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Arabicizing, Privileges, and Liturgy in Medieval Castilian Toledo:  
The Problems and Mutations of Mozarab Identification (1085-1436)

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in History

by

Aaron Michael Moreno

2012

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## ABSTRACT OF THE DISSERTATION

Arabicizing, Privileges, and Liturgy in Medieval Castilian Toledo:  
The Problems and Mutations of Mozarab Identification (1085-1436)

by

Aaron Michael Moreno

Doctor of Philosophy in History

University of California, Los Angeles, 2012

Professor Teofilo F. Ruiz, Chair

Most approaches to the history of Mozarabs (Christians with lineal roots in Muslim-ruled Iberia) in Castilian Toledo are framed within linear narratives of assimilation, treating the fates of their communal linguistic, legal, and liturgical traits—that is, the use of Arabic, the enjoyment of communal-specific juridical privileges, and the adherence to the traditional Spanish rite—as a metric for gauging the vitality of their identities.

Having examined Arabic, Latin, and Romance documentary and narrative sources from the eleventh century through the fifteenth century, I argue against such teleological trajectories and ethnic marker assumptions and instead examine the shifting medieval concerns and contexts which shaped the fluid perceptions and definitions of Mozarabs during the centuries following Toledo's sudden shift from Muslim to Latinate control.

My conclusions are greatly strengthened by devoting substantial comparative analyses to native Christians in Norman through Aragonese Sicily and the Crusader States. This hitherto unexplored examination of the Arabic, Greek, Latin, and Romance sources related to medieval Christian communities in the formerly Islamic world not only moves beyond traditional historiographical insularity but also facilitates the reevaluation of ethnic identifications in the medieval Arabo-Latinate and Greco-Latinate frontiers under Latinate Christian rule.

The dissertation of Aaron Michael Moreno is approved.

Patrick Geary

Michael G. Morony

John C. Dagenais

Teofilo F. Ruiz, Committee Chair

University of California, Los Angeles

2012

## DEDICATIONS

This project would have been impossible without the support of many people to whom I am eternally grateful. I would like to thank John G. O'Brien and Jacoba Hurst for planting the notion that history could be more than a pastime, my parents for warming to the idea that I would become a doctor—of philosophy, and Amy Remensnyder for helping me plan how to achieve this goal.

My dissertation committee has been instrumental in my formation as a scholar. As chair and advisor, Teo Ruiz not only guided my research but also taught me how to live as an academic. The probing questions and suggestions of Patrick Geary greatly honed my analytical approach. Michael Morony's close reading of my work was invaluable, and his knowledge of the Islamic world greatly enhanced my research. John Dagenais' secondary source reading suggestions was immensely helpful, and his flexibility during the writing process was greatly appreciated.

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## TABLE OF CONTENTS

Introduction	1 – 23
Chapter 1	24 – 56
Aliases and Immigrants:	
The Employment and Differentiation of Identities	
Chapter 2	58 – 98
Judges and Geography:	
The Legacy of Intra-Christian Parallel Judiciaries in Medieval Toledo	
Appendices	(95 – 98)
Chapter 3	99 – 147
Memories and Notaries of Arabic:	
Language and Mozarab Identity in a Romance World	
Chapter 4	148 – 194
Liturgy, Language and Goths:	
The Shifting Significance of the Spanish Rite in Medieval Toledo	
Appendices	(190 – 194)
Conclusions	195 – 202
Bibliography	203 – 217



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## VITA

Aaron Michael Moreno graduated from Brown University in 2003 and taught English for a year in Japan as part of the Japanese Exchange and Teaching (JET) Programme. He matriculated at the University of California Los Angeles (UCLA) Department of History in 2004 and received a Master's degree in history in 2007.

He has received a number of awards and honors, including a Fulbright Fellowship, Foreign Language and Area Studies grant, and Spanish Ministry of Culture Program for Cultural Cooperation grant; has published several articles and translations in *Parole de l'Orient*, the *International Encyclopaedia for the Middle Ages – Online*, and the *Fasti Ecclesiae Gallicanae* series; and has presented papers in numerous conferences, such as those of the Medieval Academy of America, the American Historical Association, and the Congrès Arabe Chrétien.

## INTRODUCTION

### **History and Historiography of the Mozarabs**

The historiography of *Mozarabs*—individuals who can be identified at a most basic level as Christians with lineal roots in al-Andalus—has always been a faithful indicator of contemporary concerns. Spain’s search for a historical identity in the late nineteenth and early twentieth century resulted in the Mozarabs being remembered alternately as the candle bearers of a timeless Catholic Spanish spirit unbroken by the Muslim conquest of Visigoth *Hispania* in 711 or as a symbol of a unique multi-cultured past which continued to differentiate Spain from the rest of Europe.<sup>1</sup> More recently, medieval history’s embracing of ethnic and identity studies has renewed scholarly interest in Mozarabs, a phenomenon no doubt related to current global concerns regarding immigration and minorities. Significantly, this phenomenon has been particularly represented in Spain by Moroccans, thereby resulting in the first substantial presence of Muslims—and the quotidian employment of Arabic—in Iberia since the early seventeenth century.<sup>2</sup>

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<sup>1</sup> For the primary advocate of the former, see Claudio Sánchez-Albornoz, *España: Un Enigma Histórico*, 2nd ed. (Buenos Aires: Editorial Sudamericana, 1962). For the primary advocate of the latter, see Angel González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices* (Madrid: Instituto de Valencia de Don Juan, 1930). Simonet’s classic study of Mozarab history, mostly focusing on al-Andalus, as well, interpreted Mozarab assimilation with a tragic lens, the unavoidable result of an alluring culture. Francisco Javier Simonet, *Historia de los Mozárabes de España Deducida de los Mejores y Más Auténticos Testimonios de los Escritores Cristianos y Árabes*, 4 vols. (Madrid: Estab. tip. de la viuda e hijos de M. Tello, 1897-1903). For an excellent review of the nineteenth- and twentieth-century historiography of al-Andalus, see James T. Monroe, *Islam and the Arabs in Spanish Scholarship : 16<sup>th</sup> Century to the Present* (Leiden: E.J. Brill, 1970). For two excellent reviews of Mozarab historiography, see Diego Olstein, *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, Las Fuentes y la Historia* (Salamanca: Ediciones Universidad de Salamanca, 2006). 23-50; Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences* (Burlington: Ashgate, 2008).

<sup>2</sup> Modern Spain became a net immigration country in the 1980’s, but this phenomenon only began to receive serious scholarly attention in the mid-1990’s. Tellingly, an issue of the Spanish journal of medieval Andalusí history *al-Qantara* was devoted to Mozarabs precisely during this time (“Andalusí” is the adjectival form for al-Andalus. It does *not* refer to the modern-day region of *Andalucía*). José Cazorla, "La Inmigración Marroquí en España. Datos, Opiniones y Previsiones," *Revista Internacional de Sociología (ser. 3)* 12 (1995); Graciela Sarribe, "El Mediterráneo. Expectativas de Migraciones," *Revista Internacional de Sociología (ser. 3)* 12 (1995); *Al-Qantara*, vol. 15 no. 2. (1994).

Another supportive undercurrent for increased attention to Mozarab studies can be found in a scholarly reaction against the narrative of a *Clash of Civilizations* between the “West” and the Muslim world, resulting in a re-packaging of Américo Castro’s theory of *convivencia*—or the notion that the mostly peaceful and completely unique interactions between Christians, Jews, and Muslims in medieval “Spain” were essential to understanding the historical Spanish essence—into an idealized narrative of a time before modern interfaith antagonisms during which Christians benefitted from or at least were strongly influenced by Muslim culture.<sup>3</sup> In this vision, Mozarabs, being Andalusí Christians who, at least by the ninth century, demonstrated cultural Arabicizing, were *worthy bearers of Islamic culture*.<sup>4</sup>

This emphasis on the cultural Arabicizing of Mozarabs has resulted in a variety of utilizations of the term within a conceptual framework which emphasizes the confluence of the Christian and the Arabic. For example, the “Mozarab language” refers to the assumed Arabic idiom spoken by Andalusí Christians and “Mozarab architecture” describes the Islamic architectural influence on Christian churches beyond al-Andalus.<sup>5</sup> This association with Arabic

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<sup>3</sup> The most obvious recent example of discussing Mozarabs within this mold can be found in Maria Rosa Menocal, *The Ornament of the World : How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* (Boston: Brown, 2002). 130-146. For a recent historiographical review of the concept of *convivencia*, see Alex Novikoff, "Between Tolerance and Intolerance in Medieval Spain: An Historiographic Enigma," *Medieval Encounters* 11, no. 1 (2005). For the term’s originator, see Américo Castro, *España en su Historia : Cristianos, Moros y Judíos* (Buenos Aires: Editorial Losada, 1948).

<sup>4</sup> Margarita López Gómez, "The Mozarabs: Worthy Bearers of Islamic Culture," in *The Legacy of Muslim Spain*, ed. Salma Khadra Jayyusi (New York: Brill, 1992). For evidence of Andalusí Christian cultural Arabicizing since the ninth century, see Kenneth Baxter Wolf, *Christian Martyrs in Muslim Spain* (New York: Cambridge University Press, 1988). For evidence of Andalusí Christian cultural Arabicizing in the tenth century, see Marie-Thérèse Urvoy, "Influence Islamique sur le Vocabulaire d'un Psautier Arabe d'al-Andalus," *Al-Qantara* 15, no. 2 (1994). For evidence of Andalusí Christian cultural Arabicizing in the eleventh century, see Hanna Kassis, "Arabic Speaking Christians in Al-Andalus in an Age of Turmoil (Fifth/Eleventh Century until A.H. 478/A.D. 1085)," *Al-Qantara* 15, no. 2 (1994).

<sup>5</sup> For one of the more recent investigations of the “Mozarab language,” see Yasmine Beale-Rivaya, "On the Relationship between Mozarabic Sibilants and the Andalusian Seseo," *eHumanista* 14 (2010). For an attack on the use of the term *Mozarab* to describe art and architecture, in addition to several proposals for the understanding of Mozarab history not adopted in this work, see Isidro Bango Torviso, "Un Gravísimo Error en la Historiografía Española, el Empleo Equivocado del Término Mozárabe," in *Simposio Internacional: El Legado de al-Andalus. El*

has led most recent historians to avoid identifying Andalusí Christians as *Mozarab* if they were not Arabicizing (especially those of the eighth and early ninth centuries); however, some very un-Arabic traits associated with the Andalusí Arabicizing Christians are still described as *Mozarab*, such as continued adherence to a unique Latin liturgy whose final form was crafted in Visigoth *Hispania*.<sup>6</sup>

The original meaning of the term is unclear. A Romancization of the Arabic *must‘arab* or *must‘arib*—meaning “one who has become Arabicized” or “one who seeks to be Arabicized,” respectively—the word was never employed in al-Andalus. Like their coreligionists in the greater *Dār al-Islām*, Andalusí Muslims described local Christians with epithets evoking their religion—such as *al-Naṣārā* (Nazarenes) or *al-Rūm* (Romans)—or their legal status—such as *al-dimmiyūn* (keepers of the pact), referring to their subservient yet protected status within the Islamic world—or their linguistic/ethnic status—such as *al-‘aġam* (meaning “unintelligible,” or non-Arab).<sup>7</sup>

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*Arte Andalusí en los Reinos de León y Castilla durante la Edad Media* (Valladolid: Fundación del Patrimonio Histórico de Castilla y León, 2007).

<sup>6</sup> Adherence to the Spanish liturgy is a primary means by which individuals currently self-identify as Mozarab. Raúl Gómez-Ruiz, *Mozarabs, Hispanics, and the Cross* (Maryknoll, N.Y.: Orbis Books, 2007). 1-9. Perhaps the most widely known example of referring to the un-Arabicizing Christians of early al-Andalus as *Mozarab* can be found in a collection of Latin texts edited by Juan Gil. Juan Gil, ed. *Corpus Scriptorum Muzarabicorum*, vol. 1-2, *Manuales y Anejos de "Emérita,"* 28 (Madrid: Instituto Antonio de Nebrija, 1973). Ann Christys emphasizes her argument for a largely un-assimilated Andalusí Christian community by completely avoiding the term *Mozarab* and entitling her monograph *Christians in al-Andalus*. Ann Christys, *Christians in al-Andalus (711-1000)* (Richmond (UK): Curzon, 2002).

<sup>7</sup> Because the word *Mozarab* never appears in the Muslim world, Hitchcock argues that it should only be used to describe Arabicizing Christians (and their descendants) in Christian Iberia. Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 1-6. For a review of the terms used to describe the Christians of al-Andalus, in addition to proposed significances and origins of the word *Mozarab*, see Diego Olstein, "Historiografía Mozárabe en su Contexto: Restauración, Dictadura y Democracia," *Reflejos* 8 (1999); Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: ix-xx. For an exhaustive survey of the term's every appearance in the medieval Islamic world, see Dominique Urvoy, "Les Aspects Symboliques du Vocable "Mozarabe": Essai de Reinterpretation," *Studia Islamica* 78 (1993). For an interesting theory on the potential Andalusí Muslim identification of Arabicizing Christians before the tenth century as *Muwalladūn* (more typically understood as “convert”), see Maribel Fierro, "Mawālī and Muwalladūn in al-Andalus (Second/Eighth-Fourth/Tenth Centuries)," in *Patronage and Patronage in Early and Classical Islam*, ed. Wadad Kadi and Rotraud Wielandt (Boston: Brill, 2005).

The word *Mozarab* in fact makes its first Iberian appearance in the kingdom of León, as recorded in a lawsuit brought by the *muzaraves de rex tiraceros nominatis Vincente et Abiahia* (Abū Yaḥyā) *et Iohannes* against the monks of Valdescalce in 1024. Given the term's etymological origin, it is likely that it had referred to some sort of association with Arabicity, or perhaps geographical origin in al-Andalus. Yet despite ample evidence for anthroponymical Arabicizing in León from the ninth century through the eleventh centuries, a certain Dominico Mucceravi (*anno* 1097) is the only other example for the term's currency in the kingdom.<sup>8</sup> With only two laconic utilizations of the word, it would be too tenuous to attempt to draw definitive conclusions concerning its meaning in eleventh-century León.<sup>9</sup>

The term is first attested within the kingdom of Castile in the prized frontier town of Toledo, a holding which had only recently been seized—without bloodshed—in 1085 by Alfonso VI (r.1065-1109) from his overly weak client, the *taifa* (party-state) ruler Yaḥyā al-Qadir II (r.1075-1080, 1081-1085).<sup>10</sup> In a document dated to 1101, Alfonso granted a number of privileges to the Mozarabs of Toledo, be they those whom he had *always loved and valued* in the city or those whom he had *brought from foreign lands as settlers*. From this point, the word *Mozarab* appears regularly throughout the Middle Ages and beyond in documentary and

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<sup>8</sup> For the most recent discussion of the term *Mozarab* and its first appearance in León, in addition to anthroponymic Arabicizing in the kingdom, see Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 1-74. José Manuel Ruiz Asencio, ed. *Colección Documental del Archivo de la Catedral de León*, vol. 4 (León: Centro de Estudios e Investigación "San Isidoro" (CSIC-CECEL) ; Caja de Ahorros y Monte de Piedad ; Archivo Histórico Diocesano, 1987), 610-612 (no. 1294). For an excellent collection of hundreds of examples of Christian Arabicizing in León, in addition to a well-thought-out explanation for the phenomenon, see Francisco Javier Fernández Conde, "Población Mozárabe y Musulmana o "Arabizada" (S. VIII-XI)," in *Monarquía y Sociedad en el Reino de León de Alfonso III a Alfonso VII* (León: Centro de Estudios e Investigación "San Isidro", 2007).

<sup>9</sup> In fact, Hitchcock surmises that the meaning of the term in León may have been qualitatively different than in Toledo, although he is unaware of its second appearance in the kingdom. Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 75-76.

<sup>10</sup> The most detailed account of Toledo's seizure can be found in Bernard F. Reilly, *The Kingdom of León-Castilla under King Alfonso VI, 1065-1109* (Princeton: Princeton University Press, 1988). 122-134.

narrative sources related to the town.<sup>11</sup> It is accordingly in Castilian Toledo that most historians of individuals known as *Mozarab* focus their attention.

### **Historiography of the Mozarabs of Toledo : The Problematique**

Due to the aforementioned motivations for the recent interest in Mozarab history, most investigations of this community have been drawn to the phenomenon of Christian Arabicizing in medieval Toledo, especially as expressed via Arabic anthroponymy and a strikingly long-lived tradition of Christian Arabic notaries in the city, with accompanying Arabic signatures.<sup>12</sup> At the very least, these phenomena are often utilized to identify particular Mozarabs, and historians often assume that these individuals' descendants, regardless of demonstrated Arabicizing, preserved such an identity.<sup>13</sup> These presumed Mozarab ethnic markers—which are in turn often presumed to have reflected, at least for a time, spoken competence in the language—have also received substantial scholarly attention likely due to the modern importance attributed to language in the formation and retention of identity.<sup>14</sup> Accordingly, the scope of such works is

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<sup>11</sup> Although there is evidence of its use in twelfth-century Coïmbra and Huesca, as well. See Cyrille Aillet, "Les Mozarabes : Christianisme et Arabisation en Al-Andalus, IX<sup>e</sup>-XII<sup>e</sup> Siècle" (Université de Paris 8, 2005), 26.

<sup>12</sup> For an excellent study of this Toledan notarial phenomenon, see Howard Delgin Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300" (Yale University, 2003).

<sup>13</sup> For example, Molénat continues to speak of "Mozarab" lineages until their assimilation into non-Toledan families in the mid-fourteenth century, long after any expressed Arabicizing amongst their ranks. Jean-Pierre Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* (Madrid: Casa de Velázquez, 1997). Hernández and Linehan assume that the archbishop and later Cardinal Gonzalvo Petrez (r.1280-1299) must have self-identified as Mozarab and been competent in at least written Arabic, apparently solely on the basis of his descent from Arabicizing Christian Toledans, with the last family member with such a demonstrated lingual ability being his grandfather Juan bin Pedro bin Hārīt, who had died at least seventy years before he ascended to the archiepiscopal see. Francisco J. Hernández and Peter Linehan, *The Mozarabic Cardinal : The Life and Times of Gonzalo Pérez Gudiel* (Tavarnuzze (Florence): SISMELE edizioni del Galluzzo, 2004).

<sup>14</sup> For a classic study on ethnic identity retention, see Wsevolod W. Isajiw, Giuliana Colalillo, and Tomoko Makabe, *Ethnic Identity Retention* (Toronto: Centre for Urban and Community Studies, University of Toronto, 1981). For a more recent example, see Jean S. Phinney et al., "The Role of Language, Parents, and Peers in Ethnic Identity among Adolescents in Immigrant Families," *Journal of Youth and Adolescence* 30, no. 2 (2001). For the assumed longevity of Mozarab linguistic competence in Arabic, see Jean-Pierre Molénat, "La Frontière Linguistique, Principalement à Partir du Cas de Tolède," in *Identidad y Representación de la Frontera en la España Medieval (Siglos XI-XIV): Seminario Celebrado en la Casa de Velázquez y la Universidad Autónoma de Madrid (14-15 de Diciembre de 1998)*, ed. Carolos de Ayala Martínez, Pascal Buresi, and Philippe Josserand (Madrid: Casa de

often limited to either the eventual disappearance of the Toledan Christian Arabic notarial tradition at the turn of the fourteenth century or, less commonly, to the end of Christian Arabic autographs in the mid-fourteenth century. The loss of Arabic is often associated with a weakening of communal coherence (owing to assimilation) or at least the lessening of their fortunes (thereby explaining a desire to not seem overtly *Mozarab*).<sup>15</sup>

Other interpretative avenues to Mozarab histories have been taken, such as studies of the Spanish—or so-called “Mozarab”—rite—which is associated with the Toledan “Mozarab” churches of Santa Eulalia, Santas Justa y Rufina, San Lucas, San Marco, San Sebastian, and San Torcuato.<sup>16</sup> However, an assumed uninterrupted continuity of these religious centers as sites of liturgical worship according to the Spanish liturgy is completely unsubstantiated. Furthermore, examinations of the Spanish liturgy are ultimately placed within the teleological framework of its eventual salvation by Francisco Cisneros, cardinal and archbishop of Toledo (r. 1495-1517).<sup>17</sup>

Concerning another investigative approach, proper attention was devoted a few decades ago to the medieval and early modern resilience of separate privileges reserved for Toledan

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Velázquez, 2001), 120; "L'arabe à Tolède, du XIIIe au XVIIe Siècle," *Al-Qantara* 15, no. 2 (1994): 481-486. For a more conservative view, see <sup>14</sup> Francisco J. Hernández, "Language and Cultural Identity: The Mozarabs of Toledo," in *Miscellanea Domenico Maffei*, ed. Antonio García y García and Peter Weimar (Goldbach: Keip Verlag, 1995), 73-74, 80-81.

<sup>15</sup> For example, see Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300.," Olstein, *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, Las Fuentes y la Historia*. Hernández, "Language and Cultural Identity: The Mozarabs of Toledo." In these examples, only Miller avoids correlating Arabicity with Mozarab communal coherence or fortunes.

<sup>16</sup> Ramón González Ruiz, "La Persistencia del Rito Hispánico o Mozárabe en Toledo Después del Año 1080," *Anales Toledanos*, no. 27 (1990); "Cisneros y la Reforma del Rito Hispano-Mozárabe," *Anales Toledanos*, no. 40 (2004). There is also the seminal study by Meeseguer Fernández and a more recent general history by Gómez-Ruiz: Gómez-Ruiz, *Mozarabs, Hispanics, and the Cross*; Juan OFM Messeguer Fernández, "El Cardenal Jiménez de Cisneros, Fundador de la Capilla Mozárabe," in *Historia Mozárabe: Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, 1975* (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978).

<sup>17</sup> Ramón González provides perhaps the most succinct version of this narrative. González Ruiz, "La Persistencia del Rito Hispánico o Mozárabe en Toledo Después del Año 1080."



Mozarabs and Castilians, including the right to parallel legal codes and dual judiciaries, and this important phenomenon has recently been re-examined, as well.<sup>18</sup> However, historians have often not been able to justify claims for their identifications of specific judges of Mozarabs or Castilians and have not discussed the significance of the law codes as a medium for identity retention.<sup>19</sup>

To be sure, these aforementioned interpretations of Toledan Christian Arabicizing, the Spanish liturgy, and legal privileges as Mozarab ethnic markers have precedence in medieval sources. However, by incorporating these traits into Mozarab history via an examination of their expressions as a function of Mozarab identity, scholars either implicitly establish themselves as arbiters of communal coherence or assume that communal members or their contemporaries had assigned such markers a static significance through the centuries. Additionally, scholars do not agree on the significance of such traits, with some holding that descendants of a designated Mozarab had assimilated once they had lost whichever of the above markers is under investigation, and others continuing to identify such an individual as Mozarab on account of assumed preserved ethnic memory.<sup>20</sup> Furthermore, no scholar has ever devoted full attention to

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<sup>18</sup> Alfonso García-Gallo, "Los Fueros de Toledo," *Anuario de Historia del Derecho Español* 45 (1975); María Luz Alonso Martín, "La Dote en los Documentos Toledanos de los Siglos XII-XV," *Anuario de Historia del Derecho Español* 48, no. 1978 (1978); "La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo," *Anuario de Historia del Derecho Español* 48 (1979); "La Compraventa en los Documentos Toledanos de los Siglos XII - XV," *Anuario de Historia del Derecho Español* 49 (1979); Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*. For the actual privileges, see: Alfonso García-Gallo, "Los Fueros de Toledo : Apendices," *Anuario de Historia del Derecho Español* 45 (1975); Ricardo Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)* (Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, Diputación Provincial de Toledo, 1990).

<sup>19</sup> For an example of the latter case, see Molénat's discussion of the Palomeque family, which I will argue monopolized the line of Castilian judges from the early thirteenth century. Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 157-162.

<sup>20</sup> See notes 13 and 15.

all three aforementioned traits in Toledan Mozarab history, thereby resulting in a fragmented replication of medieval methods of identity ascription.

### **Aims**

In the following pages, I will attempt to rectify this state of Toledan Mozarab historiography via an examination of the various categories of Mozarab identification in the town from the early twelfth-century through early fifteenth-century. As I will demonstrate, Mozarabs of medieval Castilian Toledo certainly were identified through Arabic (whether spoken, redacted, or subscribed), liturgy (via adherence to the Spanish rite or affiliation with six parish churches in which it was celebrated), and law (via their unique Mozarab judiciary and legal code), but the significance attributed to these ethnic markers changed over time, were often overlapping, and were not all common to all self-identifying members of the community. This study will therefore not be a history of Mozarabs *per se* but rather a history of their identifications in Castilian Toledo.

Such aims will necessitate a questioning of established historiography, yet it is undeniable that the completion of this work would be impossible without standing on the shoulders of the formidable scholarship which has been carried out beforehand.<sup>21</sup> Standing beyond the commendable currents of scholarly inertia is always a challenge, but this endeavor will be aided considerably by extending my analysis beyond Toledo's city walls and examining the histories of the indigenous Greek and Arabic Christian communities of medieval Sicily and the indigenous Arabic Christians of the Crusader States of Jerusalem and Antioch, all of which,

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<sup>21</sup> To cite just a few examples: the painstaking genealogical work of Jean-Pierre Molénat is invaluable; the unpublished dissertation of Howard Miller, with an onomastic index of autographic Arabicizers in Toledo, is enlightening; and Richard Hitchcock's recent monograph on Mozarab history summarizes this community's historiography in an unprecedentedly readable and clear manner. Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle*. Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300." . Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*.

like Toledo, had been wrested from Muslim control in the late-eleventh century by Latinate forces.<sup>22</sup>

### **Historiography of the Crusader States and Medieval Christian Sicily**

The Mozarabs have received a considerably more focused and greater amount of historiographical attention than the indigenous Christian communities of both regions being examined for comparison. Regarding the Melkite, Jacobite, Armenian, Maronite, or Nestorian communities of the Crusader states, most studies have focused on the nature of their interactions with the Crusader settlers,<sup>23</sup> while examinations solely dedicated to the medieval history of these

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<sup>22</sup> Sicily had been within the Hellenic cultural sphere since the eighth century BCE, and it was a Byzantine province when it was conquered piecemeal by the *Aglabid*'s from 827 to 965. The island in turn was successfully invaded by Norman-led armies from 1061 to 1091. The Norman Dynasty was replaced by the Hohenstaufen in roughly 1197, who in turn were overthrown by the Angevins in 1262. Sicily was ruled as an independent kingdom by relatives of the Aragonese kings from 1282 until their official incorporation into the realm in 1409. The Kingdom of Jerusalem and the Principality of Antioch were founded by Crusaders in 1099 and 1098, respectively, after the successful seizure of the eponymous cities from Seljuk control. The extents of their holdings were limited to the immediate environs of the coastal centers of Acre and Antioch by the time of their conquests in 1291 and 1268 by the Mamluks. The great study of the Crusader States remains that of Steven Runciman, although there are some more recent, focused, examinations of the Kingdom of Jerusalem and the Principality of Antioch. See Krijna Nelly Ciggaar and D. M. Metcalf, eds., *Antioch from the Byzantine Reconquest until the End of the Crusader Principality : Acta of the Congress Held at Hernen Castle in May 2003*, East and West in the Medieval Eastern Mediterranean (Volume 1) (Leuven; Dudley, Mass.: Uitgeverij Peeters en Departement Oosterse Studies, 2006); Steven Runciman, *A History of the Crusades*, vol. 1-3 (Cambridge, England: University Press, 1951-1954); Iris Shagrir et al., *In Laudem Hierosolymitani : Studies in Crusades and Medieval Culture in Honour of Benjamin Z. Kedar* (Aldershot [England]; Burlington, VT: Ashgate, 2007). For a broad overview of Norman, Hohenstaufen, and early Aragonese Sicily, see Hiroshi Takayama, "Law and Monarchy in the South," in *Italy in the Central Middle Ages : 1000-1300*, ed. David Abulafia (New York: Oxford University Press, 2004). For recent scholarship on Norman Sicily, see G. A. Loud and A. Metcalfe, eds., *The Society of Norman Italy* (Boston: Brill, 2002).

<sup>23</sup> A number of late-nineteenth-century French historians, desiring to depict Crusaders as benevolent colonial antecessors, presented an idyllic assimilationist model of a unified *nation franco-syrienne*, while mid-twentieth-century Anglophone and Israeli scholars reacted to such a vision by speaking of urban Frankish overlords who oppressed segregated rural indigenous Muslims and Christians. For the assimilationist vision, see E. G. Rey, *Les Colonies Franques de Syrie aux XII<sup>me</sup> et XIII<sup>me</sup> Siècles* (Paris: A. Picard, 1883). For the segregated oppressor vision, see Joshua Prawer, *The Latin Kingdom of Jerusalem: European Colonialism in the Middle Ages* (London: Weidenfeld and Nicolson, 1973); R. C. Smail, *Crusading Warfare, 1097-1193* (Cambridge, England: University Press, 1956). Recent forays in the history of Levantine Christians have presented more nuanced frameworks, such as Ellenblum's convincing thesis that Crusaders often lived beyond the few "urban" centers and preferred to settle alongside their indigenous co-religionists when they did so. MacEvitt is also in line with what could be called a post-assimilationist model, arguing for a sort of "rough tolerance," or fluid social boundaries and practical daily interactions amongst Crusader and indigenous Christian communities before the Battle of Hattin. Christopher Hatch MacEvitt, *The Crusades and the Christian World of the East : Rough Tolerance* (Philadelphia: University of Pennsylvania Press, 2008); Roni Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem* (Cambridge, U.K.; New York: Cambridge University Press, 1998). For an excellent "State of the Question," see Andrew Jotischky, "Franks and "Natives" in the Crusader States: The State of the Question," in *The Norman Edge:*

indigenous Christians are mostly limited to the initial centuries following the Muslim conquest.<sup>24</sup>

Of more immediate relevance to my study, some scholarly forays into the ethnography, parallel judiciaries, and scribal traditions of the indigenous, Arabicizing Melkite Christians of the Crusader States have been made, however.<sup>25</sup>

Analyses of Sicilian Arabic Christians have traditionally received attention within broader discussion of the Muslim communities (on account of their shared language), if at all.<sup>26</sup> There have been some recent attempts by Bresc and Nef to devote undivided attention to this community, yet they do their considerable work a disservice by referring to these Christians as *Mozarabs*.<sup>27</sup> Their appropriation of this appellation is carried out on the basis of the common phenomenon of Christian Arabicizing, but, as noted above, such Christians could be found in the

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*Identity and State Formation on the Frontiers of Europe (Symposium Three: Colonial Mentalities)* (Lanaster University: <http://www.lancs.ac.uk/normanedge/events.htm>, 2009).

<sup>24</sup> For good introductory essays devoted to the broader medieval history of two of the larger groups of Christians—Melkites and Jacobites (Syrian Orthodox)—see the following : Sidney H. Griffith, "The Church of Jerusalem and the 'Melkites': The Making of an 'Arab Orthodox' Christian Identity in the World of Islam (750-1050 Ce)," in *Christians and Christianity in the Holy Land: From the Origins to the Latin Kingdoms*, ed. Ora Limor and Guy G. Stroumsa (Turnhout: Brepols, 2006); Michael Morony, "History and Identity in the Syrian Churches," in *Redefining Christian Identity : Cultural Interaction of the Middle East since the Rise of Islam*, ed. J.J. van Ginkel, Murre H.L. Van den Berg, and T.M. van Lint (Dudley, MA: Uitgeverij Peeters, 2005).

<sup>25</sup> See particularly the following: Andrew Jotischky, "Ethnographic Attitudes in the Crusader States : The Franks and the Indigenous Orthodox People," in *East and West in the Crusader States : Context, Contacts, Confrontations : Acta of the Congress Held at Hernen Castle in September 2000*, ed. Krijna Nelly Ciggaar and Herman G. B. Teule (Leuven: Uitgeverij Peeters, 2003); Jonathan Riley-Smith, "Some Lesser Officials in Latin Syria," *The English Historical Review*, no. 342 (1972); Nadia Jamil and Jeremy Johns, "An Original Arabic Document from Crusader Antioch," in *Texts, Documents, and Artefacts : Islamic Studies in Honour of D.S. Richards*, ed. Chase F. Robinson (Boston: Brill, 2003).

<sup>26</sup> For a discussions of the Orientalist and Nationalist motivations of the father of Siculo-Arabic studies, see Karla Mallette, "Orientalism and the Nineteenth-Century Nationalist: Michele Amari, Ernest Renan, and 1848," *Romanic Review* 96, no. 2 (2005). Jeremy Johns and former student Alex Metcalfe have discussed Arabic Christians, and both stress the difficulty in differentiating such Christians from Muslims. Alex Metcalfe, *Muslims and Christians in Norman Sicily: Arabic Speakers and the End of Islam* (New York: Routledge, 2003); Jeremy Johns, "The Greek Church and the Conversion of Muslims in Norman Sicily?," in *Bosphorus : Essays in Honour of Cyril Mango*, ed. Stefanos Efthymiadis, Claudia Rapp, and Demetres Tsoukarakes (Amsterdam: Adolf M. Hakkert, 1995).

<sup>27</sup> Henri Bresc and Annelise Nef, "Les Mozarabes de Sicile (1100-1300)," in *Cavaliere alla Conquista del Sud: Studi Sull'italia Normanna in Memoria de Léon-Robert Ménager*, ed. Errico Cuozzo and Jean-Marie Martin (Rome: Editori Laterza, 1998); Annelise Nef, "L'histoire des Mozarabes de Sicile," in *¿Existe Una Identidad Mozárabe? : Historia, Lengua y Cultura de los Cristianos de al-Andalus (Siglos Ix-Xii)*, ed. Philippe Roisse, Cyrille Aillet, and Mayte Penelas (Madrid: Casa de Velázquez, 2008).

Levant, as well. Thus, as Mozarabs did not have a monopoly on Christian Arabicizing, I will describe the Arabicizing Christians of Sicily simply as *Arabicizing Christians*. I furthermore will examine their similarities with the Mozarabs of Toledo vis-à-vis anthroponyms and instructive differences in notarial traditions, as well, greatly aided by onomastic data and appendices compiled by the aforementioned Sicilian scholars, in addition to Jeremy Johns and Alex Metcalfe.<sup>28</sup>

The historiography of indigenous Sicilian Christians is fragmented along linguistic lines; therefore, none of the aforementioned scholars have devoted significant attention to the Hellenizing Christians of medieval Sicily. By incorporating Greek and Arabic indigenous Sicilian Christians into my broader analysis, my study will also help to rectify fragmented histories in Sicilian historiography.

In the early twentieth century, Greek Christian studies merely were part of a broader metanarrative of the triumph of Latin monasticism, but recent scholarship has focused on these Christian communities in their own right.<sup>29</sup> Vera von Falkenhausen, the foremost scholar of this community, has provided invaluable scholarship for my comparative forays addressing the Greek notarial and juridical traditions, and the unpublished dissertation of Joseph Siciliano has

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<sup>28</sup> See previous note, in addition to Jeremy Johns, "Appendix 2 : Provisional Catalogue of Private Documents," in *Arabic Administration in Norman Sicily: The Royal Dīwān* (Cambridge, U.K.: Cambridge UP, 2002); Metcalfe, *Muslims and Christians in Norman Sicily: Arabic Speakers and the End of Islam*.

<sup>29</sup> For the earliest study, see Lynn Townsend White, *Latin Monasticism in Norman Sicily* (Cambridge, Mass.: Mediaeval Academy of America, 1938). For an insightful re-evaluation of Latin and Greek monasticisms and liturgies in southern Italy—but unfortunately, not in Sicily—see Valerie Ramseyer, *The Transformation of a Religious Landscape : Medieval Southern Italy, 850-1150* (Ithaca, N.Y.: Cornell University Press, 2006).

provided a thorough look at these phenomena, as well.<sup>30</sup> The Greek monasteries of Sicily have not received a recent in-depth analysis.<sup>31</sup>

### Methodology and Sources

My approach to describing the shifting methods of identifying Mozarabs in medieval Castilian Toledo traces the modern historiographical emphasis on language, liturgy, and law for such an endeavor to their medieval precedents, usually first found in contemporary chronicles.<sup>32</sup> This tactic will occasionally result in the re-mapping of chronologies concerning historical perceptions of various traits as *Mozarab*.

Trends of identification divined via analyses of such texts will be confirmed or amended via the incorporation into my study of over five hundred Latin, over one thousand Romance, and approximately two thousand Arabic royal privileges or grants and private transactions from twelfth- to mid-fourteenth-century Toledo.<sup>33</sup> The vast majority of Toledan Arabic documents—originally preserved in the archives of the cathedral of Santa Maria and convent of San Clemente—has been transcribed into an immensely helpful three-volume edition organized by

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<sup>30</sup> It is impossible to do von Falkenhausen's prolific bibliography justice in a short note, but for a helpful introduction, see Vera von Falkenhausen, "The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek," in *The Society of Norman Italy*, ed. Alex Metcalfe and G.A. Loud (Boston: Brill, 2002).

<sup>31</sup> Although Peter Herde is a very good start for Sicily and Southern Italy. Peter Herde, "The Papacy and the Greek Church in Southern Italy between the Eleventh and the Thirteenth Century," in *The Society of Norman Italy*, ed. G.A. Loud and Alex Metcalfe (Leiden: Brill, 2002).

<sup>32</sup> The primary chronicles utilized are the following : *Chronica Adefonsi Imperatoris* (mid-twelfth century), *Historia de Rebus Hispanie* (mid-thirteenth century), *Estoria de España* (late thirteenth century), and *Crónica del Rey Don Pedro* (turn of the fifteenth century). Emma Falque Rey, Juan Gil, and Antonio Maya, eds., *Chronica Hispana Saeculi XII*, vol. 1 (Turnhout: Brepols, 1990); Iñes Fernández-Ordóñez, ed. *Versión Crítica de la Estoria de España: Estudio y Edición desde Pelayo Hasta Ordoño II*, Fuentes Cronísticas de la Historia de España; 6 (Madrid: Fundación Ramón Menéndez Pidal; Universidad Autónoma de Madrid, 1993); Ramón Menéndez Pidal, ed. *Primera Crónica General de España*, 3 ed., vol. 2 (Madrid: Gredos, 1977); Rodrigo Jiménez de Rada, *Historia de Rebus Hispanie Sive Historia Gothica*, ed. Juan Fernández Valverde, Corpus Christianorum: Continuatio Mediaevalis (Turnhout: Brepols, 1987); Pedro López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*, ed. Germán Orduna, 2 vols., vol. 1, Ediciones Críticas (Buenos Aires: SECRIT : Ediciones INCIPIT, 1994).

<sup>33</sup> Arabic documents were reserved for private transactions in Christian Iberia.

Ángel González-Palencia.<sup>34</sup> Francisco Hernández's collection of Toledan Latin documents has provided a similar valuable service, but most Toledan Romance documents, which first regularly appear in 1220's and became dominant by 1260, must be consulted in the archives—especially the Archivo de la Catedral de Toledo (ACT) and the Archivo Histórico Nacional de Madrid (AHN), the latter of which houses a number of documents in all languages originally held in the Toledan Cathedral.<sup>35</sup>

While a number of royal grants and privileges are essential to my study, the majority of the documents consulted are private transactions—more specifically, bills of sale, although there are a number of lawsuits and last wills and testaments, as well.<sup>36</sup> Such texts provide information about thousands of individuals through the centuries and allow us to trace overlapping trends in autographs, anthroponymy, marriage, professions, legal adherence, and piety that are essential to my analyses.<sup>37</sup> Regarding the first avenue of investigation, a central argument adopted in this work is that the act of subscribing a signature often signified the manner in which an individual wished to be identified; therefore, the language of said autographs in a multilingual society held especial significance. As the Latin and—rarely—Arabic notarial traditions do not always notify the reader when the scribe is subscribing on behalf of a witness or participant, an examination of

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<sup>34</sup> Ángel González Palencia, ed. *Los Mozárabes de Toledo en los Siglos XII y XIII*, 4 vols. (Madrid: Instituto de Valencia de Don Juan, 1926).

<sup>35</sup> Francisco J. Hernández, ed. *Los Cartularios de Toledo: Catálogo Documental*, 2 ed. (Madrid: Fundación Ramón Areces, 1996).

<sup>36</sup> Additional key primary sources not heretofore mentioned include the following: Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*; Messeguer Fernández, "El Cardenal Jiménez de Cisneros, Fundador de la Capilla Mozárabe : Apendice Documental 7, Del Riteo y Misa Mozárabe Por Juan Cuero de España, Nobiliario."; Ramón González Ruiz, "El Arcediano Joffré de Loaysa y Las Parroquias Urbanas de Toledo en 1300 : Apendice," in *Historia Mozárabe : Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, Toledo, 1975* (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978). Biblioteca Nacional de España de Madrid (BN) Colección Burriel MS13094 ff151r-152r, 223r-223v.

<sup>37</sup> The term "autographic" is my own, referring to the act of subscribing a document.

all original manuscripts is essential. The aforementioned archives are also particularly useful for examining a number of Arabic transactions—or Romance transactions with Arabic signatures—not included in the aforementioned published sources.<sup>38</sup>

The framework described in the preceding paragraphs has also been applied to the Kingdom of Jerusalem (twelfth century), the Principality of Antioch (thirteenth century) and Sicily (twelfth through early fourteenth centuries). In the case of the first, however, the only documentary sources which survive—mostly via later copies—are Latin cartularies. In the case of the second, history has only preserved three thirteenth-century Arabic transactions—two of which are only recorded in later summaries.<sup>39</sup>

Historians are more fortunate in regards to the Arabic, Greek, and Latin documents of medieval Sicily.<sup>40</sup> I will focus on the island's hundreds of non-Latinate documents which monopolized private transactions during the Norman period, with especial attention devoted to roughly sixty such Greek transactions from the diocese of Messina and the thirty-two such Arabic transactions from Palermo. Twenty Messinan Latin transactions with Greek signatures—almost exclusively from the thirteenth and early fourteenth centuries—have been examined, as well. The most commonly utilized published transcriptions of Sicilian Greek and Arabic texts are

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<sup>38</sup> Regarding the AHN, see the following sections: Augustinas Calzadas (Santa Úrsula), Clero-Secular (Catedral and San Clemente), and Órdenes Militares (Calatrava and Úcles).

<sup>39</sup> For narrative and documentary sources concerning the Crusader States, see the following: Reinhold Röhrich, ed. *Regesta Regni Hierosolymitani, MXCVII-MCCXCI*, 2 vols. (New York: B. Franklin, 1960); Arthur Beugnot, ed. *Recueil des Historiens des Croisades. Assises de Jérusalem; ou, Recueil des Ouvrages de Jurisprudence, Composés pendant le XIIIe Siècle dans les Royaumes de Jérusalem et de Chypre. Lois*, 2 vols., vol. 1 (Farnborough, Hants.: Gregg, 1967). For information regarding the two aforementioned summaries of Arabic transactions from Crusader Antioch, in addition to a translation, transcription, and edition of the sole surviving Arabic transaction, see Jamil and Johns, "An Original Arabic Document from Crusader Antioch."

