

**UCLA**

**Comitatus: A Journal of Medieval and Renaissance Studies**

**Title**

Alfonso El Sabio and the Primera Partida: A Thirteenth-Century Vision of the Church

**Permalink**

<https://escholarship.org/uc/item/84c8v52g>

**Journal**

Comitatus: A Journal of Medieval and Renaissance Studies, 17(1)

**ISSN**

0069-6412

**Author**

McMillin, Linda A.

**Publication Date**

1986-10-01

Peer reviewed

## ALFONSO EL SABIO AND THE *PRIMERA PARTIDA*: A THIRTEENTH-CENTURY VISION OF THE CHURCH

Linda A. McMillin

In the growing field of medieval Spanish studies, the Church and its role in society has come under increasing scrutiny.<sup>1</sup> There is a myriad of sources, both documentary and literary in nature, waiting to be exploited.<sup>2</sup> One window on medieval Spanish religion, indeed on medieval life in general, is the *Siete Partidas* of Alfonso X of Castile-Leon. The entire first section of this encyclopedia of law is devoted to the regulation of Church practice. It is the purpose of this article to introduce Alfonso and the *Siete Partidas*, to provide a comprehensive overview of the *Primera Partida* while sampling some of the more interesting and important of its provisions, and finally to examine two specific aspects of the *Partida* of interest to historians. As with any work dealing with the Christian religion, the *Primera Partida* makes ample use of the Bible. This usage, specifically its accuracy and context, will be analyzed. In addition, this Alfonsine work will be mined for what it may reveal about the King's relationship with the ecclesiastical establishment in his realm.

### I

Alfonso X was born at Valladolid in 1221.<sup>3</sup> His father Ferdinand III, "the Saint," was a highly successful warrior who expanded his small northern kingdom southward, conquering the important Islamic cities of Cordova and Seville, reaching the Mediterranean through Murcia and leaving Islam a mere toehold on the peninsula in Granada. At thirty Alfonso inherited the task of bringing order to a land still basking in the glories of war but struggling with the cultural and economic problems of repopulating new lands. To this situation Alfonso brought great energy and innovation. He exerted control over the economy "to alleviate the problem of inflation, to conserve natural resources . . . (and) to maintain a favorable balance of trade."<sup>4</sup> His law codes envisioned the establishment of a unified system of law throughout the peninsula.<sup>5</sup> At the same time he planned to further his father's crusades into North Africa, and

was also active on the international scene among Christian lands; in 1257 he succeeded in getting himself elected Holy Roman Emperor.

That Alfonso's reach exceeded his grasp is well-known. Nobility and commoners alike balked at fiscal and legal change. Reforms were bargained away to support a regal lifestyle, and in pursuit of the Emperor's Crown. Aside from his sacking of Sala on the Atlantic Moroccan coast in 1260, Alfonso was unsuccessful militarily and North Africa remained Muslim. Bad turned to worse near the end of his reign. In 1275 Pope Gregory IX made it clear that Alfonso would remain uncrowned and thus Emperor in name only. That same year a counter-crusade was launched by Granadan and North African armies. In the ensuing battles Alfonso lost his son and heir Ferdinand; this touched off a struggle with his second son, Sancho, for royal ascendancy. In 1275 the *Cortes* recognized Sancho as heir, and he soon had the backing of Aragon, Portugal, and Muslim Granada as well. Alfonso was formally deposed by an assembly in Valladolid in April of 1282; only Seville and Murcia remained loyal to him until his death in 1284.<sup>6</sup>

Alfonso's true genius and ensuing fame comes from his literary accomplishments. Called "*el Sabio*," the learned or erudite, he promoted and closely directed an outpouring of scholarship in law, fiction, music, astronomy, education, history, games (such as chess), and translations of all sorts from Hebrew and Arabic.<sup>7</sup> For most of his works he employed the Castilian language. This use of the vernacular allowed "Castilian prose to come of age; for the first time it now expressed historical, legal, scientific concepts."<sup>8</sup> Alfonso created Castilian as a "language of high culture, which could handle concepts previously only discussed in the peninsula in Latin, Arabic, or Hebrew."<sup>9</sup>

The major works commissioned by Alfonso can be roughly divided into four main areas: scientific or pseudo-scientific works which were either direct translations or based on Arabic originals, poetry both sacred and profane, historical works, and legal treatises. Toledo and its "school" of translators was the main center of production of the scientific and pseudo-scientific corpus. Although well established in the twelfth-century, it was only under Alfonso that the school began to enjoy strong royal patronage. One of the most important scientific works was the *Alfonsine Tables*; this work charted the movements of the planets, and was already well-known "during the later Middle Ages and in the Renaissance period."<sup>10</sup>

One of the most literary and beautiful works connected with Alfonso was the *Cantigas de Santa Maria*. This was a collection of over 400 poems in praise of the Virgin and relating miracles performed by her. Written in Galician-Portuguese, the language of the Spanish troubadours, the work includes not only musical arrangements but over 1300 illuminations. These illuminations are

arranged "comic book" style, and relate the narratives of the poetry to scenes from daily life.<sup>11</sup> Alfonso's two main historical works are the *Estoria de Espanna*, known also as the *Primera Crónica General*, and the *Grande e General Estoria*. The former relates the history of Spain, while the latter has as its ambition a history of the world but only managed to reach the time of Jesus Christ.<sup>12</sup>

