb al-Šifā*). As we have demonstrated, Maurice's patronage of the *Libellus* stood in the intellectual tradition of Domingo Gundissalinus, who had provided Latin translations of both Avicenna's Metaphysics and his *De Anima* across the final decades of the twelfth century.

It was precisely these two translations by Gundissalinus that lay at the heart of the Parisian prohibitions of 1210 and 1215. Indeed, any Parisian scholar familiar with Avicenna's Metaphysics would certainly have recognised close parallels throughout the *Libellus*, most of all from chapters two to fourteen, which provide a lengthy exposition of the Avicennan doctrine of the 'necessary existent'. Should the *Libellus* have reached the University of Paris during this period, it is not difficult to see how it could have been considered an 'Avicennan' text and thus prohibited along with the translations of Gundissalinus. The prologue written by Mark of Toledo in 1213 is very careful to demonstrate that the teachings of Ibn Tumart are not representative of Islam but are to be considered a work of philosophy – but this same claim may well have caused the text to be forbidden in Paris two years later.

Another important consideration, and one that is particularly striking given the appearance of Mauricius Hispanus alongside David of Dinant and Amaury of Bene, is the fact that Ibn Tumart's teachings have been described by scholars of medieval Islam as assuming 'an air of pantheism'. Madeline Fletcher, Frank Griffel and Ignaz Goldziher have all made this point in their

²⁷ 'Ego autem Marcus diaconus toletanus canonicus, qui librum Mafometi transtuli, rogatus postmodum a magistro Mauricio toletano archidiacono et ecclesie burgensis electo, libellum Habentometi de arabica lingua in latinum transtuli sermonem', d'Alverny, 'Marc de Tolède', p. 269. Why Mark (or indeed, Ibn Tumart) was not mentioned in 1215 is a matter of debate. It is possible though that, as the Master responsible for the text, and also perhaps as a figure already known in the University, Maurice's was the most natural choice of name when it came to identifying this text. This is a suggestion that can be compared to the argument of Maccagnolo that David of Dinant's 'Quaternuli' was no more than a translation of a Greek manuscript of Aristotle, yet was referred to as the 'doctrine' of David.

commentaries on the Arabic text.²⁸ Fletcher has suggested that the main part of the text, the 'Aqida, was in fact edited by Cordoban scholars in the 1180s to remove the most controversial statements, although she points out that a number of pantheistic ideas remain in the short 'summaries' or murshidas that were circulated alongside the main creed.²⁹ In particular, the first summary denies any limits to the divine, to the extent of describing God as synonymous with existence itself: 'nothing exists other than the Unique, the Irresistible'.³⁰ These summaries were included as part of the *Libellus* and translated by Mark alongside the larger text.

Indeed, as we have already demonstrated, Mark of Toledo appears to have been aware of the pantheistic elements in the summary, and to have edited out the statement cited above. Nonetheless, the translated text still contains clear traces of the idea that God and creation are synonymous:

He is unique in his eternity, not having anything with him beyond himself, **nor does anything exist beyond him**, neither earth, nor heaven, nor water, nor air, nor sea, nor that which is full, nor light, nor shadow, nor night, nor day, neither comfort nor uproar, nor is there clamour nor silence with him. But he alone is the unique conqueror, eternal in unity, rule and divinity.³¹

Given the context of the 1215 prohibitions, in which both David of Dinant and Amaury of Bene had been accused of extremely similar statements about the relationship between God and creation, it is clear that such passages could easily have caused the *Libellus* itself to be held under the same suspicions.³² Clearly, whether because of its Avicennan connotations or as a result of lingering suspicions of pantheism, the *Libellus* of Ibn Tumart appears to provide solutions to a number of the questions that have troubled historians seeking to identify Mauricius Hispanus and his 'doctrine'.

²⁸ Fletcher, 'The Almohad Tawhid', p. 118; Griffel, 'Ibn Tumart's rational proof', p. 773, who cites Ignaz Goldziher, 'Materialien zur Kenntnis der Almohadenbewegung in Nordafrika', *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, 41:1 (1887), 30-140, pp. 72 and 83, 'eine pantheistische Nuance'.

²⁹ Fletcher, 'The Almohad Tawhid', p. 118.

³⁰ See Griffel, 'Ibn Tumart's rational proof', p. 772. Ibn Tumart's passage reads: 'nothing coexists with Him, nothing exists beyond Him, neither earth, nor heaven, nor water, nor air, nor that which is empty nor that which is full, nor light, nor shadow, nor night, nor day, nor company, nor noise, nor sound, nor whisper; nothing exists other than the Unique, the Irresistible. He is for all eternity Unique in unicity, rule and divinity'. For a Spanish translation of the Murshida, see Ayala, *Ibn Tumart*, p. 128.

³¹ *Libellus*, 'Unicus in eternitate sua, non habens secum quemquam preter ipsum, **nec aliquid invenitur preter ipsum**, non terra, non celum, non aqua, non aer, non mare, non plenum, non lux, non tenebre, non nox, non dies, non solacium neque strepitus, neque secum habet clangorem, nec silentium. Sed solus est victor singularis in eterna unitate, regno et deitate' (my emphasis).

³² It is also reminiscent of the heresy described in Paris in 1210, by Alexander of Hales, 'according to which 'all things are God''; cited in Maccagnolo, 'David of Dinant', pp. 431-432.

It is important, at this point, to address the objection raised by Manuel Alonso in 1959 that, in 1215, Maurice had his episcopal status confirmed by the pope and therefore could not have been the subject of censor in Paris. Alonso claimed that 'it would be absurd to accept the condemnation of Courson and the pontifical confirmation as simultaneous'.³³ However, this rather exaggerates the significance of the 1215 statutes and their strictly academic implications. Robert of Courson's legislation, drawn up in consultation with members of the university, prohibited the 'doctrine' of Mauricius Hispanus (and the rest) from being the subject of *lectio*, or public lectures, within the University of Paris.³⁴ There is no suggestion that Mauricius Hispanus himself was considered to be heterodox in any way; indeed, by the 1240s, such cases of academic censorship were routine ways to control the syllabus of the University.³⁵ As we have already mentioned, David of Dinant appears to have been close to Innocent III, and neither David nor Mauricius Hispanus were mentioned at the Fourth Lateran Council of 1215 (unlike Amaury of course, whose case went beyond the academic circles of Paris and ended in the execution of his supposed Amalricians).³⁶ This also highlights the fact that being on good terms with the pope was no insurance against academic censorship. The prohibition against lecturing on the texts of Aristotle and Avicenna was lifted in the 1230s, but there are no further references to Mauricius Hispanus.³⁷

This Afterword has suggested a new hypothesis for the identification of Mauricius Hispanus in the Parisian censorships of 1215, and one that appears to answer many of the principal questions concerning this figure and his 'doctrine'. However, it is far from conclusive, and further research may reveal other possibilities. One avenue for research highlighted by d'Alverny is the analysis and comparison of three anonymous treatises, all of which have been dated to the late twelfth or early thirteenth centuries and which, she suggests, might have been of Castilian

³³ 'Sería absurdo admitir como hechos simultáneos la condenación de Courson y tal confirmación pontificia', Alonso, *Temas filosóficas*, p. 149.

³⁴ Wei, *Intellectual Culture*, pp. 93-94. Wei has pointed out that, although the identification of works to be prohibited can be attributed in part to both Peter of Corbeil (in 1210) and the cardinal legate Robert of Courson (in 1215), 'there was much that reflected a consensus amongst the scholars themselves'. Many of the other stipulations from the 1215 statutes were a response to complaints from within as well as from outside of the university.