<sup>40</sup> Latin and Arabic narrative sources have been examined, as well, including: Geoffrey Malaterra, *De Rebus Gestis Rogerii Calabriae et Siciliae Comitis et Roberti Guiscardis Ducis ... A Cura di Ernesto Pontieri*, ed. Ernesto Pontieri (Bologna 1927); Muḥammad ibn Aḥmad Ibn Jubayr, *Travels of Ibn Jubayr*, ed. William Wright and M. J. de Goeje, 2nd ed. (Leyden: Brill, 1907).



those collected in the tome of Salvatore Cusa, but it is unfortunately neither complete nor free from errors.<sup>41</sup> To further complicate matters, a number of documents recorded by Cusa—in addition to those recorded in separate collections—are currently lost; however, original manuscripts preserved in the Archivio di Capitolo della Cappella Palatina di Palermo and the Archivio di Stato di Palermo have been consulted whenever possible.<sup>42</sup>

### Theory

At this point it is useful to comment upon the terminology employed to describe my approach to Mozarab history. A main goal of my research will be to argue against static historical understandings and ascriptions of the term *Mozarab* in medieval Toledo. Accordingly, I have found the proposed analytical term *identification* as a preferable alternative to the more traditional descriptive concept of *identity*, as the latter, in the words of Brubaker and Cooper, *designates a condition, thereby implying too easy a fit between the individual and the social*, while the former *invites us to specify the agents that do the identifying and the processes of such*, thereby countering the temptation to *presuppose that identifying will result in the internal*

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<sup>41</sup> Salvatore Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia* (Palermo: reprinted by Böhlau Verlag, Köln and Wien, 1982).

<sup>42</sup> Additional transcribed collections include André Guillou, ed. *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)* (Palermo: Santa Maria delle Moniali, 1963); André (ed.) Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," in *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)*, ed. André Guillou (Palermo: Santa Maria delle Moniali, 1963); Johns, "Appendix 2 : Provisional Catalogue of Private Documents."; Henri Bresc, "La Propriété Foncière des Musulmans dans la Sicile du XII<sup>e</sup> Siècle: Trois Documents Inédits," in *Giornata di Studio del Nuovo Sulla Sicilia Musulmana, Fondazione Leone Caetani 26* (Rome: Accademia Nazionale dei Lincei, 1995). Relevant original Greek, Arabic, and Latin manuscripts from the following archives have been utilized: the Capella Palatina in Palermo (with especial thanks to Mons. Gaetano Tulipano) and the Archivio di Stato di Palermo, with the latter comprising the following tabularies: San Filippo di Fragalà (Messina), Santa Maria Maddalena di Valle Giosafat (Messina), Santa Maria della Grotta (Palermo), Santa Margherita di Polizzi (Palermo), and a section known as *Pergamene di diversa provenienza*. The entire tabularies of Santa Maria Maddalena di Valle Giosafat and Santa Margherita di Polizzi are available online (!) at <http://www.archivi-sias.it>.

*sameness, distinctiveness, or bounded groupness that political entrepreneurs may seek to achieve.*<sup>43</sup>

In a similar vein, when speaking of “Mozarabs,” I will be referring to the understanding of the term ascribed to by contemporaries in the particular context under investigation. Any scholarly discussion of a Mozarab community which goes beyond the purely contextual will be limited to Toledan Christians of lineal Andalusí origin.

Additionally, when describing the lingual nature of individuals or their anthroponyms and autographs, I will not employ the traditional past participle form (e.g. *Arabicized*) but instead will utilize the present participle (e.g. *Arabicizing*) in order to stress the often conscious choice to associate with Latinate or non-Latinate languages, or at the least, the conscious awareness of their social significance. Thus, I will speak of the phenomena of *Arabicizing* and *Latinizing*, and individuals displaying such traits will be described as *Arabicizers* and *Latinizers*. In the course of my investigations, it became quite clear that such parallel linguistic realities—whether expressed in anthroponyms, autographs, or notarial traditions—were found not only in medieval Castilian Toledo but also the contemporary realms of the Crusader States and Christian Sicily, with the latter requiring the coining of the terms *Hellenizing* and *Hellenizers*.

While these three aforementioned regions are found within what could be described as the Mediterranean, it is more accurate to describe them as areas formerly within the *Dār al-Islām* which had recently been conquered by Latinate forces.<sup>44</sup> Furthermore, the immediate sphere of Toledo was strictly within Iberia, not the Great Sea. The following chapters will therefore be a history of the similar methods employed and structures established for the identification or

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<sup>43</sup> Rogers Brubaker and Frederick Cooper, "Beyond Identity," *Theory and Society* 29, no. 1 (2000): especially 14-16.

<sup>44</sup> For a very good review of various definitions of the Mediterranean, see David Abulafia, "What Is the Mediterranean?," in *The Mediterranean in History*, ed. David Abulafia (London: Thames & Hudson, 2003).

delineation of indigenous Christian communities within these Latin-controlled regions with Muslim pasts.

### **Structure**

My work is divided into four chapters: the first is dedicated to a discussion of anthroponymical and autographic lingual fluidity in Castilian Toledo (twelfth through early thirteenth centuries) and Norman Sicily (twelfth century); the second to the phenomenon of parallel intra-Christian juridical and judicial systems in Castilian Toledo (twelfth through the early fifteenth centuries), Christian Messina (twelfth century), and Crusader Jerusalem (twelfth century); the third to the significance of Arabic amongst the Mozarab judiciaries and notaries of Castilian Toledo (twelfth through mid-thirteenth and mid-fourteenth centuries, respectively), the public Muslim notariat of Norman Palermo (twelfth century), and the royal and public notaries of Crusader Antioch (thirteenth century); and the fourth to the evolving significance attributed to the Spanish liturgy in Castilian Toledo (late eleventh through early fifteenth centuries) and the interrelated reasons for the long life of the Greek autographs amongst Messinan judges and clergy in Christian Sicily (twelfth through early fourteenth centuries).

More specifically, Chapter One questions the traditional scholarly practice of searching in Toledan documentary sources for Christians with Arabic anthroponyms or Arabic subscriptions as a sole means of identifying Mozarabs. While Arabicizing was associated with Christians of Andalusí lineage, there are a number of twelfth-century and early thirteenth-century individuals with Arabic names, naming patterns, and/or autographic competency who were explicitly identified as being of non-Andalusí origin or non-Mozarab ethnicity. Thus, historians have counted an undeterminable number of Arabicizing Toledans as Mozarab when they were not considered as such by contemporaries. Furthermore, the practice of bearing dual Arabic-Latinate

names—more frequent than admitted—can often be hidden by documentary evidence, for if a scribe does not reveal such an individual’s alternate appellation, the scholar is only informed of the name which the participant or notary chose to present in the transaction’s particular context. Both of these pitfalls regarding the simple correlation of language and identity are also found in Norman Sicilian documentary evidence for local Arabicizers, Hellenizers and Latinizers, thereby suggesting that the aforementioned nature of lingual fluidity was common to formerly Muslim regions controlled by Latinate rulers.

One phenomenon unique to Toledo, however, was the striking extent to which cathedral and parish clergy from Arabicizing—and occasionally explicitly Mozarab—families preferred to utilize their Latinate alternate names or avoid Arabic subscriptions, a finding which further discredits Arabic as a sole means of identifying Mozarabs, for unless scholars are fortunate enough to be able to prosopographically link such individuals to assumed Mozarab relatives, they are counted as being of non-Andalusí origin.

Chapter Two examines the significance of the Toledan dual Mozarab-Castilian judiciary and juridical organization in the context of its similarity with Norman Sicily and the Latin Kingdom of Jerusalem. A comparative analysis of the right of the Greek Christians in Norman Sicily and Syrian (Melkite) Christians in Latin Jerusalem to adhere to their own law codes and to have access to their own judges allows us to argue that such a legal system in Castilian Toledo was in fact the result of a common preference of rulers to preserve pre-existing Islamic structures vis-à-vis the *ḍimmī*, or protected and legally separate communities of Christians and Jews.

Focusing on Castilian Toledo, I further posit that a key early means of identifying Mozarabs within such a legal context was their geographic origin. As for the survival of a dual juridical and judicial system itself, a likely explanation lies in the desire of Mozarab and

Castilian urban knights, or *caballeros*, to preserve a prestigious and likely lucrative office for each community and also the desire of Toledans to navigate the two courts and their respective law codes for a favorable outcome. Chapter Two therefore is also an analysis of the motivations for an individual to self-identify as Mozarab. Finally, through a detailed investigation of the correlation of genealogies and examples of explicitly identified judges of the Mozarabs and judges of the Castilians, this chapter presents for the first time a list of Mozarab and Castilian lead judges—known as *alguacil-alcaldes* or *alcalde mayores*—from the early twelfth century to the early fifteenth centuries.

Chapter Three investigates the contexts in which Arabic held a definitive association with Mozarabs via an examination of Arabicity expressed by Mozarab judges and Christian Arabic notaries—and their respective families. In this chapter, I employ the judge list established in Chapter Two in order to establish a strong correlation between Mozarab *alguacil-alcaldes* and autographic Arabicity—found to be completely lacking in my proposed line of Castilian judges—from the twelfth through the mid-thirteenth centuries. Additionally, via a comprehensive analysis of narrative and documentary sources, I propose that by the 1230's, Toledan Arabicity had become unusual and perceived as a historical Mozarab phenomenon belonging to the most recent Christian immigrants from al-Andalus: those who fled the *Muwahhid* invasion of the late 1140's.<sup>45</sup> Thus, when Mozarab judges subscribed a document in Arabic from the 1230's to the 1250's, they were performing Mozarabicity.

Chapter Three also examines the Toledan tradition of Christian Arabic public notaries. Notarial Arabic survived in Toledo until its abrupt, likely mandated, disappearance at the turn of the fourteenth century, well beyond the documented association of Arabic with historical

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<sup>45</sup> The *Muwahhid*'s are known as *Almoravids* in English parlance.

Mozarabicity from the 1230's. Thus, when coupled with the examples of Mozarab alguacil-alcaldes who were also Arabic notaries in the early thirteenth century, I can confidently assert that these scribes were considered Mozarabs by their contemporaries.

This chapter also traces the little-addressed phenomenon of Mozarab Romance notaries—many demonstrably descended from Arabic notaries—who identified themselves as such via dual Romance-Arabic signatures, an endeavor which allows me to determine the reason for the loss of a correlation between Mozarabs and Arabicity that is observed by the turn of the fifteenth century. By examining the contemporary context of their sudden mid-fourteenth-century abandonment of Arabicity via the adoption of dual Romance-Latin signatures, I argue that while these notaries still wished to draw attention to their genealogical notarial past, they also desired to disassociate themselves from Arabic, for association with the language risked linking these professionals to the scribally Arabicizing Jews, who were at the time subject to a particularly virulent Trastamaran propaganda attack.

A comparison with Norman Palermo and thirteenth-century Crusader Antioch helps us better understand the popularity of Toledan Arabic notaries, in addition to informing us of a unique Castilian response to its Arabicizing towns. Although Palermo had a significant Arabicizing Christian population, the only public Arabic notaries in the region were Muslim, and they redacted documents on behalf of their coreligionists. Thus, Palermitan Christians, regardless of their origins, turned to Greek public notaries, a decision almost certainly related to the strong presence of Greek judges. Likewise, Toledan Arabic notaries likely received a significant impetus for employment on account of the Mozarab judges who would have initially preferred Arabic legal contracts, owing to their familiar language and especially legal traditions. Thus, the

language of judges was a significant factor in determining the language of legally binding contracts redacted by co-religionists.

A significant dissimilarity, however, is found in the Castilian royal chancery's striking refusal to issue documents in Arabic. A comparison with Antioch suggests that this decision may have been partially based upon the presence of comparatively fewer Muslims, or at least Muslims in positions of power. A comparison with the Arabic-language royal *diwān*, or fiscal and land-holding administration, of Norman Sicily further suggests that Arabic held much less symbolic value in Castile.

Chapter Four examines the significance of liturgies associated with the indigenous Christians of Toledo and Messina. An examination of the significance of scribal and autographic Hellenizing in Sicily is accordingly carried out in this section on account of these phenomena's close relationship with Greek clergy. I argue that the language of the Rite of Saint Basil gave local clergy a formidable motivation to maintain competency in Greek. When coupled with the significant early financial Norman support demonstrated towards Greek monasteries, the Greek language maintained a desirable aura. This lingual status can explain why a number of Greek judges requested Greek scribes or clergy to subscribe Latin documents in the Greek language on their behalf as late as the early fourteenth century, over fifty years after the majority of these judicial officials had lost such ability.

An examination of the traditional Spanish rite is a bit more complex. I argue against most historiographical assumptions of uninterrupted adherence to the Spanish liturgy in six parish churches—San Eulalia, Santas Justa y Rufina, San Lucas, San Marcos, San Sebastian, and San Torcuato—from the time of the Visigoths. Rather, I hold that the liturgy was gradually being supplanted in post-Castilian-conquest Toledo by the Roman rite and was not associated with

Mozarabs until the arrival of the aforementioned Andalusí Christian refugees in the late 1140's. Having not been present for the slow process of liturgical Romanization, these new Mozarabs either appropriated or founded six parish churches in which they could preserve their liturgical traditions. These proposals are supported by the fact that neither association of Mozarabs with the Spanish rite nor mention of any parish later associated with the Mozarabs is made until approximately the 1150's. Furthermore, Toledans with attested roots prior to the 1140's demonstrated financial piety towards a number of parish churches, yet none of them were "Mozarab" parishes.

Although the data is relatively small in size, a number of these six parish churches had a significantly high proportion of autographic and anthroponymic Arabicizing, a phenomenon quite rare before the 1140's. This finding further establishes these centers' identification as Mozarab and increases the likelihood that their clergy were—or were related to—recent immigrants. The Arabicizing, however, largely disappeared by the 1190's—within two generations—likely because the Latin Spanish liturgy and the comparable lack of royal propagandic attachment to Arabic presented the clergy with no immediate motivation to preserve the language of al-Andalus.

The liturgy, in addition to the law code utilized by Mozarabs—known as the *Libro Juzgo*—would be interpreted in the early fifteenth century as mediators to a Visigoth past, thereby resulting in the Mozarabs being perceived as preservers of Gothic traditions. This association would lead to one of the earliest attempts to appropriate the claimed Visigoth heritage of Castilian kings for all the subjects of the realm via the establishment of a church in Aniago devoted to the "Gothic" liturgy. Such an endeavor was clearly influenced by the new debates concerning lineage spurred in the wake of the mass conversions of 1391.



The thematic organization of these chapters makes clear that not all “Mozarab” traits were expressed by all self-identified Mozarabs at the same time. For example, Arabicity was expressed by Mozarab alguacil-alcaldes until the mid-thirteenth century and by the Mozarab notaries until the mid-fourteenth century. Furthermore, a thematic approach to the history of Mozarab identification facilitates the comparative examination of similar phenomena in medieval Christian Sicily, the Latin Kingdom of Jerusalem, and the Principate of Antioch, an exercise which places Castilian Toledo within the broader context of regions wrested from the control of the Muslim world and helps explain certain developments observed in Mozarab identification.

During the course of my investigation, I will demonstrate that while Arabic was associated with Mozarabs from the earliest days of Castilian Toledo, it achieved especial significance from the mid-thirteenth century until the ceasing of its expression in the mid-fourteenth century. The dual judiciary and juridical organization of Toledo, however, provided a continuous means—and motivation—for identifying as Mozarab through the fifteenth century and beyond. The Spanish liturgy, once the common rite of all Iberia, was not perceived as *Mozarab* until the mid-twelfth century. By the turn of the fifteenth century, however, it was perceived as Mozarab *and* Gothic, and this association would eventually result in the Mozarabs being perceived as such in the Early Modern Era, a strand of identification still current amongst the citizens of Toledo.

## **CHAPTER ONE**

### **Aliases and Immigrants:**

#### **The Employment and Differentiation of Identities**

##### **Two Tales of Two Names**

Some time in the 1110's, the lay and clerical settlers of Dār al-Ḥāzin, a village to the west of the frontier metropolis of Christian Toledo, decided to cultivate a plot of land that had grown “rough and uncultivated since the time of the Saracens.”<sup>1</sup> There was much profit to be made from not only the fruits of the soil but also a derelict waterwheel which, once repaired, would prove useful for irrigation.

The two parish churches of Santa Leocadia de Afuera and San Martín—owners of the property in question—were quite keen on the proposal, for Toledo had suffered substantial depopulation in the wake of its seizure in 1085 by Alfonso VI of Leon-Castile (r. 1072-1109). The king had clearly wanted local Muslims—the majority of the population—to remain when he took the city and had provided very favorable surrender terms, including the right of non-Christians to keep all possessions and a promise to leave the grand mosque untouched. The arrival of Bernard de Sédillac (d. 1124), who became bishop of Toledo in 1086 as part of a wave of Frankish Cluniac immigrants, may have convinced most Muslims that it would be better to leave, as he either orchestrated or allowed the forceful conversion of the grand mosque into a church.<sup>2</sup>

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<sup>1</sup> *Rude et incultum a diebus sarracenorum*. Angel González Palencia, ed. *Los Mozárabes de Toledo en los Siglos XII y XIII*, 4 vols. (Madrid: Instituto de Valencia de Don Juan, 1926). MT 966 a1121. Following conventional practice, all citations from this source, henceforth abbreviated as “MT,” will refer to *document numbers*, not page numbers. All dates will refer to the Common Era. Thus, MT 966 a1121 refers to Document 966 of *Los Mozárabes de Toledo*, which was redacted in 1121 CE.

<sup>2</sup> For evidence of Muslim emigration, see Jean-Pierre Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* (Madrid: Casa de Velázquez, 1997). 31-36.

And so the actors in the transaction would seem to be overwhelmingly Christian and Latinate. The two churches agreed to allow the settlers to cultivate the land in Dār al-Ḥāzin on the condition that the institutions be allowed to reclaim half of the property after three years. In compensation, the settlers would be reimbursed for half of their expenses. Pedro, a priest of the parish church of San Justo, was put in charge of the property belonging to Santa Leocadia, and after three years had passed, the archbishop Bernard de Sédirac sent the priests Augustine and Christopher in addition to the judge (*iudex*) Ibn Qurayš to divide the property.<sup>3</sup> Pedro promptly billed Santa Leocadia 160 *solidi*, an enormous sum, and after complaints from the priest Miguel, administrator (*prefectus*) of the church, the amount was reduced to one hundred *solidi*. This settlement was small consolation to the financially troubled Santa Leocadia. Sensing opportunity, Bernard de Périgord, Frankish immigrant and archdeacon of Toledo, offered to pay the disgruntled Pedro. As his clerical rank was just below that of bishop, Bernard had deep pockets, and in return for his generosity—and his promise to rebuild the dilapidated church—Santa Leocadia agreed to grant him usufruct for life and the right to bequeath a quarter of the property to his heirs. The priest Miguel signed this agreement, and Pedro likely did as well.<sup>4</sup>

The record of this legal settlement, redacted in Latin, gives only a hint of any continuing legacy of Toledo’s Andalusí past, with its passing allusion to the “time of the Saracens” and the participation of the anthroponymically Arabicizing judge Ibn Qurayš.<sup>5</sup> The other parties

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<sup>3</sup> Toledo had been raised to archiepiscopal status in 1088 by Pope Urban II (r. 1088-1099).

<sup>4</sup> Pedro would have been the fourth person to sign his name to the document—a very high position of importance—after the bishop Bernard and two other actors in the transaction, as *Petrus presbiter testis*. Miguel signed his name as *Ego Michael eiusdem ecclesie presbiter testis*. MT 966 a1121. Interestingly, only the Arabic version of this document identifies Augustine and Christopher as priests.

<sup>5</sup> “Andalusí” is the conventional adjectival term for al-Andalus, or Muslim Iberia. It does *not* refer to the modern-day Spanish region of Andalucía.

mentioned, and the signatories as well, have no trace of any Arabicizing, and a number of them are clearly Frankish immigrants.

Or so it would seem, if an Arabic copy of the settlement—with a differing witness list—had not been redacted on the very same parchment.<sup>6</sup> The non-Latin version informs the reader that a certain deacon named Ḥair had also been sent by the archbishop to divide Santa Leocadia's property, and it also refers to the demanding priest from Saint Justo not as Pedro but rather as ʿAbd al-ʿAzīz bin Suhayl. Similarly, the *prefectus* and priest of Santa Leocadia is not Miguel but rather Yaʿīsh bin ʿAbd Allāh. A certain Yaḥyā bin Qurayš—very likely the aforementioned judge Ibn Qurayš—is recorded as a witness to the transaction, as is “the priest Yaʿīš,” certainly the aforementioned financially pressed cleric. Suddenly, the landscape, clerically speaking at least, seems significantly more Arabicizing.<sup>7</sup>

ʿAbd al-ʿAzīz bin Suhayl and Yaʿīsh bin ʿAbd Allāh would be Mozarabs, that is, members of a community defined most often in current historiography as the descendants of the culturally Arabicizing Christians of al-Andalus.<sup>8</sup> Is impossible to know what percentage of the population of Toledo had been Christian before 1085, but if the sparse human landscape left behind by emigrating Muslims is any indication, they had not been the majority.<sup>9</sup> The numbers

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<sup>6</sup> Both versions can be found in MT 966 a1121.

<sup>7</sup> In this chapter, I will describe the Arabicity of individuals via the term “Arabicizing” rather than “Arabicized” in order to stress that the employment or avoidance of Arabic was often a conscious choice, as will be argued below.

<sup>8</sup> The first to define these priests as Mozarab was Gonzalez Palencia. Angel González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices* (Madrid: Instituto de Valencia de Don Juan, 1930). 122-123. For an extensive discussion of the historiography of Mozarabs, see my Introduction.

<sup>9</sup> Julio González González argues for a small population, Reyna Pastor de Togneri argues for a large population, and Richard Hitchcock admits his uncertainty regarding the matter. Julio González González, “Los Mozárabes Toledanos desde el Siglo XI Hasta el Cardenal Cisneros,” in *Historia Mozárabe: Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, Toledo, 1975* (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978); Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences* (Burlington: Ashgate, 2008). 79-80; Reyna Pastor de Togneri, “Problemas de la Asimilación de una Minoría: Los Mozárabes de Toledo,” *Annales. Economies, Sociétés, Civilisations* 25, no. 2 (1970).

of Arabicizing Christians were bolstered by immigration from al-Andalus, especially in the wake of the Muwahḥid policy of conversion or death enacted upon their invasion of the southern Peninsula in 1146.<sup>10</sup> As the dominant narrative goes, Mozarabs, although a minority in the face of northern Iberian and trans-Pyrenean immigration, were the dominant cultural force—or even “assimilators”—of Toledo from the twelfth until even the early fourteenth century.<sup>11</sup> This view will be addressed below, but it is undeniable that there were significant strands of Arabicizing during this time in Toledo. In fact, the document examined above, originally held in the Toledo Cathedral, is actually part of a relatively smaller corpus of Latin and Romance documents from 1085 to the end of the thirteenth century, as compared to the approximately 1,200 business and legal transactions redacted in Arabic, mostly located in the Cathedral and also the convent of San Clemente.<sup>12</sup> As for the individuals recorded in these manuscripts, one study holds that roughly twenty-seven percent of their number was represented by anthroponymically and autographically Arabicizing individuals until the year 1300.<sup>13</sup> As the fourteenth century approached, however, the number of Arabic documentation and Arabicized names dwindled, an apparent symptom of acculturation into the Castilian world, and some would say in correlation with their “dwindling fortunes” or the “disintegration of their community.”<sup>14</sup>

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<sup>10</sup> For a thorough analysis for the cause of the immigration influx, see Molénat, 42-44.

<sup>11</sup> Ibid., 62-90.

<sup>12</sup> As discussed in the introduction, Arabic documentation was limited to private transactions. See Diego Olstein, “The Arabic Origins of Romance Private Documents,” *Islam and Christian-Muslim Relations* 17, no. 4 (2006).

<sup>13</sup> The term “autographic” is my own, signifying the practice of signing one’s name. Olstein specifies his method for identifying Mozarabs in the following pages: *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, las Fuentes y la Historia* (Salamanca: Ediciones Universidad de Salamanca, 2006). 122-123. His study, while admirably demonstrating numerous anthroponymical and scribal trends, is plagued by his reluctance to fully disclose his sources and “n” samples for this time period and in numerous other chronological interpretations of data, as well.

<sup>14</sup> Olstein and Reyna de Pastor Togneri are two of the more recent and well-known, respectively, historians to equate the loss of Arabicity with assimilation, while Julio González, Richard Hitchcock, and Jean-Pierre Molénat argue for a continued sense of Mozarab identity through the Early Modern era. This question is discussed in

Historians desiring to investigate the history of Mozarabs often approach their task by first delineating the members of the community. As alluded in the study cited above, this process typically involves combing manuscripts for anthroponymically or autographically Arabicizing Christians. Those who have an Arabic signature or non-Muslim Arabic name would be obvious candidates, but the list would also include those utilizing the *nasab*—e.g. Estefan bin Yaḥyā bin Ḥakīm or Estefan bin Julianes—or, according to some, those signing with the relatively rare Latinized version of the *nasab*—e.g. Clementa filia Zakaria. However, those utilizing simple (single) names, such as “Juan,” or compound names with the patronymic suffix “-iz,” such as “Juan Ruiz” would either be immigrants or assimilated Mozarabs.<sup>15</sup> After determining which Christians were Arabicizing, historians then follow their anthroponymic and autographic trails to describe the lives and fate of a Mozarab community which began in al-Andalus and, at least in terms of Arabicizing, ended in Toledo.<sup>16</sup>

Naturally, the case of the priests Pedro, also known as ‘Abd al-‘Azīz bin Suhayl, and Miguel, also known as Ya‘ish bin ‘Abd Allāh, could complicate this approach. If no Arabic copy of the Latin transaction had existed, Pedro and Miguel would have been absent from the Mozarab rolls of modern historiography.

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Chapters Two and Five. For the argument concerning Mozarab’s dwindling fortunes, see Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 109. For the notion of disintegration, see Diego Olstein, “El Péndulo Mozárabe,” *Annales Toledanos* 39 (2002): especially 73-74.

<sup>15</sup> The *nasab* was the practice of providing one’s genealogy in a name, marked by the word “ibn/bin,” meaning “son of.” Thus, it is known that Ištāfan’s father was Yaḥyā and his grandfather was Ḥakim. Sometimes, however, the final name of the *nasab* can actually be more of a surname, i.e., the name of the family’s founder. Ištāfan bin Yaḥyā bin Ḥakim, witness, signed in Arabic in 1176 and Ištāfan bin Yuliyānus, witness, signed in Arabic in 1174. MT 79 and MT 1071, respectively. Clementa’s 1159 signature only survives in an 1193 Arabic transliteration as Qlementa Filya Zakariyā qūnfirmū, and is noted as being *bi-l-‘ajamiya*, i.e. in a foreign language. MT 731. Olstein is, surprisingly, the first historian to have explicitly stated his requirements for anthroponymically or autographically identifying Mozarabs. *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, las Fuentes y la Historia*: 118-120.

<sup>16</sup> See notes 13 and 14.

More importantly, an overriding concern with determining who was or was not Mozarab overlooks the important questions posed by the phenomenon of dual names. Why did the Latin and Arabic scribes choose to only record these priests' Romance or Arabic names, respectively? Why did 'Abd al-'Azīz bin Suhayl and Ya'īsh bin 'Abd Allāh choose to subscribe their Romance names to a Latin document? Why did dual names exist at all? Could these individuals have been converts from Islam?<sup>17</sup>

The dangers of equating anthroponymic Arabicizing to Mozarab identity are not limited to local clergy, and as will be seen shortly, autographical Arabicizing is not necessarily a better indicator. In 1173, Yaḥyā bin Tamām signed his name as a witness to Juan Juanes's sale of a vineyard for the moderate sum of six *mitqāls* of gold. The purchaser was the archpriest of Toledo, Domingo bin 'Abd Allāh al-Polichení, and the property in question was located in the village of Manzel 'Ubayd Allāh, a settlement in the outskirts of Toledo. The notary, redacting the transaction in Arabic, noted that the archpriest's new neighbors would include Pedro Diaz and Pedro Gallego, amongst others.<sup>18</sup>

This document provides another glimpse of Toledan society. A certain Pedro Diaz—perhaps the Castilian alcalde, or judge, of the same name active at that time—owns property alongside Pedro Gallego, of either Galician origin or descent.<sup>19</sup> There is also evidence of

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<sup>17</sup> I should stress that I am *not* speaking of sobriquets, i.e. “nick-names.” This separate phenomenon was common to both Romance and Arabic anthroponymy, and did not involve two separate given names of separate linguistic origin. Examples include Johannes Dominici de Talavera, known as *Niger*, or Clement, known as *al-Muqaddis* (the saint). CT 294 a1207 and MT 974 a1164, respectively. The citations style for *Cartularios de Toledo*, abbreviated as “CT,” will follow that established in note 1. Francisco J. Hernández, ed. *Los Cartularios de Toledo: Catálogo Documental*, 2 ed. (Madrid: Fundación Ramón Areces, 1996).

<sup>18</sup> Due to the deterioration of the manuscript, the transaction cannot be dated with absolute certainty. However, given that the notary Tomé bin Yaḥyā bin Pelay was active from 1170 to 1197, Domingo bin 'Abd Allāh al-Polichení was archpriest from 1164 to sometime before 1185, and Yaḥyā bin Tamām disappears from the record in 1185, González Palencia's dating of 1173 is plausible. MT 104 a1173.

<sup>19</sup> An alcalde, translated as *qāḍī* or *iudex* in Arabic and Latin texts, respectively, was a judge, originally assigned to a particular ethnic or religious community, such as that of the Mozarabs, Castilians, or Muslims. See Chapter Two for

Arabicizing Christians—whom adherents of the anthroponymic and autographic approach would call Mozarabs—such as the witness Yaḥyā bin Tamām, who signed his name in Arabic, and the archpriest Domingo bin ʿAbd Allāh, a successful member of the well-to-do al-Polichení clan.

This glimpse of society, however, is more complicated than suggested at first glance.

I will focus on Yaḥyā bin Tamām. He appears in two other documents—one in 1182 and another in 1185—subscribing his name in Arabic in both.<sup>20</sup> Following the interpretive framework which most historians have adopted for Mozarabs, Yaḥyā would seem to be a perfect representative of the community as it is defined in current historiography. His given name of Yaḥyā—the Arabic form of “John”—at once strongly suggests that he was a Christian and Arabicizing. Further proof of his Arabicizing is found in his ability to sign his name in Arabic, and, as in the case of the aforementioned priests ʿAbd al-ʿAzīz bin Suhayl and Yaʿīsh bin ʿAbd Allāh, his use of the *nasab* naming practice, as well.

Yaḥyā would fit nicely into the dominant narrative of Toledan Mozarabs—a descendent of Andalusí Christians and a preserver of his cultural heritage, so to speak—if not for the fortuitous survival of a commercial transaction redacted in Arabic nine years later by a particularly thorough notary who, for reasons unknown to us, chose to provide additional identifying information concerning four of the witnesses. The scribe notes that two subscribers were from the suburb of Talavera; a certain Domingo bin ʿĀmir had a father residing in the Toledan parish of Saint Vincent who also went by the dual name Domingo; and, more

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further discussion. The *iudex* Ibn Qurayš, mentioned in the opening vignette, was referred to as a qādī in the Arabic version of the settlement. MT 966 a1121.

<sup>20</sup> MT 160 a1182 and MT 176 a1185, respectively. For the original signature of the latter document, see Archivo Capitular de Toledo (ACT) V.6.I.3.16.



interestingly for the purposes of this investigation, Yaḥyā bin Tamām was actually a *Gascon* from outside the city walls.<sup>21</sup>

This anomaly clearly raises even more questions. If, as historians implicitly or explicitly subscribe, Mozarabs were primarily a community of Christians of Andalusí descent, and to be Mozarab was to be Christian and Arabicizing, then what is the significance of a Gascon signing his name in Arabic as Yaḥyā bin Tamām?<sup>22</sup> Furthermore, how many other anthroponymically and autographically Arabicizing Christians of non-Andalusí descent have been counted amongst the ranks of Mozarabs—with its accompanying assumptions of Andalusí genealogical continuity—in modern historiography?

### **Towards a New Concept of “*mozarabisation*”**

There is a need for a reconceptualization of the phenomenon of Christian Arabicizing in medieval Toledo. The existence of dual names has received little attention, having either been noted in passing as a curiosity or dismissed as an occasional—but of course manageable—obstacle to the practice of subjecting names to a Mozarab litmus test.<sup>23</sup> Yet, as suggested by the example of the dual-named priests Pedro and Miguel, a name recorded in surviving documentation can more safely be interpreted as a scribal representation of an individual, and—

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<sup>21</sup> *Wa Yaḥyā bin Tamām huwa ḡāšqūn min al-rabaḍ*. MT 160 a1182. Regarding the debate for this translation of *rabaḍ*, as opposed to the assumption it being shorthand for the *rabaḍ al-Afrānġ*, or *barrio of the Franks*, see Molénat 62 n. 265. The geographical concept of Gascony in medieval Toledo can only be defined vaguely as southwestern *Francia*.

<sup>22</sup> Again, this historiography of Mozarabs is discussed in greater detail in the introduction. See notes 13 and 14.

<sup>23</sup> For dual names as a curiosity, see González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices*, 122-123. For dual names as a manageable obstacle, see Howard Delgin Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300" (Yale University, 2003), 34; Olstein, *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, las Fuentes y la Historia*: 118-121.

if the individual happened to sign their own name—as evidence of how one chose to present themselves in the particular transaction.<sup>24</sup>

Furthermore, as the case of the Gascon Yaḥyā bin Tamām has shown, not all Arabicizing Christians were of “Mozarab” stock—that is, of Andalusí origin. Jean-Pierre Molénat is the only recent scholar to have addressed this phenomenon, explaining that Mozarabs were the dominant and therefore assimilating force in Toledo until the early fourteenth century. Yaḥyā would therefore have undergone a process of *mozarabisation*.<sup>25</sup> This term, however, is problematic, essentially conflating an ethnic community with, at the least, an anthroponymic and autographic phenomenon. Describing Mozarabs as assimilators also implicitly suggests that Arabicizing Christian immigrants ultimately became Mozarab. Yet, the previously discussed Yaḥyā bin Tamām was described as a Gascon by at least one notary, regardless of his name or ability to subscribe in Arabic. Furthermore, the term “Mozarabization” carries a loaded historiographical association with the Mozarab “ethnic markers” of the Hispanic liturgy and their special legal privileges.<sup>26</sup> Even more problematically, the same historian who coined the term of *mozarabisation* also argues that such an assimilatory process seems to have largely come from marriage to *Muslim* women.<sup>27</sup>

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<sup>24</sup> As should be obvious by now, I am avoiding any correlation between linguistic and either anthroponymic or autographic Arabicizing. It is virtually impossible to determine any individual’s linguistic competence based solely upon a name or ability to subscribe in Arabic, but the limitations of sources do not preclude one from finding trends in Arabicizing, as will become apparent below. It is also important to note that many individuals, apparently due to illiteracy, had their names signed for them in Arabic. Such cases were clearly marked by the following attached phrase: *this was written for him at his request and in his presence (kutiba ‘an-hu bi-āmri-hi wa bi-ḥaḍrati-hi)*. Discussed in Miller, “According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300,” 42-45.

<sup>25</sup> Molénat is vague on the boundaries of this term, defining it as *au moins linguistique, ou culturelle*. Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 62-64.

<sup>26</sup> The history of these two “ethnic markers” of Mozarabs is discussed in Chapters Four and Three, respectively.

<sup>27</sup> Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 62-63.

I propose approaching the Arabicity of twelfth- and early thirteenth-century Toledo with an analytical framework shaped by the phenomenon of Arabicizing rather than a concept of Mozarabness. To be sure, much of Christian Toledo's Arabicity originally emanated from Christians of Andalusí origin. However, unbinding Christian Arabicizing from any exclusive ethnic association will allow me to examine Arabicity neither as a static badge of identity nor as necessarily a symptom of immigrant affiliation, but rather—as in the case of dual names—a conscious choice, or—as in the case of immigrants—an example of Arabicizing which may or may not have been the result of interaction with those who would call themselves Mozarab. Furthermore, giving agency to notarial scribes who may have framed the anthroponymical Arabicizing of individuals and taking into consideration the role of Muslims or converts in Arabicizing will also demonstrate the inadequacy of the term “Mozarabization.”<sup>28</sup>

Utilizing this phenomenological approach also allows me to move beyond the insularism which has characterized the historiography of medieval Christian Toledo. Rather than portraying the Arabicity of Toledo as a remarkable example of multiculturalism and the legacy of al-Andalus—embodied by Mozarabs—I will place the city within the context of the Latin Christian expansion into the *Dār al-Islām* and Hellenic world of the western Mediterranean. Investigating the existence of dual names and anthroponymic and autographic immigrant acculturation which occurred from Iberia to Norman Sicily can bring to light not only the commonalities amongst regions recently incorporated into the Latin Christian world, but also the unique role of dual names and perception of Arabicizing in medieval Toledo.

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<sup>28</sup> The significance and perception of Arabic began to change significantly in the mid-thirteenth century, as will be discussed in Chapter Two.

## What's in Two Names? Beyond Toledo:

### From the Kingdom of Leon to the Monastery of Lorvão to the Island of Norman Sicily

Dual names were not new to Iberia. The Cordoban historian Ibn Ḥayyān (987-1075/6) records the bishop ‘Abbās bin al-Munḍir of Seville, also known as Julian, as having been part of an embassy sent to Leon by the caliph ‘Abd al-Raḥmān III in 941.<sup>29</sup> Processing into the capital, one wonders how foreign his entourage would have seemed to the locals Trasarigo, also known as Ayyūb, or Ciprian, also known as Yunis. They obviously would not have found a dual name remarkable. Documentation from the ninth- and tenth-century frontier kingdom of Leon leaves substantial evidence of the employment of cognomens, not to mention Arabicized names.<sup>30</sup>

Historians have alternately explained this anthroponymic Arabicizing—there is no Arabic script to be found in Leonese manuscripts—as the result of the Christianization of Muslim locals or Andalusí Christian immigration, but Javier Fernández has convincingly argued that these suggestions are inadequate to completely account for the size of the phenomenon. It is accordingly likely that many of these names were rather the result and legacy of the late-tenth century social hegemony of the Caliphate of Cordoba. Concerning alternate names, however,

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<sup>29</sup> Ḥalaf ibn Ḥayyān, *Al-Muqtabas*, ed. F. Corriente, M. Şubḥ, and Pedro Chalmeta Gendrán (Madrid: al-Ma‘had al-Asbānī al-‘Arabī lil-Thaqāfah, 1979). 466-468. The more famous case of Recemundus, the mid-tenth century bishop of Elvira, perhaps also known as Rabī‘ bin Zaīd, is a bit more tenuous, as argued by Ann Christys, *Christians in al-Andalus (711-1000)* (Richmond (UK): Curzon, 2002). 108-134.

<sup>30</sup> Both Trasarigo/Ayyūb and Ciprian/Yunis are mentioned in documents preserved in the Cathedral of Leon. Trasarigo appears in 943 and Ciprian in 939. Both names are part of a remarkable onomastic list compiled by Javier Fernández Conde which contains Arabicized names found in the kingdom of Leon from the ninth century to 1109, the year of the passing of Alfonso VI, king of the united kingdoms of Leon and Castile. Francisco Javier Fernández Conde, "Población Mozárabe y Musulmana o ‘‘Arabizada’’ (S. VIII-XI)," in *Monarquía y Sociedad en el Reino de León de Alfonso III a Alfonso VII* (Leon: Centro de Estudios e Investigación ‘‘San Isidro’’, 2007), 843, 845.

some cognomens, such as *Leoderico cog. Abdela*, “Moorish captive” and *Froritum cog. Abderahman*, “Arab captive,” clearly were signs of conversion.<sup>31</sup>

Moving west to the Latin archives of the frontier monastery of Lorvão, located in the Coimbran region conquered in 1064 by Fernando I of Leon-Castile (r.1039-1065), it is also possible to find alternate names, as demonstrated by the brothers Johannes and Johannes Petrez, also known as Ġālib and Sulayman, respectively, or the witness recorded seven years prior by a scribe as *Petro cognomento Halifa*.<sup>32</sup>

There is evidence of cognomens beyond Iberia, as well. Sailing east, one arrives at Sicily, which had been conquered piecemeal by the Aġlabids from 827 to 965 before being in turn successfully invaded by Normans from 1061 to 1091. Sicily differed significantly from northern and central Iberia in that it had been part of the Byzantine sphere before also becoming part of the *Dār al-Islām*, as is immediately apparent from the Greek anthroponymy and also numerous Greek documents which are found along the Arabic and Latin during twelfth-century Norman rule.<sup>33</sup> Yet despite the historical idiosyncrasies, there are significant commonalities which deserve investigation, and the linguistic uniqueness of Sicily is in fact instructive for a better understanding of medieval Toledo, as will become apparent below.

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<sup>31</sup> Fernandez Conde provides a good review of the historiography. *Ibid.*, 779-90, 843. Although the phenomenon of certain dual-named individuals being designated as “Moors” or Arabs only occurred in early tenth-century Santiago de Compostela, such cases were certainly not limited to this time or place.

<sup>32</sup> Jesus da Costa, ed. *Livro Preto: Cartulário da Sé de Coimbra*. (Coimbra: Arquivo da Universidade de Coimbra, 1999). The citation style for the *Livro Preto* will follow the guidelines established in note 1. LP 280 a1094 and LP 349 a1087.

<sup>33</sup> The history of Norman Sicily is discussed in greater detail in the Introduction, as is its utility for comparative studies concerning medieval Toledo.

A *ḡarīda*, or villein register, of 1111 records in Arabic the first surviving Sicilian dual name: Muḥammad, “known in Greek as Petro.”<sup>34</sup> Five years later, an Arabic deed of sale, translated into Latin in 1266, records the Christian Philip known as Ibn B..., son of the qāḏī Fityān the Christian, purchasing land south of Palermo. Unfortunately, the state of the manuscript prevents me from deciphering Philip’s cognomen, but its initial letter differs from that of Fityān, strongly suggesting that his father had a dual name.<sup>35</sup> There is also the famous case of the very powerful “palace Saracen,” or “eunuch,” Peter, a Berber who was captured as a child from the island of Gerba, converted to Christianity, and groomed as a palace official and administrator.<sup>36</sup> A loser in a power struggle following the death of William I (r.1154-1166), he fled Sicily and changed—or more likely reverted—his name to Aḥmad, joining the Muwaḥḥid anti-Norman naval effort. Conversely, there is a record of a Muslim named Aḥmad having changed his name to Roger upon conversion to Christianity.<sup>37</sup>

Although the nature and number of the sources precludes an extended analysis concerning the patterns of dual-name utilization in the kingdom of Leon and especially Lorvão and Norman Sicily, there are some suggestive commonalities. In both Sicily and Leon, there are examples of alternate names correlating with conversion, yet there also are examples in all three

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<sup>34</sup> As discussed in the introduction, the *ḡarīda* was a type of villein register adopted from the Aḡlabids by the Normans. André Guillou, ed. *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)* (Palermo: Santa Maria delle Moniali, 1963), 54-55, Plate IIA. Jeremy Johns accurately corrects the transcription of Guillou, rightly reading *Bātrū* instead of *Bānzūl*. Jeremy Johns, *Arabic Administration in Norman Sicily: The Royal Dīwān*, Cambridge Studies in Islamic Civilization (Cambridge, U.K.: Cambridge UP, 2002). 75-76 n.98. Thus, the text should read, *Muḥammad...al-musamma bi-l-rūmiyyi Bātrū*.