Alfonso's court produced four legal treatises: *El Sentenario*, *El Fuero Real*, *El Espéculo*, and *Las Siete Partidas*. The need for a national law code was great. Each town had its own *fuero*, a town charter of local law, supplemented at times with Visigothic codes and local tradition. Such a lack of uniformity led to confusion as individual judges used the code of their liking. Sometime around 1255, in an effort to bring together these divergent traditions, Alfonso began granting the *Fuero Real* to individual cities and encouraging its use in appeals to the Court tribunal. Then, in 1260, the *Espéculo* was issued as a "general law for the King, his officials, and the judges of the Royal Court."<sup>13</sup> Both were attempts not only at uniformity but also at furthering the reestablishment of Roman law in the peninsula.

Alfonsine legal writing reached its apex in *Las Siete Partidas*.<sup>14</sup> Although not promulgated in his lifetime, this work has been of lasting significance. It first came into use in 1348 under Alfonso XI as a supplement to existing law. Its influence grew and in 1505 it was given full force of law by the Cortes of Toledo.<sup>15</sup> Its impact extended beyond Spain to South America, the Philippines, and those parts of the United States once under Spanish rule. Today it still forms a living component of law in states such as California, Florida, and Louisiana.<sup>16</sup>

*Las Siete Partidas* has been called a "comprehensive treatise on all aspects of government" rather than simply a legal code.<sup>17</sup> Its encyclopedic nature leaves no aspect of medieval life untreated. Each law is really a short essay presenting moral and philosophic reflection, as well as political maxims, in addition to strictly legal matters. The work is comprised of seven *Partidas* or parts. Each of these parts is then broken down into titles dealing with a specific area, and consisting of an opening essay followed by any number of individual laws. As mentioned in the introduction, the *Primera Partida* concerns canon law. The *Segunda Partida* consists of thirty-one titles and deals with the rights and duties of rulers — from emperors and kings to nobility and royal officials — and their subjects. The proper conduct of rulers is explored along with rules for the rearing of royal children. This is followed by a short treatise on warfare, and concluded with a reflection on universities. Thirty-two titles make up the *Tercera Partida* in which judicial procedure is dealt with at length. Of special note are three titles (XVIII-XX) presenting formulas for numerous types of

documents, information on seals, and a procedure for validating both seals and documents. In this section the duties of both royal and public notaries are listed.

The *Quarta Partida* and its twenty-seven titles cover marriage, children, both legitimate and illegitimate, adoption, and paternal rights. This *Partida* then extends beyond the family to laws concerning slavery, vassals, fiefs, and the "obligations of friendship." The *Quinta Partida* devotes its fifteen titles to monetary and commercial matters: fairs, contracts, bankruptcy, maritime law, and much else is all discussed. The *Sexta Partida* deals with wills, inheritance, and the care of orphans and minors in nineteen titles. Finally, the thirty-four titles of the *Septima Partida* cover criminal law and the minority classes of people in medieval Castilian society: Jews, Muslims, and heretics.

## II

The *Primera Partida*, with the exception of the first two titles, is concerned solely with the Church and religious practice.<sup>18</sup> That the Church should be dealt with prior to all other matters is clear: "the origin of laws, temporal as well as spiritual, is this, that every Christian should believe that there is one true God."<sup>19</sup> Brief glimpses of spirituality and popular piety are overshadowed by a treatment of the institutional Church. Over one-third of the work deals with the use of Church property, while close to another third concerns the conduct of the clergy. In the remaining third the Sacraments enjoy a brief treatment, leaving festivals, fasts, alms, pilgrims, and the General Articles of Faith a passing mention.

Christianity begins with a belief in the person of Jesus and thus Alfonso's treatment of the Church begins with faith. The Articles of Faith "are pillars . . . (as) all depends on them."<sup>20</sup> Title III begins with an essay outlining what Christians should believe. The first law reiterates this by presenting the *Credo in Deum* divided into twelve quotes, one from each of the twelve apostles. Law ii repeats yet again the Articles of Faith, this time enumerating them as fourteen: "seven relating to the proof that Jesus Christ, according to Deity, is God in himself, and the other seven that, according to humanity, he is man." The third and final law of this title mandates that these articles "should be well and perfectly observed," and refers one to the *Septima Partida* for the punishment for heresy.