³⁵ For example, the prohibitions of 1241; see D. Grice, 'First cast the beam from thine own eye : the condemnation at the University of Paris 1241/4' (University of Oxford: Unpublished DPhil thesis, 2017). See also Bianchi, *Censure et liberté*, p. 8; Johannes Thijssen, *Censure and Heresy at the University of Paris, 1200-1400* (Philadelphia: University of Pennsylvania Press, 1998), p. 113, and D. Piché, 'La condamnation Parisienne', p. 8; also Alain Boureau, 'La censure dans les universités médiévales', *Annales. Histoire et Sciences Sociales* 55:2 (2000), 313-323.

³⁶ Maccagnolo, 'David of Dinant', p. 430-1.

³⁷ Bertolacci, 'The Latin Reception'.

origin.³⁸ They reveal a combination of elements of Avicennan philosophy with Neoplatonic Christian theology, which had led d'Alverny to speculate that Maurice might have been an author of one of them, although there is nothing conclusive to suggest this in the text itself.

In the absence of new evidence (something that remains a distinct possibility in the Spanish cathedral archives in particular), some uncertainty must remain over the identity of Mauricius Hispanus. However, what is perhaps more important is the fact that, whether or not this figure can be proved to be Bishop Maurice, it is evident that Castilians were closely involved in the intellectual developments that were taking place in Paris and that not only new texts but also new ideas were circulating from Spain to the wider Latin world, as well as the other way round. Much work remains to be done on the Castilian clergy and their intellectual horizons, but the life of Maurice and the breadth his interests and engagement has demonstrated these were much wider than has previously been considered.

³⁸ The first is *De causis primis et secundis et de fluxu qui consequitur eas*, ed. De Vaux (see above) and discussed in d'Alverny, 'Deux traductions latines du Coran', pp. 129-30. See also H. Davidson, *Alfarabi, Avicenna and Averroes*, pp. 210-211. For the second: M-T d'Alverny, ed., 'Les pérégrinations de l'âme dans l'autre monde d'après un anonyme de la fin du XIIe siècle', *Archives d'histoire doctrinale et littéraire du Moyen Age*, vols. 15-17 (1940-42), 280-299. The third is unedited but, as a treatise on the First Cause and the Trinity, sounds perhaps the most relevant to Maurice of all of them; see d'Alverny, *Une rencontre symbolique*, pp. 178-9 and Bertolacci, 'On the Latin reception of Avicenna's Metaphysics', pp. 209-210.

The Diocese of Burgos in the Thirteenth Century



APPENDICES

Appendix 1¹

October 1209

Maurice, archdeacon of Toledo cathedral, claims land in Olías la Mayor from Abi Harún Musa bin al-Shahath al-Israeli and his family.

Archivo Histórico Nacional de Madrid, clero, pergs., carp. 3049, n. 11.

A. González Palencia, *Los Mozárabes de Toledo* 4 vols (Madrid, 1926-30), vol 1, pp. 312-313 (Doc. 373).

A purchase by the illustrious archdeacon, Don Maestro Maurice, God make him great, representative² chosen by bishop Don Ruy Ximénez³, God preserve his greatness, and from his [*Rodrigo's*] wealth and by the hand of the aforementioned archdeacon, in which this [*money*] is borrowed⁴ by his own admission, from Abi Harún Musa bin al-Shahath the Jew and his wife Doña Sitbona and his sons, Yusuf and Ibrahim the Jews, of a plot of four and a half acres⁵ in the village⁶ of Olías la Mayor, one of the villages of the city of Toledo, may God protect her, in the eighth of Ibn Socala, by which is reckoned the set value of the acre in the aforementioned village. And these four and a half acres abovementioned were acquired by Abi Harún through his purchase of them from Zacharias, grandson of the Cordobés, by his own admission.

And likewise, the purchase from him [Ie, from Abi Harún, by Maurice] of one contract⁷ for two and a half acres in the eighth of Ibn Mushqiq in the aforementioned village also, calculated like the aforementioned acres, and this was also acquired by the aforementioned Abi Harún through his purchase by his own admission from Doña Galiena, who was the wife of Pedro Martínez, and from her children, Don Diego and Doña María.

¹ This translation has already appeared in T. Witcombe, 'Maurice and the Mozarabic Charter: a cross-cultural transaction in thirteenthcentury Toledo', *Journal of Medieval Iberian Studies* 10:2 (2018), 234-256.

² الالكتة : Representative or agent; see Corriente, *Andalusi Arabic*, 571 (variant of ل ك و).

³ Rodrigo Jiménez de Rada (Archbishop of Toledo 1209-1247).

⁴ عارية can take the meaning of 'acting as a proxy', see Corriente, *Andalusi Arabic*, 351-352.

⁵ ازواج : literally 'a pair [of oxen]', indicating the amount of land worked by a team of two oxen in one day. Also *zawj*, a yoke of land. See Corriente, *Andalusi Arabic*, 236.

⁶ القرية : alquería, a village or district outside the city; see Corriente, *Andalusi Arabic*, 426. See also, Alonso, *Diccionario medieval* vol 1, 262; and Cejador y Frauca, *Vocabulario medieval castellano*, 29.

⁷ صفقة : contract or deal; see Corriente, *Andalusi Arabic*, 308. See also Wehr, *Dictionary of Modern Written Arabic*, 605.

And this whole purchase described above will be reckoned at the cultivation value of three and a quarter acres doubly pruned,⁸ ploughed,⁹ and sown.¹⁰ This is the work of a complete acre in the aforementioned populated village; doubly pruned, ploughed and sown, as is customary.¹¹

And if, in all of the purchase described above, there is not the complete value of three and a quarter acres doubly pruned, ploughed and sown as described, then it is incumbent on the aforementioned sellers to complete it for the aforementioned representative.

And if there was any condition¹² on this *[land]*, the representative will take on this condition at purchase as described. And included in the sale described is all the farmland which belonged to the aforementioned sellers within the village, with all that belongs to it regarding houses, workshops and the rights that pertain to them. Owing to its fame in the village, it is not necessary to describe it more than to mention that the plot is sold together with the rights and privileges of the aforementioned village in the two eighths aforementioned, in its lands and all that pertain to them, as well as its related income, its meadows, its rented areas, the water of its springs, its threshing floors...*illegible*...and the same at its entrances and exits, and without the aforementioned vendor retaining for himself any part of the sale described, neither land, rights nor any property, small nor large, income nor profit, nor by anyone else on his behalf, for no reason or motive, since the buyer has the right to a perfect, complete, irrevocable, pure sale, without stain or defect, with no immoral conditions attached, nor clause for resale, nor the option of the same.¹³

Its price amounts to 381¹⁴ gold mizcals of Alfonsi gold¹⁵ at the customary lawful weight.¹⁶

This price for the purchase was specified from the debt that was owed to the bishop Don Martin, God have mercy on him, by Abi Harún, and because of this, with regard to the purchase mentioned, the sellers have released the representative, who is representing the aforementioned bishop, from the whole price, since it is taken out of the aforementioned debt.

⁸ ورقتين : this word is unclear. The stem can take the meaning 'to strip of leaves' (see Corriente, *Andalusi Arabic*, 562), so here it appears to refer to being 'doubly pruned' or pruned twice, as suggested by Ross Brann. Expiración Garcá Sánchez has suggested that the term might alternatively be translated as 'two labours' to be performed on the land, that is, ploughing and sowing.