<sup>35</sup> *Philippus christianus filius Gayti Phytien christiani qui cognoscitur Bin B...* Henri Bresc, "La Propriété Foncière des Musulmans dans la Sicile du XII<sup>e</sup> Siècle: Trois Documents Inédits" (paper presented at the Giornata di Studio del Nuovo sulla Sicilia Musulmana, Rome, 1995 1993).

<sup>36</sup> See Johns and Jamil for a good summary and analysis of his life and activity. Jeremy Johns and Nadia Jamil, "Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily," *Muqarnas* XXI (2004).

<sup>37</sup> Salvatore Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia* (Palermo: reprinted by Böhlau Verlag, Köln and Wien, 1982), 16. Palermo, a1141.

regions in which it seems that cognomens were rather used by non-converts for reasons which the sources do not reveal to us. Although these conclusions are tentative, looking beyond the walls of Toledo clearly demonstrates that rather than merely being an anomaly, dual names were a widespread phenomenon amongst Christians in the Arabicizing world and therefore a potential tool to help navigate certain contextual demands. As I shall demonstrate, the surviving manuscripts of Toledo, with their numerical superiority and linguistic variation, will allow me to examine the utility of—and motivations for—the employment of dual names, some of which observations can in fact be applied to greater Iberia.

### **Toledo**

I will now return to the Toledan priests Pedro (‘Abd al-‘Azīz bin Suhayl) and Miguel (Ya‘īsh bin ‘Abd Allāh). The nature of the surviving bilingual manuscript in which they appear allows me to make some suggestive associations. The Arabic scribe chose to record their Arabic aliases, while the Latin scribe preferred their Romance names. As for the signatures, the priests were not obliged to subscribe in the same language as that of the document, for there are numerous examples of Arabic signatures under Latin documents and vice versa in medieval Toledo. Significantly, however, no clergy signed their name in Arabic to Latin transactions in medieval Toledo.

Turning to Arabic manuscripts, only one cleric—signing his name as *Kristūfur* “the priest”—subscribed in Arabic between the town’s seizure in 1085 and the wave of Andalusí immigration beginning in 1146, the significance of which will soon be apparent.<sup>38</sup> In fact, there is evidence of only six anthroponymically Arabicizing clergy, of approximately sixty-three,

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<sup>38</sup> *wa ana Krištūfur al-qiss*. MT 1012 a1129.

before this latter date (9.5%).<sup>39</sup> When disregarding the Cathedral of Santa Maria and the royal monastery of San Servando—neither of which Frankish-favored institutions had anthroponymically or autographically Arabicizing clergy during this time—the data pool is halved and the percentage of Arabicizing clergy, while still a minority, doubles: six of approximately thirty-one clergy (19.3%).<sup>40</sup> Of course, legal and economic transactions by no means can provide a complete census of medieval Toledo. However, there are clear trends that can be gleaned from the participants, neighbors or witnesses who appear in these and later documents.

I will begin with the relationship between scribes, document language, and anthroponymically Arabicizing individuals, as evidenced from the more numerous post-1146 documentation. In April of 1150, the priest don Yaḥyā bin Ġālib decided to purchase from the brothers Pedro and Salvador Julianiz a plot of land on which he had already built an oven.<sup>41</sup> It seems that his furnace was a successful endeavor, for eighty-six years later there was still a memory of the *furn māyur Yaḥyā*.<sup>42</sup> But of course, the story is more complicated. In May 1150, Alfonso VII of Leon-Castile (r.1126-1157) granted to a certain Pedro, abbot of San Justo, and his heirs the rights to an oven which he had built. One copy of this transaction, stored in the Biblioteca Capítular de Toledo, contains a rubric which identifies the document as a *privilegium*

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<sup>39</sup> The high rate of individuals referred to by only a simple (single) name, such as “Domingo presbiter,” or subscribing as such, makes tallying names an inexact science. Furthermore, I do not assume, as some have, that every individual subscribing to an ecclesiastical document is a cleric. Rather, I identify individuals as clergy only if they are identified as such. My total of sixty-three clerics is the mean of a conservative estimate—assuming that duplicate recurrences of names, within reason, refer to one individual—and a more optimistic estimate—assuming that duplicate names, within reason, refer to different individuals. These estimates yield fifty-six and seventy clerics, respectively.

<sup>40</sup> The mean of twenty-eight and thirty-three potential clergy.

<sup>41</sup> I am translating the honorific māyur, which in turn is an Arabicization of “mayor,” as “don.” MT 41 a1150.

<sup>42</sup> MT 81 a1236. Gonzalez Palencia dates this document—hesitantly—to 1166 CE, but Miller makes a convincing argument for a much later dating of 1236. Miller, “According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300,” 119.



*Aldefonsi imperatori, de furno quem ipse Petro Abbati qui Maior Iahia cognominabatur, in sua propria hereditate factum, dedit.*<sup>43</sup>

The example of Pedro the abbot / Yaḥyā bin Ġālib should seem familiar: once again, a case arises in which the Romance and Arabic dual names of clergy correspond to the language of the document in which they appear. Unlike the priests Pedro and Miguel from the earlier example, Pedro the abbot never signed his name to a document, so it is not known how he preferred to refer to himself. These examples of dual names may have been symptomatic of cultural alterity. Perhaps the oven-builder went by Pedro when interacting in the Latinate-Romance world, and perhaps he went by Yaḥyā in the Arabic world.

This is certainly a possible theory, but to interpret scribal variations of a name solely as evidence of an individual's self-identification denies the agency of the documents' redactors. Indeed, scribes and mentioned parties did not always agree on appellations. Thus, the notary and mušarrif Ḥalid, also known as Domingo, always signed his name as Ḥalid bin Sulayman bin Ġasan bin Servando, while he was listed by a Latin scribe as Dominicus Servandi.<sup>44</sup> Conversely, a certain Alfonso, recorded in his Arabic will and testament as Alfunš bin Sīd, actually preferred to be called Alfos Çidiç, as his Latinate signature indicates.<sup>45</sup> The first scribe shortened Ḥalid's name so that it would fit into the *given name – patronym* framework which was becoming increasingly the norm in twelfth-century Christian Iberia. The second notary Arabicized Alfonso's name, replacing the *-ez* patronymic suffix, common amongst Leonese-Castilians, with the *nasab* naming practice, marked by *ibn/bin*. While these are not cases of dual names *per se*, they are indicative of the potential for scribal Arabicization or Latinization of a name.

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<sup>43</sup> Biblioteca Capitular de Toledo (BCT) 42-20, f.69r-70r. a1150. Discussed in CT 74.

<sup>44</sup> Archivo Histórico Nacional de España (AHN) OM Calatrava 455-12. a1174

<sup>45</sup> MT 1052 a1179.

These sorts of contradictions were, tellingly, most often found amongst clergy, such as the case of Domingo bin ‘Abd Allāh al-Polichení, the archpriest of Toledo (1164-1185) and participant in the previously discussed transaction subscribed by the Arabicizing Gascon Yaḥyā bin Tamām. Often cited as a Mozarab success story, one should rather wonder what was so “Mozarab” about him. If only his signatures had survived, historians would know him merely as *Dominicus archipresbiter*, or upon his promotion in 1185, as *Dominicus Madridensis archidiaconus*.<sup>46</sup> His autographic Latinizing—even in Arabic transactions—was very likely a reflection of a conscious choice rather than any relevant incompetence in Arabic, as his brother and uncle always signed their names as *Bayṭruḥ bin ‘Abd Allāh al-Buliḡānī* and *Firnānduh bin Bayṭruḥ bin ‘Abd Allāh al-Buliḡānī* (in one document even alongside *Dominicus archipresbiter!*).<sup>47</sup>

Just as significant, however, is the manner in which his name was recorded. Latinate scribes overwhelmingly presented him as Domingo, or twice as Domingo Alpolichen, followed by his ecclesiastical title. In Arabic transactions, however, he is never referred to by a single name, but rather as *Duminquh bin ‘Abd Allāh al-Buliḡānī* or at least *Duminquh al-Buliḡānī*, followed by his ecclesiastical title.<sup>48</sup> This cleric therefore bore a sort of Latinized dual name—Domingo the archdeacon as opposed to Domingo bin ‘Abd Allāh—which was in accord with the Latin style of recording names but not with that of the Arabic.

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<sup>46</sup> Hernández notes his preference for signing in Latin without his Arabic patronym, too. Francisco J. Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," *Toletum* 16 (1982-1983): 83.

<sup>47</sup> The document survives as a thirteenth-century copy in the Biblioteca de la Catedral de Toledo (BCT), 42-20, f. 67v-68r. For the edited and transcribed version, see CT 197 a1181.

<sup>48</sup> Tellingly, two of the four Arabic manuscripts in which his *nasab* is not mentioned contained Latin translations. MT 215 = CT 237 a1191, MT 449 = CT 384 a1219.

Francisco Hernández has interpreted Domingo al-Polichení's autographic preference for Latin within the context of Frankish dominance of the Cathedral of Toledo, which began with the elevation of the Cluniac Bernard de Sédillac to the bishopric of Toledo in 1086.<sup>49</sup> A legacy of Alfonso VI's love affair with Cluny, marked by his first dedication of a monastery to the Order in 1073, it is well-known that the archbishopric was held by Franks until the 1180s, in addition to a number of other positions of clerical power in surrounding areas.<sup>50</sup> According to Hernández, Latinity was Domingo al-Polichení's "price of entry" into the cathedral hierarchy, and a precursor to the Mozarab's realignment of his priorities to those of the Frankish clergy, which largely involved grafting money from the predominantly Mozarab parish clergy, or more poetically, allying himself "with the oppressors of Mozarabness whence he himself had proceeded."<sup>51</sup>

While I am hesitant to utilize an interpretive framework of Frankish oppression,<sup>52</sup> it is clear that clerical hesitancy towards Arabicization was a real phenomenon. However, it was not limited to the walls of the Cathedral. Thus, ten years after the death of Domingo al-Polichení, his nephew Juan, subdeacon of the parish church of Santo Tomé and seller of a plot of land, subscribed as *Iohannes Pe(tri)*, while the scribe referred to him as dūn Ġwān...bin dūn Bayṭruh bin Ġwān al-Buliġānī.<sup>53</sup> As with the case of his uncle, Juan's Latinizing was a conscious choice,

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<sup>49</sup> For a good introduction to Cluny's relationship with Iberia, see H. E. J. Cowdrey, *The Cluniacs and the Gregorian Reform* (Oxford: Clarendon P, 1970). 218-245.

<sup>50</sup> For an extensive history of the monastery of San Isidro de Dueñas, located between Leon and Sahagún, see Carlos Manuel Reglero de la Fuente, *El Monasterio de San Isidro de Dueñas en la Edad Media: Un Priorato Cluniacense Hispano (911 - 1478): Estudio y Colección Documental* (Leon: Centro de Estudios e Investigación "San Isidoro," Caja de España de Inversiones, Archivo Histórico Diocesano, 2005).

<sup>51</sup>Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo." Translation mine.

<sup>52</sup> Indeed, in the opening vignette, the priest of Santo Justo Pedro / 'Abd al-'Azīz bin Suhayl nearly ruined the priest Miguel / Ya'īsh bin 'Abd Allāh's church of Santa Leocadia.

<sup>53</sup> MT 369 a1209.

as his father Pedro and brother Fernando were the same family members who had subscribed in Arabic alongside his uncle twenty-eight years prior. Interestingly, Juan provided the scribe with the Latin-Romance alias of his grandfather—Juan instead of ‘Abd Allāh—in an apparent attempt to limit the inevitable scribal Arabicizing of his name.

An equally remarkable example is found in Nicolas and Lope, sons of Estefan al-Saktānī. In 1192, Nicolas, priest of the parish church of San Vicente, took advantage of an opportunity to purchase a modest but desirable plot of land for himself and his four siblings. Subscribing the transaction, he wrote in relatively competent Latin *Ego Nicolaus, supradictus presbiter, confirmo*, alongside the Arabic signature of his brother: *wa Lub bin Ištāfan bin al-Saktānī*.<sup>54</sup> In the same year and in the same church, there is also the case of don Estefan, acolyte of Santo Vicente and son of Pedro bin ‘Abd al-Raḥmān, known elsewhere as Pedro Mozarab bin ‘Abd al-Raḥmān.<sup>55</sup> In a copy of his father’s will made six years later, the meticulous notary recorded that Estefan’s brother had signed his name as *Duminquh bin Bayṭruh*, and faithfully transliterated the acolyte’s Latin signature: *Istāfaniš... Sant Binsensī aqūlātiš*.<sup>56</sup>

Fully taking into account potential scribal anthroponymic framing, the linguistic context of document redaction, and clerical bias towards Latinizing is essential not only for the study of Mozarab history but also for understanding the representation of individuals in medieval Christian Iberia. Returning to the clergy who appear in sources between 1085 and 1145, there are numerous examples of individuals with Latin subscriptions such as *Tirsus presbiter* or *Johannes monacus*. Traditional Mozarab historiography holds that these individuals were either northern

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<sup>54</sup> MT 225 a1192. Their father Estefan Saktani was autographically Arabicizing, as well, as evidenced by a document from the year 1182, signed as *Ištāfan al-Saktānī šahid*. AHN, OM Calatrava, 455-05.

<sup>55</sup> MT 942 a1192, copy from a1198. MT 231, a 1192

<sup>56</sup> This Arabic transliteration is as follows: *wa bi-l-a ‘ḡamī...Istāfaniš... sant Binsensī aqūlātiš*.

immigrants or assimilated Mozarabs, but I argue that one's signature in medieval Toledo can more safely be interpreted as indicative of not only autographic competency in a certain language but often a conscious choice of cultural self-representation. Furthermore, the manner in which the scribes recorded the names of individuals could correspond with either how the participants desired to present themselves or instead with the anthroponymic framework of the language of redaction.

Thus, the dual-named priests 'Abd al-'Azīz bin Suhayl and Ya'īsh bin 'Abd Allāh chose to autographically represent themselves in the manner which the Latin scribe had portrayed them: Pedro and Miguel. Conversely, the archdeacon Domingo al-Polichení was at odds with the Arabic notaries' preference for the name Domingo bin 'Abd Allāh. Both cases, however, are symptomatic of a clerical hesitancy towards anthroponymic and autographic Arabicization, with the first being a case of a "true" dual name and the second a case of a Latinized sort of alias. As has also been demonstrated in the examples of fraternal autographic linguistic divergence in San Vicente and Santo Tomé—this hesitancy existed *beyond* the Frankish-dominated cathedral. Significantly, there are no individuals of anthroponymically discernible non-Iberian origin to be found in these two parish churches.

With this new understanding of both the clerical preference for Latinized anthroponymy and autography, and also the significance and caveats of signatures and recorded names, I will proceed to the year 1146, in which the anthroponymic and autographic landscape changed considerably.

## 1146

1146 was a watershed for the history of medieval Toledo and Iberia. There was a clear increase in Arabic and Latin documentation from the period, a result of both Christian and

Jewish immigration from al-Andalus in the wake of the Muwahḥid invasion and also the ensuing repopulation drive of the Castilian frontier. What is also very noticeable, for the purposes of this investigation, is the sudden increase in clergy willing to sign their names in an anthroponymically and/or autographically Arabic manner. From the first documentary appearance of an anthroponymically Arabicizing priest in Christian Toledo—named ‘Umar—in 1115 until 1145, only one in six such clergy had actually subscribed their name. In half of this time span—from 1146 to 1161, at least six of seventeen Arabicizing clerics were willing to do so—in Arabic and, for the first time, Latin documentation.<sup>57</sup>

This increase was almost certainly the result of clerical immigrants from al-Andalus. To be sure, a general clerical hesitancy towards Arabicity remained after 1146, as the previously discussed case studies have shown. However, although the frequency of Arabicized autographs would remain constant through the early thirteenth century, they tellingly grew increasingly concentrated around certain parishes later associated with Mozarabs—especially Santa Justa and San Lucas<sup>58</sup>—suggesting bastions of Arabicity amongst a broader and resilient clerical preference for Latinity.

As can be deduced from the aforementioned tenth-century bishop of Seville ‘Abbās bin al-Munḍir / Julian and immigrant Andalusí clergy, Arabicized names would not have been an issue for clergy in Muslim-ruled Toledo. Returning to Hernández’s thesis of Latinization as the

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<sup>57</sup> Their *nasab* all have at least one Arabic name, mitigating the potential danger of scribal anthroponymical framing. For the priest who signed his name before 1146, see note 38. The documents in which Arabicized clergy sign after 1146 are the following: CT 59 a1147, MT 36 a1149, CT 97 a1154, MT 1068 a1158, MT 58 a1158, and MT 731 a1159. The two clerics from the Latin documentation subscribed their Arabicized names in *Latin*, not Arabic. An additional cleric, Gonzalo bin Simon, had his signature written on his behalf by an Arabic scribe, which, as has been demonstrated, could have been “Arabicized” by the redactor. MT 34 a1146.

<sup>58</sup> In fact, no Arabicizing clergy of the parishes traditionally associated with Mozarabs appear before 1158, the significance of which is discussed in Chapter Four.

price for Mozarab entry into the Cathedral ranks, I would argue that the Frankish Cluniacs seem to have set a lasting anthroponymic and autographic tone beyond their Cathedral stronghold.

An examination of the archives of the Leonese monastery of Sahagún supports this argument, even if the exclusive Latinity of the documentation permits only a limited view of the anthroponymic situation. From 1000 to 1109, thirty-two clergy bore Arabicized names, such as the priest Facundo cog. Hahei (Yaḥyā or Ḥafṣ) in 1065 CE or the monk Mutarraffe (Mušarraḥ), *converso*, in 1079 CE.<sup>59</sup> Until 1072, such names appear at an approximately steady rate, but from 1073 to 1109 CE, and especially 1080 to 1109 CE, there is a substantial decline, with only four and two Arabicizing clergy to be found, respectively.<sup>60</sup> This trend becomes less puzzling when the arrival of the Frankish-dominated Cluniac Order is taken into account. In 1073, Alfonso VI dedicated the nearby monastery of San Isidro de Dueñas to the Order, and in 1080, he installed his Cluniac advisor Robert as abbot of Sahagún. Lest one think that this drop in names was a more general trend, the number of anthroponymically Arabicizing laity remained constant during this period. While this investigatory foray is not definitive proof of the relationship between Cluny and clerical Arabization, it is very suggestive when coupled with data from Toledo.

I am not arguing that the arrival of Cluny pushed out the Mozarab clergy of Sahagún or Toledo. Rather, it seems very likely that Arabicizing clergy of Sahagún would have found it beneficial to favor their Latin alternate names, at least in official situations, as was the case in Toledo. Thus, the Sahagún documents reveal a phenomenon of conscious clerical Latinizing rather than an exclusion of Mozarabs from parish churches.

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<sup>59</sup> Fernández Conde, "Población Mozárabe y Musulmana o "Arabizada" (S. VIII-XI)," 868.

<sup>60</sup> Nine names from 1000-1023, eleven names from 1024-1048, and eight names from 1049-1072, as culled from *ibid.*, 867-871.

## Origins and Arabicizing

The example of the monk Mutarraffe being denoted as a convert raises important questions concerning the phenomenon of Arabicizing. Mutarraffe was not alone in Sahagún—the monk Vellite (Wālid) also was noted as a convert in the same year, and a certain priest named Sarracino was active in the early eleventh century.<sup>61</sup> Furthermore, the correlation between some dual names and conversion in tenth-century Santiago de Compostela and twelfth-century Sicily has already been noted.

It is curious that most historians have dismissed the possibility that some of the supposed Toledan Mozarabs—especially in the wake of Toledo's conquest in 1085—were actually of non-Christian origin. Evidence in either direction is slight and inconclusive at best, but Miller, noting the striking lack of a Mozarab notarial tradition in Toledo until at least 1125, has argued that the first Arabic notaries were either non-Christians or converts themselves.<sup>62</sup> Such a religious situation would certainly have decreased the likelihood that early notaries would denote the conversion of others. Recognizing the likelihood that some Arabicizing individuals identified by current historians as Mozarab were very possibly not of Christian stock is important, for it underscores the possibility of a disconnect between historiographical and historical perceptions.

Indeed, as has also been demonstrated with the introductory case of Yaḥyā bin Tamām—noted as a Gascon—Christian Arabicity was not necessarily bound to any communal identity or Andalusí origin in twelfth- or early thirteenth-century Toledo. Approaching immigrant

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<sup>61</sup> *Ibid.*, 868-869. Sarracino is found in 1026 and 1031.

<sup>62</sup> Rubiera Mata, arguing a bit too far in the direction of conversion, notes that Ibn Bassam tells of numerous conversions in Christian Toledo, but Molénat, largely ignoring this argument, notes that the same historian records mass emigration and death during the siege of Toledo. Molénat also cites al-Kardabūs' account of mass emigrations in after 1085. Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 27-28; María Jesús Rubiera Mata, "Los Primeros Moros Conversos o el Origen de la Tolerancia," in *Toledo. Siglos XII-XIII. Musulmanes, Cristianos y Judíos: La Sabiduría y la Tolerancia.*, ed. Louis Cardaillac (Madrid: Alianza Editorial, 1992). Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 54-61.



anthroponymic and autographic acculturation from a phenomenological perspective rather than assuming its status as an ethnic marker therefore will facilitate a better understanding not only of its significance within immigrant communities in medieval Toledo but also within a framework of recently Latinized regions in the former Dār al-Islām via a comparison with Norman Sicily.

### **Toledo**

I will begin with the Toledan Miguel bin Juanes, Arabic signatory to an Arabic receipt of payment in 1134.<sup>63</sup> Miguel's father Juanes could very well have witnessed Toledo's seizure in 1085. However, it is impossible to know whether he would have experienced the momentous event as a member of Alfonso VI's military entourage or rather as a local Christian. In the first scenario, Juanes would perhaps have married a local and reared his son Miguel in an Arabicized town. In the second, Juanes's son would have been an example of continued genealogical anthroponymic and autographic Arabicizing. The lineal uncertainty of a number of Arabicizing Christians requires one to approach Arabicizing from a phenomenological perspective before attempting to make claims on the communal level. This necessity is especially pressing if the broader significance of immigrant anthroponymical and autographical Arabicizing is considered. More specifically, how did such individuals wish to portray themselves and how were they perceived by prior inhabitants?

The stock of Romance names common to Muslim and Christian Iberia obviously poses a challenge in any investigation of immigrant Arabicizing, as demonstrated by Miguel bin Juanes. Leonese-Castilians—who would have composed the vast majority of immigrants, if not the population—were only infrequently and indirectly described as such in medieval Toledan documents, usually when a notary happened to mention their town of origin. Those from Galicia

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<sup>63</sup> MT 1067 a1134.

and trans-Pyrenean regions, however, present a much more ideal analytical pool, as scribes more often designated such an individual as a Gallego or especially a “Frank” or Gascon, or at least noted their town of origin.<sup>64</sup> Furthermore, a number of the names from the latter two population segments were quite foreign to the Iberian anthroponymical register.

William of Cormeilles is an example of both methods of identifying an immigrant.<sup>65</sup> It appears that he settled in the Frankish quarter of Toledo—or *rabaḍ al-Afrānġ*—in the mid-twelfth century. He married a certain Maria and had four children: Pedro, Felix, Juanes and Dominga—all names common to both Leonese-Castilians and Christians of al-Andalus. Dominga disappears from historical record, but extant transactions reveal that William’s sons were autographically Arabicizing.<sup>66</sup> Were they “Mozarabized?” I have already voiced my objections to this conceptual framework, but it is natural to wonder how the brothers came to sign their names in Arabic and carry the *nasab*.<sup>67</sup> Unfortunately, the question will never be definitively answered, as there is nothing about *Maria*, as with her sons’ given names, which anthroponymically identifies her as Arabicizing. Thus, as in the example of Miguel bin Juanes, William’s progeny could have been Arabicized through their local mother or by simply growing up in a town such as Toledo.

In any case, his sons, or at least Felix and Juanes, attempted to immerse themselves in an Arabicizing milieu. They first appeared as participants and signatories to the family sale of an

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<sup>64</sup> The term “Frank” would have referred to any individual of trans-Pyrenean origin, although there seems to have been a distinction concerning Gascons.

<sup>65</sup> Although this originally Norman name was becoming increasingly common in Toledo, it was significantly correlated with immigrants in twelfth century Toledo. Cormeilles is the most likely approximation of *Qurmilš*. MT 77 a1165 (Copied in a1199)

<sup>66</sup> As gleaned from MT 77 a1165 (Copied 1199). His sons subscribed as Baytruh bin Ġilyām, Filīs bin Ġilyālm, and Yuwāniš bin Ġilyālm in the same document.

<sup>67</sup> See pages seven through nine for my arguments against the use of the term “Mozarabization.”

estate located in the Frankish quarter for a sizeable sum of fifty *mitqals* in 1165. The transaction could reflect a desire of the family to leave that part of town (the patriarch William had died by this time), and the two brother subscribe in Arabic as witnesses on several subsequent occasions.<sup>68</sup> Being Arabicizing and Christian, they certainly were acting in a manner consistent with the modern criteria for determining an individual as “Mozarab,” but would Toledans have made such a correlation? The aforementioned example of Yaḥyā bin Tamām is instructive.

Yaḥyā was a contemporary of Felix and Juanes, appearing as an Arabic signatory from 1173 to 1185, and also coming from an immigrant family, yet he bears the distinction of being denoted by a notary as a foreigner—a Gascon.<sup>69</sup> Yaḥyā was almost certainly not from Gascony, and his *nasab* suggests that he was a third-generation resident of Toledo, although his father very well could have been a Gascon with an Arabic dual name, or perhaps his mother could have been a Gascon.<sup>70</sup> At any rate, he was certainly quite Arabicized. It therefore seems likely that the perception of an individual—and by extension, his or her family—as geographically foreign, or ethnically distinct, could persist for several generations in medieval Toledo, despite substantial anthroponymic or autographic acculturation. It is natural to wonder why such differentiation was not explicitly recorded in the case of William of Cormeilles’s sons. The answer likely lies in the scribe.

Yaḥyā bin Tamām is known as a Gascon only because the notary Tomé bin Yaḥyā bin Pelay added information about him at the foot of the manuscript. Notaries often recorded the

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<sup>68</sup> Felix and Juanes appear as witnesses together in MT 975 a1176 and MT 240 a1193. Felix is also found subscribing in MT 900 a1176, as is Juanes in MT 198 a1188 and MT 285 a1198.

<sup>69</sup> See notes 20 and 21.

<sup>70</sup> It is very possible that at least one Frank adopted an Arabic dual name. ‘Abd Allāh bin Gilbert subscribed his name in Arabic to a private transaction in 1095. Given the name of his father, ‘Abd Allāh must have been a Frank, yet given the early date of the document, ‘Abd Allāh must have been an immigrant, as well. A Frankish immigrant would certainly not have had such a name, but he could have adopted such a name upon becoming immersed in a thoroughly Arabicized town. MT 4 a1095.

dual names or ethnic/regional backgrounds of participants in transactions, but addenda regarding the signatories were rare. Significantly, of the five such cases which I have found, three were composed by the scribe Tomé, who never prepared documents involving Pedro or Juanes bin William.<sup>71</sup> Yaḥyā therefore seems to have been identified as foreign or ethnically distinct not because he was more remarkable than other Arabicizing descendants of northern Christians, but rather because he subscribed a transaction redacted by a particularly thorough notary. This disconnect between perceptions and self-portrayal strongly suggests that a number of individuals whom current historians count as Mozarab may have in fact been considered something quite different by their contemporaries.

I am not suggesting that to Arabicize necessarily reflected a desire to sever all evidence of foreign origin. Take, for example, the remarkable case of a certain Roman bin Adam bin Pedro Gallego, grandson of the same Pedro Gallego mentioned in the case study of Yaḥyā bin Tamām. Roman's paternal uncle Juan Petrez married Sancha of the "Mozarab" al-Polichení lineage—daughter of the autographically and anthroponymically Arabicizing Pedro al-Polichení and niece of the archdeacon Domingo al-Polichení. His father, Adam, signed his name in Latin as *Adam Petri*, yet Roman was the first male in his direct family line to sign his name in Arabic.<sup>72</sup> Remarkably, despite his Mozarab aunt and anthroponymic and autographic Arabicizing, he was still remembered—and likely also chose to be remembered—as the descendent of a Gallego.<sup>73</sup>

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<sup>71</sup> MT 163 a1182 and MT 183 a1186, in addition to MT 160 a1182.

<sup>72</sup> MT 756 a1217. Roman signed his name as Rumān bin Adam bin Baytruh Ġalīquh. MT 772 a1234, MT 514 a1234, and MT 515 a1235.

<sup>73</sup> The fascinating implications of the incorporation of the Mozarab al-Polichení family—and his father's Latin signature—will be discussed in Chapter Five.

There is also the family of Gilbert. The canon Pedro Gilberti transferred a very valuable property to his brother Rinald—both of whose names clearly identify them as Frankish in origin—the latter of whom later bestowed it upon his children Estefan and Horabuena, likely upon becoming a subdeacon. When the younger siblings decided to sell the land for a tidy profit of sixty *mitqāls* in 1219, Estefan signed his name in Arabic as *Ištāfan bin Rinald* alongside his father's subscription of *Ego Rinaldus subdeaconus testis*.<sup>74</sup> Estefan desired to present himself in an Arabicized fashion, but his continued interaction with family of clearly foreign origin would likely have reinforced his immigrant roots in the minds of the broader Toledan community.

The nature of the Toledan sources makes it difficult to trace the anthroponymic and autographic affiliation of most immigrants and their descendents. The Arabic notarial tradition inherited in Toledo placed more importance on the signatures of witnesses of good standing and, increasingly, from a limited notarial class, and it is consequently uncommon to find participants or relevant parties subscribing private transactions.<sup>75</sup> Similarly, the Latin charters and transactions of the royal chancery and ecclesiastical institutions also favored the signatures of notables or merely a recording of their presence. Thus, there are frustratingly few extant signatures from a number of transactions involving immigrant families. There are, however, certain conclusions which can be gleaned from the examples discussed above.

Most obviously, none of the anthroponymically or autographically Arabicizing individuals cited above bore identifiably foreign first names. At first glance, this may seem like a “Mozarab” rejection of Frankish names, but in fact, such anthroponyms were rare in non-Arabicizing families, as well. Thus, even if a progenitor's name were foreign—such as William

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<sup>74</sup> MT 1154. a1219. Estefan bin Rinald subscribed his name on another document as well: The canon Pedro Gilberti signed his name in Latin in at least two documents: CT 155 a1170 and CT 165 a1174.

<sup>75</sup> Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 42-51.

of Cormeilles—the progeny would likely have names which could be considered local (such as “Dominga”) or names which were common to Toledo and beyond (such as Pedro and Juanes—or rather, Johannes). Indeed Arabicizing individuals did not bear certain immigrant names such as “William” or “Arnold” until roughly the turn of the thirteenth century, by which time they had become more common amongst non-Arabicizing laity, as well. Accordingly, names which were unusual for non-Arabicizing lay Toledans—such as Robert—were rarely found in *nasabs*.<sup>76</sup>

This correlation in Romance naming patterns obviously makes it quite difficult for historians to detect the incorporation of immigrants into an Arabicizing culture, but significantly, the examples cited above suggest that the local population remembered the difference, and the perception and self-identification of immigrants and their progeny as foreign could persist for generations.

### Sicily

Interestingly, there are similar trends in Sicily, although with a few notable differences. The Arabicizing of the island does not seem to have been as thorough as that of Toledo, with the south-western half apparently favored by immigrants from the *Dār al-Islām* and Hellenizing Christians maintaining a stronger presence to the east. A situation of parallel Arabic and Byzantine notarial traditions became established, but the cultural dichotomy in Sicily was not so absolute. There seem to have been Arabicizing Christian enclaves in Muslim-dominated regions, and at any rate, multi-lingualism across the island was unremarkable at the time of the Norman conquest.<sup>77</sup>

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<sup>76</sup> For example, Arnaldo bin Fernando bin Ḥasān (a variant of Arnold), subscribed in 1200 (MT 945), William bin Estefan bin Juanes in 1251 (MT 580), and Robert “M(ichael)” Šabīb in 1213 (MT 748).

<sup>77</sup> Alex Metcalfe, *Muslims and Christians in Norman Sicily: Arabic Speakers and the End of Islam* (New York: Routledge, 2003). 21-23; Vera von Falkenhausen, “The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek,” in *The Society of Norman Italy*, ed. Alex Metcalfe and G.A. Loud (Boston: Brill, 2002), 257-258.

Greek was the overwhelmingly predominant notarial language of choice in the Norman chancery until increasingly being replaced by Latin from the reign of William I (r.1154-1166). There is a similar trend in private transactions, although written Greek maintained a strong status through the end of the twelfth century and was still found in the thirteenth century. Arabic documents may not have been very common—only twenty-two such private manuscripts survive, in addition to several dozen examples of the chancery's propagandistic creation of a royal *diwān* in the mid-twelfth century,<sup>78</sup> but a number of signatures were subscribed in this language throughout this period. However, although the majority of the documents examined will be in Greek rather than the predominant Arabic of Toledo, it is equally possible to examine a cross-section of a society recently incorporated into a Latinized sphere.

The anthroponymic investigation of immigrants and their descendents in the Greek Sicilian documentary record is in one sense much easier than that of Toledo, given the notarial practice of having the executors recorded above the text and the witnesses—often including family members—subscribing the transaction in question. However, the smaller number of surviving private documents makes an analysis of more than two generations difficult. Additionally, any autographic analysis is complicated by the Greek preference for having participants only mark a cross by their name—almost always in the superscriptions and often in the subscriptions, as well. This idiosyncrasy was likely the result of notarial practice rather than total autographic illiteracy. Indeed, the Latinate royal documents in medieval Toledo rarely had any autographs.

While the difference between traditional Norman/Lombard and Greco/Arabic Sicilian names makes the potential identification of newcomers easier than differentiating Castilians and

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<sup>78</sup> Alex Metcalfe, "Arabic in Sicily," in *The Encyclopaedia of Arabic Language and Linguistics* (Leiden: Brill, 2009).

Mozarabs, one must be wary of assuming, for example, that Martin the Carpenter's Arabic subscription of a private transaction was a case of immigrant Arabicization, as his name could rather have been evidence of the anthroponymic Normanization of the local Christian community.<sup>79</sup> Indeed, the locals demonstrated a striking willingness to adopt names of the conquerors—which is especially evident from the examination of families found in extant sources.<sup>80</sup> With these caveats in mind, it is still very possible to glean a desire to denote the foreign descent of individuals who would otherwise appear as locals in documents, thereby underscoring the danger of attempting to ascribe identity and geographical heritage on the basis of names and language alone.

Thus, the villein 'Abd Allāh, who lived amongst a completely Arabicizing population near Cefalù and was almost certainly so himself, was recorded as being the son of a Frank in a *ġarīda* list of 1145, likely reflecting a sobriquet bestowed upon him by neighbors.<sup>81</sup> Similarly, the family of Nicola, son of Zekri and Sitt al-Kull, would seem to have been of local stock. The name Nicola was common to local Greek and also Italian Christians, and Zekri could have reflected an Arabicizing influence, as Sitt al-Kull (mistress of all) certainly did.<sup>82</sup> However, the

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<sup>79</sup> *Wa šahada Martīn al-najjār*. Cusa, *I Diplomi Greci ed Arabi di Sicilia*, 79. Palermo, a1170.

<sup>80</sup> For example, the knight Zanatous and his wife Alembourga's children were named Beatricia, Martin, Nicola and Guiscard. Ibid., 521-522. Patti, a1138. Superscribed as σίγνον χειρὸς τζανάτου χαβαλλαρίου, σίγνον χειρὸς ἀλημβούργας συμβίου αὐτοῦ, βεατρίχιας θυγατρὸς αὐτῶν, and subscribed as μαρτίνος νιὸς χα μάρτυρ, νιχόλαος ἀδελφὸς μάρτυρ, βισχάρδος ἀδελφὸς αὐτοῦ μάρτυρ. There is also the case of Robert bin ('Abd?) Allah. Ibid., 556. Catania, a1126. σίγνον χειρὸς ρουβέρτου αβενελλα.

<sup>81</sup> Recorded bilingually as 'Abd al-Rahman bin Ifrankū and ἀβδεράραχμὲν ἔπιν φράνχου. Ibid., 473. a1145.

<sup>82</sup> Unfortunately, I cannot be certain of their autographic ability, as the document only survives in Cusa's transcribed edition. Ibid., 118. Messina, a1177.



scribe felt a need to record Zekri as being a son—or perhaps descendent—of a Lombard, thereby marking Nicola as being of foreign descent.<sup>83</sup>

There is similar evidence in the Arabicizing community, as well. In 1185, ‘Abd al-‘Azīz bin Ġuwān (John) and his wife Christodoula gave Giorgos son of Nicola the rights to half a parcel of land in exchange for planting a vineyard. ‘Abd al-‘Azīz superscribed the Greek document in Arabic, the notary Ioannos the priest superscribed Christodoula’s name in Greek on her behalf, and ‘Abd al-Azīz’s father Ġuwān bin ‘Abd al-Malik subscribed his name in Arabic, too. An Arabicizing and Hellenizing couple were not uncommon at all in Norman Sicily, and in fact Christodoula—whose name likely was a feminized translation of ‘Abd al-Masīḥ (servant of Christ)—may have also been Arabicizing herself, as extant sources record a number of separate Christodoula’s with Arabicizing fathers.<sup>84</sup>

And so a Greek text would seem to provide a glimpse of the local Sicilian Arabicizing community. As I have argued before, however, there is always the potential for the autographic records and the scribal comments to tell different stories. Indeed, this Greek notary preferred to refer to ‘Abd al-Azīz’s father not by his autographically proffered name of John ‘Abd al-Malik but rather as Ioannos the Andalusí.<sup>85</sup> Thus, this is a case of Christian immigrants from Muslim

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<sup>83</sup> Ibid. Sitt al-Kull, daughter of the qā’id Sa‘ūd, and her son Nicola had their names superscribed as *σίγνον χειρὸς σιτελχιούλ θυγατρὸς χάϊτ σεούτ* and *σίγνον χειρὸς νιχολάου* υἱοῦ αὐτῆς. Nicola’s name was recorded as *νιχολάου ζήχρι υἱοῦ λαγγουβάρδου*.

<sup>84</sup> Such as Christodoula daughter of ‘Abd al-Rahmān Acpe (?), whose sons were named Simeon and Abū Sayyid. Ibid., 663. Palermo a1172. Superscribed as *σίγνον χειρὸς χρηστοδοῦλης θυγατρὸς ἀβδεράχμην αχπε*, *σίγνον χειρὸς συμεῶνος υἱοῦ αὐτῆς*, *σίγνον χειρὸς βουσιτ υἱοῦ αὐτῆς*.

<sup>85</sup> Archivio di Stato di Palermo (ASP), Diplomatico, Tabulario del Monastero di Santa Maria della Grotta, folio TMG 6r. See Cusa, 669 for the transcribed edition. Palermo, a1185. The couple’s names were superscribed as *hāda ṣalībī ānā* ‘Abd al-‘Azīz bin Ġuwān and *σίγνον χειρὸς χρηστοδοῦλης γυνῆς αὐτοῦ*. A handwriting analysis shows the autograph to be ‘Abd al-‘Azīz’s own and Christodoula’s to be that of the notary. The father subscribed his name as *ṣahada bi-ḡalika Ġuwān bin ‘Abd al-Malik*, but his son was recorded as *ἀβδελλαζήζ υἱὸς ἰωάννος ἐνδοῦσι*.

Iberia, the father likely having fled the aforementioned Muwahħhid invasion forty years prior, opting for Palermo instead of Toledo.

The above examples reveal that anthroponymic and/or autographic—and in certain occasions almost certainly linguistic—commonality with a local population did not erase the communal memory of an individual’s forefathers in twelfth-century Sicily. Indeed, locals interacting with individuals such as the Hellenizing siblings Phillip, Anna, and Petros very well may have done so with the lineage of the very Norman-sounding father Gilbert and Latinate-named mother Leticia, daughter of Luke, in mind.<sup>86</sup> It is very likely that there were participants in Sicilian transactions whose foreign origin or descent remain unknown to the modern historian solely because they were not denoted as such by the scribes—especially if they only appeared as witnesses. Thus, as in Toledo, there was constant potential in Sicily for a disconnect between contemporary local perceptions and modern historiographical interpretations of an individual.<sup>87</sup>

### Conclusions

As has been demonstrated, the current selection criteria of Mozarabs as anthroponymically or autographically Arabicizing and Christian—with the assumption of Andalusí lineage—is imperfect at best and overlooks the diversity of the Arabicizing population of Christian Toledo which was perceived by contemporaries from the conquest of 1085 until at least the early thirteenth century. A comparative examination of twelfth-century Norman Sicily,

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<sup>86</sup> Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia*, 373-75. Messina a1176. Superscribed as σίγνο χειρὸς γλιπέρτου του γαμβρου λύχου, σίγνο χειρὸς λιτιτζίας γηνης αὐτοῦ. Subscribed as φιλίππου υἱοῦ αὐτοῦ, ανης ἀδελφῆς αὐτοῦ, and πέτρου ἀδελφοῦ αὐτοῦ.

<sup>87</sup> I should also refer readers to Johns and Jamil’s enlightening article “Signs of the Times,” although its context is more within the realm of royal autographic efforts to convey power over a multi-lingual and multi-confessional realm. Especially interesting is Master Justiciar William Malconvenant’s attempts to sign his own name in Arabic. Johns and Jamil, “Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily.”

despite its linguistic and notarial divergence, confirms trends already observed concerning the local perception of an individual's foreign origin despite outward acculturation.

Using names as merely a litmus test for Mozarabness is also problematic because scribes did not always record an individual's name as they wished to be presented. Furthermore, Arabicizing or Latinizing was often a strategic choice rather than a static badge of identity, as evidenced by the employment of dual or de-Arabicized names by Toledan clergy. Such tools were utilized by individuals from Lorvão to Leon to Toledo to Norman Sicily, all areas formerly on the frontier of Dār al-Islām.