"It is proper that every Christian possess in himself two things: First the Catholic Faith, in which he must believe; Second the Sacraments . . . which he must accept. . . ."<sup>21</sup> Given this reasoning it is only logical that having treated faith in Title III, Title IV would deal with the Sacraments. While enumerating

seven, only five are discussed here. Ordination is left for the titles concerning the clergy, and Matrimony is dealt with in the *Quarta Partida*. Of the five discussed, penance is given the most attention: twenty-nine of seventy-two laws in this title relate to it. There are also a number of interesting digressions. While dealing with Confirmation, there are 2 laws inserted on other uses of Holy Chrism. Law xiii explains the anointing of kings specifically on the shoulders as symbolic of carrying the "yoke" of Christ. The use of oil in the consecration of church altars and other holy objects is outlined in law xvi. Concerning penance there is an aside of three laws (xlii-xliv) on purgatory and the proper way to mourn the dead. Finally, between Holy Eucharist and the Anointing of the Sick are inserted four laws (lxv-lxvii) on saints, relics, and miracles.

Having presented the essentials of creed and cult, the next three titles "speak . . . of the persons whose duty is to expound the Faith and administer the Sacraments."<sup>22</sup> Titles V, VI, and VII concern prelates, secular clergy, and regular clergy respectively. Beginning with the pope and continuing in descending order the powers and duties of each clerical office and order are outlined. Special emphasis is placed on the qualifications and proper conduct of the clergy, and included is a lengthy section on impediments to ordination: homicide, physical deformity, holding royal office, slavery, performing public penance, and having been baptized under pressure of illness.<sup>23</sup> The relationship between offices receives much attention as it is important to know one's place in this hierarchical structure "because where there are superiors and inferiors, the inferiors should acknowledge the supremacy of their superiors and be obedient to them, and attentive to their welfare," while the superiors "love their inferiors, making use of them, and protecting them in their rights."<sup>24</sup>

Title VIII is a short digression. Having dealt with monastic vows in Title VII, nine laws are presented in this new title on "the vows and promises which men make to God . . . for although this does not relate to the affairs of the holy orders, it is something that corresponds to them."<sup>25</sup> Title IX returns to the subject of the clergy for, while their positive powers of expounding the Faith and administering the Sacraments have already been presented, the need for discipline in the forms of excommunication, suspension, and interdict remains. The treatment is fairly straightforward. Noteworthy, however, is a lengthy discussion of legal jurisdiction, i.e. who may excommunicate whom. Laws iii and iv deal with when one may strike a cleric and not incur excommunication, and when, having incurred excommunication, one need not go to Rome to have it absolved.

Title X focuses attention on Church property where it remains through Title

XXII. Sacramental rites must take place in a specific location, and thus there is a need for churches. Title X therefore includes laws on how and where a church should be built. Law xiv outlines the consecration ceremony, and is followed by laws explaining the symbolism of all the involved elements. Once built, a church is given privileges, and this is outlined in Title XI. The right of asylum to those taking refuge in a church is discussed, though the right is hedged with restrictions. Title XII grants to monasteries and their churches privileges similar to those given in XI, and Title XIII deals with burials. This appears an aside, but burials take place in cemeteries and cemeteries are Church property. Once again, jurisdiction is given special attention because the burial of an important person often included a bequest, about which one's local parish was particularly preoccupied.

Title XIV discusses the management of Church property; rules are established for when Church property can be alienated, and who has the authority to do so. The answer to the latter is the bishop, though only in concert with his chapter: half of this title's laws deal with how this relationship of advise-and-consent is worked out. The rights of patrons who have donated land to the Church are discussed in Title XV; special attention is given to the right of presentation of priests. Church property generates revenue which is used for the support of its clerics. These benefices — how they are granted, who may hold them, and how they are lost — are the topic of Title XVI. Simony follows benefices "because it happens that on account for them, more than for any other reason, men commit this sin."<sup>26</sup> An interesting note is a law which forbids masters from charging their students fees for "science is a gift from God, and therefore should not be sold."<sup>27</sup> "As simony is the purchase of something which is spiritual, so sacrilege is to be guilty of some wicked violence against the Church" and is therefore the topic treated in the next title.<sup>28</sup>

Titles XIX and XX concern Church income not derived from property, namely the first fruits and the tithes. Reading like a publication of the Internal Revenue Service, technicalities such as on what income these fees are paid, by whom, and to whom are outlined. Title XXI shifts away from Church property for a moment to the private property of priests. Here eight laws seek to distinguish such property from that held for the Church, and they pay special attention to who inherits when a priest ascends to his glory. Title XXII completes the discussion of revenues by confronting visitation fees, rents, and contributions. Included is a discussion of how a priest should act while making a visitation, and six rather acrimonious laws expounding the ways in which prelates exceed their authority and harass their inferiors.<sup>29</sup>

Titles XXIII and XXIV might best be referred to as miscellanea. The former groups together laws concerning festivals, fasting and almsgiving as fasts

frequently precede festivals, and the giving of alms is customary on some feasts. The *Primera Partida* ends with four laws concerning pilgrims, emphasizing the need for the protection of lives and possessions.

### III

The sources used in the redaction of the *Primera Partida* are the subject of much scholarly debate.<sup>30</sup> Without doubt, however, the Bible was used extensively. The *Primera Partida* is sprinkled with over 100 scriptural references, divided almost evenly between the Old and New Testaments.<sup>31</sup> Of the former a surprising number of books are mentioned. The stories in Genesis and Exodus enjoy particular favor, along with the "ancient law" of Deuteronomy. Samuel and Kings represent the historical books while Isaiah, Jeremiah, Daniel and Malachi show the prophets not neglected. Not surprising are numerous references to the Psalm often attributed merely to "King David." By far the hardest references to trace are sayings attributed to Solomon which came from Proverbs, Song of Songs, Ecclesiastes, and Ecclesiasticus, or Sirach, showing even the Apocryphal Books in use.