⁹ قليب : ploughed land; see Corriente, *Andalusi Arabic*, 436-437; and Dozy, *Supplément aux dictionnaires arabes*, vol 2, 390. See also; Lane, *Arabic-English Lexicon*, 2610; he suggests that 'qalib' is ploughed or turned land: 'I turned over/ploughed the land for sowing': للزراعة الأرض قلبت.

¹⁰ زريعة : seed or crops; see Corriente, *Andalusi Arabic*, 228; and Dozy, *Supplément aux dictionnaires arabes* vol 1, 586.

¹¹ This strange passage seems to be determining the condition of the land in question; it seems that this land could not be sold as 'complete' until it had been cultivated in the ways described.

¹² شرط : condition; see Corriente, *Andalusi Arabic*, 279-80. There seems to be a scribal error here: the first time this appears in the manuscript, it is written as شايط and then twice subsequently شرط. However context and sentence structure make it clear that the first word should also be شرط.

¹³ 'The plot is sold...option of the same': this passage has been marked as formula [1] in the edition of González Palencia, although that edition does not provide a correct transcription of these lines.

¹⁴ This figure is written using Fez numerals, a numeric system employed by Mozarabic notaries in Spain in the twelfth and thirteenth centuries; for a full discussion, see Chrisomalis, *Numerical Notation: A Comparative History*, 171-173.

¹⁵ Spufford, *Handbook of Medieval Exchange*, 300, for a definition of 'mizcal'. See also Crusafont, Balaguer and Grierson, *Medieval European Coinage: vol. 6*, 569.

¹⁶ 'At the customary lawful weight': this phrase is missing from the edition of González Palencia.

And he gave him, with regard to the whole of the abovementioned sale, the position of owner of its possessions and lordship of its domain, after he had been notified of the value of this sale and the sum of its price, and so completing the contract, without ignoring any part of it, and following the law of the Christians with regard to sales, purchases, and reimbursements in the case of damage or eviction. And from the completion of this sale, it is the responsibility of the aforesaid vendor and his family, that he bestow ownership...[illegible].¹⁷

And the sellers give to the buyer the sales contract of the vizier Abi Harún, abovementioned, from Doña Galiena and from her two children, containing all that was previously¹⁸ owned by them and by Pedro Martin concerning the land in the aforesaid village in the eighth of Ibn Mushqiq. This contract is dated to the first ten days of the month of December in the year 1240 of the era.¹⁹

And additionally, the sales contract of Abi Harún from Zacharias, grandson of el Cordobés, for all that known to be his in the aforesaid village in the eighth of Ibn Socala, and dated to the last ten days of the month of February in the year 1229 of the era.²⁰ And concerning the aforementioned farmland, which Abi Harún annexed from Zacharias, abovementioned: a contract for half of the farmland, dated to the last ten days of the month of April in the year 1230 of the era.²¹

And also concerning the farmland and its purchase by Doña Dominga who was the wife of Pelayo Pérez: a contract for some part of the land, dated to the middle ten days of the month of February in the year 1242 of the era.²² And so these contracts were handed over in exchange to the representative aforementioned, to notify him about the declarations of that time.²³

And this was witnessed, at the request of both parties, by witnesses who give testament that all that was described happened, and that they heard both parties, and that they know them, and know that they are in full health of mind and of legal ability to make a contract,²⁴ after this was explained to them in a language understood by all, in the middle ten days of the month of October in the year 1247 of the era.²⁵

[*Latin*] I, Dominico Abbas, of the church of St Eulalia, witness.

[*Arabic*] Feliz bin Yabha bin Abd Allah

Yah'aob bin Yahi

¹⁷ 'And he gave him...bestow ownership': this passage is marked as formula [2] in González Palencia, although his transcription is incorrect.

¹⁸ من قبلهم: previously/ before them (mis-transcribed in González Palencia edition as من قبلهم).

¹⁹ Literally, 'the year 1240 from the zero/from the beginning': للصفر. Corriente suggests that the term translates as 'the Spanish era' (Corriente, *Andalusi Arabic*, 307), whilst Ignacio Ferrando leaves the translation as simply 'la era del azófar', see Ferrando, 'Testamento y compraventa', 46. The Spanish era is 38 years ahead of the Julian Calendar, so in this case, 1202 AD. For the document in question, see González Palencia, *Mozárabes*, Doc. 320.

²⁰ That is, 1191 AD.

²¹ That is, 1192 AD. For the sale in question, see González Palencia, *Mozárabes*, Doc. 1055.

²² That is, 1204 AD. See *ibid*, Doc. 331.

²³ 'And so these contracts...of the time': this phrase is missing from the edition of González Palencia.

²⁴ 'And this was witnessed...to make a contract': passage marked by González Palencia as formula [3].

²⁵ That is, 1209 AD.

Yuhuda Isa bin Juan al-Murabily (*unclear*)

Abd Allah bin Abd Allah

Ibrahim Musa al-Shahath

[*Hebrew*] Ibn Sarcan Al-Shahab Shafir²⁶

²⁶ These names are not fully transcribed in the edition by González Palencia.

Appendix 2

May 1224

Rodrigo's invitation to Burgos to celebrate the wedding of Berenguela, Fernando III's sister, to John of Brienne, King of Jerusalem.

ACB v. 35, f. 34.

Noscant presentes et posterius quod nos R dei providencia archiepiscopus Toletanus hispaniarum primas, recognoscimus et profiteamur quod invitati et rogati ab Mauricio Burgensis episcopo et capitulo eiusdem ecclesie, benediximus Johanem Regem terrestris Iherosolimitane et domnam Berengariam sororem domini Ferdinandi illustris Regis Castelle in ecclesia Burgensis.

Et ad cautelam presentem cartam nostro sigillo dir[e]ximus roborandam.

Acta sunt hec Burgis mense may era M CC LXII

Let it be known by all present and yet to come that we, R, by the providence of God archbishop of Toledo, primate of the Spains, recognise and profess that, invited and requested by Maurice bishop of Burgos and the chapter of the same church, we blessed John, king of the earthly Jerusalem,¹ and lady Berenguela, sister of lord Fernando, the illustrious king of Castile, in the church of Burgos.

And out of security, we have ordered that this present charter should be reinforced with our seal.

These things are done in Burgos, May 1262 of the era.

¹ Presumably in contrast to the king of the heavenly Jerusalem.

Appendix 3

9th February 1227, Brihuega

Bishop Maurice of Burgos augments the lighting of certain festivals in Toledo cathedral.

Archivo de la catedral de Toledo, A.11.A.1.4b.

En el nombre del padre et del fijo, del Spiritu Sancto, Amen.

Conoscida cosa sea a todos aquellos aqui este presente escripto fue mostrado en como yo Mauricio, por la gracia de Dios obispo que so agora de Burgos, et arcidiano que fue en otro tiempo de Toledo.

Cerca las luminarias de la iglesia de Toledo de las quales me conviene ordenar mientras bisquiere¹ añado algunas cosas sobre aquellas que por mi fueron ordenadas en otro tiempo quando yo era arcidiano de Toledo segunt que se contiene en el instrumento seellado con mi seello.

Pues assi es, añado a las fiestas que son contenidas en el primero instrumento otras dos fiestas conviene saber la fiesta de la Anunciacion de Santa Maria la qual deve ser dicha mucho mejor fiesta de la Encarnacion de nuestro señor Jesu Christo et la fiesta de la Asunción del Señor salvador para que en toda guissa et por essa mesma manera sean encendidas et ordenadas las luminarias en estas dos fiestas segunt en las otras fiestas contenidas en el primero instrumento.