## **CHAPTER TWO**

### **Judges and Geography:**

#### **The Legacy of Intra-Christian Parallel Judiciaries in Medieval Toledo**

Having discussed the dangers of solely using Arabic anthroponyms and autographs as litmus tests for divining contemporary identifications of Mozarabs, I will continue my investigation of the language and its historical association with this Christian community in Chapter Three. First, however, it is necessary to examine the earliest and most stable descriptive medium for Mozarabs—legal privileges and lawsuits. This approach will reveal the significance of geographically-based definitions of Toledan Christian communities and the legacy of intra-Christian juridical pluralism.

This chapter marks the commencement of my analysis of the term “Mozarab” as employed and understood by medieval contemporaries. Although lying toward the end of my study’s chronological span, it is instructive to begin with the *Crónica del Rey Don Pedro*, written by the *canciller mayor* Pedro López de Ayala (d. 1407). While certainly reflecting turn-of-the-fifteenth-century Toledan biases, this work’s historically unprecedented level of attention devoted to Mozarabs provides a framework for approaching not only resilient Mozarab legal definitions and privileges but also themes of the following two chapters.

Significantly, López de Ayala’s discussion of Mozarabs was an integral component of his account of Toledo’s defeat during the early eighth-century Muslim conquest of Visigoth *Hispania*. The Toledans’ surrender was certainly not unconditional, and the author is sure to stress their successful demands for exemption from all taxes, guarantees of six local churches’ preservation, and—most immediately interesting for the purposes of this study—the right to have recourse to a *Christian alcalde (judge) who would adjudicate their criminal cases and civil suits*.

*He would rule according to the Libro Juzgo, a fuero (law code) which had been composed by the Goths...*<sup>1</sup>

According to López de Ayala, this *modus operandi* was continued by the remaining Christians of Muslim Toledo after the city's conquest by the Castilian king Alfonso VI (r.1065-1109). The Castilian troops and immigrants, however, asked to be provided with their own alcalde who would judge according to the fuero of Castile. Thus, the Toledo of López de Ayala's day had two alcaldes: the *alcalde de los moçaraues* and the *alcalde de los castellanos*. *In order to give greater honor to those who had always lived in the city*, the alcalde of the Mozarabs was considered foremost and held jurisdiction over criminal and civil cases, while the alcalde of the Castilians only held jurisdiction over civil litigation.

This judicial dichotomy could lead to jurisdictional overlap in civil cases. Thus, a Castilian—defined by López de Ayala as *all those who are from the domains of the king of Castile and are not judged by the Libro Juzgo*—who was a citizen of Toledo had the right to have his case moved to a Castilian court if he were ever sued in a Mozarab court. Likewise, a Mozarab—so long as he was a citizen of Toledo through three generations—could have his case

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<sup>1</sup> Pedro López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*, ed. Germán Orduna, (Buenos Aires: SECRIT : Ediciones INCIPIT, 1994). 58-59. Emphasis mine. Pedro I's reign extended from 1350 until his murder in 1369. For an extended translation and the original Romance of excerpts from this text, please see *Appendix 1*, below. López de Ayala's account is at times more reflective of contemporary concerns than historical fact. At a minimum, the new Muslim overlords would have required some sort of tax or tribute from each town's non-Muslim communities and would have allowed Christians to worship in existing churches and be subject to their own laws and semi-independent judiciary. His comments regarding the aforementioned six churches, as well as his unprecedented merging of Mozarab and "Gothic" traditions, will be addressed in Chapter Four. Furthermore, as will also be seen below, Toledo's tax-exempt status was actually obtained piecemeal under the Castilian kings. It was not fully granted to all citizens until 1303. Ricardo Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*, (Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, Diputación Provincial de Toledo, 1990). 142.

transferred to a Mozarab court if any litigation were brought against him before a Castilian court.<sup>2</sup>

As an *alcalde mayor* of Toledo during the 1380's and 1390's, López de Ayala would have had first-hand experience with the city's unique Mozarab-Castilian dual judiciary.<sup>3</sup> His recounting of Mozarab history may furthermore have been colored by his marriage to Leonor de Guzmán, respectively niece and cousin of *alcaldes mayores* Diego Gómez and his son Pedro Suárez and also descendant of Melendo bin 'Abd al-'Azīz bin Lampader, an *alcallus Toleti de Mozarauis* during the latter half of the twelfth century. The *alcalde mayor* Diego Gómez had also been López de Ayala's brother-in-law through the latter's sister, Inés.<sup>4</sup>

With even a cursory examination of López de Ayala's definitions of Mozarabs and Castilians, it is readily apparent that religion, geographical origin, and legal adherence held prominence in his ascription of identities. The Castilians are defined as such because they are

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<sup>2</sup> Pedro López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*, ed. Germán Orduna and José Luis Moure, 2 vols., vol. 1 (Buenos Aires: SECRIIT : Ediciones INCIPIT, 1994). 62-63. See Appendix 1 for a translated excerpt of this chronicle. King Alfonso VI seized Toledo in 1085.

<sup>3</sup> In the tradition of the *qāḍī* of the Muslim juridical system, the *alcalde* had the role of judge, but in a unique Castilian development, he also acquired the civic role of magistrate. As will be further discussed below, the title *alcalde mayor* first appears in late-thirteenth-century Toledo. Toledo had two such positions—one Mozarab and one Castilian—with each overseeing their respective subordinate *alcaldes*. Molénat has found several Toledan documents referring to Pedro López de Ayala as *alcalde mayor* in 1387 and 1388, and he was noted as such in 1390, as well. Jean-Pierre Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* (Madrid: Casa de Velázquez, 1997). 349 n.241. Ricardo Izquierdo Benito, "Conflictos entre los Poderes Temporal Y Eclesiástico en las Ciudades Medievales : El Caso de Toledo en 1390 , Appendice Documental," *En la España Medieval* 7 (1985): 1095, 1102.

<sup>4</sup> Pedro López de Ayala's lineage will be discussed later in this chapter. Leonor de Guzmán's ancestor Melendo Lampader is attested as an *alcalde* between 1163 and 1179, and explicitly as *alcallus Toleti de Mozarauis* in 1179. CT 186 a1179. Following conventional practice, all citations from this source, henceforth abbreviated as "CT," will refer to *document numbers*, not page numbers. All dates will refer to the Common Era. Thus, CT 186 a1179 refers to Document 186 of *Cartularios de Toledo*, which was redacted in 1179 CE. Francisco J. Hernández, ed. *Los Cartularios de Toledo: Catálogo Documental*, 2 ed. (Madrid: Fundación Ramón Areces, 1996). For complementary information on Leonor's family tree, see: Todd A. Farmerie and Nathaniel L. Taylor, "Notes on the Ancestry of Sancha de Ayala," *New England Historical and Genealogical Register* 103 (1998); Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 171-172; *ibid*.

Christians from Castile and follow the Castilian *fuero*. Mozarabs are Christians with roots in Gothic and Andalusí Toledo (they had “always” lived in the city) and adhere to the *Libro Juzgo*.<sup>5</sup>

### **Aims**

In this chapter, I will utilize narrative, private, and especially juridical sources to examine the significance of geographically-based definitions of Christian populations from early twelfth-century to turn-of-the-fifteenth-century Toledo. Two types of legal sources—*fueros* and litigation cases—are particularly useful, for the resultant forging, amending, expanding, and/or renewing of laws and privileges would provide a forum for the negotiation and reaffirmation of separate Toledan Mozarab and Castilian identities for centuries. Furthermore, a careful parsing these documents’ changing contents will reveal that the parallel jurisdictional system of Pedro López de Ayala’s time was largely the result of a competition for—and guarding of—privileges reserved for *alcaldes* of communities designated as Mozarab and Castilian. This contest was itself part of a larger phenomenon of Mozarab and Castilian families seeking to secure and advance their status as *caballeros*—or non-noble urban knights. The effective limitation of the position of Mozarab *alcalde* to a small number of family lines with deep—and as I will argue in Chapter Three, conspicuously Arabicizing—roots in Toledo would serve to foster a narrative of pre-conquest juridical continuity that would ultimately become conceptually restricted to Toledo.

### **The *Alcalde*, the *Ra'īs*, the *Iudex*, and the *Κριτής*:**

#### **Juridical Pluralisms in the Former *Dār al-Islām***

I will begin with a reconstruction of the intra-religious juridical pluralism established amongst the Christians in early Castilian Toledo. Although Toledo’s judiciary is often presented as an Iberian anomaly, it was actually quite at home in a number of Christian regions wrested

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<sup>5</sup> “Andalusí” is the conventional adjectival term for al-Andalus, or Muslim Iberia. It does *not* refer to the modern-day Spanish region of Andalucía.

from Dār al-Islām. Thus, I will also examine the role of the ra'īs of Arabic Christians in Latin Jerusalem and the dual *iudex-κριτής* judiciary in Norman Sicily, the latter phenomenon having received little scholarly attention.

The *Libro Juzgo* or *Fuero Juzgo*, roughly translated as *Book of Judgments*, was a Mozarab identifier only within a Castilian Toledan context. Originally called the *Liber or Forum Iudic(ior)um*, the law code had been crafted in mid-seventh-century Visigoth *Hispania* less than a few generations before the Muslim conquest. The tome must have been well-received, however, for there is evidence of its use in the Iberian Christian kingdoms from the ninth to the eleventh centuries.<sup>6</sup> With the piecemeal expansion of their borders by at least the eleventh century, however, there arose a need for legal systems reflecting frontier realities. Thus, a new version of *fori* (*fueros*, in Romance) appeared—a sort of hybrid between settlement charters and municipal codes that initially were unique to each town. Such documents addressed not only typical issues of crime, defense and tax exemptions but also often the proper interactions within and amongst Christian, Jewish, and Muslim communities—the proportion of the latter population being a new reality for rulers to consider. Reflecting the martial nature of many settlements, these charters also often promised caballero status and its accompanying financial benefits to any warrior who could obtain a horse.<sup>7</sup>

Toledo was taken by Castilian forces in 1085, but there is no juridical record from the town until the so-called *Carta Mustarabum* of 1101. The charter was granted by Alfonso VI to all *the Mozarabs of Toledo—knights or foot soldiers—*whether, in his words, they were *those whom I have always loved and valued in this city or those whom I brought from foreign lands as*

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<sup>6</sup> Roger Collins, "Sicut Lex Gothorum Continet: Law and Charters in Ninth- and Tenth-Century León and Catalonia," *English Historical Review* 100 (1985).

<sup>7</sup> James F. Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000-1284*, (Berkeley: University of California Press, 1987). 13-39.



*settlers*. The document guaranteed Mozarabs certain privileges—such as the right to rise to caballero status—in addition to attempting to assuage contemporary friction over property rights between Mozarabs and Castilians by establishing a committee comprising *don Iohan, alcalde and praepositus of Toledo, along with the alguacil don Pedro and ten of the city’s leading men amongst the Mozarabs and Castilians, to examine and evaluate the claims and divide the said property and estates....*<sup>8</sup>

Hitchcock asserts that the *Carta Mustarabum* resulted in a city divided along Mozarab – Castilian communal lines, yet this document seems to have actually been evidence of pre-existing distinctions.<sup>9</sup> Alfonso VI geographically defined the Mozarabs of Toledo as being of Andalusi origin—whether the original Toledan residents whom he had “always loved” or those whom he “brought from foreign lands”—almost certainly al-Andalus.<sup>10</sup> They furthermore were explicitly associated with “their law”—the Libro Juzgo—while the Castilians were revealed to

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<sup>8</sup> Alfonso García-Gallo, "Los Fueros de Toledo : Apendices," *Anuario de Historia del Derecho Español* 45 (1975): 459-460. See *Appendix 2*, below, for a fuller translation and the original Latin. The title *alguacil*, a Latinized version of the Arabic *al-wazīr*, is never defined in contemporary Toledan sources. Gonzalez Palencia holds that it was a generic title of esteem, but specific titles such as *alguacil mayor* would suggest a more concrete understanding of the term by contemporaries. It likely had some similarity with its later function of bailiff. Angel González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices*, (Madrid: Instituto de Valencia de Don Juan, 1930). 219. References for descriptions of the roles of the *wazīr* and *qādī* in contemporary al-Andalus can be found in Francisco J. Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," *Toletum* 16 (1982-1983). 106 n.136.

<sup>9</sup> Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*, (Burlington: Ashgate, 2008). 84.

<sup>10</sup> The expression *brought from foreign lands (de alienis terris ad populandum adduxi)* almost certainly referred to the practice of the king escorting prospective settlers back to his kingdom after having raided the realm in which the new immigrants had lived. This strategy would have been counterproductive within Christian Iberia, but was a common outcome of raids into al-Andalus. Perhaps the most famous case is that of the Mozarabs who accompanied the Aragonese King Alfonso I (r. 1073/4-1134) back to his realm after his aborted conquest of Granada in 1125/1126. Two surviving fueros reveal that they were settled in the northwestern outskirts of Zaragoza. In the Fuero of Alfaro (dated 1126), Alfonso I refers to them as *christianos mozarabis quos ego traxi cum Dei auxilio de potestate sarracenorum et adduxi in terras christianorum*, and in the later Fuero of Mallén (dated 1132), they are similarly described as *christianos mozarabes de Mallen, quos ego traxi cum Dei adjutorio de postestate paganorum, et aduxi vos intra christianorum*. See note 14 for further discussion. Tomás Muñoz y Romero, *Colección de Fueros Municipales y Cartas Pueblas*, (Madrid: Ediciones Atlas, 1972). 503; Francisco Javier Simonet, ed. *Historia de los Mozárabes de España Deducida de los Mejores y Más Auténticos Testimonios de los Escritores Cristianos y Árabes : Apendices* (Madrid: Estab. Tip. de la Viuda e Hijos de M. Tello, 1897-1903), 824-825.

have an enigmatic “Charter of the Castilians,” which unfortunately only survives in contemporary documentation via references to several of its provisions.<sup>11</sup>

This intra-Christian juridical pluralism—based upon geographic origin—had likely existed soon after the Castilian conquest of Toledo. The Mozarabs must have continued to use the Libro Juzgo if they were to be already associated with it in the *Carta Mustarabum*, and Alfonso VI referred to the Castilian charter’s unique *calumnia* legislation as if it were already well-known. Indeed, Escalona, a forty mile’s journey northwest from Toledo, was explicitly settled in 1130 *according to the fuero by which Alfonso settled all the Castilians in the city of Toledo*.<sup>12</sup>

There was no reference to Mozarab or Castilian alcaldes in the *Carta Mustarabum*, yet separate law codes had almost certainly required such an arrangement. Thus, in 1124, the settlers of Santa Olalla, a town roughly thirty miles northwest of Toledo, were granted the right to have

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<sup>11</sup> References to the Mozarabs’ use of the Libro Juzgo include the following clauses: *May they always possess as many properties and estates or vineyards and land as they currently hold, according to their law (in suo iure)...And if any civil dispute (negotio) arises between them, may the sentence be meted according to the ancient mandates of the Libro Iudicum*” As for references to the Charter (fuero) of the Castilians, history has preserved this clause: *And may they only pay a fifth of any criminal fines (calumnia) required by the charter of the Castilians, with the exception of theft and the killing of a Jew or Moor...* Emphasis and translation mine. For an extended translation and the original Latin of excerpts from the Carta Mustarabum, see *Appendix 2*, below. The earliest surviving copy of the *Carta Mustarabum* is its renewal of 1155. Alfonso García-Gallo, “Los Fueros de Toledo,” *Anuario de Historia del Derecho Español* 45 (1975): 346; “Los Fueros de Toledo : Apendices,” 459-461. After a thorough examination of potential matches of the fuero of the Castilians with other fueros, María Luz Alonso is forced to make no more than a general assertion that the fuero was a document of local origin. Specific references to elements of the Libro Juzgo in surviving private transactions of Castilian Toledo show that some post-Visigoth provisions—whether of customary or Maliki origin—had been added to this law code. María Luz Alonso, “La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo,” *Anuario de Historia del Derecho Español* 48 (1979); María Luz Alonso Martín, “La Compraventa en los Documentos Toledanos de los Siglos XII - XV,” *Anuario de Historia del Derecho Español* 49 (1979). García-Gallo assumes that the later *Fuero de Escalona*, which called for the town to be settled in 1130 according to the *Fuero of the Castilians* in Toledo, repeats a number of the elements of said fuero, yet he also surmises that they included (unspecified) *algunas nuevas concesiones*. García-Gallo, “Los Fueros de Toledo,” 414, 417; “Los Fueros de Toledo : Apendices,” 464. A number of private documents from Toledo refer to elements of the *Fuero of the Castilians* addressing marriage and inheritance. See Alonso’s articles cited above.

<sup>12</sup> For the reference to the *calumnia* legislation, see note 11. García-Gallo makes a similar argument. “Los Fueros de Toledo,” 412-413. *Nos...afirmamus hos supra nonnominatos foros vobis omnibus populatoribus supra dicta Scalona, ut habeatis, teneatis, vos et filii atque consaguinei vestri vel qui fuerint ex vobis per cuncta secula, amen, a foro sicut populavit Adefonsus omnes Castellanos in civitate Toletto...* For the original text, see María Luz Alonso Martín, “La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo : Apendices,” *Anuario de Historia del Derecho Español* 48 (1979): 464.

Mozarab and Castilian *alcaldes* as guaranteed in the *fueros* of Toledo.<sup>13</sup> Similarly, in 1156, Mozarabs from “Calatayud, Zaragoza and Aragon”—likely descendants of the Christians brought from al-Andalus by the Aragonese King Alfonso I in 1125/1126—settled the town of Zorita on the condition that the Castilian king Alfonso VII (r. 1116-1157) allow them to always have their own Mozarab *alcaldes* and tax collectors.<sup>14</sup>

Documentary evidence provides explicit confirmation of this judicial dynamic, such as that found in a royal charter (a1179) whose notary recorded the ubiquitous witnesses Pedro Díaz and the aforementioned Melendo Lampader as *alcaldes* of the Toledan Castilians and Mozarabs, respectively.<sup>15</sup> Additionally, a number of private transactions from the twelfth through fourteenth centuries specified whether the participants were following the *Libro Juzgo* or the *fuero* of the Castilians, although including such detail was not standard practice.<sup>16</sup>

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<sup>13</sup> *Et dono vobis ut vos regatis in iustitia secundum fora mee civitatis Toletu. Et quod habeatis alcalles mozarabem atque castellanum. Et quod habeatis appellationem coram iudicibus de Toletu.* García-Gallo, "Los Fueros de Toledo : Apendices," 463.

<sup>14</sup> CT 114. See note 10 for further discussion of King Alfonso I. Two Mozarab Aragonese *fueros* survive, both redacted for towns in the northwestern outskirts of Zaragoza. One *fuero* (dated 1132) settled a community in Mallén according to the *fueros* of Zaragoza and Tudela, but the other *fuero* (dated 1126)—of the town Alfaro—granted the Mozarabs tax exemptions and the right to their own laws, almost certainly the *Libro Juzgo*: ...*quod habeatis illos sicut est uestro fuero et uestro usatico antico*. There is no mention of any Mozarab *alcalde*, however, nor subsequent mention of a Mozarab population in the region, until the *Fuero* of Zorita. Muñoz y Romero, *Colección de Fueros Municipales y Cartas Pueblas*: 503; Simonet, *Historia de los Mozárabes de España Deducida de los Mejores y Más Auténticos Testimonios de los Escritores Cristianos y Árabes : Apendices*, 824-825.

<sup>15</sup> Recorded in the first witness column as *Petrus Diez alcallus Toleti de Castellano*<sup>s</sup> cf and in the second column as *Melendus Lampaer alcallus Toleti / de Mozarauis* cf. CT 186 = Archivo Capitular de Toledo (ACT) A.2.G.1.5.

<sup>16</sup> The *Libro Juzgo* was alternately referred to as the *Fuero Juzgo*, *Fuero de los Cristianos*, or, according to Alonso, the *Fuero de Toledo* within a Toledan context, the latter of which appellations would refer to its inclusion of Muslim and Castilian juridical elements. Alonso records numerous such references in Latin and Romance documents, in addition to fourteen references to the *fuero* of the Castilians. Alonso, "La Perduración del *Fuero Juzgo* y el Derecho de los Castellanos de Toledo," 350-374; Alonso Martín, "La Compraventa en los Documentos Toledanos de los Siglos XII - XV." According to Diego Olstein, sixty-nine percent of Castilian Toledan Arabic documents were conducted according to the *Libro Juzgo*, or “law of the Christians” (‘alā sunna an-naṣārī). Diego Olstein, *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, las Fuentes y la Historia*, (Salamanca: Ediciones Universidad de Salamanca, 2006). 75-77. Unfortunately, the Castilian summaries and Arabic excerpts of Toledan documents found González Palencia’s collection only record allusions to the *fuero* of the Castilians (*fūr al-qaṣṭilāniyūn*) in Arabic documentation. : MT 1037 a1185, MT 963 a1283. Olstein cites no example of the “sunna of the Nazarenes” in Arabic transactions, but one can be found in Archivo de la Catedral de Toledo (ACT) E.10.D.1.6a, which corresponds to MT 100 a1171. MT = Angel González Palencia, ed. *Los Mozárabes de*

Mozarabs and Castilians were not the only populations legally recognized in early Castilian Toledo. In 1136, King Alfonso VII confirmed the *fueros* which the Franks had been granted by Alfonso VI. The document makes a remarkable mention of the *fuego* originally having been bestowed during the tenure of the (Frankish) archbishop Bernard of Sédillac (r.1086-1125), further suggesting a Frankish sense of commonality. The aforementioned text guaranteed Franks the right to their particular *merino* (magistrate) and *saio* (judicial bailiff) and assured them that no other *saio* would enter their *barrio* to arrest anyone or do any other type of evil.<sup>17</sup> There are several references to “alcaldes of the Frankish *barrio*” in the twelfth and thirteenth centuries, but María Alonso offers a plausible explanation that these titles technically refer to Frankish *merinos*.<sup>18</sup>

This tripartite communal organization of Toledo was officially recognized by at least 1137 in a *fuego* addressed to “all the Christians who now reside in Toledo—Mozarabs, Castilian, and Franks—and to those who would reside there in the future.”<sup>19</sup> Toledo’s pluralistic juridical approach had been borne of political expediency. Faced with an unprecedented concentration and number of local and immigrant Christian populations, the Castilian kings had been concerned with preventing civil strife (as in the case of the *Carta Mustarabum*) and recognized

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*Toledo en los Siglos XII y XIII*, 4 vols. (Madrid: Instituto de Valencia de Don Juan, 1926). See note 3 for the conventional citation style of documents from this collection.

<sup>17</sup> García-Gallo, “Los *Fueros* de Toledo,” 467.

<sup>18</sup> *Maurin, marino (merino) de illos Francos*, signed a document in 1103. James, husband of Maria Domingo, was active in 1266 but had died by 1276. He was remembered as *dūn Ġāmis qādī rabaḍ al-Afrānġ* in a document from the latter date. MT 628 and MT 652. There is also a document involving a certain Miguel Cardenal, *alcalde del barrio de los Francos*, who bequeathed several *casas* to the cathedral chapter in 1297. ACT E.9.C.1.4a (a1297). See Alonso, “La Perduración del *Fuego Juzgo* y el Derecho de los Castellanos de Toledo,” 343 n.324.

<sup>19</sup> García-Gallo argues on codicological grounds that this document was a forgery from ca 1175-1178, but this proposed date is not widely accepted. Either of these dates is acceptable for my argument, however. García-Gallo, “Los *Fueros* de Toledo,” 377-378; “Los *Fueros* de Toledo : Apendices,” 484-485. For reservations about a dating between 1175-1178, see Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 28.

the wisdom in leaving existing juridical traditions as unchanged as possible (hence allowing the Mozarabs to continue using the Libro Juzgo).<sup>20</sup>

They were not alone. The Latin Kingdom of Jerusalem—and other Crusader states of the *outremer*—comprised substantial populations of indigenous Christians who, like the Mozarabs, had been accustomed to enjoying their own laws and semi-independent judiciaries while living under Muslim rule. As with Sicily, these Christians would have differed from their co-religionist newcomers not only in terms of language but also liturgy, being adherents of the Greek rite.<sup>21</sup>

A large number of copies of Latin documents from Levantine kingdoms survive, mostly in the form of cartularies, inventories, or *assises* (books of jurisprudence). In one such *Livre des Assises*, written during what would prove to be the autumn of the Kingdom of Jerusalem, one can see how the Crusaders had dealt with local Christian populations. In what should be a thematically familiar account, the count of Jaffa and Ascalon John of Ibelin (d. 1266) recounted an encounter of the Syrian Melkite Christians with Godfrey of Bouillon, first ruler of the Latin Kingdom of Jerusalem (r.1099-1100):

The people of the Syrians came before the king of the aforesaid kingdom and begged and required of him that he would see that they were judged according to the customs of the Syrians and that they should have a chieftain and *jurats* of a court and that by this court they should be judged, according to their customs, concerning the quarrels that arose

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<sup>20</sup> It should be noted, however, that this process did involve a bit of adaption, as the *qāḍī* of the Muslim tradition was only a judge. See note 3. The role of magistrate was carried out in *Dār al-Islām* by the *ṣāhib al-ṣurṭa*, who was called the *ṣāhib al-madīna* in al-Andalus. ‘Abd Allāh ibn Buluggīn, *The Tibyān : Memoirs of ‘abd Allāh Ibn Buluggīn, Last Zīrid Amīr of Granada*, ed. Amin T. Tibi, trans. Amin T. Tibi, (Leiden: Brill, 1986). 211 n.146. The position was rendered as *zafalmedina* in Romance. As Hernández demonstrates, this role—conveyed in Romance as *zafalmedina*—was absorbed by the *alcaldes* within several generations after 1085. However, I would disagree with his assertion that dual judiciaries were not formally recognized by the crown until the late 1160s, as there is evidence of such a *modus operandi* prior to this time. Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," 106-109, 123.

<sup>21</sup> An issue which will be discussed in Chapter Four.

among them. And he authorised the said court...And from that day to this it is customary to judge the Syrians of the said kingdom as is aforesaid.<sup>22</sup>

The “Syrians” in this context can clearly be identified as indigenous—and non-Latin-rite—Christians, thus providing evidence of another sort of intra-Christian juridical pluralism, although it must be noted that the *Cour des Syriens* was clearly inferior in rank to the *Haute Cour* and the *Cour des Bourgeois*. Riley-Smith makes the reasonable argument that aforementioned “chieftain and *jurats*” of the court should be identified with each town’s *ra’īs*, a title originally bestowed in Dār al-Islām on an individual who presided over his (non-Muslim) coreligionists. Recorded in Latin sources as *rays* or even *regulus*, the *ra’īs* of Latin Jerusalem was roughly analogous to the *alcalde* of Castilian Toledo in that they both were responsible for meting justice to their particular communities and both accordingly represented an adaption of preexisting Muslim juridical structures.<sup>23</sup> The nature of the sources precludes in-depth knowledge about *ru’asā* such as George of Jerusalem (r. 1120’s) and Guy of Nablus (r.1174-1186), save that they were quite prosperous.<sup>24</sup> Unfortunately, no further information about the *Cour des Syriens* survives.

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<sup>22</sup> Translation taken from Jonathan Riley-Smith, "Some Lesser Officials in Latin Syria," *The English Historical Review*, no. 342 (1972): 2, 9. For the original text, see Arthur Beugnot, ed. *Recueil des Historiens des Croisades. Assises de Jérusalem; ou, Recueil des Ouvrages de Jurisprudence, Composés pendant le XIIIe Siècle dans les Royaumes de Jérusalem et de Chypre. Lois*, 2 vols., vol. 1 (Farnborough, Hants.: Gregg, 1967).

<sup>23</sup> This commonality—the adoption and adaption of pre-existing, legally defined Muslim juridical structures within a ruling Christian context—was absent from other examples of personality of the law found within Europe, such as those of the Carolingian empire or Latin Morea, for example. Robert Bartlett places Mozarabs and the Greeks of Morea in the same conceptual category, but the latter population does not seem to have had their own courts, much less their own judiciary. Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350*, (London: Allen Lane, 1993). 204-220; Rosamond McKitterick, *The Carolingians and the Written Word*, (New York: Cambridge University Press, 1989). 23-40.

<sup>24</sup> For a discussion of George, Guy, and other town *ru’asā*, see Riley-Smith, "Some Lesser Officials in Latin Syria," 5-6. A name such as “Guy” may not seem very Syrian, but as with the local Sicilians under Norman rule (see Chapter One), there was a willingness of the indigenous population of Crusader Jerusalem to adopt very foreign-sounding Latin names, as demonstrated by the brothers Peter and Henry *Arrabi* or Nicholas Manšūr, husband of a certain Stephanie. It is certainly also possible that these individuals were the product of “mixed” marriages.

Sicily's records are slightly more forthcoming. Roger II (r. 1105-1154) had proclaimed that the differing customs and laws found in his realm should continue to be observed by their respective "variety of subject peoples" whom the bishop of Catania later identified as "Latins, Greeks, Jews, and Saracens" when making a similar pronouncement in 1168.<sup>25</sup> There is confirmation of this long-lived dynamic in Palermo, when, in 1332/1333, a certain Bonnanus Geronimo contracted a marriage in Palermo *according to the custom of the Greeks*, a type of union whose precise stipulations were recorded in the early fifteenth century.<sup>26</sup>

Such legal diversity almost certainly existed in Messina, a likelihood bolstered by the local tradition of dual judiciaries explicitly mentioned as early as 1146: judges of the Greeks (κριταί γρεχῶν) and judges of the Latins.<sup>27</sup> These judges occasionally were explicitly identified, but they likely can also be distinguished by their respective autographic language. Accordingly, a certain Messinan named Basil subscribed a document in Greek as *κριτής of the Greeks* alongside

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Reinhold Röhrich, ed. *Regesta Regni Hierosolymitani, MXXVII-MCCXCI*, 2 vols. (New York: B. Franklin, 1960). 87 (no.335) a1158, 132-133 (no. 503) a1173, 143-144 (no. 539) a1176, 156-157 (no. 590) a1179.

<sup>25</sup> Discussed in Jeremy Johns, "The Greek Church and the Conversion of Muslims in Norman Sicily?," in *Bosphorus: Essays in Honour of Cyril Mango*, ed. Stefanos Efthymiadis, Claudia Rapp, and Demetres Tsoukarakes (Amsterdam: Adolf M. Hakkert, 1995), 135. The original Latin of Roger's *assises* is as follows: *moribus, consuetudinibus, legibus non cassatis, pro varietate populorum nostro regno subiectionum, sicut usque nunc apud eos optinuit*. Francesco Brandileone, *Il Diritto Romano nelle Leggi Normanne e Sveve del Regno Sicilia*, (Torino: Fratelli Bocca, 1884). 95-96.

<sup>26</sup> While Jack Goodman makes a viable argument that the aforementioned "Greek marriage" cannot be interpreted as an ethnic marker in early fourteenth-century Palermo, such juridical pluralism in a time closer to the Norman Conquest would have been not only reflective of local and immigrant demands for the recognition of separate traditions but also a legal acknowledgement and reinforcement of separate communal identifications and accompanying privileges. In this useful article, Goodman draws attention to the anthroponymic Latinity or neutrality of Bonnanus's family and his donations to Latin-rite, rather than Greek-rite, churches. Furthermore, he notes the economic benefits of a Greek marriage as stipulated in the fifteenth-century *consuetudini* of Palermo (dowries remained separate) as well as its stipulation that the any combination of Latin or Greek individuals could contract a marriage according to the Greek custom. Jack Goodman, "Greek in Marriage, Latin in Giving: The Greek Community of Fourteenth-Century Palermo and the Deceptive Will of Bonannus de Geronimo," *The Hilltop Review* 3, no. 1 (2009): 72-76.

<sup>27</sup> These judges would have worked under Messina's one *stratigotus*, which in Norman Sicily was roughly parallel to the Toledan *alcalde mayor* (for a discussion of this position, see below). The strategoi after 1152 were Latins. Carlo Alberto Garufi, "Sulla Curia Stratigoziale di Messina nel Tempo Normanno-Svevo," *Scritti Vari di Filologia*, no. 9 (1901): especially 140.

the also-Hellenizing Ioannis, *κριτής of Messina*, and the Latinizing Malgerius, *iudex Messane*.<sup>28</sup> Malgerius had also previously subscribed a document next to the κριτής Leon, the latter being a prolific individual who signed his name alongside a number additional officials bearing the title *iudex Messane*, such as Andreas of Limoges, Stephanus, and Guillelmus Chiriolus, to name a few.<sup>29</sup>

As with the Mozarab and Castilian *alcaldes* of Castilian Toledo and the *ra'īs* of the Melkite Christians of the Latin Kingdom of Jerusalem, the Norman preservation of the κριταί of the Greeks was almost certainly an adoption of a preexisting organizational structure found in the wake of the expulsion of Muslim rule.

### Christians from al-Andalus

Having demonstrated the similarities in intra-Christian legal approaches to regions formerly within Dār al-Islām, the quantity and quality of relevant surviving sources favor focusing on the legacy of the earliest criteria for defining the aforementioned Mozarab, Castilian

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<sup>28</sup> Recorded by Cusa as *Ego Malgerius Iudex Messane testor*, Ἰωαννης ο κριτης μεσσηνης υπεγραψα, and κριτης των γρεχων βασιλειος ο βουχολουμενου μαρτυς υπεγραψα. Cusa 336 a1186. Cusa = Salvatore Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia* (Palermo: reprinted by Böhlau Verlag, Köln and Wien, 1982). Basil also signs two additional documents as κριτής, albeit without explicitly referring to himself as a κριτής of the Greeks, in 1182 alongside the *magister Willelmus Messanensis viceiudex* and *Vasallus de Caulla Mesane viceiudex* and the aforementioned Malgerius *iudex messane* and Iwannis κριτης μεσσηνης in 1188. Cusa 333 and 338, respectively. Unfortunately, the original document does not survive, so I cannot confirm the whether these judges were autographically competent, but the argument for juridical pluralism holds, regardless. It should be noted that the only examples in which judges of the Latins identified themselves as such are in Greek (!). André (ed.) Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," in *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)*, ed. André Guillou (Palermo: Santa Maria delle Moniali, 1963), 84-90 (no. 88) anno 1152.

<sup>29</sup> This particular example is from 1178. Cusa 350-351. The originals of the latter three of the following four documents in which Leon appears have survived in the Tabulario del monastero di Santa Maria Maddalena di Valle Giosafat (TSMG), thereby autographically confirming that he and certain Palermitan κριτής named Leon were different individuals. Leon of Messina, active from 1171-1178, always subscribed as κριτης and always alongside *iudices messane*. Cusa 364 a1171, Cusa 371 = ASP, TSMG 0052 a1176, Cusa 373 ASP, TSMG 0051 a1176, and Cusa 375 = ASP, TSMG 0053 a1177. The significantly divergent notarial traditions amongst Sicilian towns seem to preclude the determination of whether the phenomenon of dual judges was observed in the rest of the island. Presiding judges were much more likely to be mentioned in Messinan documents, and their cohorts—Latin or Greek—were much more likely to be recorded as witnesses. Palermitan documents only preserve the memory of a few κριταί and Latinizing judges. Cefalù refers to no judges at all.



and Frankish communities of Castilian Toledo: geographical origin.<sup>30</sup> Regarding the Mozarabs, allow me to briefly examine the *Chronica Adefonsi Imperatoris*, composed soon after the much-celebrated, but short-lived, Castilian-Genoan conquest of Almería (1147). This text was the first Iberian narrative source to mention the Mozarabs, referring to them as *Christians who are called Mozarabs, who had lived in the land of the Hagarenes since ancient times*. The author, likely a bishop from the Leonese city of Astorga, seems to have had more than passing knowledge of their fate. He was aware that many had been exiled to the Murābiṭ-controlled Maghreb to serve as soldiers as punishment for the aforementioned military foray of the Aragonese King Alfonso I into al-Andalus (1125/1126), and that these same *thousands of knights and foot soldiers crossed the sea and arrived at Toledo with their bishop and many of their clerics* in the wake of the Muwaḥḥid invasion of the late 1140's.<sup>31</sup> Yet he mentions nothing of their language or rite.

Such a description reflects a continuance of Alfonso VI's aforementioned definition of Mozarabs in 1101 as the original Christians of Toledo whom he had *always loved and valued* and also those whom he *brought from foreign lands (al-Andalus) as settlers*.<sup>32</sup> It was Andalusí Christian origin—whether from Muslim Toledo or the rest of Muslim Iberia—that entitled a Toledan to justice meted by a Mozarab alcalde according to the Libro Juzgo. However, at least from 1118—or more likely, approximately 1166—Mozarabs would officially lose this legal particularism in a fuero addressed to *all Toledan citizens, that is to say, Castilians, Mozarabs, and Franks*, which required that all such Toledans, *on account of their faithfulness and equality*,

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<sup>30</sup> For a discussion of the significance of Language and Liturgy in communal identification, see Chapters Three and Four.

<sup>31</sup> For arguments regarding the authorship of Bishop Arnaldo of Astorga (r. 1144-1152) see Simon Barton and R. A. Fletcher, "Introduction to the *Chronica Adefonsi Imperatoris*," in *The World of El Cid : Chronicles of the Spanish Reconquest, Manchester Medieval Sources Series* (New York: St. Martin's Press, 2000), 155-160. For the Latin text, see Emma Falque Rey, Juan Gil, and Antonio Maya, eds., *Chronica Hispana Saeculi XII*, vol. 1 (Turnholti: Brepols, 1990). 216 (paragraph 45), 248 (paragraph 111).

<sup>32</sup> See notes 10 and 11.

*be judged according to the Libro Juzgo in the presence of ten of the most noble and wisest of men who will always sit with the judge of the citizens, with the exception of the Castilians. As for the Castilians, they may use their fuero, if they wish.*<sup>33</sup>

Significantly, the Libro Juzgo, which had been limited to Mozarab litigation (*negotio*), was now applicable to potentially all Christians Toledans in matters of criminal and civil law. The Castilian fuero's jurisdiction over criminal cases was curtailed, with perjury and accessory to murder being relegated to the Libro Juzgo, and death by stoning being the mandatory sentence for all cases of homicide.<sup>34</sup> This clause was likely the beginning, if not effectively the full enactment, of the Castilian alcaldes' sole prerogative being that of civil litigation, as later depicted by Pedro López de Ayala.<sup>35</sup>

This fuero by no means secured juridical homogenization in Toledo, as some have argued.<sup>36</sup> The "equality" which it evoked was effectively of a "separate but equal" nature, for the

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<sup>33</sup> García-Gallo, "Los Fueros de Toledo : Apendices," 473. The fuero of the Franks was not mentioned in this document and never would be again. After having examined the fuero's content, García-Gallo thoroughly argued that this document—whose first surviving copy is from 1174—may have been confirmed orally in 1117 but was not actually written until sometime during the reign of Alfonso VIII (r. 1158-1214). For reasons unexplained, he provided the fuero with a date of ca 1166, perhaps because it is halfway between the beginning of Alfonso's reign and the year 1174. "Los Fueros de Toledo," 351-363. Most historians, while acknowledging García-Gallo's arguments, continue to date the document to 1118, although some prefer the year 1166. In order to prevent confusion, I will give the fuero both dates: "1118/1166." For those who acknowledge his arguments yet prefer the year 1118, see: Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 84 n.44. and Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 27. For an example of an historian who prefers the year 1166 without acknowledging the possible dating of 1118, see: Heather Ecker, "Administradores Mozárabes en Sevilla Después de la Conquista," in *Sevilla 1248 : Congreso Internacional Conmemorativo del 750 Aniversario de la Conquista de la Ciudad de Sevilla Por Fernando III, Rey de Castilla y León*, ed. Manuel González Jiménez (Seville: Editorial Centro de Estudios Ramón Areces, 1998), 825.

<sup>34</sup> *Quod si aliquis aliquem hominem occiderit intus Toleti, aut foras infra quinque milliarios in circuitu eius, morte turpissima cum lapidibus moriatur. Si quis vero cum aliquo furtu probatus fuerit, totam calumniam secundum Librum iudicum solvat. Qui vero de occisione christiani vel mauri sive iudei per suspicionem accusatus fuerit, nec fuerint super eum veridicas fidelesque testimonias, iudicent eum per Librum iudicum.* García-Gallo, "Los Fueros de Toledo : Apendices," 478.

<sup>35</sup> See *Appendix I*.

<sup>36</sup> A number of historians use this fuero as an example of legal homogenization. See García-Gallo, "Los Fueros de Toledo," 432-441. It should be noted, however, that García-Gallo acknowledges the continued existence of the

Castilian exemption clause allowed for the accompanying law code's very long and determined life.

Despite the effective juridical flexibility, the vast majority of Toledans—clearly more than those of Andalusí descent—seem to have preferred the Libro Juzgo.<sup>37</sup> This phenomenon poses a significant question: if the Libro Juzgo ceased to be the exclusive recourse of the Mozarabs in the twelfth century, how can one explain the aforementioned Pedro López de Ayala associating the law code with this community in 1400? The answer lies with the *alcaldes* of Toledo, a segment of the population that would profoundly influence Mozarab identification.

The *fuero* of 1118/1166, notably, had not addressed the phenomenon of Mozarab and Castilian *alcaldes*, and there accordingly are explicit references to one of the former and three of the latter before and immediately after the contentious dating of this document, thereby indicating that the structure of the judiciary remained unaltered.<sup>38</sup> This neglect led to tension concerning the respective *alcaldes*' jurisdiction—almost certainly in the thirteenth century and explicitly in the fourteenth century.

While no explicit evidence of such friction has survived from thirteenth-century Toledo, there fortunately are several court cases likely addressing this problem from contemporary

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Castilian judiciary. See Ecker, "Administradores Mozárabes en Sevilla Después de la Conquista," 826; Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 84-85.

<sup>37</sup> As María Luz Alonso has demonstrated, references to the Libro Juzgo in surviving documentation dwarf the paltry fourteen references to the *Fuero* of the Castilians. Alonso, "La Perduración del *Fuero Juzgo* y el Derecho de los Castellanos de Toledo." Furthermore, see note 16.

<sup>38</sup> *Alcaldes* rarely referred to themselves as such when signing in their own hand, and they were only designated as *alcaldes* of the Mozarabs and Castilians occasionally in witness lists by Latin scribes. The three explicitly known twelfth-century Castilian *alcaldes* are the following: Martino Garciaz, *judex castellanus*. CT 19 a1115; Antolin *alcaalde* (sic) *castellano* (CT 48 a1144), and Pedro Díaz *alcallus Toleti de Castellanos*. CT 186 a1179. The one explicitly known twelfth-century Mozarab *alcalde* was Melendo Lampader, recorded as *alcaido mostaraborum Melendo Lampadeiro* and *alcallus Toleti de Mozaravis* in OOS 93 a1178 and CT 186 a1179. OOS = José-Luis Martín, *Orígenes de la Orden Militar de Santiago (1170-1195)*, Anuario de Estudios Medievales. Anejo, 6 (Barcelona: Consejo Superior de Investigaciones Científicas, 1974). See note 3 for the conventional citation style of documents from this collection.