Over one-third of the New Testament references are from the Synoptic Gospels, especially Matthew. From the Gospel of John there are few clear references except to the story of Lazarus and to the "man born blind."<sup>32</sup> Paul is often cited; the majority of references to his words are taken from I Corinthians, with II Corinthians, I Thessalonians, Hebrews, and I Timothy also used. Santiago is not forgotten, and neither are Peter, Acts, or Revelations.

Scripture is used in a variety of ways within the *Primera Partida*. When explaining a particular Church practice, its history is often traced back to Biblical times. Baptism originates with Jesus' baptism. St. James is cited for the earliest practice of Confession and Anointing of the Sick. The Last Supper narratives of the Synoptic Gospels are quoted when explaining the Mass. The Old Testament roots of both the giving of first fruits and tithing are mentioned. The most extensive use of the Bible occurs in the explanation of simony; both the stories of Simon Magus and Elisha's servant Gehezi are related in full. Even such minor practices as consecrating the vessels used in Mass with oil is traced to Moses' unction of the Ark in Exodus; the use of incense as symbolic of prayer is traced to the Psalms; and the linen corporal to Jesus' linen shroud.<sup>33</sup>

Scriptural examples are often drawn to illustrate a variety of points. Title IV, law lxvii, on miracles, cites those of Elisha and Jesus. Title V, law xlvii, noting Ham with Noah, Hagar with Abraham, Esau with Jacob, and Judas with Jesus, makes the point that evil exists alongside the good. Examples are especially



employed to show the consequences of certain actions. Abraham and Lot entertained angels unaware and were blessed; so too, it is argued, prelates should be hospitable. More often, however, the penalties for disobedience are presented. Misuse the vessels for Mass and one might expect the same fate as King Belshazzar who used Temple vessels at a feast, literally saw the handwriting on the wall, and died that same evening. Prelates should discipline those in their charge lest they become like Eli who, failing to keep his sons in line, was responsible for their and his own demise. Dathan and Abiram are swallowed up by the earth for revolting against Moses and Aaron: a graphic example to give one pause before disobeying a bishop.<sup>34</sup>

One of the most effective uses of Scripture in the *Primera Partida* is as a literary device to bring together a series of points. The qualifications for the office of bishop given in I Timothy are defined and expanded through some 30 laws in Title V: the text digresses now and again but always returns to these seven verses of St. Paul.<sup>35</sup> In the same title four sayings of Jesus to his disciples are brought together to illustrate the power of a prelate. "What you bind on earth shall be bound in heaven" shows prelates to be the keepers of the Faith. "You are the light of the world" enjoins prelates to preach the Gospel. They should guard against heresy because they "are the salt of the earth." And, finally they know the hidden mysteries of the Faith for "to you is given the power. . . to thoroughly understand . . . the words of God."<sup>36</sup> In Title X four aspects of the Church are brought together by four biblical phrases using the word "house": "house of mourning," "house of learning," "house of protection," and "house of prayer."<sup>37</sup> While obviously none of these refer to a Christian church, and only the last one even refers to the Temple, it is nevertheless a nice literary flourish.

There are some instances when the same biblical reference is made in a number of different contexts. Matthew 22:21, "Render unto Caesar what is Caesar's and unto God what is God's," is cited as justification for the payment of both tithes and taxes in one place, while admonishing the Church to pay taxes on some of its land in another.<sup>38</sup> The three Gospel stories in which Jesus raises the dead to life are used to illustrate two completely different points. In Title IV they are presented as symbolic of the three types of sin men commit requiring three types of forgiveness. Later, in the same title, in a law forbidding excessive grief they are cited as instances in which Jesus speaks out against mourning.<sup>39</sup> The most frequently used scriptural passage is Matthew 21:13: "My house shall be a house of prayer . . . not a den of thieves." As mentioned earlier, it is used in Title X as a characteristic of a church. In the same title it is used again to explain the use of incense. In Title VI it is used in a law forbidding selling in a church: its one use in context. Finally, Title XI cites

it as justification for revoking the right of church asylum to various criminals.<sup>40</sup>

Scripture is unfortunately misused in the *Primera Partida* as well. There are several minor misquotes. A reference to the Psalms is actually from Ecclesiastes, while a quote from Deuteronomy is attributed to Isaiah, and Isaiah's words are put in the mouth of Jeremiah.<sup>41</sup> Matthew 16:13-20, Peter's profession of faith, is cited in support of papal primacy. While commonly used in this context one mistake is noteworthy: '*cephas*' is translated as 'head.' Both the Greek '*petros*' and the Aramaic '*kepha*' clearly mean 'rock.' This mistranslation, however, fits well with the pope as 'head' of the Church. Extending or changing the meaning of various biblical passages occurs in other instances as well. I Corinthians 13:1 changes from first to third person becoming 'Though a preacher . . . speak by a mouth of an angel . . .' thereby stressing the need for charity among preachers. Likewise, Old Testament references to fidelity in marriage are cited as biblical mandates for clerical celibacy.<sup>42</sup>