Otrosi como sea establecido primeramente que sean doze candelas, ordeno agora que sean diez et ocho las quales sean ordenadas en ese mesmo lugar que sean dessa mesma quantitat et peso que son las primeras.

In the name of the Father, the Son and the Holy Spirit, Amen.

Let it be known by all those present here [to whom] was shown this document regarding I Maurice, by the grace of God now bishop of Burgos, and archdeacon formerly of Toledo.

Concerning the lights of the church of Toledo, which I undertake to order while I should be alive, I add some things to those that were ordered by me previously when I was archdeacon of Toledo, according to what is contained in the document sealed with my seal.

Consequently, then, I add to the festivals that are contained in the previous document two other festivals that should be known: the festival of the Annunciation of St Mary, which should be described much better as the festival of the Incarnation of our Lord Jesus Christ, and the festival of the Assumption of the Lord Saviour, in order that in every way and in the same manner the lights should be lit and arranged on these two festivals just as the other festivals contained in the previous document.

Furthermore, as it was established originally that there should be twelve candles, I now order that there should be eighteen, which should be arranged in that same place [and] which should be of the

¹ Cody and Casten, *Tentative Dictionary of Medieval Spanish*, p. 735.

Sean otrosi doze candelas sodobladas a las mayores las quales sean puestas convenientemente en todas las fiestas sobredichas ante el altar de la bienaventurada Virgen Maria. Et esto fago por que las rrentas assignadas para las dichas luminarias pueden abastar para todas las casas sobredichas segunt que me rreconto verdaderamente aquel aqui yo encomende la cura et el cuydado de las rrentas et de las luminarias. En la trezena regla esta emendado doze.

Añado sobre todas las fiestas la solepnidat de la Purificacion de Santa Maria para que en essa mesma fiesta las luminarias sean ordenadas assi como es establecido de las otras fiestas suso escriptas.

Fecha la carta en Brihuega nueve días del mes de febrero era de mil et CC LXV años.

same sum and weight as the original candles. There should be a further twelve candles doubled-up to larger ones² which should be placed conveniently during all the abovementioned festivals before the altar of the Blessed Virgin Mary. And I order this so that the income thus assigned for the lighting may last for all the abovementioned places, as I describe truly that which I hereby order for the arrangements and care of the income and the lights. In the thirteenth rule, twelve has been corrected.³

I add to these festivals the solemnity of the Purification of St Mary, in order that on this same festival, the lights should be arranged just as established for the other festivals above-described.

This charter was made in Brihuega on 9th February 1265 of the Era.

² This is unclear; perhaps folded or bent in half?

³ It is not clear what this strange phrase means.

Appendix 4

November 1230

The foundation of two chaplaincies in the chapel of St Peter and the arrangements for Bishop Maurice's memorial prayers.

Archivo de la catedral de Burgos, Capellanes del Número, caja 6, folio 45 (formerly 40)

Pontificalis apex sublimitatis quanto clarior est in honore, tanto majori negligentiarum premitur onere, dum *ex hominibus pontifex assumptus et pro hominibus constitutus in hiis que sunt ad Deum*¹ circumdatus tamen infirmitate sanctum ministerium digne Deo non adimplet, distractus rerum temporalium cura multiplicior gravatus *terrena in habitatione deprimente sensum multa cogitantem*.²

Igitur quam in multis offendimus omnes, omnes namque peccavimus et egeamus gloria Dei neque vita ista misera transigi potest absque peccato necesse habemus juxta consilium Danyelis³ elemosinis redimere peccata nostra et providere ut, sique nobis de contagiis terrene mortalitatis macule adhererint etiam cum migraverimus ab hoc seculo, purgentur per altaris vivifica sacramenta in quibus precipue fit commemoratio Dominice passionis quae precipua causa est purgationis animarum.

As much as the apex of pontifical glory shines in honour, so it is all the more greatly weighed down by the heaviness of negligence. While *the high priest is raised up above men and set in place on behalf of men in those things that pertain to God*, yet beset by weakness, he does not fulfil the holy ministry in a manner befitting of God, distracted by the care of temporal things, and burdened even more greatly *by earthly habitation pressing down upon the mind that muses on many things*.

Therefore since we have all offended in many things, inasmuch as we have all sinned and lacked the glory of God, and nor is it possible to go through this miserable life without sin, we have a need, following the counsel of Daniel, to redeem our sins through alms, and to provide so that, if stains from the contagion of earthly mortality should cling to us still when we have left this world, they might be purged in particular by the living sacrament of the altar, at which takes place the commemoration of the passion of the Lord, of which the especial cause is the purification of souls.

¹ Hebrews 5:1

² Wisdom 9:15 (Douay-Rheims: For the corruptible body is a load upon the soul, and the earthly habitation presseth down the mind that museth upon many things / 'corpus enim quod corrumpitur aggravat animam, et terrena inhabitatio deprimit sensum multa cogitantem').

³ Daniel 4:24 (Douay-Rheims: Wherefore, O king, let my counsel be acceptable to thee, and redeem thou thy sins with alms, and thy iniquities with works of mercy to the poor: perhaps he will forgive thy offences / Quam ob rem, rex, consilium meum placeat tibi, et peccata tua eleemosynis redime, et iniquitates tuas misericordiis pauperum : forsitan ignoscet delictis tuis').

Ea propter ego Mauricius Dei dignatione Burgensis Episcopus una cum consensu capituli nostri statuo in perpetuum observandum, ut duo sacerdotes singulis diebus celebrent missas pro defunctis in altari consecrato in honorem beati Petri in ecclesia nostra pro predecesoribus scilicet nostris, et pro domino Martino domino meo archiepiscope toletano, et pro domino Bricio quondam Episcopo Placentino, et pro patre et matre meis, et aliis caris et benefactoribus meis, et pro Domino Rege Alfonso inclite recordationis, et pro aliis regibus et benefactoribus huius ecclesiae, et pro universis fratribus huius congregationis et pro hiis omnibus dicentur orationes sicut ordinate sunt a nobis in missali quod scribi fecimus ad servitium altaris praedicti, in Dominicis tamen diebus secundum varietatem temporum cantabunt missas predicti sacerdotes sicut in eodem missali continentur, dicta tamen una oratione specialiter pro me cum migravero ab hoc saeculo, et alia communi pro omnibus fidelibus defunctis.

Sacerdotes autem praedicti erunt assidue in choro servientes Deo in officiis divinis. Institutentur autem per me dum vixero.

Post obitum vero meum potestas eligendi tales sacerdotes qui sint honestae conversationis, et bene cantent et bene legant, residebit penes decanum, cantorem, et sacristam Ecclesiae nostrae, quos instituent perpetuos, nisi forte culpa sua gravissima et incorrigibilis eos exegerit commoveri.

Because of this, I, Maurice, by the honour of God Bishop of Burgos, with the consensus of our chapter, decree that it is to be observed in perpetuity, that two priests every day should celebrate masses for the dead at the altar consecrated in honour of blessed Peter in our church, that is to say, for our predecessors, and for lord Martin my lord archbishop of Toledo, and for lord Bricius, once bishop of Plasencia, and for my father and mother, and my other beloveds and benefactors, and for the lord king Alfonso of celebrated memory, and for other kings⁴ and benefactors of this church, and for all brothers of this congregation; and for all of these, prayers should be said as commanded by us in the missal that we caused to be written for the service of the aforesaid altar. However, on Sundays according to the variations of Ordinary Time, the aforementioned priests will sing masses as stipulated in the same missal, also saying one prayer specially for me when I have left this world, and another generally for all the faithful dead.