Talavera. This town, a fifty mile's journey slightly northwest from Toledo, is a useful proxy study for its larger neighbor thanks to its Mozarab and Castilian populations and the accompanying right to have separate *alcaldes* of the Libro Juzgo and the Castilian fuero, as specified in the fuero of 1118/1166 and an additional *carta* which has not survived.<sup>39</sup>

Mozarab and Castilian *alcaldes* jealously guarded their respective authority. One motivation—or perhaps obligatory justification—was that enough members of each community simply did not trust an *alcalde* from the other community to administer justice fairly.<sup>40</sup> Additionally, the prestigious title of *alcalde* was effectively limited to caballeros; thus, to hold this position was at once an outward sign of one's urban knightly status and a means of maintaining it.<sup>41</sup> Besides the considerable power accompanying this post—remember that these individuals were akin to not only judges but also mayors—its holders were also entitled to at least a double share of booty from each military raid, if contemporary fueros from other towns are representative of the local *modus operandi*.<sup>42</sup>

If a charter of 1213 granted to La Guardia—approximately thirty miles southeast of Toledo—is indicative of its neighbor, *alcaldes* were elected annually, although, in Toledo, at

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<sup>39</sup> In a 1254 arbitration, to be further discussed below, Alfonso X mentioned that he had bestowed (or more likely, confirmed) a charter granting these privileges. Vos sabedes bien que vos yo enbie una mi carta abierta, en se mandè, que los Alcaldes de *vuestra villa*, que yudgasen asi como yudgan en Toledo. El uno que yudgase por el Libro Yudgo de Toledo, è e otro por el fuero de los Castellanos de Toledo. The wording of this *carta* would likely have been similar to that of the town of Santa Olalla (see note 13) Biblioteca Nacional de España de Madrid (BN) Colección Burriel MS13094 ff151r-152r. This arbitration is recorded in a subsequent ruling of 1282. Furthermore, residents of the city of Talavera—along with residents of several other surrounding villages of Toledo—signed the fuero of 1118/1166, thereby signifying it held the force of law in their towns, as well. García-Gallo, "Los Fueros de Toledo : Apendices," 482.

<sup>40</sup> See note 46.

<sup>41</sup> This correlation will be very clear in examples provided below.

<sup>42</sup> Powers, *A Society Organized for War : The Iberian Municipal Militias in the Central Middle Ages, 1000-1284*: 177 n.152. There is evidence for *alcaldes* receiving a salary in fourteenth-century Castile, but I do not know if this was true for earlier Toledo. See Teófilo Ruiz, "The Transformation of the Castilian Municipalities: The Case of Burgos, 1248-1350," *Past and Present* 77 (1977): 17, 27.

least, many such individuals effectively held the title for a number of consecutive or non-consecutive years.<sup>43</sup> The masterful Toledan prosopographical work of Jean-Pierre Molénat has demonstrated that the position of *alcalde* was kept within the family whenever possible, but there are a number of lineages that could boast of only one *alcalde* in their genealogies and many that had a lacuna of several generations.<sup>44</sup> This was a position to which caballero families aspired.

This argument is supported by an examination of a series of lawsuits, the first of which was brought in 1254 before Alfonso X by the Talaveran *alcalde* *Muño Matheos, que yudga el fuero de los Castellanos asi como en Toledo*, against the *alcalde* *Sancho Perez, que yudga el fuero del Libro, asi como en Toledo*. Muño had apparently been seeking to further clarify the *alcaldes'* respective jurisdictions, but he must have wished that he had let the quarrel alone. King Alfonso, while acknowledging that he had previously issued a charter allowing Mozarab and Castilian judges to rule according to their respective *fueros*, decreed that *alcaldes* must thenceforth only rule according to the *Libro Juzgo*, thereby severely jeopardizing Muño's—and all Castilian *alcaldes'*—*raison d'être*.<sup>45</sup> Muño's probable alarm would have been due to more than self-preservation. To decrease an *alcalde's* authority or to attempt to homogenize the juridical status quo was to threaten numerous families' social standing which was based upon Mozarab or Castilian association.

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<sup>43</sup> CT 340.

<sup>44</sup> The importance of this work for the history of medieval Toledo cannot be overstated. Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle*

<sup>45</sup> The wording of this *carta* would likely have been similar to that of the town of Santa Olalla (see note 13). Alfonso's preference for the *Libro Juzgo* in this case was evidence of his preference for legal homogenization, a process begun by his father Fernando III (r. 1217-1252) in newly conquered southern Castile. See note 59. His ruling was as follows: *...en razón de la justicia, porque falle en verdat, que la justicia de se fazer el que yudga el Libro, et non otro, tove por bien, è por derecho, que Sancho Perez, que yudga el fuero del Libro que faya la justicia el, et los otros, que vinieren despues de el, que yudgeren el fuero del Libro de Toledo, que fayan la justicia, et otro Alcalde ninguno, que non sea osado de la fazer nin de meter mano en ninguna cosa de la justicia*. BN, Colección Burriel, MS13094 ff151r-152r.

The king's *sentencia*, therefore, was unacceptable. In 1257, Castilian caballeros and *omes bonos* of Talavera and its surrounding villages complained to Alfonso that without their own fuero, they were regularly wronged and distressed and could not receive justice.<sup>46</sup> Seeing an opportunity advance his efforts at legal standardization currently embodied in the Fuero Real of 1256, Alfonso granted them this law code for all civil and criminal cases.<sup>47</sup> And so matters stood when, in 1264, the aforementioned Muño Matheos and Sancho Perez stood side-by-side before him as representatives of Talavera in a later land dispute with Toledo.<sup>48</sup>

While Castilian alcaldes had technically regained jurisdictional authority over criminal law that had been curtailed or eradicated by the fuero of 1118/1166, they seem to have preferred their previous community-specific fuero. Perhaps they perceived that the Fuero Real's overarching goal of legal homogenization was a tenuous strategy for preserving their juridical

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<sup>46</sup> *Vinieron Cavalleros ellos castellanos de Talavera, e omes bonos de los pueblos, e fizieron nos entender, como non avien fuero escripto, ni cierto porque se juzgasen. Et por esto que les vini en mucho dannos, e muchos embargo, et que non se cumplie la justicia assi como devie.* BN, Colección Burriel, MS13094 ff223r-223v. A contemporary fuero which Alfonso X granted to Toledo suggests that *omes bonos* simply meant (leading) *citizens*. See note 59. For further comments on the phrase's complexity of meaning, see Ruiz, "The Transformation of the Castilian Municipalities: The Case of Burgos, 1248-1350," 11.

<sup>47</sup> *Otorgamos les nuestro fuero, que nos fizemos con consejo de nuestra corte, e dimos que le escripto...Onde mandamos, que todos los Castellanos de Talavera, Cavalleros è otros omes así de villa, como de las aldeas que se judgen por este fuero en todos sus pleitos. Tambien de justicia, como de las otras cosas.* Emphasis mine. Ibid. The Fuero Real embodied an early effort of Alfonso X at legal homogenization, arguably begun by his father Fernando III's spreading of the Libro Juzgo via granting versions of the "Fuero de Toledo" to newly conquered towns in southern Iberia (see note 59). The Fuero Real had origins in the Libro Juzgo, local Castilian fueros, and Roman law. It was granted to a small number of Castilian towns such as Valladolid (1255), Burgos (1255), and Madrid (1262). For additional information concerning this and other attempts of Alfonso X at legal homogenization, see Jerry R. Craddock, "The Legislative Works of Alfonso el Sabio," in *Emperor of Culture : Alfonso X the Learned of Castile and His Thirteenth-Century Renaissance*, ed. Robert Ignatius Burns (Philadelphia: University of Pennsylvania Press, 1990); Eelco Nicolaas van Kleffens, *Hispanic Law until the End of the Middle Ages; with a Note on the Continued Validity after the Fifteenth Century of Medieval Hispanic Legislation in Spain, the Americas, Asia, and Africa*, (Edinburgh: Edinburgh U.P., 1968). 153-188.

<sup>48</sup> José Rodríguez, (ed.), "No. Lxxxix (11 September 1262)," in *Memorial Histórico Español : Colección de Documentos, Opúsculos y Antigüedades*, ed. José Rodríguez (Madrid: Real Academia de Historia, 1851).

particularism. Thus, to borrow a later Spanish phrase, they chose to obey but not comply, simply ignoring the unsatisfactory decree and reverting to their Castilian *fuero*.<sup>49</sup>

This new situation seems, in turn, to have been intolerable to the Mozarab *alcaldes* of Talavera, for the Mozarab *caballeros* brought a lawsuit before Prince Sancho in 1282 against the Castilian *caballeros*, each group likely accompanied by their respective *alcaldes*. Upon examination of his father's judgment of 1254, Sancho ordered that all *alcaldes* should thenceforth rule according to the *Libro Yudgo de Toledo*.<sup>50</sup>

He was no more successful than his father. Eight years later, Sancho, now the fourth king of his namesake (r.1284-1295), ruled again on a similar case between the Mozarabs Gonzalo Yvañez the *alcalde* and Roy Perez on one side and the Castilians Fernant Benitez the *alcalde* and Johan Simon on the other. It is possible to detect a hint of frustration:

We have heard the arguments and seen and examined the relevant documents which both sides have shown us. In order that they may live in peace and be more assured in our service,...we order that henceforth there be no distinction between them, so that no one may say that they are Mozarab nor others that they are Castilian. Rather, let them all be one, called "of Talavera," without distinction. And may they be judged according to the *Libro Judgo de Leon*. And let them have two *alcaldes*—one who lives in the town...and one who lives in the environs...<sup>51</sup>

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<sup>49</sup> As one can see from the preamble to Sancho IV's 1282 court decision, defining the plaintiffs as *una parte los que se yudgan por el fuero del Libro yudgo asi como en Toledo, et de la otra parte los que se yudgaban por el fuero de los Castellanos, assi como en Toledo*. BN, Colección Burriel, MS13094 ff151r-152r.

<sup>50</sup> It should be noted that I am assuming the presence of *alcaldes* in the 1282 litigation, although only nameless *cavalleros* are mentioned: *vinieron los Cavalleros de Talavera sobre desabenencia, que era entre ellos por razón de la justicia de la una parte los que se yudgan por el fuero del Libro yudgo asi como en Toledo, ett de la otra parte los que se yudgaban por el fuero de los Castellanos, assi como en Toledo*. Ibid.

<sup>51</sup> The *Libro Juzgo* was called "de Leon," because of its status as the law code for all appeals to the *corte del rey* within the kingdom of Leon to the north. María Luz Alonso Martín, "La Dote en los Documentos Toledanos de los Siglos XII-XV," *Anuario de Historia del Derecho Español* 48, no. 1978 (1978): 411-412. *Et nos oidas las razones,*

Robert Bartlett quotes part of this ruling to support his argument for a contemporary general European trend toward legal homogeneity, yet one might wonder if the provision for two *alcaldes* was a tacit backdoor for continued lines descended from the town's Mozarab and Castilian *alcaldes*.<sup>52</sup> At any rate, the juridical pluralism continued in neighboring Toledo.

Reviewing this series of court decisions, one can divine several trends. The language of the *sentencia* of 1290 implies a strong popular correlation between identifying as Mozarab or Castilian and following the *Libro Juzgo* or Castilian *Fuero*, respectively. It would be inaccurate, however, to view the discord concerning the two law codes solely as a symptom of inter-communal tension. Recalling that the litigation of 1254 and 1290 was brought forth by opposing *alcaldes*, it is reasonable to assert that the resilience of these *fueros*—especially that of the Castilians—was more immediately due to the drive to preserve the *alcaldes*' respective authority.

Additionally, the title *cavallero* was employed to describe the respective plaintiffs in the *sentencia* of 1282. *Caballeros* would naturally have been quite concerned with the fate of their respective *alcaldes*, for these judges came from their same social strata and consequently their own—or potential—family. Thus, probable *Talavera-esque* jurisdictional tension in thirteenth-century Toledo—likely also reflected in the semi-regular renewal of the *Fuero* of 1118/1166 for the next two centuries—was accompanied by an unprecedented effort to define the privileges of the town's *cavallería* and to explicitly include Mozarabs amongst their ranks.

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*et vistos los recabdos, que ambas las partes nos mostraron sobrello, et catando, porque ellos pudiesen venir en paz, et mas assegurados en nuestro servicio, et sin ningun departimiento entre si. Tenemos por bien, et mandamos, que d'aqui adelante non aya departimiento ninguno entre ellos por razon, que digan los unos, que son Muzáraves, nin los otros Castellanos. Mas que sean todos unos, llamados de Talavera, sin departimiento ninguno. Et que ayan todos el Fuero del Libro Juzgo de Leon, è que se se judgen por èl. Et que ayan dos Alcaldes, uno de los que moraren en la Villa, que judgue à Santa Mara. Et otro de los que moraren en los arravaldes, que judgue à San Salvador etc.* Andrés Marcos Burriel, *Informe de la Imperial Ciudad de Toledo al Real, y Supremo Consejo de Castilla, Sobre Igualacion de Pesos, y Medidas en Todos los Reynos, y Señorios de S. Mag. : Segun las Leyes*, (Madrid: En la oficina de Joachin Ibarra, 1758). 303-304.

<sup>52</sup> Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350*: 220.



## Cavalleros Moçaraves

With Castilian Toledo's tenuous position on the frontier from the late eleventh to the early thirteenth century, the non-noble municipal knighthood was an essential element of society. The *Carta Mustarabum* of 1101 stated that any Toledan Mozarab—and certainly any citizen—desiring to become a caballero could do so, and the Fuero of nearby Aceca (a1102) states that he would only need to obtain a horse to secure this status.<sup>53</sup> One can surmise that caballeros were regularly required to provide mounted military service (*cavalgada*), for the Franks were excused from this obligation in their fuero of 1136, although the fuero of 1118/1166 gave non-exempted knights the option to pay a fee (*fossatum*) in lieu of fighting.<sup>54</sup> Participating in a raid could pay a mounted warrior handsomely, and the fuero of 1118/1166 saw a need to address the division of booty between these Castilian, Gallego and Mozarab knights.<sup>55</sup>

It is certain, however, which tax privileges or exemptions would have been reserved for the caballeros within Toledo during this time. The fuero of 1137 exempted *all* Toledan Christians from the *portazgo* tax, and the fuero of 1118/1166 forbade anyone in Castile from

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<sup>53</sup> Carta Mustarabum: *Et do eis libertatem, ut qui fuerit inter eos pedes et vuluerit militare, et posse habuerit, ut militet.* Fuero of Aceca (a translation of 1235 made from a lost Arabic document of 1102): *Et el Emperador (que Dios mantenga) fèzoles amor e gracia e consentimiento, que qualquier dellos que cavallo oviere e lo toviere, que sea forro complidamient, e aya ondra pública, fueras ende d'esquilmo d'es primer anno.* García-Gallo, "Los Fueros de Toledo : Apendices," 460, 462.

<sup>54</sup> Fuero of 1136 to the Franks: *Et quod nullus de vobis cavalguet pro foro, nisi ex sua voluntate cavalgare voluerit.* Fuero of 1118/1166: *et milites illorum non faciant abudbam, nisi uno fossato in anno.* The *fossatum* was later known in Romance as the *fonsadera*. Ibid., 467-474.

<sup>55</sup> Fuero of 1118/1166: *El quantum dederit Rex militibus Toleti de muneribus sive proficuis, sit divisum inter illos, scilicet Castellanos et Gallecos et Muzarabes, quomodo fuerint in numero uni ab aliis.* Ibid., 474. As Powers demonstrates, raiding was a significant source of revenue for knights. Powers, *A Society Organized for War : The Iberian Municipal Militias in the Central Middle Ages, 1000-1284*: 162-187. For a very good overview of the risks and obligations of the non-noble knighthood in late-thirteenth century Castile, see Ruiz, "The Transformation of the Castilian Municipalities: The Case of Burgos, 1248-1350."

demanding a surety (*pignatora*) of a Toledan knight or citizen in order to compel him to appear in a civil trial.<sup>56</sup>

The first Toledan tax privileges restricted to caballeros were granted in 1182, and thenceforth, there arose increasingly regular explicit references to social stratification.<sup>57</sup> The so-called Fuero of Toledo (a1222), a compilation of previous fueros—including those of 1118/1166 and 1182—is the first subsequent example. Like the fuero of 1118/1166, the Fuero of Toledo's preamble was addressed to all of the Mozarabs, Castilians and Franks of the town. However, while the fuero of 1118/1166 and the preamble to its confirmation of 1174 had qualified these communities merely as citizens, the Fuero of Toledo instead felt it proper to specify that the document applied to both caballeros and citizens.<sup>58</sup> While any Toledan could still become a member of the *cavallería*, this development was the beginning of a concerted effort by the municipal knights to secure financial and official means of distinguishing themselves from the rest of the population.<sup>59</sup>

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<sup>56</sup> Fuero of 1118/1166: *Et quod non sint pignorati (prenda), tam milites quam ceteri cives Toleti, in universo regno illius.* Fuero of 1137: *... omnibus cristianis qui hodie in Toletto populati sunt vel populari venerint mozaravos castellanos francos...* García-Gallo, "Los Fueros de Toledo : Apendices," 474, 484.

<sup>57</sup> Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 102-103.

<sup>58</sup> 1174 confirmation of the fuero of 1118/1166: *omnibus civibus Toletanis ad vivendum equaliter inter se...* *ibid.*, 101. Fuero of Toledo, (a1222): *Facio cartam concessionis roborationis et stabilitatis vobis concilio Toletano militibus [et] civibus tam Moçarabis quam Castellanis seu Franquis praesentibus et futuris...* The Castilian translation of the confirmation of 1254: *Fago carta de otorgamiento e robraçion e de confirmamiento e de establirdat que dure a vos todos los de Toledo Cavalleros e omes buenos tan bien a moçaraves como a Castellanos e francos valedera por sienpre a los que son agora e a los que fueren daqui adelante.* *Ibid.*, 115-117.

<sup>59</sup> The Fuero of Toledo was granted to the same city by Fernando III and would provide the blueprint for a number of fueros granted by the king to additional towns, including the newly-conquered Cordoba (granted in 1241) and Seville (granted in 1251). The fuero's preservation of the possibility of becoming a caballero, as well as the additional requirements for maintaining such status, evince the continued need for battle-ready citizens in the new southern frontier. James F. Powers, "Fueros, Castilian," in *Medieval Iberia : An Encyclopedia*, ed. E. Michael Gerli and Samuel G. Armistead (New York: Routledge, 2003). *A Society Organized for War : The Iberian Municipal Militias in the Central Middle Ages, 1000-1284*: 71-73. As the Fuero of Toledo included the fuero of 1118/1166, it also resulted in the spreading of the Libro Juzgo to the south in its newly translated Castilian version. Kleffens, *Hispanic Law until the End of the Middle Ages; with a Note on the Continued Validity after the Fifteenth Century of Medieval Hispanic Legislation in Spain, the Americas, Asia, and Africa*: 153-160. The potential for the Libro Juzgo

Similar efforts at defining social status were occurring between the non-noble caballeros and the nobility. There is a striking example in Alfonso X's Fuero of 1259, which granted an exemption from the *moneda* tax to *all the caballeros, dames, squires, fijos dalgo* (nobles), *and their heirs who are citizens of the noble city of Toledo*, in addition to promising that their estates would be legally treated as those of the *cavalleros fijos dalgo* of Castile. The fuero ends with a remarkable addendum:

And in order to be just and fair to the Mozarab caballeros of Toledo who have obtained the right of this rank by means of descent from the Mozarabs for whom our ancestors—and the nobles of the time—girded their swords...we grant that they may have the same exemption from the *moneda* [tax] that we have granted to other aforementioned caballeros.<sup>60</sup>

It is immediately clear that the Mozarab caballeros of Toledo were perceived as a distinct group of non-noble knights. Furthermore, in this particular fuero, they did not receive all the privileges of the privileged strata. The apparent need to specify the entitlements of Mozarab caballeros suggests that other knights sought to limit or impede their rights, thereby undermining the legitimacy of their status.

To be sure, I am not attempting to depict an oppressed Mozarab *cavallería*. The contemporary Fernando Mateos bin Mateos bin Miguel bin Furón, alguacil-alcalde of Toledo, alcalde of the royal court (*alcalde del rey*) and *cavallero de Toledo* from at least 1257 to 1274,

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to serve as a tool for royal attempts at legal homogenization certainly helped to secure its status as a preferred law code in Toledo.

<sup>60</sup> *E otrossi por fazer bien et merced a los cavalleros moçaraves de Toledo que vienen derecha mientre del linage de los moçaraves a quien cinnieron espada los del nuestro linage o los ricos omnes onrrados que fueron a la sazón o nos otrossi a los nuestros ricos omnes fiziemos o fizieremos a los reyes de nuestro linage que vinieren despues de nos fizieren ellos o los ricos omnes daqui adelante a los que daquel linage vineren derecha mientre otorgamos que ayán este mismo quitamiento de moneda que otorgamos a estos otros cavalleros sobredichos.* Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 123-124. The *moneda* was a tax paid to prevent the royal debasement of currency.

was very successful in life, as were his siblings. The will of his brother, the caballero Alfonso Mateos—who was a representative of Toledo in the aforementioned land dispute of the town with Talavera—shows him to have been quite a rich man, and another brother, the autographically Arabicizing Juan Mateos, must have been an influential individual to have subscribed Arabic documents in the 1220's, a time when non-notarial signatures were increasingly rare.<sup>61</sup>

Indeed, it is very probable that Mozarab caballeros made conspicuous efforts to distinguish themselves from the rest of Toledan society. For example, anti-sumptuary statutes from the Cortés of 1348 provides remarkable detail for the unique gold- and silver-laced silk attire worn by the wives of Mozarab caballeros and nobles in the mid-fourteenth century.<sup>62</sup> While it is impossible to know if this practice reflected earlier traditions, it is reasonable to assume that those who identified as Mozarab had earlier cultivated a sense of distinctiveness—perhaps via attire, but certainly by means of an origin myth as the original Christian inhabitants of Toledo and likewise a judiciary recognized as a continuation of custom by at least 1101. This latter privilege and the accompanying right to a separate alcalde would have created at least one significant motivation for Mozarab caballeros to have also advocated for their separate identification in the fuero of 1259.

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<sup>61</sup> Fernando Mateos was called caballero and alcalde del rey in ACT V.10.A.1.4 a1257. He was referred to and clarified as *al-wazīr al-qāḍī al-āḡar dūn Firnanduh Matāuš bin dūn Matāuš bin dūn Mayqāl bin Furūn wa huwa qāḍī mawlānan al-malik al-mu 'aẓẓam dūn Alfūnš* in MT 961 a1271, with an addendum in a1274. Alfonso Mateos was called *cavallero* in Rodríguez, "No. LXXXIX (11 September 1262)." His will was redacted in 1266. MT 1030. Juan Mateos subscribed as *Ġuwān bin Matāuš bin Furūn* in two documents: MT 475 a1224 and MT 813 a1225.

<sup>62</sup> Resolutions from the Cortés of 1348 at Alcalá de Henares include the following: *Otrosy que todas las duennas de Toledo mozaravas, las que ffueren ffijas dalgo o mugeres de cavalleros o de esuderos ffijos dalgo, que puedan traer seda enfforradas en çendalles con açanefes de oro o de plata e falda pequenna en el pellote commo solien e que aya en ella tres palmos.* Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 163.

Thus, the tension between the Mozarab and Castilian *alcaldes* very likely experienced in Toledo—as strongly suggested by the proxy Talaveran study—was part of a larger competition for privileges between Mozarab and Castilian *caballeros*, evidence for which survives in the above Toledan *fuero* of 1259. The aforementioned Alfonso Mateos and his colleague the Mozarab *alcalde* Diego Alfonso (d. 1298) presumably would have taken part in the negotiation of the *fuero* of 1259 with their particular rights and legacies as Mozarab *caballeros* in mind.<sup>63</sup> Additionally, as a Mozarab *alcalde*, Diego Alfonso likely would have also participated in the negotiation of 1289 for the royal renewal of *fuero* of 1118/1166, a key means of re-establishing the *Libro Juzgo*'s jurisdictional authority. He very plausibly would have considered himself to be continuing the family legacy established by his uncle Gonzalvo Vicente bin Uṭmān bin Alvaro, who almost certainly had been an *alguacil-alcalde*—and therefore participant—during the *fuero*'s confirmation of 1254.<sup>64</sup> This familial concern with position and privilege was passed on to Diego's son, Alfonso Díaz, a future *alcalde mayor* of Toledo.<sup>65</sup>

### **Alcaldes Mayores**

Alfonso Díaz's title *alcalde mayor* deserves to be further discussed at this point. As is clear from a later Toledan court case of 1357, the *alcalde mayor* was the highest-ranking judicial

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<sup>63</sup> Alfonso Mateos and Diego Alfonso were two of the Toledan *caballeros* representing the town against Talavera in the aforementioned land dispute from 1262-1264. See below for a further discussion of the latter individual. Rodríguez, "No. LXXXIX (11 September 1262)." This process of negotiating and renewing privileges must have been a boisterous affair. In the mid-thirteenth century, at least, it typically involved the itinerant king meeting the *caballeros* and the good men of the town, although the latter group may have been excluded from discussions of the *fuero* of 1259. *Quando vin a Toledo a fazer hy mis cortes vinieron a mi los cavalleros et los omes bonos del conceio de Toledo e amostraron me sus privilegios de los buenos fueros et de los bienes et de las franquezas...*(a1254). Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*: 118.

<sup>64</sup> Gonzalvo Vicente was an *alguacil-alcalde* in 1255 and 1259, and a document from the latter date establishes Diego's father the *alguacil* Alfonso Vicente as Gonzalvo's brother. MT 596 a1255, MT 821 a1259. For documents establishing Diego Alfonso as an *alcalde* and the son of Alfonso Vicente, see MT 725 a1300 and MT 820 a1259, respectively.

<sup>65</sup> For Alfonso Vicente's family tree, see Molénat, *Campagnes et Monts de Tolède du XI<sup>e</sup> au XV<sup>e</sup> Siècle* 178.

official of the town, with numerous *alcaldes* working within his jurisdiction, or *alcalderia*. In this particular litigation, it is clear that Toledo had two *alcaldes mayores* and accompanying *alcaldías*—one of the Libro Juzgo and the other of the Castilian fuero. As should be by now a familiar story, the respective *alcaldes* did not always get along, as there were *daily jurisdictional disputes between the alcaldes of the alcaldía of [Gutierre] Ferrandez (alcalde mayor de Toledo) and the alcaldes of the alcaldía of Gonzalvo Ferrandez, (alcalde mayor of Toledo)*. In order to resolve the conflict, Diego González, an *alcalde* of Gutierre Ferrandez, and Ruiz Gonzalez, an *alcalde* of Gonzalo Ferrandez, *were entrusted with examining the alcaldes' disputes and grievances...and coming to an agreement on how their respective rights should be preserved...*<sup>66</sup>

The accord struck between Diego and Ruiz, roughly in line with the jurisdictional status quo later described by Pedro López de Ayala, specified the rights of Toledan citizens who were Castilians and “those of the Castilian Fuero” to move their case to a Castilian court when sued before an *alcalde* of the Libro Juzgo, and likewise the rights of Toledan citizens “of the Libro Juzgo”—in addition to Jews and Moors—to move their case to a court of the Libro Juzgo when sued before a Castilian *alcalde*.<sup>67</sup>

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<sup>66</sup> The opening clause is as follows: *En presencia de nos los escrivanos de Toledo que nuestros nombres escrivimos en fin de este escrito por testigos, sobre contiendas que acaescían de cada dia entre los alcaldes del alcaldía de Garcia [sic] Ferrandez, alcalde mayor de Toledo, elos alcaldes del alcaldía de Gonzalo Ferrandez, alcalde mayor de Toledo, sobre la jurisdición que cada uno de los dichos alcaldes avian e devian aver, porque fue encomendado de parte del dicho Garcia Ferrandes e Diego Gonzalez su alcalde e de parte del dicho Gonzalo Ferrandez a Ruiz Gonzalez su alcalde para que viesen la contienda e agravios que los unos alcaldes fazen a los otros, e sopresen en qué manera se acostumbró, e lo librasen e ordenasen en qué manera se guardase de aquí adelante...* Molénat has evidence of Gonzalo Ferrandez being active as late as 1359. Additionally, having located the original court decision in question, he makes a good argument that Alonso Martín, who examined Burriel’s eighteenth-century copy, incorrectly transcribed Gutierre Ferrandez as “García” Ferrandez. There is evidence of Gutierre Ferrandez being active from 1354-1359 and Gonzalo Ferrandez being active from 1322 to 1359. Alonso Martín, “La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo : Appendices,” 374; Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 160 n.235, 332-333, 327. For evidence of Gonzalvo Ferrandez being an *alcalde mayor* as early as 1322, see ACT O.7.A.2.9 a1322.

<sup>67</sup> María Luz Alonso Martín, “La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo,” *Anuario de Historia del Derecho Español* 48 (1979): 347-349; “La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo : Appendices,” 374-375.

Although there is no explicit mention of a Toledan *alcalde mayor* before the early fourteenth century, language in late-thirteenth-century court rulings regularly refers to *alcaldes* ruling on behalf of superior *alcaldes*, thereby suggesting that such a position existed by at least this time. Furthermore, Molénat asserts that the curious title of *alguacil-alcalde* in earlier twelfth- and thirteenth-century Arabic documentation—held by the aforementioned Gonzalvo Vicente bin Uṭmān bin Alvaro, for example—was in fact a translation of *alcalde mayor*.<sup>68</sup> While it is impossible to know how similar the twelfth-century Toledan judicial organization would have been to its fourteenth-century counterpart, there is evidence of no more than two *alguacil-alcaldes* active at any one time, suggesting that they indeed corresponded to *alcaldes mayores* of the Castilians and Mozarabs.

*Alcalde mayores* seem to have usually avoided direct involvement in litigation, with most court cases recorded as having been judged in their stead by one of their *alcaldes*. Thus, Alfons Pérez, “*alcalde in Toledo*,” oversaw an official translation of a thirteenth-century Arabic document into Romance in 1329 on behalf of *alcalde mayor* Martin Ferrandez (r. ca. 1326-1354), and Alfonso Domínguez, “*alcalde en Toledo por Gonzalvo Díaz*,” witnessed the legal payment of a private debt on behalf of presumed *alcalde mayor* Gonzalvo Díaz, as recorded in an Arabic document of 1290.<sup>69</sup> It seems that lower-ranking *alcaldes* only worked within their *alcaldería*, and, as with the presumably synonymous *alguaciles-alcaldes*, there is no evidence of more than two *alcalde mayores* active in Toledo at one time.

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<sup>68</sup> Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 150.

<sup>69</sup> CT 288 a1329. Unfortunately, the quoted Romance addendum to the latter document, as recorded by Gonzalez Palencia, is not visible in the microfilm copy currently available at the Archivo Historico Nacional in Madrid, but Alfonso Domínguez’s presence is noted in the Arabic: *Wa shahidān dhalika alfūnsh Duminqis al-qāḍī wa Firnanduh Alfūnsh*. MT 1087 a1290.

While Pedro López de Ayala clearly associated Mozarabs with the Libro Juzgo and Castilians with their eponymous fuero, it is striking that there is no mention of “Mozarab” in the above *ordenamiento* of 1357. While some contemporaries clearly identified themselves as such during this time—recall the 1348 exemption clause for Mozarab *damas*—remember that with the promulgation of the Fuero of 1118/1166, the Libro Juzgo was no longer restricted to their community. Thus, Jews and Moors also had the right to demand this law coded in 1357, and Franks, who still had their own juridical officials in the late-thirteenth century, certainly had the option of opting for the Libro Juzgo, as well.<sup>70</sup>

An examination of prosopographical and other evidence, however, strongly suggests that the continuance of a dual track of *alcaldes* was a strong factor in the resilient associations of Mozarabs with the Libro Juzgo and ultimately, with the city of Toledo itself. This approach, by necessity, must focus on the genealogy of the *alcaldes mayores* or *alguaciles-alcaldes*, for while there is evidence for other lineages of the lesser *alcaldes*, few such families can be traced through the centuries. The offices of the Mozarab and Castilian *alcaldes mayores*, or *alguaciles-alcaldes*, were effectively restricted to descent from—or marriage alliances with—very few families. Such lineal continuity strongly suggests that the attraction of at least the Mozarab *alcaldía* was a significant motivation for leading Toledan families to present themselves as members of this community, an assertion which is also supported not only by the continued renewal of the fuero of 1118/1166 guaranteeing the continued dual juridical system but also by the respective thirteenth- and fourteenth-century litigation of the Talaveran and Toledan *alcaldes*.

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<sup>70</sup> For the 1348 exemption, see note 62. For references to the Frankish “*alcalde*,” see note 18.



I will begin with Gutierre Ferrandez, an *alcalde mayor* mentioned in the court case of 1357, whom I believe to have been an *alcalde* of the Mozarabs.<sup>71</sup> He was a direct patrilinear descendent of Melendo Lampader, the only *alcalde* explicitly identified as Mozarab in extant sources, and every forbear between the two had held the title of *alguacil*, signifying at least a continued involvement in Toledan juridical activity.<sup>72</sup> Recalling the *Libro Juzgo*'s prerogative for all criminal cases, it is significant that one of Gutierre's subordinate judges was described as an *alcalde* of criminal and civil law in 1356.<sup>73</sup> Diego Gómez, nephew of Gutierre, became *alcalde mayor* after his uncle's death and also had a judge within his *alcaldería* who held jurisdiction over criminal and civil trials.<sup>74</sup> Diego's son Pedro Suárez seems to have been the next *alcalde mayor* of the line, but apparently lacked any legitimate heirs, which could explain why his brother-in-law and maternal uncle by marriage, the afore-cited author Pedro López de Ayala, became *alcalde mayor* after his death. López de Ayala also had an *alcalde* of criminal law in his *alcaldía*, and as one might remember from the opening vignette, Pedro made sure to stress the primacy of the *alcalde de los mozarabes*.<sup>75</sup> Upon Pedro's ascent to the position of royal

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<sup>71</sup> Burriel is the only historian to have attempted to identify the affiliation of either of the *alcaldes mayores* of 1357. He misidentifies Gutierre Ferrandez as Garcia Ferrandez (see note 66), and, without providing evidence for his assertion, he designates Gonzalvo Ferrandez as an *alcalde mayor* of the Castilians. Curiously, he identifies Juan Carrillo as a Mozarab *alcalde mayor*, perhaps unaware that he was the son of Gonzalvo's sister Maria and her husband the Castilian Ferrand Carrillo. Burriel, *Informe de la Imperial Ciudad de Toledo al Real, y Supremo Consejo de Castilla, Sobre Igualacion de Pesos, y Medidas en Todos los Reynos, y Señoríos de S. Mag. : Segun las Leyes*: 188-122. For information on Gonzalvo's family tree, see below.

<sup>72</sup> For family trees, see Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 176, 369.

<sup>73</sup> *Ibid.*, 333 n.107.

<sup>74</sup> *Ibid.*, 333 n.115.

<sup>75</sup> Izquierdo Benito, "Conflictos entre los Poderes Temporal Y Eclesiastico en las Ciudades Medievales : El Caso de Toledo en 1390 , Appendice Documental," 1102.

chancellor, his homonymous son was the next *alcalde mayor* in the family, and his descendants would preserve this title for generations.<sup>76</sup>

Gutierre Ferrandez's ascension to *alcalde mayor* had actually been quite an accomplishment, for after the death of his ancestor Melendo Lampader (d. after 1181), the position had been dominated by the family of the latter's brother-in-law, Esteban Julianis (d. after 1208). As Francisco Hernández has demonstrated, Esteban continued to be recorded in royal Latin documentation as an *alcalde* and witness alongside the *alcalde* of the Castilians Pedro Díaz (d. after 1183), until the latter was succeeded by his son Diego Petrez (d. after 1226). Esteban Julianis was in turn succeeded by his son, Julian Estebanez (d. after 1221), who likewise was listed as an *alcalde* alongside Diego Petrez.<sup>77</sup>

Unfortunately, after these two individuals' deaths, there is not such a clear-cut dichotomy in the witness lists. Continuing with the lineal trend, however, it is reasonable to assume that Julian's brother, the *alguacil-alcalde* Juan Estebanez (d. after 1254), was next in line.<sup>78</sup> Subsequent likely Mozarab *alcaldes* would include Fernán Gudiel, husband of Mayor bint Esteban Julianis.<sup>79</sup> García Alvarez (d. after 1289)—the first to be explicitly referred to as an *alcalde mayor*—and his homonymous nephew (d. after 1298) would be the final two direct descendants of Esteban Julianis.<sup>80</sup>

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<sup>76</sup> For the genealogy of Pedro, see note 94 and Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle*, 168-171, 178, 333-335, 348-351; *ibid.*.

<sup>77</sup> All dates of death for *alcaldes*, here and below, are approximate and refer to the last mention or signature of said individuals preserved in documentation. Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," 110-121.

<sup>78</sup> Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 156.

<sup>79</sup> MT 988 a1260.

<sup>80</sup> For a family tree of Esteban Julianis, see Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 174.

There is evidence of a number of families continually attempting to break the hold of Esteban Julianis's heirs over the Mozarab *alcaldía*, with some lineages appearing several times over the generations and other fading away. An example of the former is the aforementioned family of the *alcalde mayor* Alfonso Díaz, son of *alcalde* Diego Alfonso, grandson of the *alguacil* Alfonso Vicente bin Uṭmān bin Alvaro, and great-nephew of the *alguacil-alcalde* Gonzalvo Vicente bin Uṭmān bin Alvaro.<sup>81</sup> Alfonso Díaz's successor, Martin Ferrandez of the 'Abd al-Malik clan, came from another such line, but all such competition ended with his death in 1354, and the ascension of the aforementioned Gutierre Fernandez, scion of Melendo Lampader, to the Mozarab seat.<sup>82</sup>

As for the *alcaldes* of the Castilians, there is a record of the *judex castellanus Martino Garciaz* in 1115, an *Antolin alcaalde* (sic) *castellano* in 1144, and the latter's likely son, the *alguacil-alcalde* Domingo Antolin, appears in a document from 1161.<sup>83</sup> After the tenures of the aforementioned Pedro Díaz and son Diego Petrez, however, historians have been at a loss to locate any particular *alcalde* of the Castilians, save for Burriel's unsupported eighteenth-century designation of Gonzalvo Ferrandez the *alcalde* of the Castilians.<sup>84</sup> Following Gonzalvo's genealogical line, however, suggests that Burriel was, in fact, correct, although perhaps with implications that the historian might not have foreseen.

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<sup>81</sup> Diego Alfonso was one of the caballeros—and an *alcalde*—participating in the aforementioned Talavera-Toledo land dispute.

<sup>82</sup> For an extensive examination of the 'Abd al-Malik lineage, see Jean-Pierre Molénat, "Desde Beni 'abd al-Malik a los Condes de Orgaz : El Linaje de Gonzalo Ruiz de Toledo," in *Estudios Sobre Alfonso VI y la Reconquista de Toledo : Actas del II Congreso Internacional de Estudios Mozárabes (Toledo, 20-26 Mayo 1985)* (Toledo: Instituto de Estudios Visigótico-Mozárabes, 1987). For an account of Martin Ferrandez's death, see López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*: Ch. 21.

<sup>83</sup> See note 38. For the testament of the *alguacil-alcalde* Domingo Antolin, see MT 1014 a1161.

<sup>84</sup> See note 71.

Gonzalvo had succeeded his brother Pero Fernandez (d. ca 1324), who in turn had succeeded his father Fernando Petrez (r.1296-1307). Fernando Petrez had been preceded by his cousin Fernando Díaz, whose father Gonzalvo Díaz (r.1288—1290), grandfather Diego Ruiz (r.1283-1285), and great uncle Gonzalvo Ruiz (d. after 1267) had all previously been alguacil-alcaldes. Diego and Gonzalvo's father, Rodrigo Ponce *cognomen* Ruy Ponce (d. ca 1248), was an alguacil-alcalde, as were their cousin and uncle, Garcia Juanes (1242) and Juan Ponce (d. ca 1242), respectively.<sup>85</sup>

Gonzalvo Ferrandez could therefore claim an unbroken line of alguacil-alcaldes / alcaldes mayores within the second degree of kinship for five generations, a feat only matched by the family of the Mozarab alcalde Esteban Julianis.<sup>86</sup> No one of Gonzalvo's lineage—popularly known as the Palomeque family—had close ties to Esteban Julianis's heirs. Furthermore, when testing Molénat's assumption of alguacil-alcaldes being the equivalent of alcaldes mayores, it seems likely that the ancestors of Gonzálvez were Castilian alcaldes. The alguacil-alcalde Juan Estebanez, son of the Esteban Julianis, was active in 1242, as was Gonzalvo Ferrandez's ancestor the alguacil-alcalde García Juanes, son of Juan Ponce.<sup>87</sup> Similarly, the alcalde mayor Gonzalvo Díaz, grandson of Ruy Ponce, had likely held his office at the same time as García Alvarez, great-grandson of Esteban Julianis, as the former was mentioned in a litigation case and

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<sup>85</sup> Rodrigo and Juan Ponce are attested as early as 1197 (MT 906). As for Gonzalvo Ferrandez's heirs, his third cousin Tel González Palomeque would inherit his title and would then relinquish it to Gonzalvo's maternal grandson Juan Carrillo, whose family would maintain the position for centuries. For a summary of the Palomeques' early thirteenth to early fourteenth-century fortunes, see Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 157-162, 327-329.

<sup>86</sup> Although it is well to remember that there likely were other individuals who rose to the position of alguacil-alcalde / alcalde mayor as an interruption or interim to the Palomeque dominance, as seen with the family of Esteban Julianis.

<sup>87</sup> MT 558 a1242, MT 554 a1242.

the latter was recorded as having been executed in 1289.<sup>88</sup> None of the subordinate judges of the Palomeque alcaldía were ever described as having jurisdiction in criminal cases. Finally, in 1319 a certain *Iohan Ponçe*, almost certainly the descendant of his namesake, was described in a loan agreement as having been *del fuero de los castellanos*.<sup>89</sup>

The Castilian affiliation of these branches of the Palomeque family are all the more striking when considering that the father of Rodrigo and Juan Ponce was the alguacil and *zafalmedina* Esteban ‘Amrān (d. 1177), son of the formidable ‘Amrān, alguacil, *al-qā’id* (military commander), and alcalde (1115).<sup>90</sup> It seems that upon the passing of the Castilian alcalde Diego Petrez—whose son Pedro Díaz had died young—the brothers Juan and Rodrigo appropriated the Castilian alcaldía, whether through marriage alliance or force of will.<sup>91</sup>

Would this branch of the Palomeque family—initially, at least—have been perceived as Castilian? This is a difficult question to answer, for as discussed in Chapter One, it is exceedingly difficult to divine Castilian origin—and therefore lineage—of individuals in the twelfth- and thirteenth-century documentation. At any rate, Pedro of Tolosa, the maternal great-grandfather of Rodrigo and Juan, had married a certain Maria, whose son Ponce Petrez had borne a daughter Dominga, their mother.<sup>92</sup> This family therefore raises the possibility that not all

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<sup>88</sup> MT 964 a1289, Jofre de Loaysa, "Crónica del Rey Don Sancho," in *Crónicas de los Reyes de Castilla : Desde Don Alfonso el Sabio, Hasta los Católicos Don Fernando y Doña Isabel*, ed. Cayetano Rosell (Madrid: M. Rivadeneyra, 1875), 82b.