There is often a problem with context in the use of scriptural passages. In Title XIII where the stupidity of those who do not believe in the resurrection is derided, Psalms 49 is quoted. The Psalmist, however, is referring to the folly of those enamored with riches. Jesus' command to the ten lepers he has just healed to 'go and show yourselves to the priests' is presented as proof of the need for individual confession.<sup>43</sup> Sometimes the scriptural reference illustrates just the opposite of what is wanted. Law xxxvii of Title IV directs a physician to have his patient confess to a priest before treatment in the same manner as Jesus granted forgiveness prior to curing someone. Unfortunately, the example cited is one of the few instances where Jesus does not forgive prior to healing.<sup>44</sup> In support of paying tithes on big as well as small sums of money Matthew 23:23 is mentioned. Jesus is indeed speaking of tithing; ironically, however, his concern is more for the big items which include 'justice, mercy, and faith.'<sup>45</sup>

The most blatant misuses of Scripture are those references that are simply spurious. The law against mourning states that 'Our Lord . . . forbade it in the Old law when he spoke to Moses and declared to him that paradise was for those who did good; and hell for punishment of the wicked, and that all would rise again on the Day of Judgement.'<sup>46</sup> Such a conversation is not to be found in the Old Testament. Nor is a quote from Jesus, 'Thou shalt not pass the boundaries which were established by thy father in ancient times,' showing that a bishop cannot excommunicate outside his diocese, to be found in the New Testament.<sup>47</sup> In support of granting privileges to the clergy the 'King' of Egypt is cited as having given tax exemption to Jewish priests.<sup>48</sup> Not only does this have no biblical basis, it is anachronistic: Aaron, the first Jewish priest, is

only appointed after the Israelites leave Egypt. Other anachronisms include a reference to Moses as "first bishop of the Jews," and to the episcopal ordination of St. James the Just with Saints Peter, James the Greater, and John presiding.<sup>49</sup> The latter is offered to verify the necessity for the presence of three bishops at the ordination of a fourth. One other reference of note names Solomon as the first exorcist. While not acknowledged in the Old Testament, he does enjoy this reputation in the *Golden Legend* of Jacobus da Voragine.<sup>50</sup>

#### IV

A final interesting point of analysis is what glimpses of the King can be found in the *Primera Partida*. In general since these titles concern the Church they derive their validity from Her authority. There are, however, a few particular instances where royal authority is invoked and the royal "we" inserted. Most often these occasions concern a local or specifically Iberian problem. "We do hereby decree that all pilgrims who go to Santiago . . . shall go and come safe and sound through all our kingdoms."<sup>51</sup> The King intrudes to settle those questions not dealt with in canon law. In Title XX on tithing laws ix and x confront the problem of how tithes should be collected on beasts who pasture in several bishoprics in one year. While not unique to Spain, this clearly is a matter of great importance to the shepherds of the *meseta*. Beginning "We therefore decree . . ." law ix sets forth a system for dividing the tithes between various dioceses depending on how long the animals graze in a particular area. Law x goes on to outline a method of collection using double receipts to insure that a shepherd neither tithes twice nor goes without paying at all.

The presence within Spanish society of large numbers of Jews and Muslims caused its own set of unique problems. Should they be required to venerate the Eucharist when encountering it in a procession? Royal authority is brought to bear on this question in Title IV, law lxiii. Jews and Muslims are to "humble themselves, as Christians do . . . But if he should not be willing to do so, we direct that he leave the street." A violator of this offense is to be imprisoned for three days. A second offense incurs a six-day sentence, and with a third offense the violator is to be brought before the King for punishment. The reasons for the latter are twofold:

First, that Jews and Moors may not be able to say that they are wrongfully subjected to injury in our dominions; second, that the judges . . . may advise them to do wrong through a wish to obtain their property, or on account of the pleasure they may derive in inflicting corporal injury upon them by reason of the hatred they bear them.

This law does not apply to foreign Muslims and Jews, and "we do not approve of their being molested." Of significance is the way in which the King settles a delicate and potentially volatile religious matter in a way that at least acknowledges minority rights and the need for protection of non-Christians, especially non-Christians who are foreign visitors.