Moreover, the aforementioned priests will be assiduous servants of God in the choir during the divine office. Also, they will be chosen by me whilst I am alive.

However, after my death, the power of choosing such priests who should be of honest ways and good at singing and reading, will be in the hands of the dean, the cantor and the sacristan of our church, and they will be appointed for perpetuity, unless perchance, through their most grave and incorrigible fault, it is necessary for them to be removed.

⁴ This strange phrase is presumably a reference to Enrique I.

Ad sustentationem autem dictorum sacerdotum, assigno redditus L. maravetis XL. s. in villa nostra quae dicitur Fontanas, quos debet idem populus Episcopo annuatim quam villam ego liberavi de pecta regia. Decem vero alios maravetinos recipient de XL. maravetinis, quos debet Concilium de Valdemoro episcopo annuatim, quam villam ego acquisivi a domino nostro Rege Fernando.

Recipient insuper dicti sacerdotes quatuor ochavillas de tritico mense septembri quas assigno eis in molendinis que sunt in pertinentia de Medinella, quam ego feci propriis sumptibus, et in hereditate quam acquisivi et comparavi in eadem villa.

Praeterea capitulum assignat ipsis sacerdotibus ambobus insimul una[m] iustitia[m] vini singulis diebus percipiendam quamdiu vinum habuerint canonici in apoteca sua. Hec autem omnia dividuntur inter ipsos sacerdotes equaliter.

Assigno pretera in predictis XL maravedis de Valdemoro, XXX maravedis qui remanent pro anniversario meo, ita quod in ipsa die anniversaria obitus mei XV maravedis distribuuntur inter socios ecclesie, sicut mos est, ita tamen quod de ipsis XV. mr dentur clericis qui dicuntur de criazon, et choro serviunt, et ipsa die interfuerint officio, unicuique duo denarii.

And for the support of the aforesaid priests, I assign the income of 50 maravedis and 40 solidi in our town which is called Fontanas, which that community owes to the bishop annually [and] which town I liberated from the Pecta Regia.⁵ Indeed, they will receive another ten maravedis from the 40 maravedis which the council of Valdemoro owes to the bishop annually, which town I acquired from our lord King Fernando.

In addition, the aforesaid priests will receive four ochavillas of grain in the month of September, which I assign to them in the windmills that belong to Medinella, which I make to my own cost, and in the inheritance that I acquired and established in the same town.⁶

Furthermore, the chapter assigns to both priests themselves a measure of wine each on every day, to be received as long as the canons should have wine in their store. Indeed all these things will be divided between the priests equally.

Additionally, from the aforesaid 40 maravedis from Valdemoro, I assign the 30 maravedis which remain for my anniversary, so that on the day itself of the anniversary of my death, 15 maravedis should be distributed amongst the friends of the church, as is customary, so that of these 15 maravedis, to the clerics who are called 'criazon', and who serve the choir, and who will take part in the office on that same day, should be given at least two denari each.

⁵ A form of royal taxation.

⁶ It seems clear from this passage that Maurice himself owned an inheritance in Medinella, since this grant is to his personal cost. Note how he uses the first person singular, in contrast to the first person plural when discussing lands that belong to the episcopal *mensa*.

De reliquis XV maravedis fiant mihi du[a]e memorie: prima, computatis quatuor mensibus ab anniversaria die, secunda computatis aliis quatuor mensibus.

Sic igitur centum maravedis, quos III vill[a]e sibi vicine S. Fontanas, Quintanella, Valdemoro debent episcopo Burgensi annuatim de quibus XX. iam assignavi per cartam meam capitulo nostro pro duobus anniversariis. Mihi accipio ad suprascripta complenda,⁷ sicut sunt ordinata.

Ut autem haec omnia firma permaneant in perpetuum, duas cartas eiusdem tenoris fieri precepi, que sigillatae sunt sigillis meo et capituli, quarum una remanebit semper in sacristia inter alia instrumenta ecclesie nostre. Reliquam decanus ecclesie reservabit.

Facta carta mense Novembri anno ab incarnatione domini nostri Jesu Christi, millesimo: ducentesimo, tricesimo.

Of the remaining 15 maravedis, two memorials should be made for me: first, calculated four months from the anniversary of the day, and the second reckoned after another four months.

Thus consequently one hundred maravedis, which three towns, that is to say the vicinities of Fontanas, Quintanella and Valdemoro owe to the Bishop of Burgos annually, of which 20⁸ I have now assigned by my letter to our chapter for two anniversaries. I undertake to myself the completion of the above-written things as they are commanded.

Indeed, in order that all these things should remain fixed in perpetuity, I have ordered that two copies of this same undertaking should be made, that they are sealed with my seal and that of the chapter, of which one will always remain in the sacristy amongst the other instruments of our church. The remaining one will be kept by the dean.

This charter was made in the month of November in the year of the Incarnation of Our Lord Jesus Christ 1230.

⁷ Or 'compleada'.

⁸ The text clearly reads XX, but logically, the figure must surely be 30, according to the above content.

Appendix 5

The *Concordia Mauriciana*

November 1230

ACB, v. 17, f. 525.

ACB, Lib. 32, f. 1.

Serrano has provided a partial edition of this text in his *Don Mauricio*, Appendix XIII, based on his transcript of ACB, v.17 f.525, one of the two original copies of this document. However, he does not seem to have known about a second original version of this document, ACB, Lib. 32 f. 1, much less heavily used and more legible in many places. Both documents are originals, written in the same early Gothic hand, and are sealed with episcopal and capitular seals. It is clear that these are the two copies referred to in the closing lines of the *Concordia*.

My transcription is based on a comparison of both documents. A number of lacunae in v.17 f.525 are clarified by reference to Lib 32, f.1. There are also some important mistranscriptions in Serrano's edition.

Cum de diversis donis et officiis ab uno Spiritu distributis in ecclesia Dei disputasset apostolus in prima epistola ad Corinthios, in eiusdem fine capituli subiunxit velud quiddam¹ corollarium: *omnia honeste et secundum ordinem fiant in vobis,*² ne quid scilicet vituperari possit vel absque utilitate fieri videatur. Quante siquidem dignitatis sit ordo etiam in rebus naturalibus vir sapiens non ignorat, cum sine ordine mundi sensibilis machina non subsisteret etiam per momentum. In invisibilibus quoque que digniora sunt et eternis, quantum valeat ordo, legat qui scire voluerit librum Dionisii Magni de Celesti lerarchia, ubi disputat mirabiliter et

When the Apostle discussed the many gifts and offices distributed by the one Spirit within the church of God, in his first letter to the Corinthians, he added, as if in a certain corollary at the end of the same chapter: 'let all things be done decently, and according to order amongst you', that is to say, lest any might seem to be blameworthy or without utility. For indeed, the wise man does not ignore the great value of order even in the things of nature, since without order, the workings of the sensible world would not exist even for a moment. Likewise, in the invisible and eternal things, which are more worthy, how greatly order can prevail; let he who

¹ There is a lacuna here in Serrano's edition.

² 1 Corinthians, 14.40.

supermundane de novem³ ordinibus celestium virtutum. Idem sanctus martyr docet in libro de Ecclesiastica Ierarchia que fiunt in ecclesia Dei sive in sacramentis sive in officiis, similitudinem quandam habere cum illis que Supremus Ierarches, qui est principium omnium, divina scilicet bonitas in supercelesti Ierarchia ordinavit.