<sup>89</sup> Alonso Martín, "La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo," 354 n.351.

<sup>90</sup> MT 940c a1115. See note 20 for a discussion of the *zafalmedina*. See also: Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 94-95.

<sup>91</sup> A funeral mass was established for Pedro Díaz in 1213. CT 339. Unfortunately, whom Juan or Rodrigo married is unknown.

<sup>92</sup> The name of Ponce Petrez's wife is unknown. For a family tree, see Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 68.

alcaldes were necessarily perceived as members of the community with which they affiliated.<sup>93</sup> Yet there certainly were enough who presented themselves as such—recall the litigation of the Talaveran and Toledan alcaldes in the thirteenth century and 1357, respectively.

### Conclusions

This Palomeque contradiction very well may have been shared by Pedro López de Ayala, alcalde of the Mozarabs in the late fourteenth century. Although it is possible to trace his matrilineal lineage to the Mozarab alcalde mayor Alfonso Díaz, it must be stressed that neither he nor his father emphasized Toledan, much less Mozarab, origins in their *Libro del Linaje de los Señores de Ayala*.<sup>94</sup>

As I will argue in the following Chapter, however, a number of Mozarab alcaldes and their near relations seem to have made a concerted effort to stress their communal origins by continuing to employ Arabic autographs through the mid-thirteenth and late-thirteenth century, a time when such activity had largely become the sole—and likely guarded—prerogative of the Christian Arabic notaries, while the Palomeque family did quite the opposite. This practice

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<sup>93</sup> Tantalizingly, a turn-of-the-sixteenth-century account of the Muslim conquest of Toledo depicts an unnamed Palomeque as a Mozarab protagonist. The author notes that there are still Palomeque's to be found in Toledo, but they are few and impoverished: *Deste linaje ay oy en Toledo, aunque poscos y pobres*. Juan Messeguer Fernández, "El Cardenal Jiménez de Cisneros, Fundador de la Capilla Mozárabe : Apendice Documental 7, Del Riteo y Misa Mozárabe Por Juan Cuero de España, Nobiliario," in *Historia Mozárabe: Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, 1975 (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978), 199*. However, the family name of the Castilian alcaldes had changed shifted from "Palomeque" to "Carillo" in the latter half of the fourteenth century. Thus, while this source could suggest that the Palomeque's were uniformly perceived as Mozarab, it could rather be evidence for only certain—non-Castilian-alcalde—branches of the Palomeque family being perceived as Mozarab.

<sup>94</sup> Pedro's homonymous paternal grandfather, likely from the Basque town Álava, married a certain Sancha Fernandez, a descendant of the aforementioned alguacil Alfonso Vicente. For Fernán Pérez de Ayala's fanciful account of the family's beginnings in the time of Alfonso VI, and his son Pedro López de Ayala's detailed listing of his family genealogy, see Fernán Pérez de Ayala, "Book I," in *El "Libro del Linaje de los Señores de Ayala" y Otros Textos Genealógicos : Materiales Para el Estudio de la Conciencia del Linaje en la Baja Edad Media*, ed. Arsenio Dacosta (Bilbao: Universidad del País Vasco, Servicio Editorial, 2007); Pedro López de Ayala, "Book II," in *El "Libro del Linaje de los Señores de Ayala" y Otros Textos Genealógicos : Materiales Para el Estudio de la Conciencia del Linaje en la Baja Edad Media*, ed. Arsenio Dacosta (Bilbao: Universidad del País Vasco, Servicio Editorial, 2007). For family trees and supplementary information, see Molénat, *Campagnes et Monts de Tolède du XII<sup>e</sup> au XV<sup>e</sup> Siècle* 160, 168, 327, 365.

would remind Toledans of the Mozarab community's unique Andalusí origins, a goal also achieved by the renewal of their legal privileges that were predicated on the understood continuity of the pre-conquest juridical status quo for a community which King Alfonso VI *had always loved and valued in [Toledo] and those whom [he had] brought from foreign lands as settlers.*<sup>95</sup>

To be sure, the preservation of the Mozarab judiciary was likely also desired by non-caballero Toledans identified as Mozarab, but with the promulgation of the fuero of 1118/1166, adherence to this law code became much more widespread. Thus, until at least the late-thirteenth century, the most consistently proffered and officially recognized communal continuity would have originated with the explicitly designated—and outwardly affecting—Mozarab *alcaldía* and encompassing *caballería*. It is very possible that with Pedro López, the *alcalde mayor* of the Mozarabs ceased to play such a role, but by his time a geographically based, historical narrative had already firmly associated the Mozarabs with the *Libro Juzgo* and Toledo.

Mozarab caballeros had cultivated this association not only by guarding their own judiciary and acquiring their own explicit privileges but also by making concerted efforts to promote a perception of distinctiveness via maintaining outward signs of difference, as revealed in the Cortés of 1348. The narrative of continuity and exclusivity was reinforced by the lineal restriction of the Mozarab *alcaldía* to several “old” Toledan lines—not only the families of Esteban Julianis and Melendo Lampader but also those of the aforementioned Ibn Furón, ‘Abd al-Malik, Ibn Vicente clans and others.

The lineage of Mozarab *alcaldes*, and its localized notion of continuity, would eventually contribute to the definition of Mozarab geographical origins becoming restricted to Andalusí

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<sup>95</sup> See note 8 and *Appendix 1*.

Toledo. Thus, Alfonso X justified the privileges of Mozarab caballeros in his fuero of 1259 by referring to his forebears' conquest of Toledo—eliminating Alfonso VI's reference to immigrants from broader al-Andalus. Similarly, Pedro López de Ayala's discussion of Mozarabs was presented as a phenomenon of the same city.

Presenting Mozarabs as a Toledan phenomenon, especially by López de Ayala's time, also reflected a notion of the city having a unique intra-Christian history—a perception which has been adopted by modern historians. As the discussion of the broader former Dār al-Islām has demonstrated, however, the explicit legal rights and juridical framework accorded to Christians in Dār al-Islām led their respective communities to demand continuity of tradition when confronted with their new Castilian, Norman or Crusader co-religionist overlords. Thus, there is a record of not only Melkite Christians making such a request to Godfrey of Bouillon in the Latin Kingdom of Jerusalem but also Hellenizing κριταί subscribing documents along Latinizing *iudices* in Norman Sicily—much as Mozarab and Castilian alcaldes were recorded alongside each other in twelfth-century Castilian Toledan witness lists.



## APPENDIX 1

### **Pedro López de Ayala's Account of the Conquests of Toledo (ca a1400):**

#### **Excerpts Concerning the Mozarab and Castilian Alcaldes<sup>96</sup>**

*The Muslim Conquest* : First, [the Toledans] would be free and exempt from all taxes. Also, they would be allowed to possess six churches in the city that would not be destroyed but remain churches, as they had previously been...Also, they would be allowed to have a Christian *alcalde* (judge) who would adjudicate their criminal cases and civil suits... He would rule according to the *Libro Juzgo*, a *fuero* (law code) which had been composed by the Goths...for it was good and had been approved by many Gothic kings who examined it...

*The Castilian Conquest* : And after the Moors lost Toledo at the hands of the Christians [i.e., the Castilians]... in the year of our Lord 1085...the ancient Christians who had lived [in Toledo] took their *alcalde* into the city and [continued to have their cases and suits] judged by the aforementioned *fuero* of the *Libro Juzgo* as they had done under the Moors.

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<sup>96</sup> *Primeramente que ellos fuessen libres e quitos de todo pecho. Otrossi que ouiessen seys yglesias en la çibdat que non fuessen destruidas mas fincasen eglesias segund que estonçe eran...Otrossi que ouiessen alcalde christiano, assi en lo criminal commo en lo çeuil... Otrossi que su fuero que auian que era de los godos, al qual llamauan Libro Juzgo...ca era bueno e prouado por muchos rreyes godos que lo vieron. // E despues que los moros perdieron a Toledo e la cobraron los christianos, la qual çibdat de Toledo se gano...año del Señor mill e ochenta e çinco años...e estonçe aquellos christanos antigos que alli biuián, touieron su alcalde dentro en la çibdat e juzgaronse por el dicho fuero del Libro Juzgo, segund lo vsaron en el tiempo que fueran en poder de moros. // Enpero los caualleros de Castilla que el rrey don Alfonso que gano la dicha çibdat dexo...por guarda de la dicha çibdat, pidieron al rrey que les diesse alcalde, segunt su fuero de Castilla. E el rrey dio ge lo, e a este llaman el alcalde de los castellanos...E anssi auian los christianos de la çibdat de Toledo, dos alcaldes. Los moçaraues, que eran los antigos, que siempre biuieron en la çibdat, auian el fuero del Libro Juzgo, e los castellanos, que el rrey dexo por guarda de la çibdat, auian alcalde al su fuero, que era castellano. // E despues que la çibdat, por la graçia de Dios, torno a seer de christianos e entraron a biuir e morar dentro, por quanto el alcalde que los christianos que antiguamente alli fincaron fuera primero e llamuan el alcalde de los moçaraues, hordeno el rrey que aquel juzgasse de çeuil e de crimen, por dar mayor honrra a los que siempre biuieran en la çibdat. // E el otro alcalde, que dizen de los castellanos, juzgasse solamente de çeuil...e anssi finco oy en este dia... E si oy algund vezino de la çibdat que sea castellano e nueuamente alli sea venido por vezino, fuere demandado por el alcalde de los moçaraues e pidiere que le enbien al su alcalde de los castellanos, enbiarlo han. E assi, desa mesma guisa, faran al que fuere moçaraue e vezino de padre e de ahuelo de la çibdat si fuere en esta manera demandado delante el alcalde castellano e pidiere que lo enbien al su alcalde de los moçaraues, otorgar ge lo han, saluo en caso de crimen, que espeçialmente el alcalde de los moçaraues juzga. // E llamase en Toledo, castellano, todo aquel que es de tierra de los señorios del rrey de Castilla, do non se juzga por el Libro Juzgo. López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*: 58-59, 62-63. Emphasis and translation mine.*

However, the knights of Castile, who with King Alfonso had conquered the city and whom the king had left behind as guardians...asked to be provided with their own alcalde who would rule according to their fuero of Castile. The king granted their request, and this judge is called the *alcalde de los castellanos*...And thus the Christians of Toledo have had two alcaldes. The Mozarabs, who were the *antigos*, who always lived in the city, had the fuero of the Libro Juzgo. The Castilians, whom the king left behind to guard the city, had an alcalde for their fuero, which was Castilian.

And after, by the grace of God, the city began to be populated by Christians arriving to live within its walls, the alcalde of the Christians who had lived in the city since ancient times—who was the foremost judge and called the *alcalde de los moçaraues*—was ordered by the king to have jurisdiction over criminal and civil matters, in order to give greater honor to those who had always lived in the city. And the other alcalde, who is called [alcalde] of the Castilians, only adjudicates civil litigation...And so it remains to this day.

And nowadays if a Castilian citizen of Toledo is called before the alcalde of the Mozarabs and requests to be sent to the alcalde of the Castilians, he may go. And likewise, if an individual is Mozarab and a citizen of the city through three generations (*fuere moçaraue e vecino de padre e de ahuelo de la çibdat*) and is called before a Castilian alcalde, he may ask to be sent before an alcalde of the Mozarabs. Criminal cases, however, are the sole prerogative of the alcalde of the Mozarabs.

And in Toledo, all those who are from the domains of the king of Castile and are not judged by the Libro Juzgo are called *castellano*.

## APPENDIX 2

### *Carta Mustarabum Excerpts (a1101)*<sup>97</sup>

In the name of Christ, I Alfonso, king, by the grace of God, of the Toledan *imperium* and magnificent *triumphator*, alongside my most dear wife Queen Elisabeth, send peace and perpetual greetings in Christ to all Mozarabs of Toledo, as much to knights as to foot soldiers.

In response to the many inquiries that have been made concerning property and estates acquired via seizure (*presura*) or purchase, it has become clear that some individuals have come out very well, while other were left with nothing or very little. I wish to immediately put an end to this state of affairs and cease it from continuing.

Thus, in [this] month of March, I have ordered don Iohan, *alcalde* and *praepositus* of Toledo, along with the *alguacil* don Pedro and ten of the city's leading men amongst the Mozarabs and Castilians, to examine and evaluate the claims and divide the said property and estates...I grant this charter in perpetuity to all the Mozarabs of Toledo—knights and foot soldiers:

May they always possess as many properties and estates or vineyards and land as they currently hold, *according to their law (in suo iure)*...

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<sup>97</sup> *Sub Christi nomine. Ego Adefonsus, Dei gratia Toletani imperii rex et magnificus triumphator, una pariter cum dilectissima uxore mea Helisabet regina, ad totos Mozarabes de Toleto, tam cavalleros quam pedones, pacem in Christo atque perpetuam salutem. // Cum preteritis tempiribus fuerint factas in Toleto multas pesquisitiones super cortes et hereditates, sic de pressuria quomodo et de compratos, et cum tollerent ad illos qui magis habebant et darent ad eos qui nichil auto qui pauco habebant, nunc ego iam quero ponere finem ad istam causam, et nolo ut amplius fiat. Ideo autem in mense Marcio mandavi ad dommo Iohanne, alcadi qui prepositus ipsius civitatis et veridicus iudex erat, ut cum alvacit domno Petro et aliis decem ex melioribus civitatis, inter Mozarabes et Castellanos, ipsemet cum eis exquireret et equaret et cortes et hereditates inter tots illos divideret... Facio hance cartam firmitatis ad totos ipsos Mozarabes de Toleto, cavalleros et pedones: // Ut firmiter habeant semper quantas cortes et hereditates sive vineas ac terras hodie in suo iure retinent... // Et do eis libertatem, ut qui fuerit inter eos pedes et vuluerit militare, et posse habuerit, ut militet... // Et si inter eos fuerit ortum aliquod negotio de aliquo iudicio, secundum sententiam in Libro iudicum antiquitus consitutam discutatur. // Et de quanta calumpnia fecerint, quintum solummodo persolvant, sicut in carta Castellanorum reronat; excepto de furto et de morte iudei vel mauri... // Hoc autem facio pro remedio anime mee et parentum meorum, et ut vos omnes quos in hac urbe semper amavi et dilexi seu de alienis terris ad populandum adduxi, semper habeam fideles et oratores... Garcia-Gallo, "Los Fueros de Toledo : Apendices," 459-460. Emphasis and translation mine.*

And if any foot soldier amongst them wishes to become a knight, and he is able to do so, I grant him this freedom...

And if any civil dispute (*negotio*) arises between them, may the sentence be meted according to the ancient mandates of the *Libro Iudicum*.

And may they only pay a fifth of any criminal fines (*calumnia*) required by the charter of the *Castilians*, with the exception of theft and the killing of a Jew or Moor...

I have promulgated this charter for the sake of my and my parents' souls, so that you (Mozarabs)—whether *those whom I have always loved and valued in this city or those whom I brought from foreign lands as settlers*—may always be faithful to and pray for me.

## **CHAPTER THREE**

### **Memories and Notaries of Arabic:**

#### **Language and Mozarab Identity in a Romance World**

I will now return to the first chapter's discussion of language by examining the early-thirteenth- through mid-fourteenth-century significance of written Arabic and Latin/Romance in Castilian Toledo; Arabic, and to a lesser extent, Greek, in Norman Sicily; and Arabic and Latin in Crusader Antioch and the Crusader Kingdom of Jerusalem. This investigatory thread continues Chapter Two's discussion of Mozarab and Castilian alguacil-alcaldes and further delves into the role of notaries in Mozarab history, only briefly addressed in Chapter One. A comparison with Norman Sicily and the Crusader states will facilitate a better interpretation of the various motivations and methods for employing non-Latinate scribal or autographic languages within regions of the Dār al-Islām recently conquered by Latinate Christians.

I will begin with the earliest explicit associations of Andalusí Christians with the Arabic language, as found in the mid-thirteenth century.<sup>1</sup> The fact that such a connection was first noted not only at this relatively late hour but also via references to earlier twelfth-century immigrants suggests that Christian knowledge of Arabic in Toledo had become significantly less widespread by this time and, therefore, remarkable.

In his admirable and unfortunately unpublished dissertation addressing late-eleventh-through thirteenth-century Mozarab notarial culture, Howard Miller demonstrates that the mid-thirteenth century inaugurated an era of Toledan Arabic scribal history marked by the

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<sup>1</sup> "Andalusí" is the conventional adjectival term for al-Andalus, or Muslim Iberia. It does *not* refer to the modern-day Spanish region of Andalucía.

professional notariat's increasing monopolization of the ranks of Christian Arabic signatories.<sup>2</sup> However, an examination of this period's decreasing pool of *non*-notarial Arabic autographs—the last of which appeared in 1276—reveals that a significant number of this latter category of subscribers belonged to Mozarab alguacil-alcalde families, thereby suggesting that a correlation between Arabicizing and Mozarab identity was actively fostered during this time, especially amongst Mozarab *caballero* families.<sup>3</sup> This phenomenon is also observed via prosopographical examinations of generational autographical oscillations between Arabic and Latin, although, as discussed in Chapter One, the association of Mozarabs and Arabic was not absolute.

The thirteenth century is also known for ushering the triumph of written Romance in the kingdom of Castile, a process which had definitively gained traction in lay and royal circles by the 1220's and 1240's, respectively. Although Toledo lay notarial culture was uniquely resistant to this scribal momentum—private Arabic documents outnumbered those of Latin and Romance until 1260—a number of such notaries responded by adroitly positioning themselves as *escrivanos* of Romance. This shift can be witnessed via an investigation of “transition” notaries—active from roughly the 1270's to the first decade of the fourteenth century—who notarized both Romance and Arabic transactions. By subscribing Romance documents in not only the newly preferred language but also Arabic, they were able to evoke their proffered familial and professional *kātib*—and therefore Mozarab—lineage, thereby justifying access to Mozarab privileges.<sup>4</sup> With the enforced halt of Toledan Christian Arabic private document

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<sup>2</sup> Howard Delgin Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300" (Yale University, 2003). Especially useful for this Chapter is Miller's *Onomastic Index* of almost all autographs found in Latin and Arabic Toledan private transactions containing Arabic subscriptions from the late-eleventh century until 1303: "Onomastic Index," in *According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300* (2003).

<sup>3</sup> For a definition and discussion of “autographs,” see Chapter One.

<sup>4</sup> *Kātib* is the Arabic word for scribe or notary.

production at the turn of the fourteenth century, these dual signatures to Romance documents became the most durable trait of Mozarab Arabicity.<sup>5</sup>

This Romance-Arabic Toledan autographic practice would last until its abrupt end in the late 1350's. The most probable reason for such a sudden decision to cease all signs of Mozarab Arabicity can be found in the contemporary Castilian civil war, during which time the first volleys of coordinated propaganda were launched against the only other community in the kingdom capable subscribing (and writing) in Arabic—the Jews.

A comparison with the written Arabicizing and/or Hellenizing of Norman Sicily and the Crusader states reveals a common Christian demand for coreligionist notaries, the unique symbolic values of scribal and autographic languages, the varying appeal of pre-conquest bureaucratic continuity, and a strong correlation between the vitality of non-Latin autographs and the associated language of indigenous juridical traditions.

### **Mozarabs, Arabic, and the Past**

Rodrigo Jiménez de Rada, archbishop of Toledo and primate of *Hispania* (r.1209-1247), provides the first explicit association of Toledan Mozarabs with Arabicity in his *Historia de Rebus Hispanie* (completed in 1243).<sup>6</sup> In his account of the Muslim conquest of Iberia, Rodrigo denounces the “false treaty” which the invading forces had made with the locals, but seeks to stress the continuity of the ecclesiastical tradition in al-Andalus until the arrival of the *al-Muwahh̄id*'s in the 1140's.<sup>7</sup> As would be expected, he lavishes praise on (semi-mythical)

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<sup>5</sup> For a discussion of Mozarab privileges and *caballero* status, see Chapter Two.

<sup>6</sup> Jiménez de Rada dates his *Historia* as having been completed in 1243, and likely began the work sometime after 1236, the year in which his template, the *Chronicon Mundi*, was completed by Lucas, then a cleric at the monastery of Saint Isidore in León. Peter Linehan, *History and the Historians of Medieval Spain*, (New York: Clarendon Press, 1993). 350-351.

<sup>7</sup> Also known as the *Almohades* or *Almohads* in the Spanish and English rendering, respectively.

Toledan figures, such as the archbishop Evancius—*extraordinary in doctrine, wisdom and sanctity*—and the bishop Frodoarius—*distinguished in religion and wisdom*.<sup>8</sup>

Rodrigo then proceeds to bestow uncharacteristically kind words upon historical clergy from other sees. He begins by mentioning a certain John, a *glorious and most holy* bishop of Seville *who was called Çayet Almatran by the Arabs*. Not only was John a worker of numerous miracles, but he was also *renowned for his great learning in the Arabic language*, having composed a number of “catholic” exegeses *which he left behind in Arabic for the learning of those who came after him*.<sup>9</sup>

The archbishop of Toledo had learned of such ecclesiastics from local contemporaries of the Andalusí Christian refugees of the 1140’s. Thus, for example, he reveals that in his younger days he had known Talaverans who had welcomed into their midst a fellow clergy named Clement of (Andalusí) Seville. Rodrigo also mentioned several such displaced individuals who

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<sup>8</sup> *Eo etiam tempore quo Vrbanus in urbe regia presidebat, Euancius archidiaconus Toletanus doctrina et sapientia et sanctitate et secundum Scripturas spe, fide et caritate precipuus habebatur, et Frodoarius Accitane urbis episcopus religione et sapientia predicabatur insignis, et usque ad tempora Almohadum, qui imperatoris Aldefonsi tempore inceperunt, in pace statuta euangelica seruauerunt.* Rodrigo Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*, ed. Juan Fernández Valverde, Corpus Christianorum: Continuatio Mediaevalis (Turnhout: Brepols, 1987). 118 (IV.113).

<sup>9</sup> *Etiam in isto medio fuit apud Hispalim gloriosus et sanctissimus Iohannes episcopus, qui ab Arabibus Çayet Almatran uocabatur, et magna sciencia in lingua claruit, multis miraculorum operationibus gloriosus efulsit, qui etiam sacras Scripturas catholicis expositionibus declarauit, quas ad informationem posterorum arabice conscriptas reliquit.* Ibid. “Çayet Almatran” would have been a Latinization of Sayyid al-Maṭrān, or “Lord Metropolitan/Archbishop.” It is impossible to establish the tenure, much less confirm the identity, of this John. Monferrer holds that John likely would have lived in the ninth century, although he does not justify this assumption. His useful article further establishes the linguistic Arabization of the Andalusí Christian community by listing various Eastern Christian Arabic texts which have been located in modern-day Spain. Juan Pedro Monferrer Sala, “Manuscritos Árabes Cristianos en España : Notas Preliminares,” in *Los Manuscritos Árabes en España y Marruecos : Homenaje de Granada y Fez a Ibn Jaldún : Actas del Congreso Internacional, Granada, 2005*, ed. María Jesús Viguera and Concepción Castillo ([Granada]: Fundación el Legado Andalusí ; Junta de Andalucía, Consejería de Cultura, 2006), 201.



had settled in his own adopted city, including *a most holy archdeacon, called Archiquez in Arabic, through whom the Lord wrought miracles*.<sup>10</sup>

The archbishop of Toledo did not know Arabic, but Andalusí clergy certainly did. Members of this community had translated Latin Christian texts as early as the tenth century, and a later Latin-Arabic glossary suggests that such activity was necessary by at least the eleventh century.<sup>11</sup> Rodrigo clearly considered Arabic to have been a primary language of the Andalusí Christians, for he records that the archbishop John of Seville had composed biblical commentaries for posterity in this tongue; however, he portrays this trait as fundamentally *Arab*, asserting that John of Seville was called “Çayet Almatran” *by the Arabs*. Of course, no “Arab” had given Rodrigo this information—his sources had likely repeated the title which they heard bestowed upon John of Seville by Arabophone Christians.

Rodrigo’s indirect association of Andalusí Christians with Arabs is no doubt related to his oft-quoted etymological foray into the meaning of the term “Mozarab,” as found in an earlier passage of the *De Rebus Hispanie*. After providing his standard account of the Muslim conquest, with the invaders and their Christian conspirators offering worthless promises in order to trick the local population into living as tributary subjects, the archbishop explains that the natives

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<sup>10</sup> *Et quidam archidiaconus sanctissimus, pro quo etiam Dominus miracula operabatur, qui Archiquez arabice dicebatur*. Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*: 118-119 (IV.113). “Archiquez” may have been Rodrigo’s approximation of “arch-qiss,” or “archpriest,” although this would have been a uniquely Andalusí rendering of this position.

<sup>11</sup> Marie-Thérèse Urvoy, “La Culture et la Littérature Arabe des Chrétiens d'al-Andalus,” *Bulletin de littérature ecclésiastique* 92, no. 4 (1991): 259; P.S. van Koningsveld, *The Latin-Arabic Glossary of the Leiden University Library: A Contribution to the Study of Mozarabic Manuscripts and Literature*, (Leiden: New Rhine Publishers, 1977). For an interesting introduction to an Arabic translation of canon law carried out in Andalusí Toledo in 1049 (that is, before the Castilian conquest), see Hanna Kassis, “Arabic-Speaking Christians in al-Andalus in an Age of Turmoil: Fifth/Eleventh Century until A.H. 478 / A.D. 1085,” *Al-Qantara* 15, no. 2 (1994).

came to be called *Mixti Arabes*, because, mixed, they lived with the Arabs. He then adds, and in our time the name and people are still around.<sup>12</sup>

A number of historians have interpreted this definition as disparaging in nature, whether because it allegedly reflected the archbishop's concern over a Mozarab contamination by Muslim "mores and customs" or more specifically, doubts about Mozarab orthodoxy.<sup>13</sup> Rodrigo's above-quoted favorable portrayal of Andalusí clergy, however, suggests that he did not consider the Mozarabs heretics. Nor does it seem probable that the term *Mixti Arabes* revealed a notion of pollution, for the only "Arab" traits which he associated with Mozarabs—linguistic and written Arabicity—were presented in a laudatory context. Thus, a number of Toledan immigrants, such as a parish priest who subscribed an Arabic document as *Dominicus Mistarabs*, were not ashamed of this appellation.<sup>14</sup>

The archbishop, rather, primarily conceived of Mozarab Arabicity in a *geographic* sense. Native proficiency in the language was a trait of the Andalusí "Arabs" which the Mozarabs had acquired by living alongside this population in al-Andalus. Thus, he ascribed Mozarab linguistic and scribal Arabicity not to the Mozarabs of his day but rather to the Christian residents of al-

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<sup>12</sup> *Et isti dicti sunt Mixti Arabes, eo quod mixti Arabibus conuiuebant, quorum hodie apud nos nomen perseuerat et genus.* Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*: 107 (IV.103).

<sup>13</sup> Molénat comments obliquely on Rodrigo's "bad faith" about his Mozarab flock, while Aillet and Hitchcock use vocabulary of contamination. Jean-Pierre Molénat, "Le Problème du Rôle des Notaires Mozarabes dans L'oeuvre des Traducteurs de Tolède (XII<sup>e</sup>-XIII<sup>e</sup> Siècle)," *En la España Medieval* 18 (1995): 40-41; For a discussion of the archbishop's suspicion of Muslim mores and customs, see Cyrille Aillet, "Les Mozarabes : Christianisme et Arabisation en Al-Andalus, IX<sup>e</sup>-XII<sup>e</sup> Siècle" (Université de Paris 8, 2005), 26; Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*, (Burlington: Ashgate, 2008). 96.

<sup>14</sup> MT 141 a1178. As in previous chapters, "MT" refers to González Palencia's collection of Toledan Arabic documents, "141" refers to document number 141, and "a1178" signifies the year 1178 CE. Angel González Palencia, ed. *Los Mozárabes de Toledo en los Siglos XII y XIII*, 4 vols. (Madrid: Instituto de Valencia de Don Juan, 1926). As noted by Hitchcock, the fact that these anthroponym only appears after 1146 strongly suggests that it was limited to Christian refugees fleeing the al-Muwahhīd's. Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 91-93.

Andalus or the refugees from nearly a century prior. Christian Arabicity was unique to Mozarabs, but by the mid-thirteenth century, it was considered a phenomenon of the past.<sup>15</sup>

There is further confirmation of this perception in the next generation. The *Estoria de España*, a Romance project of King Alfonso X (r. 1252-1284), officially completed *circa* 1280, regularly (and explicitly) consulted Rodrigo's Latin *Historia*.<sup>16</sup> The *Estoria de España*'s royal patron was not as invested in the history of Toledo as Rodrigo, and the archbishop's discussion of the city's conquest and the accompanying etymological excursus into the word *Mozarab* were accordingly absent.<sup>17</sup>

Rodrigo's account of ecclesiastical Andalusí Arabicity receives full attention, however, and the *Estoria* makes even stronger associations of Christian Arabicity with proximity to the Andalusí "Arab" population. Thus, the archbishop Juan of Seville was called Sayyid al-Maṭrān

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<sup>15</sup> For further discussion of the geographic basis for medieval identifications of Mozarabs, see Chapter Two. It should also be noted that Rodrigo's interest in Mozarab Arabicity was likely in part influenced by the central role which he ascribed to language in human history. As Lucy Pick has demonstrated, it is incredibly significant that he opens his *De Rebus Hispanie* with the loss of post-Deluge unity in the wake of the Tower of Babel's divinely-ordained collapse. While it may be an oversimplification to state that "ethnicity [was] created by language" in Rodrigo's mind, the image of new peoples and nations emerging from the rubble of the Tower certainly influenced his understanding and recording of history and, more specifically, his description of the Mozarab *genus*. Lucy K. Pick, *Conflict and Coexistence: Archbishop Rodrigo and the Muslims and Jews in Medieval Spain*, History, Languages, and Cultures of the Spanish and Portuguese Worlds (Ann Arbor: University of Michigan, 2004). 73-75.

<sup>16</sup> For example, the *Estoria* recounts Rodrigo's memory of meeting ecclesiastical contemporaries of Clement of (Andalusí) Seville in this manner: *Et "mienbrame," diz aqui el arçobispo don Rodrigo, "que yo ui omnes del su tiempo."* Although the first version of the *Estoria de España*—known as the "concise" or "vulgar" version—may have been redacted as early as 1272-1274, the "critical" or "abbreviated" version was not completed until 1282-1284. Inés Fernández-Ordóñez, ed. *Versión Crítica de la Estoria de España: Estudio y Edición desde Pelayo Hasta Ordoño II*, Fuentes Cronísticas de la Historia de España; 6 (Madrid: Fundación Ramón Menéndez Pidal; Universidad Autónoma de Madrid, 1993), 239-241, 371 (Chap. V).

<sup>17</sup> The *Estoria de España* in fact never employs the term *Mozarab*, even when clearly describing people who would have been considered as such. This lacuna, however, is actually in accordance with Rodrigo's work. That is to say, the archbishop only utilizes the term *Mixti Arabes* while attempting to explain the community's appellation, not when discussing specific individuals.

by the Arabs in their Arabic, and the Moors in their Arabic called a certain holy archdeacon *archiquez*.<sup>18</sup>

In a later version of the *Estoria* which was completed in 1289—during the reign of Sancho IV (1284-1295)—the chronicle contains a new story which is also consistent with Rodrigo's interpretation of Christian Arabicity.<sup>19</sup> According to this so-called *Versión Retóricamente Amplificada*, after the famous El Cid had conquered Muslim Valencia (in 1094), he diplomatically assured the local population that the Christian soldiers guarding the towers and gates were of the highest caliber and *had been raised with the Moors, spoke as they did, and knew their manners and customs*.<sup>20</sup> There is no way to know whence these Christian guards would have come—much less whether this story is true—but it is at least certain that Rodrigo's mid-thirteenth-century association of Christian linguistic Arabicity with Andalusí origins remained current after several decades had passed. Thus, by conceiving of Christian Arabicity as a result of *living with the Arabs*, both aforementioned versions of the *Estoria de España* and Rodrigo's earlier *de Rebus Hispanie* effectively associated Mozarabs with a *historical* Arabicity.

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<sup>18</sup> *En aquel tiempo era otrosy en Seuilla el obispo don Juan, que era otrosi omne de Dios et de buena uida et santa, and llamuanle los alaraues por su arauigo Cayt Almatran. Et era muy sabio en la lengua arauiga, et fizo Dios por el muchos fermosos miraglos, et traslado las santas escripturas en arauigo et fizo las esposiciones dellas segund conuiene a la santa escriptura...et vino [a Toledo]...un santo arçediano por quien Dios fазie miraglos, et llamuanle los moros por su arauigo archiquez. Fernández-Ordóñez, Versión Crítica de la Estoria de España: Estudio y Edición desde Pelayo Hasta Ordoño II, 371 (Chap. V).*

<sup>19</sup> For the *Estoria's* account of Andalusí clerics and the ecclesiastical Mozarab immigrants, see *ibid.*, 370-371.

<sup>20</sup> When compiling his edition of the *Estoria de España* (which he called the *Primera Crónica General*), Menéndez Pidal utilized this aforementioned manuscript strand—also known as the *Version of 1289*—for the content falling after the reign of Ramir I (d.850). "Variacion en el Modelo Alfonsí en el Siglo XIII : las Versiones de la Estoria de España " in *La Historia Alfonsí : El Modelo y Sus Destinos, Siglos XIII-XV : Seminario Organizado Por la Casa de Velázquez, 30 de Enero de 1995*, ed. Georges Martin and Inés Fernández-Ordóñez (Madrid: Casa de Velázquez, 2000), 43, 59. *Et [El Cid] mando cerrar las finiestras de las torres que eran contra la villa de entro, por que los cristianos non pudiesen descubrir las casas de los moros. Et dixo a los moros que aquellos omnes que guardauan las torres et aquella puerta de la villa que el tenie, que non los pusiera y por mengua que el auie de los de su casa, et sessudos et sabidores pora quequier, mas porque fueran criados con los moros et fablaúan assy commo ellos et sabien sus maneras et sus costumbres, et que por esso los escogiera et los pusiera en aquel lugar...* Emphasis mine. Ramón Menéndez Pidal, ed. *Primera Crónica General de Espana*, 3 ed., vol. 2 (Madrid: Gredos, 1977), 588 (Ch. 918).

This conclusion is significant for two reasons. First, it strongly suggests that Arabic was perceived as no longer widely spoken or understood by Toledan Christians by approximately 1240 (the approximate date of the *Historia de Rebus Hispanie*'s redaction) in contrast to the image evoked by twelfth-century autographically Arabicizing locals such as the Gascon Yaḥyā bin Tammām or the sons of William of Cormeilles.<sup>21</sup> Second, for a Christian to scribe or autographically participate in Arabicity from this time would have been remarkable and a highly symbolic means of drawing attention to one's Mozarab lineage.

These observations can contribute to the debate over the fate of spoken Arabic in Toledo. Most historians agree that the language declined in the face of Romance during the thirteenth century, but there are various hypotheses for the rate of this phenomenon. The debate has centered on the fate of Arabic, as divined in the more than one thousand private contracts redacted by Christian Toledan notaries on behalf of their coreligionists.

Following the formulae specified by the notarial manual of the (pre-conquest) Toledan jurist Aḥmad bin Muḡī al-Ṭūlayṭulī (d. 1067), such transactions are as much evidence for the Toledan cultural heritage of the Andalusī legal tradition as that of the Arabic language.<sup>22</sup> The notarial templates provided by Ibn Muḡī's *Al-Muḡnī' fi-ʿIlm al-Ṣurūṭ*, however, invariably allowed for idiosyncratic scribal expressions of Arabic—often expressed by colloquial errors of grammar and spelling. Molénat holds that these imperfections in redaction are in fact indicative of a spoken language. The abrupt cessation of Arabic documentary production at the turn of the

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<sup>21</sup> See Chapter One.

<sup>22</sup> As Miller notes, while the requirements of Ibn Muḡī's *Al-Muḡnī' fi-ʿIlm al-Ṣurūṭ* are compatible with those of the Latin notarial tradition—for example, economic transactions required the scribe to note the parties involved (al-mutaʿāqidān), the good under transaction, the price (al-maʿqūd ʿalayhi), and the specific agreement between the participants (ṣīʿga)—the Toledan notaries' word-for-word adherence to their Andalusī predecessor's manual leaves little doubt as to where their influence lied. Diego Olstein, "The Arabic Origins of Romance Private Documents," *Islam and Christian-Muslim Relations* 17, no. 4 (2006): 435-436; Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 42-51.

fourteenth century therefore did not reflect broader Arabic incompetency but rather a governmental or administrative order, and the existence of notarial translators until at least the 1320's gives testimony to the language's long and robust life.<sup>23</sup>

Hernández, however, argues that thirteenth-century Arabic documentation, while reflective of the vitality of Mozarab identity, was evidence not of any linguistic reality but rather legal conservatism and bureaucratic inertia. Romance was the dominant language of Toledo by the first decade of this century, as evidenced by the earliest—and ultimately interrupted—utilization of this language by the Toledan royal chancery in a 1206 peace treaty with Leon and a 1207 ordinance addressing local market regulations. Both of these documents were intended to be publically read; therefore, they would not have been written in Romance if the population could not understand the language.<sup>24</sup>

There are difficulties in each interpretation. While Arabic was certainly understood by some Toledan public notaries as late as the early fourteenth century, it is too venturesome to ascribe their fluency to the larger Christian population, especially when considering that participation in Toledan Arabic documents was by no means limited to Arabophones.<sup>25</sup> As for the royal chancery's temporarily aborted move away from Latin to Romance in 1206 and 1207, this symbolic shift may have presumed Romance proficiency by a majority of Toledans, but a number of residents may have understood Arabic, as well. Furthermore, it is important to stress that the royal chancery's experimentation with Romance was a rejection of Latin, not Arabic, for

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<sup>23</sup> Jean-Pierre Molénat, "La Frontière Linguistique, Principalement à Partir du Cas de Tolède," in *Identidad y Representación de la Frontera en la España Medieval (Siglos XI-XIV): Seminario Celebrado en la Casa de Velázquez y la Universidad Autónoma de Madrid (14-15 de Diciembre de 1998)*, ed. Carolos de Ayala Martínez, Pascal Buresi, and Philippe Josserand (Madrid: Casa de Velázquez, 2001), 120; "L'arabe à Tolède, du XII<sup>e</sup> au XVI<sup>e</sup> Siècle," *Al-Qantara* 15, no. 2 (1994): 481-486.

<sup>24</sup> Francisco J. Hernández, "Language and Cultural Identity: The Mozarabs of Toledo," in *Miscellanea Domenico Maffei*, ed. Antonio García y García and Peter Weimar (Goldbach: Keip Verlag, 1995), 73-74, 80-81.

<sup>25</sup> A phenomenon discussed in Chapter One.

it never employed the latter tongue.<sup>26</sup> At any rate, the royal chancery regressed to Latin in 1208 at the behest of the new Toledan archbishop—and chancellor—Rodrigo Jiménez de Rada. The decision was not reversed in favor of Romance until the 1240's.<sup>27</sup> This royal policy was later eagerly encouraged by King Alfonso X, most notably exemplified by his Romance *Fuero Real* (1256) and the aforementioned *Estoria General*.<sup>28</sup>

The abandonment of scribal Arabic can more accurately be discussed within the context of its heavily favored medium: private transactions. One can furthermore arrive closer to a reflection of the popular Christian Arabic proficiency—or at least popular participation in Arabicity—by examining not the absolute survival of Arabic in private documents but rather the nature of this written language's decline in favor of Romance. By approximately 1260, Arabic yielded to Romance its place as the numerically favored language for private economic transactions in Toledo.<sup>29</sup> This shift did not mark the beginning of a steady decline in notarial Arabicity, however. The number of extant redacted Arabic documents, while suffering a noticeable drop in the 1220's, was in fact relatively constant until the aforementioned abrupt abandonment of this scribal language *circa* 1300.<sup>30</sup> Significantly, however, Toledan Jews continued to redact private Arabic documents for intra-communal consumption until at least 23

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<sup>26</sup> Olstein, "The Arabic Origins of Romance Private Documents," 438.

<sup>27</sup> Francisco J. Hernández, "The Jews and the Origins of Romance Script in Castile : A New Paradigm," *Medieval Encounters* 15 (2009); Roger Wright, "The Dating of the Earliest Fuero Translations," *Bulletin of Spanish Studies* 75 (1998).

<sup>28</sup> For a discussion of the *Fuero Real*, see Chapter Two.

<sup>29</sup> Olstein, "The Arabic Origins of Romance Private Documents," 437-438.

<sup>30</sup> From 1200 to 1209 and 1210 to 1219, 105 and 108 Arabic documents survive, respectively. From 1220 to 1299, the number of Arabic documents ranged from 48 to 85 produced per decade, with no linear decrease in production. In fact, 154 documents were redacted from 1280 to 1299, as opposed to 141 documents from 1220 to 1239. Data compiled from González Palencia's helpful chronological index of Arabic documents: Angel González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices*, (Madrid: Instituto de Valencia de Don Juan, 1930). 33-42.

April 1391, and their non-notarial Arabic signatures can be found in private Romance transactions as late as 1329.<sup>31</sup>

The year 1260 was a relatively late date to favor Romance private documentation in medieval Castile. As Hernández has recently brilliantly argued, the Cistercian and Premonstratian monks who immigrated to the kingdom in the mid-twelfth century had been instrumental in encouraging the adoption of Romance. Hailing from *Languedoc*, they were quite comfortable with not only popular *Provençal* vernacular poetry but also a Romance notarial culture which had been “pervasive” in the region since the 1130’s. By the 1220’s, the Toledan scribes—usually parish priests—who redacted documents for the Cistercian order of Calatrava clearly favored Romance, a phenomenon replicated in a number of Castilian towns with the above-mentioned monastic centers, such as Burgos and Aguilar de Campoo.<sup>32</sup> The urban lay scribes of Toledo, however, overwhelmingly wrote in Arabic until 1260. Most of them clearly belonged to notarial dynasties—as opposed to Calatrava’s parish priest redactors.