The *Primera Partida* also offers some insights into relations between royal and ecclesiastical authority. At times they become interchangeable so that obedience to the king is seen as a religious duty. In the title concerning sacrilege there is one law on things that "are not designated, or specifically stated to be sacrilege, but they are faults which approach it, or are very similar to it." Included here are those "who dispute or oppose a decision or ordinance made by . . . the King, by knowingly speaking ill of it," and cases "where anyone causes sedition among the people by assisting them against the King."<sup>52</sup> In expounding the great blessings, both spiritual and temporal, given to those who pay the tithes a concluding line is tacked on: "God gave them abundance for two reasons, first, because they paid their tithes . . . second, because they paid their taxes to the lords of the land, which every man is bound to do."<sup>53</sup>

There are times in the *Primera Partida* when the authority of the king seems to override that of the Church. A cleric, normally outside the jurisdiction of secular law, may lose this privilege for a variety of reasons, including heresy and insulting or threatening his bishop. Royal justice is swift for those clerics who are caught forging the letter or seal of the king: "he must be deprived of his office and branded with a hot iron on his face."<sup>54</sup> One owing an account to the king cannot be ordained, given a dispensation, or granted asylum in a church.<sup>55</sup> One of the largest insertions of royal authority into ecclesiastical affairs is Title II, law xviii which claims for the kings of Spain the right of approval in the election of bishops. The kings possess this preeminence for three reasons:

. . . first, because they conquered the country of the Moors; . . . second, because they founded churches in localities where none were previously; third, because they endowed them and . . . conferred many favors upon them.

As outlined in the *Partida* this right consists mainly of holding the property of the diocese when its bishop has died, giving permission for an election to be held, and then delivering the property to the new bishop. While not the power of direct appointment, such control of the purse strings aimed at ensuring that the choice made was favorable to the crown.

Perhaps the best statement of royal concern with Church affairs is the

existence of the *Primera Partida* itself. That Alfonso would include the Church in his law code shows that he felt it within his jurisdiction to do so. He is not concerned, for the most part, with theological debates or spiritual reflection. He obviously feels free, however, to comment on the day to day problems of liturgical practice, clerical behavior, and, above all, Church property and revenue. His overall approach is practical, and this is apparent even in his use of Scripture as a source of concrete examples and historical verification rather than religious insight. In this way Alfonso achieves the goal of the *Siete Partidas*:

These laws are ordinances to enable men to live well and regularly according to the pleasures of God and also, as is proper, to live a good life in this world and to observe the religion of Our Lord Jesus Christ *as it is*.<sup>56</sup>

**Linda A. McMillin** received her B.A., *magna cum laude*, in 1981 from Loyola Marymount University where she majored in theology and English. She is currently a graduate student in UCLA's Department of History.

#### NOTES

1. For orientation see the extensive bibliography in P. Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge; D. Mansilla, 1971); V. de LaFuente, *Historia eclesiástica de España*, IV, 2nd ed. (Madrid, 1873); D. Mansilla, *Iglesia Castellano-leonesa y Curia Romano en los Tiempos del Rey San Fernando* (Madrid, 1945); and Ricardo García-Villoslada, director, *Historia de la Iglesia in España*, 7 vols. (Madrid, 1979-82).

2. A complete survey is beyond the scope of this paper. The Archivo Histórico Nacional in Madrid, the Archivo de la Corona de Aragón in Barcelona, not to mention innumerable regional, episcopal, and cathedral archives, have an abundance of documentation waiting to be explored. For ecclesiastical materials see *Guía de los archivos y las bibliotecas de la Iglesia en España*, 2 vols. (Leon, 1985). Among the most prominent published collections of source materials are *España Sagrada*, ed. H. Flores *et al.*, 51 vols. (Madrid, 1747-1863); J. Tejada y Ramiro, *Colección de canones y de todos los concilios de la iglesia de España y de America*, 7 vols. (Madrid, 1859-1863), and J. Villanueva, *Viage literario a las iglesias de España*, 22 vols. (Madrid, 1803-1852).

Literary sources abound, with the works of the Archpriest of Hita and Ramon Llull coming quickly to mind.

3. The best biography of Alfonso is A. Ballesteros Beretta, *Alfonso X el Sabio*, 2nd ed. (Barcelona, 1984). For an English introduction, emphasizing culture, see J. Keller, *Alfonso X, el Sabio* (New York, 1967). The recent collection of studies, *The Worlds of Alfonso the Learned and James the Conqueror*, ed. R.I. Burns, S.J. (Princeton, 1985), contains several excellent articles on various aspects of Alfonso's reign, and concludes with a helpful bibliographical essay. Also of use are the sections devoted to Alfonso in J.N. Hillgarth, *The Spanish Kingdoms*, vol. I (Oxford, 1976). Another recent collection of studies, including an article on Alfonso and the Church by J. O'Callaghan, is to be found in *Thought*, LX, no. 239 (1985). Several volumes will soon appear from the series of government sponsored conferences held in Spain in 1984 on the seventh centenary of Alfonso's death.

4. J. O'Callaghan, "Paths to Ruin," *Worlds of Alfonso*, p. 44.

5. R. MacDonald, "Law and Politics: Alfonso's Program of Political Reform," *Worlds of Alfonso*, p. 172.

6. Hillgarth, p. 310.

7. A listing of the editions of Alfonso's literary works with extensive commentary can be found in E. Procter, *Alfonso X of Castile: Patron of Literature and Learning* (Oxford, 1951). More current information can be found in the annual and occasional thematic bibliographies of the Modern Language Association's *La Corónica*, and in the annual newsletter *Noticiero Alfonsí*, 1 (1982-) published at Wichita State University by A.J. Cárdenas.