Hec igitur atendentes Ego Mauricius, Dei miseratione ecclesie Burgensis episcopus, totusque conventus eiusdem ecclesie⁴, volentes quedam que minus ordinata videbantur in ecclesia nostra ad certum ordinem reducere, quedam etiam que velud ambigua sub ancipiti fluct[u]abant, statuere certa in perpetuum duratura, tempore nostre translacionis ad novam fabricam processimus in hunc modum.

Primo tractavimus diligenter longa deliberatione versantes Ego episcopus et maiores nostri que forent ordinanda, que etiam sub certitudine statuenda. Postmodum in scriptis redacta fuerunt et universo capitulo presentata. Igitur que sequ[u]ntur de comuni consensu omnium statuimus in perpetuum valitura.

Statuimus ergo ut omnes canonici qui secundum antiquam ecclesie consuetudinem debent esse

wishes to know read the book of the great Dionysius *On the Celestial Hierarchy*, where he dicussess marvellously and in an unworldly manner the nine orders of the heavenly hosts. The same holy martyr teaches in the book *On the Ecclesiastical Hierarchy* that that which takes place in the church of God, whether in the sacraments or in the office, holds a certain likeness to those things that the Supreme Hierarch, that is to say, the divine goodness who is the beginning of all things, set in order in the supercelestial hierarchy.

Therefore, considering these things, I, Maurice, by the mercy of God bishop of the church of Burgos, and the whole assembly of that same church, wishing to restore to fixed order in our church those things that seemed to be less ordered, and also to establish as set in lasting perpetuity those things that, as if ambiguous, were wavering in doubtfulness, in this time of our translation to new fabric, we have proceeded in this way.

First, I, the bishop, and our greatest clergy, in lengthy consultation, diligently discussed that which was to be ordained, and that which was to be established in certainty. After this, the words were written down and presented to the whole chapter. Therefore, that which follows, by the common consent of all, we decree to be valid for eternity.

We decree therefore, that all canons, who ought to be in accordance with the ancient customs of the church, should be moved to the upper choir. In the same way, all priests

³ Lib 32, f.1 reads 'ix', v.17, f. 525 reads 'novem'.

⁴ Vol 17, f. 525 reads 'ecclesie eiusdem'.

transforma[ti]⁵ sint in choro superiori. Similiter omnes sacerdotes et diachoni portionarii qui dicuntur de loco sint in eodem choro, sed post omnes canonicos. In omnibus autem istis servetur ordo consuetus ab antiquo scilicet ut qui prius intraverit sit in loco priori. Adicimus etiam propter honorem ordinis sacerdotalis ut omnes sacerdotes qui dicuntur habere beneficia elemosinaria, sint in choro superiori; ita tamen ut si sedes superiores non suffecerint omnibus, illi qui fuerint in minori beneficio cedant aliis qui fuerint in maiori. Subdiachoni vero portionarii de loco et omnes alii in minoribus beneficiis constituti sint in choro inferiori et unusquisque defendat locum secundum tempus receptionis sue.

Circa dignitates vero et abbates statuimus ut in dextra parte chori primum locum teneat decanus, cantor secundum, archidiaconus Vallisposite tertium, archidiaconus de trivinno quartum, sacrista quintum, abbas de Franucea post ipsum, post quem sedebit abbas de Cervatos.

In sinistra parte chori, primus sedeat archidiaconus civitatis, secundus archidiaconus de Berviesca, tertius archidiaconus de Lara, quartus archidiaconus de Palenciola, quintus abbas

and prebendary deacons who are called *de loco*⁶ should be in the same choir, but behind all the canons. In all these things, however, the customary order of antiquity should be preserved, that is to say, that he who has entered first should be in the first place. We add, moreover, on account of the honour of the rank of priest, that all priests who can be said to hold an alms benefice⁷ should be in the upper choir; but in such a way that if the upper seats should not be enough for all of them, those that are holding minor benefices should cede their places to those holding greater benefices. However, sub-deacon prebendaries *de loco*, and all others endowed with minor benefices, should be in the lower choir, and each one is to keep his position according to the time of his reception.

Truly, concerning the dignitaries and the abbots, we decree that in the right-hand part of the choir the dean should hold first place, the cantor second, the archdeacon of Valpuesta the third place, the archdeacon of Treviño fourth, the sacristan fifth, the abbot of Foncea after him, after whom will sit the abbot of Cervatos.⁸

In the left-hand part of the choir, the archdeacon of the city should sit first, second the archdeacon of Briviesca, third the archdeacon of Lara, fourth the archdeacon of Palenzuela, fifth the abbot

⁵ Serrano has transcribed this word as 'triginta', but this is not supported by either manuscript. Comparison of the two manuscripts has made clear that it is in fact 'transforma'. This word makes little sense in the context however; the addition of 'ti' is essential in order for this passage to hold any meaning. There is a small mark in the text, but elsewhere this mark indicates simply a pause, and it does not look like an abbreviation mark. Nonetheless, it must be – or there must have been an error made by the scribe. The other possibility is that there is an influence from Romance here, but in this case, the expected form would be 'transformados'.

⁶ 'Portionarii de loco', see Chapter Four.

⁷ 'Beneficia elemosinaria', see Chapter Four.

⁸ For the translations of these place names from the Latin, see Serrano, *Don Mauricio*, p.67.

de Salas, sextus abbas Sancti Quirici. Hec autem loca dignitatibus in perpetuum assignamus.

of Salas de Bureba, sixth the abbot of San Quirce. Thus we assign these places to the dignitaries for perpetuity.

Idem ordo servetur in processionibus sicut in choro. Similiter in capitulo cum aliquis voluerit defendere locum suum.

The same order should be maintained in processions just as in the choir; likewise, when someone should wish to hold his place in the chapter.

Nullus intret chorum cum capa nisi sit de bruneta nigra vel de sayo⁹ vel de galabruno¹⁰ vel esembruno¹¹ nigro et capa sit competentis mensure ad minus talaris. Similiter et superpellicium sit honestum et competentis mensure et tam minores quam maiores sint honeste calciati, et nullus intret in choro vel ad altare cum galochiis vel patinis.

No one is to enter into the choir unless he is wearing a dark brown cappa, either of sack-cloth, or of wool dyed in oak apples of the style *galabruno* or dark *esembruno*; and the cappa must be of appropriate length, at least to the ankles. And similarly, the tunic too should be respectable and of appropriate length; and the lower as much as the higher ranks are to have respectable footwear, and no one is to enter into the choir or to the altar wearing shoes with wooden or metal soles.¹²

Nullus puer vel alius maior clericus intret chorum de novo nisi de voluntate cantoris.

No one, neither boy nor other more senior clergy, is to enter anew into the choir except by the will of the cantor.¹³

Nullus incipiat cantum in choro nisi cantor vel succentor dum modo alter eorum presens sit vel cantores quando regunt

No one should begin the singing in the choir except the cantor or the succentor,¹⁴ provided that one of these is present, or

⁹ Sayo, from sayal: course cloth, sackcloth, used to distinguish peasants and labourers by the Spanish Golden Age. See Charlotte Stern, *Sayago and Sayagués in Spanish History and Literature*, *Hispanic Review* 29.3 (1961), 217-237, p. 225, note 21. My thanks to Cordelia Warr for help with this identification.