The shift in the Arabic-Romance scribal balance of 1260 was likely a delayed reaction to linguistic reality. Indeed, evidence for at least decreased autographic Arabicity had appeared twenty years earlier. The average Arabic document from 1161-1240 could boast a mean of 4.8 subscribers taken from a pool of about 1,100 witnesses, with approximately an average of four signatures per document being in Arabic. From roughly 1240, however, there were rarely more than three signatures per Arabic document (now almost always subscribed in said language), and

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<sup>31</sup> The Arabic document (MT 1140), redacted on the eve of the Peninsula-wide Jewish pogroms of the same year, is interspersed with Hebrew, as are other such intra-communal transactions. In 1329, Yehuda el Talani and Yūsuf son of Abraham subscribed a Romance transaction in Hebrew and Arabic, respectively, alongside the professional notaries Martin Alfonso and Ferrand Péres, both of whom subscribed in Romance and Arabic. For further discussion of Romance-Arabic dual signatures, see below. Archivo de la Catedral de Toledo (=ACT) V.10.A.2.6. *Anno* 1329.

<sup>32</sup> Hernández, "The Jews and the Origins of Romance Script in Castile : A New Paradigm."



a vastly reduced pool of 250 witnesses were dominated by Arabic notaries.<sup>33</sup> In fact, members or relations of this small circle of professionals comprised ninety percent of the forty Christians who subscribed Arabic documents in the same language from 1260 to 1300.<sup>34</sup>

The evidence presented above strongly suggests that most Christians had little knowledge of Arabic by the mid-thirteenth century, and such ability amongst Christians was accordingly perceived as being reserved for the Mozarabs of the past. The correlating decreased autographic Arabicity from 1240, numerical subordination of Arabic private transactions from 1260, and archbishop Rodrigo's perception of Christian Arabicity as a historical phenomenon by approximately 1240 support this position. Thus, when a Christian notary or Christian non-professional witness bucked the linguistic trend by redacting a document in Arabic and/or subscribing in said language, he effectively publically affirmed the historical memory of his geographical lineal origin. That is to say, he performed Mozarabicity.

### **Distinguishing Autographically Arabicizing Notaries and Non-Notaries**

In order to examine the varied contexts for performing Mozarabicity, it is essential to differentiate between notaries and non-notaries. This task is made particularly challenging by the fact that notaries rarely identified themselves as such in Arabic transactions. Miller's approach to locating these professionals largely relies on numerical evidence, assuming that autographically Arabicizing individuals who subscribed substantially more Arabic documents than their peers

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<sup>33</sup> Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 91.

<sup>34</sup> That is to say, thirty-six of the forty Christians who were Arabic signatories to Arabic documents during this period were scribes or at the very least related to such professionals. Criteria for designating the Christian *kātib*—or notary—will be discussed below.

were likely scribes.<sup>35</sup> His approach also allows him to identify several notarial dynasties, a unique Toledan feature foreign to the rest of twelfth- and thirteenth century Castile.<sup>36</sup>

This approach is quite accurate for the mid-thirteenth century and beyond, to the point of over-caution.<sup>37</sup> With some creativity, it is possible to amplify the known notarial ranks. The simplest—and surprisingly unattempted—method to confirm a number of Miller’s presumed scribes is to examine the many contemporary Romance documents bearing Arabic or dual Romance-Arabic signatures from these same individuals, as the Romance notarial tradition in Toledo, unlike that of the Arabic, largely limited signatures to the professional *escribanos públicos*, and clearly identified those who were not of this class. Thus, for example, Alfonso bin Domingo bin Cebrian (active 1253-1300), who signed Arabic documents as Alfūnš bin Duminquh bin Sibriyān, is confirmed as a notary by his subscribing of a Romance document (*anno* 1277) in Romance and Arabic.<sup>38</sup>

This multi-lingual corroborative strategy also facilitates the discovery of certain notaries who only had a few surviving signatures in Arabic documentation, causing them to be overlooked by Miller’s criteria. Thus, Alfonso bin Martin Raimundez (active 1282-1290) only

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<sup>35</sup> For example, see his charts of “most prolific witnesses.” Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 39, 86, 96, 258-260.

<sup>36</sup> For the scribal traditions of northern Castile, see Teofilo F. Ruiz, *From Heaven to Earth : The Reordering of Castilian Society, 1150-1350*, (Princeton: Princeton University Press, 2004). 30-31. Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 75, 80. Molénat also identifies several Toledan scribal dynasties, although he does not reveal his methodology for their designation as such. Jean-Pierre Molénat, "Note sur les Traducteurs de Tolède (XII<sup>e</sup>-XIII<sup>e</sup> S.)," *Cahiers d'Études Arabes* 2 (1988).

<sup>37</sup> All the leading Toledan citizens whom Miller presents as autographically prolific non-notaries were active before the mid-thirteenth century. See Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 85-87.

<sup>38</sup> For examples of Alfonso bin Domingo bin Cebrian’s Arabic signature to Arabic documents, *ibid.*, 216. He subscribes as *yo Alfonso D<sup>o</sup>minguez fijo de D<sup>o</sup>mingo Çeb'ian ts*, under which he also pens in Arabic *Alfūnš bin Duminquh*. AHN (= Archivo Histórico Nacional), OOMM (= Sección Ordenes Militares) (Calatrava), 460-130. *Anno* 1277. Again, the phenomenon of dual-language signatures will be discussed below.

signs one Arabic document but is a witness to several Romance transactions, identifying himself as the redactor of at least one.<sup>39</sup>

In addition, applying an onomastic dragnet to my autograph data pool allows me to identify ancestors, family members, and progeny of various notaries, a number of whose autographic Arabicity likely reflected their notarial status, as well, or at the very least, their upbringing in an Arabicizing household. For example, the brothers Fernando, Alfonso and Julian bin Pedro bin Alfonso bin al-Qallas, who each only signed a paltry three or four documents, would seem to be typical non-notaries if not for the numerous extant documents subscribed by their prolific father, the notary Pedro.<sup>40</sup>

A final means of locating notaries is to paleographically examine each signature. From the turn of the thirteenth century, Christian Arabic notaries increasingly began to employ an autograph style that could be described as “professional”—that is to say, hurried, ornate, and nearly incomprehensible to the untrained eye (although the “ornate” element would give way to the “hurried” as the thirteenth century progressed).<sup>41</sup> The older style, perhaps best described as “competent,” was, like the redacted text itself, generally clearer, plainer, and less cramped.<sup>42</sup> A

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<sup>39</sup> Alfonso bin Martin Raimunde signed his name to an Arabic document as *Alfūnš bin Martin Raymundes* in 1282 but subscribed a Romance document which he redacted as *yo Alffons Ma'tinez escrivano en Toledo fffijo de Ma'tin Remondez escrevi esta carta ṛso [testigo] / Alfūns Martin* in 1289. MT 864 a1282 and AHN, OOMM, 460-147. *Anno* 1289, respectively.

<sup>40</sup> For a list of Pedro's subscriptions, see Miller, "Onomastic Index," 244. Fernando was active from 1214 to 1221 (MT 416, MT 452, MT 453, and MT 464), Alfonso was active from 1215 to 1242 (MT 420, MT 557, and MT 1106), and Julian was active from 1226 to 1234 (MT 481, MT 483, and MT 511).

<sup>41</sup> For an example of the newer, “professional,” style, see MT 546 a1241 = ACT E.10.D.1.6e. The text of this transaction is written in a less controlled “competent” style, but the autographs are clearly “professional.” All of the signatories—Pedro bin Miguel bin Johanes bin Uṭmān, Domingo bin Juanes bin Salomón, Juan bin Domingo bin Juanes, and Domingo bin Servand bin Ḥasān bin Servand—are official notaries, according to the aforementioned criteria.

<sup>42</sup> For an example of the older, “competent,” style, see MT 411 a1214 = ACT E.12.I.1.5. The text of the transaction is written in the “competent” style, as are the Arabic signatures. The neater and more ornate signature to the bottom-right is that of the likely notary, Pedro bin Juan bin Tomé bin Yahyā bin Pelayo. Pedro also translated the Latin

third, “hesitant” and non-flowing autographic style was never associated with any known notary.<sup>43</sup>

This stylistic shift clearly came into play around the year 1240—or for the purposes of this investigation, between a statistically pivotal eighteen-year (inclusive) span encompassing 1237 and 1254. Scribes active during this period who had begun their careers before 1237 were equally likely to subscribe in the traditional “competent” or the new “professional” style, whereas “pivotal” period notaries who embarked upon their careers from 1237 were thrice as likely to subscribe in the “professional” fashion.<sup>44</sup>

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signature of the participant and witness Mateus into Arabic at the bottom-left of the document. The less controlled Arabic signature, located toward the top-left, belongs to the non-notary Lope bin Martin bin Yaḥyā bin Qurayš, likely a descendant of the Yaḥyā bin Qurayš who was a witness to the arbitration recounted in Chapter One’s opening vignette (MT 966 a1121).

<sup>43</sup>For examples of the “hesitant” style, see the signatures of Martin bin Gonzalvo bin Alvaro and Pedro bin Tomás bin Pedro, both of whom were witnesses to a testament from 1254. MT 998 = AHN, Sección Clero – Secular, 3060-09.

<sup>44</sup> More specifically, of the autographically active individuals during this period confirmed as notaries via the aforementioned criteria and active before 1237, eight subscribed in the competent style, while seven signed in the professional style. As for the confirmed notaries active from 1237, only three subscribed in the competent style, while nine signed in the professional style. *The following eight of the former group signed in the competent fashion:* the alguacil-alcalde Feliz bin Yaḥyā bin ‘Abd Allah (active 1189-1244) and his son Juan Feliz (MT 737 a1235 and MT 1113 a1253); Pedro bin Juan bin Tomás bin Yaḥyā bin Pelayo (1198-1252), who was the grandson of the notary Tomás bin Yaḥyā bin Pelayo and of the notary and alguacil-alcalde Abū Ḥafs ‘Umar bin Abū-l-Faraḡ; Servand bin Domingo bin (Salomón bin Gāsan bin) Servand (1203-1242), who was the nephew of the notary Domingo bin Servand bin Ḥasan bin Servand (mentioned below); Salvator bin Feliz bin ‘Abd al-‘Azīz bin Sufyān (1203-1252), who was the nephew of the notary Domingo bin ‘Abd al-‘Azīz bin Sufyān (1192-1208) and possibly the uncle of the notary Rodrigo bin Benedict bin Domingo bin ‘Abd al-‘Azīz (1242-1298); Alfonso bin Pedro bin Alfonso bin ‘Umar bin Ġālib bin al-Qallas (1215-1242), who was the son of the notary Pedro (1173-1230); Gonzalvo Vicente bin Domingo bin Martin bin Kābir (1230-1252); and Fernando bin Miguel bin al-Jābir (MT 911 a1232 and MT 1062 a1239), who was the uncle of the later notary Alfonso bin Juan bin Miguel bin Jābir (1283-1294). *The following seven of the former group signed in the professional fashion:* Salomón bin Esteban bin Salomón bin ‘Ālī (active 1202-1252), whose father was an alguacil-alcalde, whose uncle Ḥayr (1179-1214) and nephew Gonzalvo Laurens (1246-1262) were notaries, and whose grandfather Salomón bin ‘Alī bin Wa‘īd (1160-1204) was an alguacil-alcalde and notary; Salomón bin Domingo bin al-Mursī bin Ġālib bin ‘Abd al-Malik (1214-1249); Domingo bin Servand bin Ḥasan bin Servand (1219-1262), who was the uncle of the aforementioned notary Servand bin Domingo bin (Salomón bin Gāsan bin) Servand; Alfonso bin Juan bin Petrez bin Ya‘īš (1226-1251); Domingo bin Juanes bin Salomón (1231-1276); Pedro bin Miguel bin Juanes bin Uṭmān (1233-1271); and Domingo bin Cristobal bin Lope (1234-1267), who was the father of the Romance and Arabic notary Juan Domínguez *hijo de* Domingo Cristobal (1272-1292). *The following three of the latter group subscribed in the competent style:* Garcia Juanes (MT 1168 a1238 and MT 791 a1251) and ‘Umar Juanes (MT 545 a1241) bin Juan bin Tomás bin Yaḥyā bin Pelayo, both of whom were brothers of the aforementioned notary Pedro bin Juan bin Tomás bin Yaḥyā bin Pelayo; and Gonzalvo Laurens bin Laurens bin Esteban bin Salomón bin ‘Alī (autographically active 1246-1262), who was the nephew of the aforementioned notary Salomón bin Esteban bin Salomón bin ‘Alī. *The following nine of the latter group subscribed in the professional style:* Juan bin Domingo bin Juanes (autographically active 1237-1281); Pedro bin

The professional autographic style continued to be dominant after 1254. Only three individuals whose autographic record began after the pivotal period signed in the competent, as opposed to professional, fashion—one confirmed notary, one man with familial history of autographic Arabicity (who therefore may have even been a notary himself), and a third who was clearly a Toledan notable.<sup>45</sup> As for the “hesitant” subscribers, the last of their number signed their names in 1254.<sup>46</sup>

It is exceedingly probable that this autographic shift was indicative not of a broader change in calligraphic taste but rather the monopolization of witness signatures by professional notaries; that is to say, such complicated and intricate subscriptions can be assumed to have been unique to scribes. This theory is supported by the fact that no mid-thirteenth-century individual with a non-notarial occupation (such as priest, lawyer, or alguacil-alcalde) and lacking the

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Domingo bin Esteban al-Muhtāsib (*almotacen*) (1238-1291); Pedro bin Juan bin Esteban bin al-Wādiyāšī (1241-1278), whom Molénat argues was the likely uncle of the Romance scribe and *escrivano del arábigo* Esteban Domínguez *hijo de* Domingo Juanes; Juan bin Domingo bin Miguel Zambrano (1242-1274); Rodrigo bin Benedict bin Domingo bin ‘Abd al-‘Azīz (1242-1298), who was likely the first cousin once-removed of the aforementioned notary Salvador bin Feliz bin ‘Abd al-‘Azīz bin Sufyān (1203-1252) and the grandson of the aforementioned notary Domingo bin ‘Abd al-‘Azīz bin Sufyān (1192-1208); Rodrigo bin Juan bin Esteban bin al-Qantarī (MT 562 a1244), who was the great-nephew of the notary Domingo bin Pedro bin al-Qantarī (1180-1211, a relationship established in MT 552 a1242); Pedro bin Juan Petrez al-Adīb (1251-1291), who was the likely father of the “transition” scribe Juan Pérez *hijo de* Pedro Pérez; Alfonso bin Domingo bin Cebrian (1253-1300), who was a transition scribe; and Alfonso bin Domingo bin Lazaro bin Gutierre (1254-1269). For lists of these notaries’ respective Arabic subscriptions and family trees for the Wa‘īd and Pelayo/al-Farağ dynasties, see Miller, “According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300,” 75, 80; “Onomastic Index.” For a discussion of the Servando and Wādiyāšī families, see Molénat, “Note sur les Traducteurs de Tolède (XII<sup>e</sup>-XIII<sup>e</sup> S.),” 126-133. Domingo bin Cristobal bin Lope occasionally signed as Domingo bin Cristobal and is at times incorrectly recorded as Domingo bin Cristobal bin Pelayo by González Palencia and Miller. For subscriptions belonging to “transition notaries,” see note 85.

<sup>45</sup> Pedro bin Lorenzo bin Domingo bin Serrano was a notary active in Arabic documentation in 1283, 1284 and 1291 (MT 673, MT 674, MT 678, MT 1118, and MT 889) and in at least twenty-three Romance documents from 1284 to 1330 (ACT Z.5.H.2.4, *anno* 1295, for example). Pedro bin Gonzalvo Petrez (MT 959 a1262) had a father who signed several documents in Arabic (1226-1239: MT 533, MT 762, MT 763, MT 770, MT 774). Martin bin Domingo bin Juanes al-Muğbar (active 1267-1276: MT 989, MT 1030, MT 961, MT 1064) was clearly an important individual, being listed as an executor of alguacil-alcalde Fernando Mateos bin Furón’s testament.

<sup>46</sup> See note 43.

aforementioned notarial criteria (such as a relatively large number of autographs or membership in a scribal dynasty) subscribed in the professional style.<sup>47</sup> One can only wonder, however, about the notarial or non-notarial status of individuals who bequeathed historians their competent subscriptions but no indication of their profession.

### **Non-Notarial Christian Autographic Arabicizers in Mid-Thirteenth-Century Toledo**

While notaries had obvious motivations for maintaining the Arabic bureaucratic inertia in the thirteenth century, non-notaries' autographic employment of Arabic certainly was not necessary to fulfill their professional duties, nor was it required to participate in documents of the same language.<sup>48</sup>

During the aforementioned "pivotal" period encompassing 1237 to 1254, there are 470 Arabic autographs—discounting three such signatures subscribed by Jews—penned by sixty-seven Christians. However, almost ninety percent—411—of these signatures belonged to only thirty-four likely scribes or scribal family members, according to the previously specified criteria of proportional dominance in autographs, membership in notarial dynasties, notarial participation in Romance documents, or a "professional" style of autographs.<sup>49</sup> Setting aside one individual whose profession is unknown and whose original subscription has not survived, there are thirty-

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<sup>47</sup> As will be discussed below, while there are examples of scribes becoming *alguacil-alcaldes* in the twelfth century, such aspirations were realized only once after the turn of the thirteenth century, by a certain Feliz bin Yaḥyā bin ʿAbd Allah. See notes 44 and 58.

<sup>48</sup> In fact, during the "pivotal" period of 1237 to 1254, about six percent (thirty-one) of 504 total signatures to 132 Arabic documents were redacted in Latin characters.

<sup>49</sup> For those fitting the former three criteria, see note 44. The following seven individuals are identified as notaries solely by their "professional" autographs: Pedro bin Juanes bin Pedro bin Miguel (1239-1248), who signed ten documents; Gonzalvo bin Guillem bin Pedro (MT 816 a1239, MT 559A a1240, and MT 565 a1244); Juan bin Miguel bin Feliz (1241-1244), who signed five documents; Fernando bin Juanes bin Salvator bin Tābit (MT 845 a1243 and MT 987 a1255); Rodrigo bin Pedro bin Guillem (MT 1162 a1243 and MT 561 a1244); Martin bin Domingo bin Domínguez bin ʿAbd al-Raḥman (MT 789 a1247, MT 574 a1248, MT 576 a1248, and MT 790 a1248); and Alfonso bin Bartolomé bin Pedro (MT 585 a1253, MT 591 a1255, MT 609 a1260, and MT 617 a1263). For a list of the scribal activity of Pedro bin Juanes bin Pedro bin Miguel and Juan bin Miguel bin Feliz, see Miller, "Onomastic Index," 234, 246.

two remaining autographically active non-notaries. With the exception of one particularly prolific ecclesiastical outlier (eleven signatures), each of the remaining individuals subscribed an average of only 1.55 autographs (forty-eight total signatures). Eighteen of these witnesses' places in society unfortunately cannot be determined, but the standings of the remaining fourteen are telling. Four had autographically Arabicizing relatives and may have even been notaries themselves.<sup>50</sup> Lucas bin Juan Petres al-Sayğ and Rodrigo bin Domingo al-Sayğ were related to the master of the silversmith guild.<sup>51</sup> Domingo Martin bin Martin Salomón was a priest from the “Mozarab” parish church of Santa Justa, as was a certain Salvator, the aforementioned prolific ecclesiastical witness.<sup>52</sup> Seven individuals were associated with prestigious juridical positions—lawyer, alguacil, and alguacil-alcalde of the Mozarabs.<sup>53</sup>

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<sup>50</sup> Pedro bin Juanes bin Farhun was active from 1214 to 1246. MT 949 a1214, MT 526 a1228, and MT 572 a1246. His father Juan and uncle Domingo Farhun had both signed a document in 1198 (MT 289). Andrés bin Juanes bin Lazaro bin Ḥabīb, active from 1202 (MT 322B) to 1240 (MT 843), cosigned a document with his brother Pedro in 1203 (MT 325). Gonzalvo bin Petres, active from 1226 to 1239 (MT 533, MT 762, MT 763, MT 770, MT 774) was the likely father of Pedro bin Gonzalvo Petres (MT 959 a1262). Finally, Martin bin Pedro bin Miguel bin ‘Abd Allah (MT 574 a1248) was the son of Pedro bin Miguel bin ‘Abd Allah (active 1154-1190: MT 153, MT 287, MT 401, MT 465, MT 502, and CT 430). As in previous chapters, “CT” refers to Hernández’s collection of Latin and Romance documents found in the Toledan Cathedral and “430” refers to document number 430. Francisco J. Hernández, ed. *Los Cartularios de Toledo: Catálogo Documental*, 2 ed. (Madrid: Fundación Ramón Areces, 1996).

<sup>51</sup> MT 582 a1252. Unfortunately, the original transaction has been lost, so the style of their signatures cannot be verified.

<sup>52</sup> For Domingo Martin bin Martin Salomon, see MT 773 a1234 and MT 780 a1256. For Salvator (active 1200-1241), see MT 311, MT 382, MT 463, MT487, MT 759, MT 769, MT 787, MT 945, MT 955, MT 984A, and MT 996.

<sup>53</sup> Juan Mateos bin Furón (autographically active in MT 475 a1224, MT 813 a1225, and MT 521A a1237) was brother of the alguacil-alcalde Fernando Mateos bin Furón. Alfonso bin Vicente bin Uṭmān bin Alvaro was alguacil (MT 527 a1238), and his brother Gonzalvo was alguacil-alcalde (1228-1242: MT 527, MT 557, MT 590, MT 639, MT 767, and CT 443). Gonzalvo bin Fernando bin Miguel Šabīb (active 1236?-1243: MT 81 a1236?, MT 818 a1239, and MT 560 a1243) was the brother of the alguacil-alcalde Juan. Pedro bin Juan bin Domingo al-Tāğir (the merchant) was alguacil-alcalde (MT 571 a1246 and MT 778 a1252). Diego bin Lope bin Martin Qurayš (MT 580 a1251, MT 987 a1255, and MT 961 a1271), son of the aforementioned Lope bin Martin bin Yaḥyā bin Qurayš (MT 137 a1208 and MT 411 a1214), was likely related to the qādī (alguacil-alcalde) Abū Zakariyah bin Qurayš who took part in the arbitration recounted in the opening vignette of Chapter One. Abū Zakariyah bin Qurayš was likely related to—if not the same individual as—the Yaḥyā bin Qurayš recorded as a witness to this same arbitration. Diego is incorrectly transcribed as “Domingo” in González Palencia’s *Mozárabes de Toledo* and in Miller’s Onomastic Index. Guillem bin Esteban Juanes was a lawyer MT 580 a1251. I am not considering the case of the alguacil-alcalde and notary Feliz bin Yaḥyā bin ‘Abd Allah in this section of the Chapter. See notes 44 and 58 for more information concerning this individual.

It can be deduced from this data that non-notarial autographic Arabicity was even rarer than Miller has argued for the period comprising 1240-1300. A number of such Arabic signatories were likely leading Toledan citizens and/or connected to “Mozarab” institutions such as the church of Santa Justa or the position of *alcalde* of the Mozarabs. The lay members of this group—from the family of a guild master to *alguacil-alcaldes*—almost certainly had the financial wherewithal and social imperative to obtain *caballero* status. Their Arabic signatures penned in a time of not only decreased broader Christian linguistic and autographic Arabicity but also clear historical association of Mozarabs with Arabicity therefore served to outwardly reaffirm *Mozarab* *caballero* status in a noteworthy manner.

This observation holds particular importance for the largest known sub-category of non-notarial autographic Arabicizers during this pivotal period: the legal professionals. Included in these ranks are the lawyer Guillem bin Esteban Juanes (active 1251) and Diego bin Lope bin Martin Qurayš (1251-1271), likely descendant of the *alguacil-alcalde* Abū Zakariya bin Qurayš who was involved in a property dispute in the Toledan suburb Dār al-Ḥāzin over a century prior.<sup>54</sup> Likewise, *caballero* status would also have belonged to autographic Arabicizers Juan Mateos bin Furón (active 1224-1237 and brother of *alguacil-alcalde* Fernando Mateos bin Furón), *alguacil* Alfonso bin Vicente bin Uṭmān bin Alvaro (active 1238 and brother of *alguacil-alcalde* Gonzalvo bin Vicente bin Uṭmān bin Alvaro), and Gonzalvo bin Fernando bin Miguel Šabīb (active 1236-1243 and brother of *alguacil-alcalde* Juan Fernandez bin Miguel bin Šabīb). Indeed, a number of these individuals, or at least their relatives, were likely present at the Alfonso X’s granting of the *Fuero* of 1259 which explicitly differentiated the *Mozarab caballeros*

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<sup>54</sup> This was the same arbitration discussed in Chapter One’s opening vignette. See note 53.



of Toledo from their social confreres.<sup>55</sup> As for the final autographically Arabicizing alguacil-alcaldes Gonzalvo bin Vicente bin Uṭmān bin Alvaro (active 1228-1242) and Pedro bin Juan bin Domingo al-Tāḡir (active 1246-1252), the language of their signatures reaffirmed not only their Mozarab caballero status but also their position as judges of the Mozarabs.<sup>56</sup>

### **Alcaldes and Autographic Arabicity**

Before continuing, it must be remembered that autographic participation in Arabic transactions was in part facilitated by the Arabic notarial tradition which, while requiring at least one professional scribe, encouraged the signatures of other witnesses of good standing. As mentioned earlier, Latinate signatures were also permissible, and, as shall become apparent, it is possible to trace an autographic shift from—and sometimes towards—Arabic within families over several generations. From the later mid-thirteenth century, however, Latinate signatures were exceedingly rare in Arabic documentation.

As for the Latin notarial tradition, the mere recording of witnesses was quite acceptable, although occasionally individuals insisted on subscribing with their own hand, as well.<sup>57</sup> Regarding Romance private transactions, non-notarial autographic participation was very unusual and, in the few examples to be found, was limited to the presiding (Romance-subscribing) *alcalde*. Thus, the non-notarial abandonment of autographic Arabicity in the latter-half of the thirteenth century severely curtailed broader Toledan autographic participation in any language.

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<sup>55</sup> Discussed in Chapter Two.

<sup>56</sup> See note 53. Importantly, the high proportion of alguacil-alcaldes and their family members amongst the ranks of the last non-notarial autographic Arabicizers further confirms the proposed line of Mozarab judges proposed in Chapter Two.

<sup>57</sup> These notarial traditions were also discussed in Chapter Two.

Alcaldes of the Mozarabs had a long history of demonstrating autographic Arabicity before or during their tenures, beginning as early as ‘Abd al-‘Azīz bin Lampader in 1125 and continuing until the mid-thirteenth century with a number of other such office-holders, three of whom were Arabic notaries.<sup>58</sup> Recalling that autographic Arabic competency was not necessarily unique to Mozarabs before the early thirteenth century, it would be dangerous to interpret signatures in this language as simply a reaffirmation of Mozarab identity. However, a large proportion of anthroponymically and autographically Arabicizing Toledan Christians were clearly of Andalusí descent—recall the notable rise of such individuals after the mass immigrations in the wake of the al-Muwahḥid invasions—and it is reasonable to posit that while Arabicity was not solely a Mozarab phenomenon, the trait was certainly associated with this community.<sup>59</sup> Thus, for the alcalde of the Mozarabs or his immediate family to autographically abandon Arabic would have been notable.

There is an example of this very rejection in the case of a certain Estefan, zafalmedina, alguacil and son of Mozarab alguacil-alcalde and *qā'id* ‘Amrān.<sup>60</sup> Estefan bin ‘Amrān married

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<sup>58</sup> Examples include the following: Ibn Lampader signed a document in which he was referred to as alguacil-alcalde in 1125 (MT 1012), as did the following individuals: Pedro bin ‘Abd al-Raḥman bin Yaḥyā bin Ḥārīt (MT 1038 a1172), Julian bin Abū Ḥasan bin Bāṣuh (MT 1052 a1179), Esteban Julianis (MT 1008 a1184 and MT 943 a1197), and Julian bin Esteban Julianis MT 950 a1209). Melendo bin Lampader subscribed a document in 1166 (CT 145) and was referred to as alguacil-alcalde in 1190 (MT 978). The notary ‘Umar bin Abū-l-Farağ (active 1161-1186), *cognomen* Abu Ḥafs, was posthumously referred to as alguacil-alcalde in 1193 (MT 243). The notary Salomón bin ‘Alī bin Wa‘īd (active 1160-1204) was referred to as an alguacil-alcalde in 1194 (MT 256). Fernando Juanes bin ‘Abd al-Malik (active 1180-1221) was posthumously referred to as an alguacil-alcalde in MT 511 a1234. The notary Feliz bin Yaḥyā bin ‘Abd Allah (active 1189-1244) was posthumously referred to as an alguacil-alcalde in 1253 (MT 1113). For a list of their signatures, see Miller, "Onomastic Index." For information concerning the alguacil-alcaldes Gonzalvo bin Vicente bin Uṭmān bin Alvaro (1228-1242) and Pedro bin Juan bin Domingo al-Tāğir (1246 and 1252), see note 53.

<sup>59</sup> See Chapter One.

<sup>60</sup> ‘Amrān is referred to as alguacil-alcalde and *qā'id* in MT 940c a1115. Esteban ‘Amrān is referred to as zafalmedina in CT 78 a1150 and CT 114 a1156, and posthumously as alguacil in MT 947 a1206. Recall that, as discussed in Chapter Two, the duties of zafalmedina and alcalde of the Mozarabs overlapped before the former was finally subsumed by the latter in the late-twelfth century. Both positions were held by Mozarabs. The position of *qā'id*, known in Spanish as *alcaide*, roughly corresponded to a type of military leader in medieval Castile.

Dominga, daughter of alguacil Ponce Petrez and granddaughter of the powerful qā'id Pedro of Toulouse. In an Arabic document from 1168, Estefan's grandmother-in-law Maria donated to the Toledan convent of San Clemente an orchard taken from the estate which her deceased husband Pedro had bequeathed to his immediate family. Ponce Petrez, a number of his siblings and his son-in-law Estefan, desiring to affirm their assent and likely also to ensure the agreeability of the finalized transaction, signed the document in the following manner: *Poncius Petriç; Ego Petrus Cruzat confirmo; Uraca confirmo; Gonzaluo confirmo;...Stefanus Gimbran; Ego Parisius Petri confirmo.*<sup>61</sup>

An examination of the original manuscript reveals that the Mozarab Estefan bin 'Amrān was significantly less capable of signing in Latin characters than his in-laws. Autographic Latin incompetence alone, however, does not mark one as a Mozarab or possessor of Arabicity—indeed a number of possible non-Mozarabs could claim such an inability. Rather, Estefan's signature is remarkable for revealing at least previous training in the more flowing, cursive Arabic script. This influence especially betrays him in his earlier attempt at a Latin signature in 1160.<sup>62</sup> Estefan joins his letters whenever possible—from the helix forming the “S-t-e” of his name, to the “r-a” in *Gībrā*—despite his in-laws' more common (and seemingly simpler) approach of forming each letter separately. Finally, Estefan also strove to complete his name in as few strokes as possible, penning the “G” and “b” in *Gībrā* in one stroke each, for example, instead of the more typical two. It bears repeating that his manner of autographic hesitancy is far from the norm.

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<sup>61</sup> MT 733 a1168 = AHN, Sección Clero – Secular, 3002-05. Petrus Mateos also signs the document, but his relationship to the family is unknown. This Arabic document was redacted by Salomon bin 'Alī bin Wa'id, whose “competent” writing style and signature can be seen towards the top right.

<sup>62</sup> MT 973 a1160 = AHN, Sección Clero – Secular, 3001-14.

Why would Estefan bin ‘Amrān adopt Latin script at such an early date for a Mozarab? The answer likely lies in his sons Juan and Rodrigo Ponce, future alguacil-alcaldes of the Castilians, the first two of an uninterrupted familial line. The competition for alcalde of the Mozarabs was fierce during this time, and would not be the possession of any one family until the mid-fourteenth century.<sup>63</sup> The title of alcalde of the Castilians, however, had apparently only been held by three families, transitioning from Martin Garcia in the early twelfth century, to Antolín Negro and his son Domingo in the mid-twelfth century, and finally to Pedro Díaz and son Diego in the 1160’s.<sup>64</sup> The latter’s lack of an heir provided an opening for a ‘Amrān-Ponce familial alliance. By signing his name in the Latin script employed by other Castilian alcaldes, the alguacil Estefan bin ‘Amrān had thrown in his lot with the family of his father-in-law, the alguacil Ponce Petrez, a decision further reflected by Estefan’s own sons Juan and Rodrigo Ponce taking a surname honoring their maternal grandfather Ponce Petrez and, at least in the case of the former progeny, subscribing in Latin, as well.<sup>65</sup>

And what of Juan Ponce’s contemporary early-thirteenth century Mozarab alguacil-alcaldes? Arabic was clearly preferred, but there is one notable exception which must be addressed. The descendants of the alguacil-alcalde Julian Petrez dominated the position of judge of the Mozarabs during the latter half of the twelfth century and the early thirteenth century, from Esteban bin Julianis, to Julian bin Esteban and finally Juan bin Esteban.<sup>66</sup> However, the

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<sup>63</sup> For examples of the numerous families holding this title in the twelfth and early thirteenth centuries, see note 58.

<sup>64</sup> For the designation of alguacil-alcaldes of the Castilians and Mozarabs, see Chapter Two.

<sup>65</sup> No signatures of Rodrigo Ponce have survived, but there are two extant signatures of *Iohan Ponce*: MT 947 a1206 and MT 748 a1213. It is unknown whether Juan’s tenure alternated with that of his predecessor Diego Petrez or succeeded it. Juan Ponce was deceased by 1248 (MT 847). Diego Petrez is the only previous alcalde of the Castilians whose signature—*Didacus Petri* or *Didacus Petriz*—survives: MT 326 a1203, CT 360 a1215, MT 326 a1223, and MT 956 a1226.

<sup>66</sup> This familial line was discussed in Chapter Two.

latter alguacil-alcalde, holder of the title at least by the mid-thirteenth century (from 1242-1254), subscribed in Latin, thereby breaking ranks not only with his predecessor and brother Julian but also an additional brother Alfonso.<sup>67</sup>

It is unclear why Juan made such a decision, but his autographic alignment with Latinity did not impede his abilities to carry out his duty. It was, however, contrary to the autographic Arabicity of not only his many predecessors and aforementioned successor Gonzalvo Vicente bin Uṭmān bin Alvaro but also his contemporary Mozarab alguacil-alcaldes whose tenures likely alternated with his own: Feliz bin Yaḥyā bin ‘Abd Allah and Pedro bin Juan bin Domingo al-Tāḡir.<sup>68</sup>

The example of Juan bin Esteban could be interpreted as part of an autographic Latin/Romance shift which was affecting the broader Arabicizing community, albeit at a generally faster pace than that of the alguacil-alcaldes of the Mozarabs. From especially the early-mid-thirteenth century, there are numerous examples of sons opting to sign their name in Latinate characters as opposed to the Arabic of their fathers. I have demonstrated that there was a motivation, or at least inertia, for the Mozarab alcaldía to continue its historical autographic Arabicizing, but it is difficult to determine the symbolic value of a private individual's preference for autographic Latinity. Did this broad autographic shift of private individuals towards Latinate characters, accompanied by similar anthroponomic and scribal currents and fully complete by the turn of the fourteenth century, signify Mozarab assimilation into the

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<sup>67</sup> Juan bin Esteban Julianes subscribed at least two documents as *Johanes Stefanus*: MT 367 a1209 and MT 956 a1226. He was referred to as alguacil-alcalde in MT 558 a1242. His brother Alfonso signed a document in Arabic in 1234 (MT 772). For his autographically Arabicizing father Esteban Julianis and brother Julian bin Esteban Julianis, both alguacil-alcaldes, see note 58.

<sup>68</sup> For the subscriptions of Gonzalvo Vicente bin Uṭmān bin Alvaro and Pedro bin Juan bin Domingo al-Tāḡir, see note 53. For the subscriptions of Feliz bin Yaḥyā bin ‘Abd Allah, see note 44.

Castilian world?<sup>69</sup> For some, perhaps, but investigations of additional individual families found within this trend reveals a more complex picture.

An examination of the ancestors of the aforementioned Gonzalvo bin Fernando bin Miguel Šabīb and his brother Juan, alguacil-alcalde of the Mozarabs will prove fruitful. Gonzalvo's great-grandfather, the qā'id and perhaps zafalmedina Šabīb bin 'Abd al-Raḥman bin 'Abd al-Raḥman, signed at least two documents in Arabic between 1129 and 1160. Šabīb and his son Miguel were both witnesses to the latter document from 1160, but Miguel was unable to subscribe in Arabic, and had the scribe perform this act on his behalf.<sup>70</sup> In 1186, this same Miguel signed a document in what could be called Romance, as preserved by a later Arabic transliteration: *Ego Miguel Sabib confirmo a que ya decia.*<sup>71</sup> It would be an overstatement, however, to hold that Miguel was an "assimilated Mozarab" or had renounced his Mozarab heritage. Rather, the anthroponomy of his wife, Leocadia bint Uṭmān bin Uṭmān, suggests Mozarab endogamy. Similarly, his autographically Latinizing son Fernando Micales married Solí, daughter of autographic Arabicizer and Mozarab alguacil-alcalde Juan Ayyūb bin Lampader. Fernando's marriage alliance with the powerful Lampader family paid handsomely, as evidenced by the career of his son Juan. Juan—no doubt named after his maternal grandfather—followed in the footsteps of his namesake and ascended to the position of Mozarab

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<sup>69</sup> For the most recent and thorough champion of explaining Mozarab assimilation via an anthroponymic lens, see Diego Olstein, *La Era Mozárabe: Los Mozárabes de Toledo (Siglos XII y XIII) en la Historiografía, las Fuentes y la Historia*, (Salamanca: Ediciones Universidad de Salamanca, 2006). Hernandez equates the fate of Christian Arabicity—reflected by documentation in said language—with Mozarab identity. Hernández, "Language and Cultural Identity: The Mozarabs of Toledo."

<sup>70</sup> CT 30 a1129 and MT 63 a1160. Miguel's signature was recorded on his behalf in this manner: *Miqāyil bin Šabīb bin 'Abd al-Raḥman wa kutiba 'an-hi bi-'amri-hi*. For a discussion of this practice, see Chapter One. Šabīb was referred to as qā'id in 1156 and 1160. MT 1013 and MT 63, respectively. He may have been the "Habib zahalmedina" recorded in three Latin documents: CT 46 a1143, CT 47 a1143, and CT 56 a1146.

<sup>71</sup> Preserved in Arabic as *wa bi-ḥaṭṭi 'aḡamī īḡū Miqāyil Šabīb kunfirmu a q ḡadisiya*. MT 941 = AHN, Sección Clero – Secular, 3003-16. *Anno* 1186. Copied from a document of the same year. González Palencia's rendering of this excerpt (MT 941) is inaccurate.

alguacil-alcalde. Not coincidentally, his brother Gonzalvo subscribed documents in Arabic, rather than the Latin.<sup>72</sup>

This generational return to Arabic subscriptions was arguably a result of familial proximity to the position of Mozarab alguacil-alcalde. It is also evidence for a “latent” potential autographic Arabicity maintained via a preserved sense of Mozarab communal affiliation which had been nourished by endogamy and activated by generational context. This interpretation may be applicable to similar phenomena found in other families with more uncertain histories and branches, such as a certain Alvaro bin Diego bin Melendo bin Feliz Sanchez, who was autographically Arabicizing like his great-grandfather the alguacil and zafalmedina Felix Sanchez, while his father and grandfather were autographically Latinizing.<sup>73</sup>

Eventually, however, Christian non-notarial autographic Arabicity became extinct, with Mozarab alguacil-alcaldes amongst the last to disappear from the rolls. No alguacil-alcalde subscribed in Arabic after Pedro Juanes bin Juan Domínguez al-Tāğir. His son, Alfonso Péres, an alcalde of the Mozarab alcalde mayor Martin Ferrandez from 1329-1338, subscribed in the same language as the documents that he authorized: Romance.<sup>74</sup>

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<sup>72</sup> Juan Ayyūb signed his name as *Yuwānis bin Ayyūb bin ‘Atāf bin Lanbažār* in MT 78 a1166. Soli bint alguacil-alcalde Juan Ayyūb was described as the wife of Fernando Miguelis bin Miguel Šabīb in MT 496 a1229. Fernando signed as *Fernaan (sic) Fernandus Micales testis*. See AHN, Sección Clero – Secular, 3009-10 for Fernan’s hesitant autograph. Juan Fernandez bin Miguel was referred to as alguacil-alcalde in 1266 (MT 1030), and his autographically Arabicizing brother Gonzalvo signed as *Ġaṣṣālbuḥ bin Firnanduh bin Miqyāl Šabīb* (MT 81 a1236?, MT 816 a1239, and MT 560 a1243). Miller makes a plausible argument for MT 81 to be dated to approximately 1236 as opposed to González Palencia’s tentative dating of 1166 Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 119.

<sup>73</sup> Alvaro subscribed as Albaruh bin Diyaquh bin Milinduh bin Filīz Šānğis (MT 839 a1231), while his great-grandfather Felix Sanchez subscribed as Filīz Šānğis in CT 159 a1171 = ACT O.3.A.2.2 and MT 386 a1211. Alvaro’s father and grandfather signed as *Ego Diego Melendiz testis* and *Melendo Felicis*, respectively. MT 985 a1219 and MT 259 a1195.

<sup>74</sup> For example, in AHN, Sección Clero – Secular, 3028-04 (*Anno 1338*), he signed as *Alfonso Péres alcalde*. See also CT 288 a1329. He had been described as the son of Pedro Juanes since 1283 (MT 676).

## Scribes and Arabicity

Naturally, Arabicity was professionally associated not only with Mozarab alguacil-alcaldes but also with the Christian scribes who continued to produce Arabic documents until the turn of the fourteenth century. The continuation of this trend long after both the decline of broader Christian Arabic linguistic competency and the rise of explicit associations of Mozarabs with the language was certainly in part due to legal conservatism and bureaucratic inertia; however, it no doubt was also actively encouraged by the Mozarab notaries themselves, for whom this tradition represented a *raison d'être*, much like the continuation of a dual judiciary was of utmost importance to Mozarab and Castilian alcaldes.<sup>75</sup>

These notaries, it should be stressed, were certainly perceived by their contemporaries as Mozarab, an assertion supported by not only the aforementioned mid- and late-thirteenth-century explicit association of this community with Arabicity but also the fact that the position of Mozarab alguacil-alcalde was held by no less than five individuals from notarial families from the latter twelfth century to the mid-thirteenth century.<sup>76</sup> Significantly, the fact that notarial dynasties could aspire to this title reveals that they were certainly of caballero status, an assertion supported by Miller's observation that they were paid quite well for their services.<sup>77</sup>

Yet the mid-thirteenth century scribal march towards Romance was unavoidable. Mozarab notaries, however, met this change in a uniquely Toledan fashion. From roughly the 1270's, a tradition arose in which a number of notarial witnesses to Romance documents not

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<sup>75</sup> See note 24. The latter point is discussed in Chapter Two.