8. Hillgarth, p. 216.

9. *Ibid.*, p. 217.

10. Proctor, p. 9.

11. R.I. Burns, S.J., "Intellect and Force," *Worlds of Alfonso*, p. 15.

12. Hillgarth, p. 331.

13. *Ibid.*, pp. 297-8. On the Alfonsine legal corpus in general see the MacDonald article cited above in n. 5; MacDonald, "Problemas politicas y derecho alfonsino considerados desde tres puntos de vista," *Anuario de historia del derecho español*, LIV (1984), 25-53; A. García-Gallo, "La obra legislativa de Alfonso X: hechos y hipótesis," *AHDE*, LIV(1984), 97-161; and J. Craddock, "La cronología de las obras legislativas de Alfonso X el Sabio," *AHDE*, LI (1981), 365-418. Craddock is preparing a complete bibliography on the legislative and juridical works of Alfonso.

14. The first edition of the *Siete Partidas* was edited by Alfonso Díaz de Montalvo and printed in 1491. In 1551 another edition was brought out by Gregorio López, and in 1807 the Real Academia de la Historia produced the definitive edition to date. The English translation quoted in this paper was produced by S. Scott in conjunction with the American Bar Association (New York, 1931). Two variant manuscripts of the *Primera Partida* have been discovered in this century and recently been published. See *Primera Partida según el manuscrito Add. 20.787 del British Museum*, ed. J.A. Arias Bonet (Valladolid, 1975), and *Primera Partida: Hispanic Society of America MS. HC 397/573*, ed. Francisco Ramos Bossini (Granada, 1984). Neither of these works have

been consulted for purposes of this article. For more information see J. Herriott, "A Thirteenth Century Manuscript of the *Primera Partida*," *Speculum*, 13 (1938), 278-294; Herriott, "The Validity of the Printed Editions of the *Primera Partida*," *Romance Philology*, 5 (1951), 165-174; A. García y García, "Un nuevo códice de la Primera Partida de Alfonso X el Sabio: El MS HC:397/573 de la Hispanic Society of America," *AHDE*, 33 (1963), 267-343; and J. A. Arias Bonet, "Nota sobre el códice neoyorquino de la *Primera Partida*," *AHDE*, 42 (1972), 753-755.

15. Scott, p. lii.

16. Burns, p. 22. For recent application of the *Siete Partidas* in California see n.9 in Burns.

17. Proctor, p. 51.

18. The first two titles are relatively short, give an overview of the motivation behind the work, and try to define law, custom, and *fuero*.

19. *Siete Partidas*, I, Tit. III, introduction. All remaining citations, not in full, will be to the *Primera Partida* and will therefore only be identified by title and law.

20. Tit. III, introduction.

21. Tit. IV, introduction.

22. Tit. V, introduction.

23. Tit. VI, laws xii-xxvii.

24. Tit. VI, introduction.

25. Tit. VIII, introduction.

26. Tit. XVII, introduction.

27. Tit. XVII, law x.

28. Tit. XVIII, introduction.

29. Tit. XXII, laws vi-vii, laws xiv-xix.

30. For a discussion of sources see both Herriott and Proctor. Cf. also P. Ballesteros, "Algunas fuentes de las *Partidas*," *Revista de ciencias jurídicas y sociales*, I (1918), 542-547; A. García Solalinde, "Una fuente de las 'Partidas': La 'Disciplina Clericalis' de Pedro Alfonso," *Hispanic Review*, 11 (1934), 241-242; and J. Gimenez y Martínez de Carrojal, "San Raimundo de Peñafort y las Partidas de Alfonso X," *Anthologica Annua*, III (Rome, 1955), 201-338.

31. See Appendix for complete listing.

32. John 11:1-44 and John 5:1-40.

33. Baptism: Tit. IV, law ii and Matthew 3:13-17. Confession: Tit. IV, law xxx and James 5:16. Anointing of sick: Tit. IV, law lxix and James 5:14. Eucharist: Tit. IV, law liv and Matthew 26:26-29. First Fruits: Tit. XIX, introduction and Genesis 4:1-16. Tithes: Tit. XX, introduction and Genesis 14:20, Deuteronomy 14:22-27. Simony: Tit. XVII, law i and Acts 8:9-25, and law ii and II Kings 5:20-27. Unction: Tit. IV, law xvi and Exodus 40:9ff. Incense: Tit. X, law xviii and Psalms 141:2. Linen: Tit. IV, law lviii and John 19:40.

34. Hospitality: Tit. V, law xl and Genesis 18:1ff. Holy Vessels: Tit. IV, law lxiv and Daniel 5:1 ff. Discipline: Tit. V, law xlvi and Samuel 2:12 ff. Obedience: Tit. IX, law xix and Numbers 16:1 ff.