¹⁰ Galabruno: wool dyed with oak apples. See Fort Cañellas, *Léxico Romance*, p.123. She suggests that dyeing wool in this way produced a brown-black colour, and that a great number of materials were thus dyed until the thirteenth century (after which its use was limited to poorer quality products or for specific purposes). Fort Cañellas also suggests that this word was imported from France, where she has identified a '*galebrun*' and a '*walebrun*', seemingly related, meaning 'dark coloured fabric'.

¹¹ Ysembrum: brown wool dyed with rock salt and oak apples; see Lloyd A. Kasten, and Florian J. Cody, *Tentative Dictionary of Medieval Spanish* (New York: Hispanic Seminary of Medieval Studies, 2001), p. 391. p. 391.

¹² Patinis could also suggest snow shoes.

¹³ The 'cantor' was an administrative as well as musical position, being in charge of the performance of the liturgy and central to the chapter's proceedings, as is illustrated by his high rank in the choir. Fort Cañellas describes the cantor as leading the responses, hymns and all other songs, in choir and in processions, and claims that he would be obeyed by the rest of the chapter. See Fort Cañellas, *Léxico Romance*, p.157.

¹⁴ The deputy cantor.

chorum vel cui ipsi iniunxerint, et nullus in cantando vel psallendo resistat cantori vel succentori sed ipsum sequatur totus chorus.

Nullus ministret ad altare maius in officio sacerdotali vel diachonali vel subdiachonali, nisi sit canonicus vel portionarius maior vel minor qui dicitur elemosinarius, et isti serviant in propriis personis nisi iustam habeant excusationem, et tunc det alium qui loco suo serviat. Et siquid contra hec venerit punietur pena quondam statuta; sacerdos[sacerdotibus?] scilicet¹⁶ pena V solidos, tam diachonis quam subdiachonis pena III solidos, exigenda a cantore et solvenda eidem ad opus pauperum qui serviunt choro.

Diachonus autem et subdiachonus simul exeant cum sacerdote de revestuario, et assistant ei in confessione et usque ad finem misse, et cum eo revertantur in revestarium et iuvent eum in recitanda VI vel IX vel vesperis prout qualitas hore exigit. Quod si diachonus vel subdiachonus contra hoc fecerit, puniatur ac si non venisset. Preterea tam sacerdos quam diachonus et subdiachonus in principio ebdomade sue sit rasmus barbam et coronam et tonsuram habeat competentem.

In sollempnitatibus cantores qui debent regere chorum in utrisque vesperis et in matutinis sint parati cum capis sericis in

the singers¹⁵, when they direct the choir or are themselves joined to it, and no one is to oppose the cantor or the succentor in singing or psalming; indeed, the whole choir should follow him.

No one is to serve at the great altar in the office of priest, deacon or sub-deacon, unless he is a canon, or a major portionarius, or a minor or 'alms' portionarius; and these are to serve in their own persons, unless they have a proper excuse, and then he should give it to another who should serve in his place. And if anyone should go against this, he will be punished a previously determined penalty; that is to say, punishment for priests is five solidi, punishment for both deacons and subdeacons is three solidi, which will be demanded by the cantor and distributed by him for the care of the poor who serve in the choir.

Also, the deacon and the sub-deacon are to go out of the vestry together with the priest and shall assist him in confessions until the end of Mass and are to return with him to the vestry, and must support him in reciting Sext or None or Vespers, just as the nature of the hour demands. With respect to which, if any deacon or sub-deacon acts against this, he is to be punished as if he had not come. In addition, the priest as well as the deacon and sub-deacon, should be shaved at the start of his week, and should have respectable beard, crown and tonsure.

On solemn feast days, the cantors who ought to direct the choir for both vespers and matins should be prepared with

¹⁵ 'Cantores'. It appears that here, in addition to the cantor and succentor, there was also a group of 'cantores' or singers, who were capable of leading the singing. See commentary in Chapters Four and Five.

¹⁶ Or perhaps 'sit'.

ipso choro antequam incipiantur vespere vel matutini et in tercia¹⁷ antequam incipiatur responsum.

Hec sunt sollempnitates in quibus debent fieri¹⁸ processiones cum capis sericis, Natale Domini, festum purificationis, Pasche, Pentecostes, Assumptionis, Omnium Sanctorum.

Sollempnitates in quibus omnes canonici et omnes alii clerici qui de choro sunt debent habere barbas et coronas rasas et competentem tonsuram sunt iste, Prima dominica adventus, Nativitas Salvatoris, Epyphania, Purificatio, Feria IIII in capite ieiunii, Pascha domini, festum ascensionis, festum pentecostes, Nativitas Sancti Johannis Baptiste, Assumptio Sancte Marie, Nativitas eiusdem, festum Sancti Michaelis, Festum Omnium Sanctorum. Siquis canonicus vel socius ecclesie¹⁹ venerit et non rarus in primis vesperis cuiuscumque predictarum festivitatum, privetur integra portione in ipso festo.

In vigilia cuiuslibet proximo²⁰ scripte sollempnitatis succentor scribat in matricula²¹ nomina illorum qui cantare vel legere debeant in primis vesperis et in matutinis et in missa et in secundis vesperis, et legatur matricula in capitulo in ipsa vigilia, et postea²² ponatur in loco competenti et sit ibi usque post missam maiorem cantatam, et pena non cantantis vel non legentis sicut scriptum fuit vel per se vel per aliam si forte rationabilem

cappas of silk in the choir itself before the vespers or matins have started, and at terce, before the responsary has begun.

These are the solemn feasts on which processions must be held with cappas of silk: the birth of the Lord, the feast of the Purification, Easter, Pentecost, the Assumption, All Saints.

Solemn feasts on which all of the canons and all other clergy who are of the choir ought to have shaved beards and crowns and respectable tonsure are the following: the first Sunday of Advent, the nativity of the Saviour, the Epiphany, the Purification, Ash Wednesday, Easter Sunday, the feast of the Ascension, the feast of Pentecost, the birth of St John the Baptist, the Assumption of the Holy Mary, the birth of the same, the feast of Saint Michael, the feast of All Saints. If any canon or member of the church should come and is not shaved by the first vespers of any of the above-mentioned feasts, he should be deprived of his whole portion for that same feast day.

By the vigil immediately preceding any of the solemn feasts listed, the succentor should write in a list the names of those who ought to sing or read at the first vespers and at matins and the mass and at the second vespers; and the list should be read out in the chapter at the same vigil, and afterwards should be placed in a suitable place and should remain there until after the great mass has been sung. And the penalty for those not singing or

¹⁷ Serrano has a lacuna here. The implication here is that there are other canons already in the choir (in order for terce to have begun). This is thus evidence that these *cantores* are separate singers.

¹⁸ Serrano reads 'haberi' (but the word is partially obscured in v.17). It is clear in Lib 32.

¹⁹ These two words are incorrect in Serrano, and are mostly obscured in v.17.

²⁰ Incorrect in Serrano; this is hidden in the margin of v.17.

²¹ Additional words inexplicably in Serrano's edition here.

²² Incorrect in Serrano.

excusationem pretenderit de pera²³ sua sit privatio integre portionis.

Attendentes preterea Nos Episcopus et universum capitulum supradicti quod qui participes sunt laboris et servicii ecclesiastici gaudere debent rerum temporalium consolatione ad honorem Dei et gloriose virginis Marie in remissionem peccatorum nostrorum, minora beneficia qui dicuntur elemosinaria et sunt viginti, augmentavimus in hunc modum. Statuentes ut quilibet taliter beneficiatus serviens ecclesie percipiat de communitate unum denarium super duos denarios quos usque ad tempus istud percipere consueverant et pro almude²⁴ et tercia que percipere consueverat unoquoque mense de trictio,²⁵ percipiat unum almude(sic) et dimidium.

Ego autem episcopus, volens ut quilibet predictorum super iii denarios quos percipit de communitate, percipiat alios duos ut sic unusquisque eorum qualibet die percipiat V denarios, concessi in perpetuum capitulo nostro omnes redditus quos habeo vel habere debeo in ecclesia Sancti Stephani in nostra civitate. Valent

reading as has been written, either in person or by another, if he should have offered a reasonable excuse, should be the loss of the whole portion of his provisions.

Additionally, we the bishop and the whole chapter aforementioned, considering that those who are participants in the work and service of the church ought to rejoice in the consolation of temporal things, for the honour of God and of the glorious Virgin Mary, for the forgiveness of our sins, we have increased the smallest benefices, which are called 'alms' and of which there are twenty, in the following way. Establishing that whoever is beneficed in this way, serving the church, should receive from the community one denarius on top of the two denarii which until this time they had been accustomed to receive, and regarding the *almud* and a third of wheat that he had been accustomed to receive each month, he should receive one *almud* and a half.²⁷

Furthermore, I, the bishop, wishing that any of the aforementioned [ie, the alms portionarii] who receives three denarii²⁸ from the community should receive another two, so that each one of them should receive five denarii on any day; I have conceded to our chapter in perpetuity the income that I have or ought to have from the church of St Stephen in

²³ Serrano incorrectly reads this as *pena*.

²⁴ Serrano reads this as '*altera*' from the lacuna in the v.17 text. However, the L.32 text clearly reads '*almude*'.

²⁵ The '*tercia*' refers to a third of the tithe, see P. Linehan, *The Spanish Church and the Papacy* (Cambridge, 1971), pp. 111-112. Clearly here the *tercia* was a wheat tax, as the Latin text stipulates: '*pro altera tercia que percipere consueverat uno quoque mense de trictico, percipiat unum almudem et dimidium*'. *Triticum* has been defined as wheat, from *triticum sativum* (see M. R. Fort Cañellas, *Léxico Romance*, p. 60.)

²⁷ There is some uncertainty about what precisely constitutes an '*almud*'. Alonso claims that '*almud*' comes from Arabic, '*al-mudd*', a XII-XV century term for the measure of grains and cereals (Alonso, *Diccionario Medieval Español*, vol. 1, p.257.) This should be compared with Fort Cañellas, who suggests that it could be an arabisation of the Latin '*modius*' (Fort Cañellas, *Léxico Romance*, p.60.)

²⁸ There is lacuna here in Serrano.

autem redditus omnes ipsius ecclesie C.XV mri annuatim.

Assigno preterea eidem capitulo nostro XLV mri annuatium, percipiendis in redditibus quos habent episcopus et capitulum in civitate Burgensi de decima portatici regalis et calumpniarum, quos redditus dividunt per medium. Residuum vero ipsius medietatis reddituum, Episcopo remanebit.

Tam illos XLV mr quam predictos redditus ecclesie Sancti Stephani capitulo nostro, sicut suprascriptum est, assigno et concedo in perpetuum possidendos, eadem conditio remanebit in huius beneficii²⁶ que optinuit ab antiquo quantum ad hoc quod non dabitur scholaribus extra civitatem studentibus.

Volentes etiam honorem ecclesie ampliare statuimus ut qualibet die post prefationem cum vivifica sacramenta incipiunt consecrari, duo pueri sint³⁰ parati cum turibulis ad incensandum altare maius usque post susceptionem sacramentorum et tunc ibunt ambo pueri ad chorum et incensabunt eos qui fuerint in choro, pro quo labore uterque puer percipiet denarium unum quolibet die, quos denarios dabit sacrista; et incensum

our city. Moreover, all the income from that same church is worth 115 maravedis a year.

Additionally, I assign to our same chapter 45 maravedis a year, which are to be earned through the revenues which the bishop and chapter receive from the city of Burgos, from the tithe on royal customs and the courts, which proceeds they divide in half. But the remainder of this half of the revenue will stay with the bishop.²⁹

Both those 45 maravedis and also the aforementioned revenue from the church of St Stephen, I assign and concede to our chapter, as mentioned above, to be possessed in perpetuity. The same condition shall remain concerning the benefices of this [ie, the alms benefice], which was in force from antiquity up until these days, that it shall not be given to scholars studying outside the city.

Indeed, wishing to increase the honour of the church, we decree that on any day, after the preface,³⁶ when the life-giving sacraments are beginning to be consecrated, two boys should be prepared with thuribles to incense the great altar until after the reception of the sacraments, and then both boys will go to the choir and they will incense those who are in the choir, for which work each boy will receive one denarius each, no matter what the day is, and the sacristan will give the denarii to

²⁶ Lacuna in Serrano.

²⁹ The bishop would be expected to keep part of the income of the chapter; see R. Fletcher, *The Episcopate in the Kingdom of León in the Twelfth Century* (Oxford: Oxford University Press, 1978), p. 148. But here we see Maurice granting an extra 45 mrs out of his half of this income, to fund the raise in prebends for the alms portionaries.

³⁰ Serrano has 'ibunt'

³⁶ 'Prefation' or preface, that is, the prayer that precedes the Eucharist.

ministra[b]it³¹ et luminaria sicut honestum fuerit ampliabit, et pueris³² camisas decentes et succintoria et amictus ad hoc servicium idem³³ sacrista providebit. Propter hoc enim omnia assignavimus sacristie ecclesiam Sancte Marie de Vieia rua. Pueri autem a succentore providabuntur³⁴ ad hoc servicium grandiusculi, qui apti sint ad hoc servicium adimplendum, et sicut alii servitores septimanis singulis inittabuntur.³⁵

Ut autem omnia suprascripta firma stabilitate permaneant in perpetuum inconvulsa, duas cartas eiusdem tenoris fieri precepimus, quarum utraque sigillis nostro et capituli sigillata est.

Una permanebit in sacristia perpetuo cum aliis instrumentis ecclesie, altera conservabitur in archis pontificalibus.

Facta carta mense Novembri, anno ab Incarnatione Domini nostri Ihesu Christi millesimo ducentesimo tricesimo.

them. And he will administer the incense and he will increase the lighting as is appropriate, and the same sacristan will provide seemly albs, cinctures and mantles to the boys for this purpose. Therefore, because of all these things, we have assigned to the sacristy the church of Saint Mary of Vieja Rua.³⁷ Indeed, boys old enough for this service and who are able to fulfil this service will be provided by the succentor, and just like the other servers, they will be engaged on a weekly basis.

Therefore, so that all these things abovewritten should remain in firm stability, unmoved for perpetuity, we have ordered two copies of the same document to be made, each of which is sealed by our seal and the seal of the chapter.

One will remain in the sacristy for perpetuity with the other instruments of the Church, the other will be conserved in the pontifical archives.

This page was made in the month of November, in the year 1230 from the Incarnation of our Lord Jesus Christ.

³¹ This has to be a 'b' not a 'v'

³² Lacuna in Serrano.

³³ Again, hidden in the fold of v.17.

³⁴ 'Eligendi sunt' in Serrano – but the words are completely hidden in the marginal fold, so this must have been a guess.

³⁵ Another lacuna: 'et sicut alii servitores septimanis singulis...'. 'Inittabantur' is the word that appears to be written in the gap, although this is not clear.

³⁷ The church of Saint Mary of Vieja Rua. (see Serrano, *Don Mauricio*, p.68).

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