35. I Timothy 3:1-7.
36. Tit. IX, law i and Matthew 16:19, 5:14, 5:13, and 13:11.
37. Tit. X, law xv and Ecclesiastes 7:2, Proverbs 9:4, Psalms 31:2, and Matthew 21:13.
38. Tit. XX, law xx, and Tit. VI, law liii.
39. Tit. IV, law xxiv and law xliii.
40. Tit. X., law xv and law xvii; Tit. XI, law v; Tit. VI, law xxxiv.
41. Tit. VIII, law i should be Ecclesiastes 5:3; Tit. XIX, law x should be Deuteronomy 23:19; and Tit. X, law xvii should be Isaiah 53:7.
42. Peter: Tit. V, law iii. Preaching: Tit. V, law xlii. Celibacy: Tit. V, law xxxviii, Leviticus 18:1 ff. and Song of Songs 1:15.
43. Tit. XIII, introduction and Psalm 49:12. Lepers: Tit. IV, law xxx and Luke 17:11.
44. John 5:1-14.
45. Tit. XX, introduction.
46. Tit. IV, law xliii.
47. Tit. IX, law viii.
48. Tit. VI, law i.
49. Tit. VI, law xi, and Tit. V, law xxvii.
50. Tit. VI, law xi. Jacobus de Voragine, *The Golden Legend*, trans. G. Ryan and H. Ripperger (New York, 1969), p. 353.
51. Tit. XXIV, law ii.
52. Tit. XVIII, law xl.
53. Tit. XX, law xx.
54. Tit. VI, law lx.
55. Tit. VI, law xxii; Tit. V, law lxxv; and Tit. XI, law v.
56. Tit. I, law i.



## APPENDIX: INDEX TO SCRIPTURAL REFERENCES

Title	Law	Biblical Location		
IV	ii	Matthew 3:13-17	vii	
	xiii	Matthew 11:30*		
	xv	Matthew 10:32*	vii	
	xvi	Exodus 40:9 ff.		
	xvii	Matthew 3:1-12		
	xviii	Genesis 3:19*		
	xxiv		Matthew 9:10-26	viii
			Luke 7:11-17	viii
		John 11:1-44		
	xxx		Luke 17:11-19	
			James 5:16	
	xxxvii		John 9:14	
	xliii		Luke 7:11-17	viii
			Matthew 9:18-26	xix
		I Thessalonians 4:13	iii	
	liv		Matthew 26:26-29	
			John 6:1 ff.	
	lvii		John 19:40	
	lix		Matthew 25:34	vi
	lxiv		Daniel 5:1 ff.	ix
lxvii		II Kings 20:10-11		
		John 11:1-44	ix	
	John 9:1-41	viii		
	Matthew 27:45	iii		
lxix		John 5:14	ix	
		Matthew 16:19	viii	
V	i	Matthew 5:14	ix	
		Matthew 5:13	xix	
		Matthew 13:11	xix	
		Matthew 16:13	ix	
	iii		John 1:42	ix
	ix		Psalms 45:14*	ix
	xxx		I Timothy 3:1-7	ix
	xxxviii		Song of Songs 1:15	
	xl		Sirach 45:10-11	v
			I Peter 2:17	xix
	I Corinthians 13:1	ix		

	xliiii	Matthew 10:27 John 18:20
	xliv	Proverbs 5:16 Matthew 13:123 Hebrews 5:11-14
	xlv	Matthew 5:10 II Timothy 4:2 Matthew 10:23 Jeremiah 15:17
	xlvi	Matthew 7:6
	xlvii	Acts 20:27 Revelations 22:11 Genesis 9:18-29 Genesis 21:8-21 Genesis 25:19-34
	xlviii	Samuel 2:12-3:18
	xl ix	Matthew 5:23-24
	lii	Job 16:19 II Corinthians 1:12 Matthew 17:24-27 Matthew 15:10
	lv	Isaiah 5:20
VI	lxvi	Mark 11:24
	x	Exodus 32:25
	xi	I Chronicles 26:1-19
	xxxiv	Matthew 21:13
	liii	Matthew 22:21
VII	introduction	Matthew 19:29
VIII	i	Ecclesiastes 5:3
IX	introduction	Genesis 3:1
	xix	Numbers 16:1 ff.
X	introduction	Exodus 35:1 ff. I Kings 6:1 ff.
	xv	Ecclesiastes 7:2
	xvi	Sirach 51:23
	xvii	Isaiah 55:7 Psalms 31:2
XI	v	Matthew 21:13
XIII	introduction	Psalms 49:12
XV	iv	Exodus 29:31-35

XVI	introduction	I Corinthians 12:12-30
XVII	i	Acts 8:9-25
	ii	II Kings 5:26-27
XIX	introduction	Genesis 4:1-16
	i	Exodus 23:19
	vii	Exodus 23:15
	ix	I Corinthians 9:1-14
	x	Deuteronomy 23:19 Matthew 25:31-46
XX	introduction	Genesis 14:20 Deuteronomy 14:22-27 Matthew 23:23
	xx	Matthew 22:21
	xxi	Malachi 3:6-12
	XXII	viii
	ix	I Corinthians 13:3
	xiii	Sirach 14:14

\*These four references in the text of the *Siete Partidas* are given in Latin while the rest are in Castilian. The reason for this distinction is not immediately apparent, though all four do seem to have been used in a liturgical context.