<sup>76</sup> 'Umar bin Abū-l-Faraġ (active 1161-1186), *cognomen* Abu Ḥafs, and the notary and alguacil-alcalde Feliz bin Yaḥyā are discussed in notes 42 and 56. Salomón bin 'Alī bin Wa'īd (active 1160-1204) and son Ḥayr (1179-1214) are discussed in note 42. Salomón's other son Esteban was noted as a lawyer in 1199 (MT 944) and posthumously referred to as an alguacil-alcalde (MT 959 a1262 and MT 701 a1290).

<sup>77</sup> Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 73.



only subscribed in the same language but also included an Arabic autograph immediately beneath their Romance signature. After the abrupt halt of Arab document production from 1300 to 1303, these dual signatures became quite common to Toledan Romance private transactions. Why did this autographic tradition arise?

It has been argued that the presence of Arabic in private transactions—whether in regards to the scribal or autographic language—signified that the legal exchange was being conducted according to the laws of the Libro Juzgo, as opposed to those of the Fuero of the Castilians.<sup>78</sup> It is unlikely, however, that Arabic had such legal connotations. Indeed, of the very few surviving transactions explicitly carried out according to the Fuero of the Castilians, two were redacted in Arabic and another, while redacted in Romance, had Romance-Arabic signatures.<sup>79</sup>

Molénat has suggested that dual signatures in the fourteenth century likely served as a “certificat d’authenticité,” marking these later notaries as successors of their twelfth- and thirteenth-century scribally Arabicizing predecessors.<sup>80</sup> While it is unclear whether he conceives of this “succession” in a genealogical sense, he does find strong evidence for at least two Mozarab notarial dynasties continuing into the Romance-dominated fourteenth century.<sup>81</sup>

Both arguments focus on the fourteenth century—when Mozarab scribes no longer redacted documents in Arabic and Romance-Arabic dual autographs were very common—and overlook the revelatory transitional period from Arabic to Romance notarial traditions which

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<sup>78</sup> Hernández, "Language and Cultural Identity: The Mozarabs of Toledo," 75-76. For a discussion of these legal traditions, see Chapter Two.

<sup>79</sup> See MT 1037 a1185, MT 720 a1295, and the fourteenth-century transaction transcribed in Maria Luz Alonso, "La Perduración del Fuero Juzgo y el Derecho de los Castellanos de Toledo," *Anuario de Historia del Derecho Español* 48 (1979): 354 n.351.

<sup>80</sup> Molénat, "L'arabe à Tolède, du XII<sup>e</sup> au XVI<sup>e</sup> Siècle," 485-486.

<sup>81</sup> "Le Problème du Rôle des Notaires Mozarabes dans L'oeuvre des Traducteurs de Tolède (XII<sup>e</sup>-XIII<sup>e</sup> Siècle)," 50-57.

occurred during the latter-thirteenth century. Furthermore, it is reasonable to ask whether dual signatures held any significance beyond a professional certificate of authenticity.

I will begin with one of the earliest examples of dual signatures, found in a Romance document dated to 1277 which was originally preserved in the convent of Santa Úrsula. The transaction, which details the sale of a corral by the widow Olalla and her daughter Maria, is signed by three individuals. The first witness, from the right, is Juan Domínguez, son of Domingo Cristobal, who signs in Romance as *Yo Johan Dominguez ffijo de Domingo Xpistoual so testigo* and underneath in Arabic as *Ġwān bin Duminquh bin Krištubāl*. To his left, Alfonso bin Martin bin Miguel de Arcos signs only in Arabic, and below, Martin Pérez, son of Cristobal (?) Pérez signs only in Romance.<sup>82</sup>

The three autographic variations are reflective of an equal number of trends. The Romance-only Martin Pérez represents a strand of Toledan *escribanos públicos* who would never adopt dual signatures. Alfonso bin Martin bin Miguel de Arcos was one of several Christian Arabic scribes from this period who were unable or unwilling to sign Romance documents in any language but Arabic. This latter type of notarial cross-linguistic interaction had a solid precedence in earlier twelfth- and thirteenth-century Toledan Latin transactions.<sup>83</sup>

Juan Domínguez's dual signature represents one of the earliest attempts by the Christian Arabic scribes expand their lingual horizons. He apparently preferred Arabic documents, however. That is to say, while he notarized and redacted numerous Arabic transactions—with solely his Arabic signature—he only signed two known Romance documents, both with a dual

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<sup>82</sup> AHN, Sección Clero – Secular (Agustinas Calzadas, Santa. Úrsula), 2982-01. Again, the lack or presence of autographic Arabicity would have had no bearing on the transaction's adherence to the Libro Juzgo or the Castilian Fuero, a position further supported by combination of all possible autographic variations in this document. See note 78.

<sup>83</sup> See note 125 for a list of all Toledan Latin documents with Arabic subscriptions.

signature.<sup>84</sup> Juan Domínguez was one of the eight known “transition” notaries who witnessed transactions in Arabic and Romance during a period spanning the late 1270’s to the early years of the 1300’s. Half overwhelmingly favored Arabic transactions, while the other four were primarily Romance scribes who rarely subscribed Arabic documents. As would be expected, the Arabic-leaning transition notaries had begun their careers at earlier dates (from 1253 to 1280) than their Romance-preferring counterparts (from 1282 to 1301).<sup>85</sup>

In the late thirteenth century, the transition notaries’ insistence on dual signatures in Romance documents would not have served to connect them to a bygone era of Christian Arabic scribes. Rather, it would have been nothing less than a clear reference to their roles in two living notarial traditions, one predicated on the survival of written Arabic and the other representative of the royally-supported *lingua franca*. Furthermore, whether these transition notaries favored Romance or Arabic, their dual signatures served as a means of differentiation from non-Arabicizing scribes, such as the aforementioned Martin Pérez. The careers of both types of transitional notaries, therefore, were associated with Arabicity, as was their identity. That is to

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<sup>84</sup> In addition to the document cited in note 82, Juan Domínguez also witnessed a transaction for the Order of Calatrava in 1277. AHN, OOMM (Calatrava), 460-130. For list of witnessed Arabic documents, see Miller, "Onomastic Index," 232.

<sup>85</sup> The term “transition notary” is my own, and only refers to Christian notaries who demonstrated Arabic and/or Romance autographic competence in transactions of both languages. *The following transition notaries overwhelmingly preferred to notarize Arabic transactions*: Alfonso bin Domingo bin Cebrian (active 1253-1300), who only signed one Romance document (AHN, OOMM (Calatrava), 460-130. *Anno* 1277); Domingo bin Miguel bin Ruy Díaz al-Muhtāsib (1257-1300), who signed one Romance document (AHN, (Calatrava), 460-147. *Anno* 1289); Juan bin Domingo bin Cristobal bin Lope (1272-1292), who signed one Romance document (AHN, Sección Clero – Secular(Agustinas Calzadas, Santa Úrsula), 2982-01. *Anno* 1277); and Alfonso bin Domingo bin Pedro bin Sebastian (1280-1299) signed two Romance documents (ACT V.10.A.2.3 and ACT V.4.A.1.6. *Annis* 1284 and 1299, respectively.) For lists of their notarized Arabic documents, see Miller, "Onomastic Index", 216, 17, 22, 32. *The following transition notaries overwhelmingly preferred Romance documents*: For Pedro bin Lorenzo bin Domingo Serrano (1283-1330), see note 45. Alfonso Martinez bin Martin Raimondez (1282-1290) signed one Arabic document (MT 864 a1282) and three Romance documents (ACT V.10.A.10, AHN OOMM (Calatrava), 460-147, and ACT Z.9.I.1.3. *Annis* 1284, 1289, and 1290, respectively). Diego Juanes *hijo de* Juan Martin (1291-1311) signed nine Romance documents (ACT A.2.D.1.6. *Anno* 1306, for example) and three Arab documents (MT 1046 a1294, MT 886 a1291, and MT 723B). Garcia Esteban *hijo de* Esteban Pérez (1301-1344), signed twenty-two Romance documents (ACT Z.7.C.1.2. *Anno* 1312, for example) and two Arabic documents (MT 726 a1303 and AHN, Sección Clero – Secular, 3014-10. *Anno* 1303).

say, by the late-thirteenth century, Toledan Christian scribal or autographic participation in Arabicity marked one as a Mozarab, and holding the elevated position of notary additionally helped to ensure one's status as a caballero—a *Mozarab* caballero.

The transition scribes who were more comfortable in an Arabic notarial setting likely had been obliged to occasionally notarize Romance contracts due to the language's rise as the preferred vehicle for private transactions in Toledo by 1260.<sup>86</sup> Notaries were not required to subscribe such documents in Romance, but such an ability was probably desirable, not only to at least superficially demonstrate capability in the language but also to allow future non-Arabicizing progeny and officials to know whom to consult should issues arise with the contract. At least one of these scribes—Alfonso bin Domingo bin Pedro bin Sebastian—was actually quite capable of redacting documents in Romance.<sup>87</sup> As for the transition notaries who preferred Romance, their autographic Arabicity was certainly required to notarize an Arabic transaction—no scribe had ever signed such a document in any other language. Dual signatures in Romance documents—redacted by either type of notary--would have alluded to their very real connection to the Arabic notarial tradition, and by extension, their Mozarabicity.

From roughly the 1280's to the 1320's, dual signatures were also reflective of the Mozarab notaries' role as Romance translators of private Arabic documents. An early such transaction from 1284, preserved in the Cathedral Archives of Toledo, provides further insight into this scribally transitional period. Mayor Juanes, niece of former Mozarab alguacil-alcalde Fernando Mateos bin Mateos bin Miguel bin Furón, desired, along with her husband Pedro Ferrandez, to donate to the cathedral chapter some property which she had inherited from her

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<sup>86</sup> See note 29.

<sup>87</sup> See note 88.

maternal grandfather, Gonzalvo Vicente de Vargas. The inheritance agreement had been written in Arabic, however, and it seems that the chapter wished to have it translated into Romance, with terms of the donation written underneath in the same language. The fact that Mayor was obliged to translate her grandfather's Arabic inheritance agreement was reflective of Romance's dominance in the linguistic realm, as well as in official correspondence.<sup>88</sup>

The redacting scribe of the 1284 translation—Alfonso, son of Domingo Pérez—referred to himself and his two notarial colleagues as *escrivanos del aravigo*. This title—as opposed to the more common *escrivano publico* or *escrivano de/en Toledo*—was only employed if the document in question were a translation, and it served to further distinguish bi-lingual Mozarab notaries from their scribal colleagues. Examining the three witnesses of this translation—all employing dual signatures—will provide further insight:

Ferrand Servand, the first signatory to the translation, was the likely scion of a family that could boast an *alcalde* of the royal court and two Arabic notaries.<sup>89</sup> The aforementioned Alfonso, son of Domingo Pérez, was the redactor and second signatory to the translation, the first signatory to the donation, and the only known notary to have composed documents in Arabic and Romance. He was primarily an Arabic scribe—he notarized seventeen known Arabic documents as opposed to two in Romance—and if other such transition notaries redacted non-extant Romance documents, they may have been limited to translations, as well. Thus, the donation agreement, included just below the translation of the original inheritance partition, was not redacted by Alfonso but rather by Pedro Lorenzo, a transition scribe who favored Romance

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<sup>88</sup> ACT V.10.A.2.3.

<sup>89</sup> Molénat, "Note sur les Traducteurs de Tolède (XII<sup>e</sup>-XIII<sup>e</sup> S.)," 132-133. For the activity of the Servando notaries, see note 44.

(twenty-four Romance documents versus four Arabic documents) and was the third notarizer of the translation.<sup>90</sup>

When witnessing transactions in his favored notarial language of Arabic, the aforementioned transition notary Alfonso Domínguez, son of Domingo Pérez, subscribed as Alfonso bin Domingo bin Pedro bin Sebastian.<sup>91</sup> The Sebastian family was, in fact, a ubiquitous scribal clan during the late-thirteenth and early fourteenth centuries, and also a microcosm of the transition period in Mozarab notarial history. One brother, Pedro bin Domingo bin Pedro bin Sebastian seems to have limited himself to Arabic documents, co-signing at least two with Alfonso.<sup>92</sup> The other three siblings, Esteban (1304), Fernando (1297-1311) and Juan Domínguez (1299-1322), were strictly Romance scribes and the harbingers of the typical fourteenth-century Mozarab notariat: one which had never notarized an Arabic document and very possibly had never even translated a document from the language—especially after the 1320's.<sup>93</sup>

These latter three siblings also are reflective of the problems which the shift to Romance brings to the onomastic researcher of late medieval Toledo. As opposed to the often extensive *nasab* of Arabic anthroponymy, the Romance tradition favored providing no more than three generations—and often only two—in a person's name. Thus, for example, the notaries Diego Alfonso and Garcia Alfonso, sons of Alfonso Domínguez, could have been the sons of the aforementioned Alfonso bin Domingo bin Pedro bin Sebastian, a certain Alfonso bin Domingo bin Pedro bin Cebrian, or neither.

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<sup>90</sup> For additional information concerning Alfonso and Pedro, see note 85.

<sup>91</sup> *Ibid.*

<sup>92</sup> For a list of Pedro's notarial activity (1285-1291), see Miller, "Onomastic Index," 245. The brother Domingo and Pedro both signed the following documents: MT 829 a1287 and MT 876 a1290.

<sup>93</sup> These three siblings all noted that they were the son of Domingo Pérez in their Romance signatures. Juan and Alfonso were cosigners in ACT V.4.A.1.6. *Anno* 1299. Esteban and Juan were cosigners in ACT V.10.A.1.11. *Anno* 1316. Fernando signed ACT Z.4.B.1.4 in 1297.

Fortunately, it is possible to make educated guesses about some continued notarial dynasties. For example, Juan Pérez, son of Pedro Pérez, was active during the “transition period” and his dual signature only graced Romance documents. He quite likely was the son of the Arabic scribe Pedro bin Juan Petrez al-Adīb.<sup>94</sup> Juan’s son, Ruy Pérez, was active for an extremely long tenure (1293-1346). Like his father, he never subscribed an Arabic document, although he oversaw at least one translation from Arabic to Romance in 1326.<sup>95</sup> His likely son, Pedro Ruiz (1351-1356), had no dealings with Arabic transactions and only included two generations in his name.<sup>96</sup> His dual signature was effectively the only remaining strategy for employing Arabicity as a means of communal distinction, and this separateness was actively cultivated. The wives and daughters of Pedro Ruiz and his fellow notaries would have almost certainly benefitted from an exemption granted to the Mozarab dames by King Pedro I (r. 1350-1369) in 1348 which allowed them to wear luxurious attire unique to their community.<sup>97</sup>

### **The End of Mozarab Arabicity**

The Mozarab notaries of the mid-fourteenth century, however, would ultimately choose to find an alternate means of autographic distinction. As noted by Hernández, a new type of dual signature—Romance followed by Latin—completely replaced the Romance-Arabic autographic

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<sup>94</sup> The onomastic similarity of Pedro and Juan, in addition to their neatly complementary scribal tenures, suggests such an assertion. Pedro was active from 1251 to 1291. Juan was active from 1293 to 1304. For a list of Pedro’s scribal activity, see Miller, "Onomastic Index," 246. For an example of Juan’s scribal activity, see ACT Z.5.H.2.4 (*anno 1295*).

<sup>95</sup> Partially translated in Molénat, "L'arabe à Tolède, du XII<sup>e</sup> au XVI<sup>e</sup> Siècle," 486. Ruy Pérez signed a document in 1295 alongside his father as *yo Ruy Peres ffijo de Johan Peres sso testigo / Rūī Baṭris*. ACT Z.5.H.2.4 (*anno 1295*).

<sup>96</sup> ACT X.10.C.1.1 (*anno 1351*) and ACT O.12.C.1.7 (*anno 1356*).

<sup>97</sup> See Chapter Two.

dynamic in the late 1350's.<sup>98</sup> It must be stressed that individuals employing this new version of a dual signature were not some new generation of notaries, but rather the same professionals who had happily subscribed Romance-Arabic dual signatures earlier in their careers. Thus, the very two scribes cited by Hernández—Fernando González (active 1326-1360) and Diego Alfonso (1322-1359)—as examples of the new Romance-Latin autographic phenomenon in 1359 had previously signed numerous documents with Romance-Arabic dual signatures.<sup>99</sup>

Unlike the sudden abandonment of Christian notarial Arabic between 1300 and 1303, however, the shift from dual Romance-Arabic to Romance-Latin signatures encompassing 1357 to 1359 was probably the result not of a mandate from above but rather the Mozarab notariat's response to contemporary pressures of the Castilian civil war. In an attempt to gain broader Toledan support for an initially interrupted uprising, Enrique de Trastámara—half-brother, antagonist and future murderer of King Pedro I—led a number of leading Toledan citizens in an attack on the city's Jewish quarter in 1355. The residents of the unfortified smaller *judería*, known as *Alcana*, were massacred, but a number of Pedro's supporters helped the Jews defend their walled main *judería* before being rescued by the king's timely arrival.

Enrique's aborted Toledan venture was followed by a series of unflattering propaganda efforts depicting his half-brother as an abuser of Christians and defender of the Jews. While in exile in France (1355-1356) and subsequently in Castile's wartime enemy Aragon (1356-1360), Enrique's verbal assaults on King Pedro became grander, calling him "King of the Jews," bemoaning his promotion of a Jew to Chief Treasurer, and accusing him of being the son of a

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<sup>98</sup> Hernández argues that this transitional period extended from 1357 to 1358, but I have found one document with dual Romance-Arabic subscriptions in 1359 (ACT E.8.B.1.9a). Hernández, "Language and Cultural Identity: The Mozarabs of Toledo," 76-77.

<sup>99</sup> Ibid. For an example of Fernando González's Romance-Arabic signature, see AHN, Sellos, 45-3. *Anno* 1332. For an example of Diego Alfonso's Romance-Arabic signature, see AHN, Sección Clero – Secular, 3028-12. *Anno* 1347.



Jewess.<sup>100</sup> Enrique's polemic culminated with an anti-Pedro manifesto presented to the *concejo* of Covarrubias in 1366 in which, amongst other accusations, he held that the king propped up Muslims and Jews by enriching and ennobling them.<sup>101</sup>

It is very plausible that close association with Jews or Jewishness during this time would have been undesirable. As previously mentioned, Jews had been much more immune to the decline of non-notarial autographic Arabicity, and the community continued to redact intra-communal transactions in the language until the mass conversions of 1391.<sup>102</sup> Notarial Arabicity had therefore effectively served to distinguish members of both the Mozarab and Jewish community, but in the mid-fourteenth century, the scribes from the former group may have seen this strategy as a potential liability and opted to yield this trait. Romance-Latin dual signatures would still serve as a distinguishing characteristic, but would now be stripped of their original nature and no longer call attention to historical Mozarab Arabicity.<sup>103</sup>

Roughly forty years later, Pedro López de Ayala's account of Toledan Mozarabs would make no mention of their Arabicity. The loss of this linguistic trait, however, did not correspond to the loss of cultural identity, as some have argued, for, as has been seen in the previous chapter, individuals continued to identify as Mozarab at the turn of the fifteenth century.<sup>104</sup>

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<sup>100</sup> These events are recounted with dramatic flair in Benzion Netanyahu, *Origins of the Inquisition in Fifteenth Century Spain*, 2nd ed., (New York: New York Review of Books, 2001). 96-103.

<sup>101</sup> ...*acrecentando e enriqueciendo los moros e los iudios e enseñorandolos...* Enrique de Trastámara, "CLXXIX : Enrique II Ordena al Concejo de Covarrubias Envie Sus Diputados Para Rendirle Vasallajo y Reconocer su Soberanía (Burgos 13 de Abril 1366)," in *Fuentes Para la Historia de Castilla Por los Pp. Benedictinos de Silos, Volume 2 : Cartulario del Infantado de Covarrubias*, ed. El R.P. Don Luciano Serrano (Valladolid: Cuesia, 1907), 217.

<sup>102</sup> See note 31.

<sup>103</sup> For responses to Hernández's position that these new dual signatures signified that the transaction was carried out according to the Libro Juzgo, see note 78.

<sup>104</sup> For the most explicit proponent of this view, see Hernández, "Language and Cultural Identity: The Mozarabs of Toledo," 83-84. A discussion of Pedro López de Ayala and turn-of-the-fifteenth Mozarabs is found in Chapter Two.

## **The Christian Arabic Notarial Cultures of the Former Dār al-Islām:**

### **Toledo, the Crusader States, and Norman Sicily**

While it is true that Arabic's extended scribal life in Toledo was due to bureaucratic inertia, Mozarab notarial self-preservation, and a desire for various individuals' public affirmation as Mozarab *caballeros*, it must also be stressed that the language's continued employment in private transactions after the Castilian seizure of the city bore witness to the strength and attractiveness of pre-existing Andalusí institutions. That is to say, at least initially, Arabophone notaries would have been necessary to navigate Andalusí-era Arabic deeds and contracts. Furthermore—again, at least initially—Latin contracts used as evidence by a party in Mozarab courts could prove problematic. In accordance with the aforementioned expectations of Ibn Mugīl's notarial manual, Mozarab courts seem to have demanded that live witnesses confirm the validity of their signatures attached to any contract used as evidence in civil cases. This duty was much more easily fulfilled when presenting Arabic documents, which required at least two signatures (increasingly subscribed by professional notaries who regularly attended such courts), as opposed to Latin documents, which had no such autographic obligation and whose signatories were often not familiar with such protocols. Additionally, the presiding Mozarab *alguacil-alcaldes* during this time likely would have had some degree of difficulty in understanding Latin documentary evidence. Thus, a Mozarab court in 1115 refused a deacon's Latin document—even with a witnesses list—as permissible evidence, instead demanding that the aforesigned testify in person.<sup>105</sup> Finally, there may have simply not been enough immigrant Latinate scribes to meet the demands of Christian Iberia's newest and largest town. These incentives for notarial

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<sup>105</sup> This case, and Toledan notarial continuity, is discussed with some differing conclusions in Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300," 55-56, 60-62. MT 940.

continuity led to Arabic predominance in private transactions, regardless of the linguistic ability of the participants.

The royal chancery in Toledo, however, had almost nothing to do with Arabic—there is evidence for only one village having received a *fuero* written in the language.<sup>106</sup> Instead, Latin was preferred, with a brief pause in 1207 and 1208, until the adoption of Romance in the 1240's. As for religious and ecclesiastical institutions, they clearly preferred Latin or Romance, as well, although they were quite willing to accept Arabic transactions with private individuals.<sup>107</sup>

Other areas wrested from the *Dār al-Islām* by Latin Christians reveal responses to scribal traditions which spanned both sides of the linguistic spectrum. In the Crusader states, all surviving transactions (or copies of such) were redacted in Latin, with the exception of three thirteenth-century Arabic documents—one presently preserved in the Sicilian Archivio di Stato and the other two recorded by a fifteenth-century Beirut historian Yaḥyā bin Salah.<sup>108</sup> This data is skewed, however, by the unfortunate destruction of Crusader-era documents in the Levant upon the arrival of the Ottomans and the overwhelming dearth of surviving transactions between lay individuals. It is possible, however, to propose some hypotheses about scribal norms in the Crusader states.

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<sup>106</sup> For the Fuero de Aceca, *anno* 1102, see Alfonso García-Gallo, "Los Fueros de Toledo," *Anuario de Historia del Derecho Español* 45 (1975): 388-389; "Los Fueros de Toledo : Apendices," *Anuario de Historia del Derecho Español* 45 (1975): 462-463.

<sup>107</sup> Indeed, the vast majority of Toledan Arabic documents were originally preserved in the archives of the cathedral and the nunnery of San Clemente. For further discussion of the language of contracts involving clerical participants, see Olstein, "The Arabic Origins of Romance Private Documents."

<sup>108</sup> For a discussion and edition of the former document, see Nadia Jamil and Jeremy Johns, "An Original Arabic Document from Crusader Antioch," in *Texts, Documents, and Artefacts : Islamic Studies in Honour of D.S. Richards*, ed. Chase F. Robinson (Boston: Brill, 2003). For a discussion of the latter two (originally dated to 1255 and 1260), as preserved in Yaḥyā bin Salah's *Tārīḥ Bayrūt*, see Charles Clermont-Ganneau, "Deux Chartres des Croisés dans des Archives Arabes," in *Recueil D'archéologie Orientale : Tome VI*, ed. E. Leroux (Paris: 1905).

As in Toledo, anthroponymic evidence suggests that the Arabic scribes of the Crusader states were indigenous Christians. Thus, George son of Jacob redacted in 1260 a land grant bestowed by lord of Beirut Humphrey de Monfort, and in 1280 another George was noted as a *scriba in arabico in domo Theutonicorum*, in Acre.<sup>109</sup> Additionally, in 1213, an Arabic copy of a rental agreement made between the Benedictine monastery of Santa Maria de Josephat and the *Malikī* (Greek orthodox) priest al-Mawadd ibn Heracles concerning a soon-to-be repaired chapel in Antioch was notarized in the same language by the following witnesses: the redactor Estefan ibn... ibn..., *al-qass* (the priest) George ibn *al-qass* Gregor, George ibn Estefan ibn Aristides, and Samuel ibn *al-nūmīkūs* (the notary) Petros ibn Elias.<sup>110</sup>

While the latter Antiochian transaction cannot be held to be completely indicative of notarial protocols followed in Beirut or Acre, it does confirm the previously observed Crusader preference for indigenous-language Christian notarial dynasties (as demonstrated by Samuel ibn *al-nūmīkūs* Petros ibn Elias), and it is reasonable to assume that other such regions also had priestly Arabic participation as witnesses (as demonstrated by *al-qass* George ibn *al-qass* Gregor). Both phenomena have been observed in Toledo. Latin private individuals in the Crusader kingdoms would certainly have also had need at least an occasional need for Christian

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<sup>109</sup> Reinhold Röhrich, ed. *Regesta Regni Hierosolymitani, MXCVII-MCCXCI*, 2 vols. (New York: B. Franklin, 1960), no. 1435; Clermont-Ganneau, "Deux Chartres des Croisés dans des Archives Arabes," 7-15. Not all "scribes" were notaries, however, as a number of individuals with this title seem to have effectively been *σεκρέτοι*, or administrators of fiscal matters relating to a lord's estate. Jonathan Riley-Smith overlooks actual notaries by proposing that all such professionals held this administrative fiscal role, while Hussein, heavily indebted to Riley-Smith's work, makes no mention of his arguments concerning *σεκρέτοι*, instead assuming that all individuals referred to as scribes were no more than notaries. Jonathan Riley-Smith, "Some Lesser Officials in Latin Syria," *The English Historical Review*, no. 342 (1972): 19-26; Hussein M. Attiya, "Knowledge of Arabic in the Crusader States in the Twelfth and Thirteenth Centuries," *Journal of Medieval History* 25, no. 3 (1999).

<sup>110</sup> *Istaḥān bin...ibn..., al-qass Ġirġis ibn al-qass Iġrġūr, Ġirġis ibn Istaḥān ibn Arīstād, Šamwīl ibn al-nūmīkūs Bādrus ibn Hāliyā*, and an additional illegible individual. All of these witnesses were acting in a professional notarial capacity, as indicated by their formulaic affirmation that they had compared the copy with the original document, and...found them both, in letter and spirit, to be with neither addition nor omission. See Jamil and Johns, "An Original Arabic Document from Crusader Antioch," 175, 178 for the Arabic original and English translation, respectively.

Arabophone scribes, although there is not enough evidence to know under which circumstances this would have been the case.

The two latter-thirteenth-century Arabic land grants made by the Lords of Beirut deserve some comment. Assuming that these two texts are indicative of larger a trend, the greater willingness of the Crusader lords of Beirut to issue transactions in Arabic—especially so long after their antecessors’ arrival—is remarkable. The only recipient mentioned in either of the documents—a certain al-Ḥağğī—was clearly a Muslim.<sup>111</sup> Perhaps the profound degree of the Latin Kingdom of Jerusalem’s Christian-Muslim regional segregation—and likely complete Latin incompetence of the latter areas—necessitated an Arabic chancery.<sup>112</sup> As for the religious institutions in the Crusader states, their seeming reluctance to at least preserve more than one document in Arabic may reveal a degree of scribal insularism, if not religious anxiety, not seen in Toledo.

As for Sicily, while the island’s trilingual history makes for a far more complex notarial comparison, there are clear similarities in Latin Christian responses to pre-existing Muslim-era notarial traditions, and the island’s unique scribal history can also serve to enhance the understanding of the fate of Christian Arabic in Toledo.

As demonstrated by the previous Chapter’s discussion of intra-Christian parallel judiciaries, the Normans—like their Castilian and Crusader counterparts—saw the benefit in the stability which came from the continuance of pre-existing norms. These conquerors of Sicily, however, had a remarkable willingness to extend this desire to the scribal and autographic realm, as well.

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<sup>111</sup> See notes 108 and 109.

<sup>112</sup> For compelling archeological and narrative evidence that the Latin Christians settled alongside the indigenous Eastern Christians and consequently apart from the local Muslims, see Roni Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem*, (Cambridge, U.K.; New York: Cambridge University Press, 1998).

Thus, some of the earliest surviving documents from Norman Sicily are the Arabic *ḡarā'id* of the 1090's, a term which can be roughly translated as villein tax rolls.<sup>113</sup> These documents were clearly modeled after the previous Islamic administration's tax registers. Count Roger (r. 1071-1101), no doubt desiring to minimize the bureaucratic disruption of royal income guaranteed by such record-keeping, had elected to produce the *ḡarā'id* in their original Arabic language.<sup>114</sup> Similarly, the pragmatic concern for notarial continuity held by Toledan lay individuals and ecclesiastical institutions had encouraged private transactions to be carried out according to the manual of Ibn Muḡīṭ.

Although Greek would come to dominate the Norman chancery output during the first half of the twelfth century—a trend no doubt encouraged by the scribes imported from the heavily Hellenized southern Italian regions of Calabria and Terra d'Otranto—Arabic maintained a steadfast presence in transactions concerning royal estates, all of which were the prerogative of a branch of the royal chancery established under Roger II (r. 1105-1154) known as the *dīwān* (or *σεκρέτον*). This phenomenon was especially apparent in the surge of boundary inquests (*ḥudūd*) and bilingual (Arabic-Greek) updated *ḡarā'id* produced during the 1130's and 1140's. Latin did not hold a dominant position in the chancery until the reign of William I (r.1154-1166), and the language had no real presence in private contracts until the Hohenstaufen dynasty, affirming the persistence of indigenous-language bureaucratic traditions, as seen in Toledo.<sup>115</sup>

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<sup>113</sup> There are no extant documents from pre-Norman Sicily.

<sup>114</sup> Jeremy Johns, *Arabic Administration in Norman Sicily: The Royal Dīwān*, Cambridge Studies in Islamic Civilization (Cambridge, U.K.: Cambridge UP, 2002). 11-62.

<sup>115</sup> Ibid., 91-211; Vera von Falkenhausen, "The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek," in *The Society of Norman Italy*, ed. Alex Metcalfe and G.A. Loud (Boston: Brill, 2002), 262-273.

From the reign of Roger II, the royal Norman employment of Arabic was also motivated by a desire to advance the royal policy of *populus trilinguis* by means of *visual proclamations that the cohesive rule of the king had united the three linguistic communities...into a single Sicilian people*.<sup>116</sup> While it may be too bold to argue for a royal agenda of molding a “single Sicilian people,” it is fair to posit that Norman kings from this period desired to at least establish a tangible aura of control over the island’s Hellenophone, Arabophone and Latinate communities via the propagandistic written mastery of their respective languages. This message was promulgated not only by the production of Greek, Arabic and later Latin documents but also the aforementioned bi-lingual *ḡarā’id*, in addition to bi-lingual or tri-lingual coins and inscriptions.

To be sure, such a royal policy was not unique to Sicily—Alfonso VIII of Castile (r. 1158-1214) minted a line of golden *maravedís* in the 1180’s with Arabic and Latin inscriptions on opposing sides, and the tomb of his nephew Fernando III (r. 1217-1252) bears inscriptions in Arabic, Hebrew, Latin and Romance.<sup>117</sup> A number of those within the royal Norman circle, however, went much further in this regard, seeking to present themselves as active scribal participants in multilingualism. The Arabic *a’lām*—or pious and pithy invocations used in lieu of a signature—of Kings Roger II, William I and William II (r. 1166-1189) are recorded as having graced a number of royal transactions, while William Malconvenant, master justiciar under the latter royal, subscribed in Arabic beneath a notary’s Latinate recording of his name in at least

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<sup>116</sup> Jeremy Johns and Nadia Jamil, "Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily," *Muqarnas* XXI (2004): 186; Johns, *Arabic Administration in Norman Sicily: The Royal Dīwān*: 284-300.

<sup>117</sup> While some Crusader states initially minted Byzantine-style gold coinage, Latin was the preferred numismatic language once silver currency was introduced in the early twelfth century. Gold coins produced from this latter time were merely (and at times unintelligible) imitations of the dinars of the Fāṭimid caliphs al-Mustansir (r. 1036-1094) and al-‘Āmir (r. 1101-1130). John Porteous, "Crusader Coinage with Greek or Latin Inscriptions," in *The Impact of the Crusades on Europe*, ed. Harry W. Hazard and Norman P. Zacour (Madison, Wis.: University of Wisconsin Press, 1989); Michael L. Bates, "Crusader Coinage with Arabic Inscriptions," in *The Impact of the Crusades on Europe*, ed. Harry W. Hazard and Norman P. Zacour (Madison, Wis.: University of Wisconsin Press, 1989). For a discussion of Alfonso VIII’s *maravedí*, see José María de Francisco Olmos, "El Maravedí de Oro de Alfonso VIII un Mensaje Cristiano Escrito en Árabe," *Revista general de información y documentación* 8, no. 1 (1998).

two documents. Furthermore, the Greek subscriptions of Count Roger, the *Régente* Adelaide (r. 1101-1105), and King Roger II were also a common feature of the chancery.

With the exception of William Malconvenant, however, these autographs were propaganda in their purest form—handwriting analyses prove them to actually be the work of professional notaries. The master justiciar, however, whose earlier Latin signatures were limited to a feeble cross etched alongside the notaries' recording of his name, had gone to great lengths to learn how to sign a simplified—or “hesitant”—Arabic autograph.<sup>118</sup>

William Malconvenant would have received his autographic instruction from one of the famous “Palace Saracens,” the nominally converted Christian eunuchs employed by the royal *dīwān*. The Christian utilization of professional notaries who had originally been Muslim—a number of whom made it directly and indirectly known that they were not sincere converts—seems to have been unique to Norman Sicily and also indicative of the broader predominance of Muslims within the ranks of scribal Arabicizers.<sup>119</sup> In fact, the notaries of extant private Arabic documents in Sicily—almost all of whom were based in Palermo—seem to have all been Muslim, and there is onomastic evidence for a very tightly-knit scribal community for the greater part of the twelfth century, after which time such documents ceased to be produced for private individuals. For example, the early twelfth-century master notary Argīsa ibn ‘Abd al-Raḥmān al-

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<sup>118</sup> Johns and Jamil, "Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily," 182-186; Vera von Falkenhausen, "I Diplomi Dei Re Normanni in Lingua Greca," in *Documenti Medievali Greci e Latini : Studi Comparativi : Atti del Seminario di Erice, 23-29 Ottobre 1995*, ed. Giuseppe de Gregorio and Otto Kresten (Spoleto: Centro italiano di studi sull'alto Medioevo, 1998), 281-286.

<sup>119</sup> For a Muslim's account of the Palace Saracen's professing their forced conversion to Christianity, see Muḥammad ibn Aḥmad Ibn Jubayr, *Travels of Ibn Jubayr*, ed. William Wright and M. J. de Goeje, 2nd ed., (Leyden: Brill, 1907). 323-331; *The Travels of Ibn Jubayr : Being the Chronicle of a Mediaeval Spanish Moor Concerning His Journey to the Egypt of Saladin, the Holy Cities of Arabia, Baghdad the City of the Caliphs, the Latin Kingdom of Jerusalem, and the Norman Kingdom of Sicily*, trans. Ronald J. C. Broadhurst, (New Delhi: Goodwood Books, 2008). 338-343. For Johns's arguments concerning the Palace Saracens' subtle professions of Muslim identity via the *‘alām*, see Johns and Jamil, "Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily," 187-191.



Qurašī could claim not only his father as a professional witness but also his maternal grandfather Aḥmad ibn Ibrahīm Tamīmī—all of whom were active at roughly the same time. Argīsa's likely descendant, Ṭāhīr ibn 'Abd al-Raḥmān al-Qurašī, witnessed the last surviving Arabic private transaction in Sicily, dated to 1196.<sup>120</sup>

These Muslim notaries existed to meet the needs of their coreligionists—every private Arabic document in Norman Sicily has at least one Muslim participant. To be sure, there were Christians outside the palace walls who were capable of subscribing in Arabic, but their ranks seem to have been very small when considering the larger number of their anthroponymically Arabicizing religious brethren. Furthermore, all ten likely candidates for such autographically Arabicizing Christians in Sicily subscribed private Greek transactions, suggesting that their autographs were not welcome in Arabic documents redacted by Muslims. It is also very telling that two of their number had lineal roots in al-Andalus.<sup>121</sup>

Why were there so few Christian-born autographic Arabicizers in Sicily? Extant sources require me to limit my inquiry to Palermo. This town could be assumed to have been roughly linguistically and confessionally comparable to Toledo on the eve of its Norman conquest in

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<sup>120</sup> It is fair to assume that this was a Muslim notarial dynasty because a transaction from 1112 not only establishes the tri-generational relationship between the three earlier members of the family but also notes the Christian status of other participants. Salvatore Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia* (Palermo: reprinted by Böhlau Verlag, Köln and Wien, 1982), 499-501, 610-613; Henri Bresc, "La Propriété Foncière des Musulmans dans la Sicile du XII<sup>e</sup> Siècle: Trois Documents Inédits" (paper presented at the Giornata di Studio del Nuovo sulla Sicilia Musulmana, Rome, 1995-1993), 89-92. For a discussion of these documents, see Jeremy Johns, "Appendix 2 : Provisional Catalogue of Private Documents," in *Arabic Administration in Norman Sicily: The Royal Dīwān* (Cambridge, U.K.: Cambridge UP, 2002), 315-316, 324 (no.312, no.313, no. 329).

<sup>121</sup> Liyūn ibn Abū (*sic*) al-Faraḥ a1165 (superscript); Simiyūn bin Andrayat al-Raḥām (the marble cutter) a1169; Dumīniq ibn 'Abd al-Malik, Martin al-Naḡḡār, and 'Abd al-Mawlā al-Naṣrānī a1170 (subscripts); Yūḥannā ibn 'Abd al-Raḥmān a1173 (subscript); Abū-l-Ṭayyib ibn Yānī a1179 (superscript); 'Abd al-'Azīz ibn Ġwān (superscript), Simiyūn ibn Abī Layūn (subscript), and Ġwān ibn 'Abd al-Malik (subscript) a1185. Cusa, *I Diplomi Greci ed Arabi di Sicilia*, 76-79, 107-108, 656-670; Johns, "Appendix 2 : Provisional Catalogue of Private Documents," 318-322 (no. 310, no. 312, no. 313, no. 315, no. 317, no. 322. 'Abd al-'Azīz ibn Ġwān is noted as an Andalusī in Cusa 669-670, which would make his father Ġwān ibn 'Abd al-Malik and Andalusī, as well. For the suggested transcription of Simiyūn bin Andrayat's *nisba* as *al-Raḥām*, see Giuseppe Mandalà, "Review : Arabic Administration in Norman Sicily. The Royal Dīwān " *British Journal of Middle Eastern Studies* 34, no. 2 (2007): 239.

1072—that is, largely Arabicizing and Muslim. Throughout the twelfth century, there was a number of anthroponymically Latinizing, Hellenizing, and Arabicizing individuals—with majority of the latter apparently Muslim.<sup>122</sup> There must have been a number of Arabophone Christians, however, as suggested by the visiting Andalusí *ḥağğī* Ibn Jubayr’s comment in 1185 on the attractive Palermitan Christian women who dressed as Muslims and were “fluent of speech.”<sup>123</sup>

The answer to the curious dearth of Christian Arabic autographs in private documents may lie in the dominant notarial language. Having grown accustomed to pre-existing Byzantine juridical and notarial norms in Calabria and the Terra d’Otranto, the Normans had imported a number of Greek scribes, judges, and administrative professionals to the very Hellenized northeast Sicilian region of Val Demone, effectively centered around the port of Messina (conquered in 1061). These officials followed the Norman conquest into the more Arabicized West. While the royal chancery in Palermo would prefer notarial Greek for almost a century, the local Christian middling sorts could very well have opted to turn to local Arabicizing Christians capable of notarial duties, as in Toledo. They did not, however, and instead utilized Greek notaries until the arrival of the Hohenstaufens at the end of the twelfth century.<sup>124</sup>

In Norman Sicily, as in Castilian Toledo, the lingual affiliation of their respective predominant judiciaries seems to have effectively determined the predominant language of private transactions. Like the Arabicizing Mozarab *alguacil-alcaldes* of Toledo, the

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<sup>122</sup> In addition to the non-Christian names of assumed Muslims, there was a Palermitan trend of explicitly identifying—and self-identifying—a number of anthroponymically neutral individuals as Christian (*al-Naṣrānī*), as seen in note 117.

<sup>123</sup> ibn Jubayr, *The Travels of Ibn Jubayr : Being the Chronicle of a Mediaeval Spanish Moor Concerning His Journey to the Egypt of Saladin, the Holy Cities of Arabia, Baghdad the City of the Caliphs, the Latin Kingdom of Jerusalem, and the Norman Kingdom of Sicily*: 349-350; *Travels of Ibn Jubayr*: 331-334.

<sup>124</sup> Falkenhausen, "The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek," 276-277.

overwhelmingly Hellenizing judiciary of Norman Palermo would have likewise preferred documents redacted in a tradition and language with which they were familiar.

This observation allows me to propose another correlation. While there are certainly a fair number of transactions bearing autographs of a different language—for example, Latin subscriptions to Toledan Arabic documents or Sicilian Greek documents—the vast majority of signatures matched the language of redaction. The recorded language of a transaction therefore exerted significant influence on witnesses' autographic expression. Indeed, if Toledo had been limited to a Latin notarial tradition, substantially less evidence of Mozarab Arabicity might have survived—only twenty Latin transactions from Toledo bear Arabic signatures.<sup>125</sup> Thus, the lingual affiliation of the local predominant judiciary also effectively determined the dominant autographic language. With the dominant scribal language for Sicilian private transactions involving Christians being Greek and that involving Muslim participants being Arabic, there would have been a concurrent inertia away from autographic Christian Arabicizing. It is accordingly reasonable to assume that a number of Christians who were autographically competent in Arabic would have chosen to either sign Greek documents in the same language or have the notaries subscribe in Greek on their behalf. Keeping in mind that two of the ten cited autographically Arabicizing Christians had fully Greek or Latinate names, such individuals would have been completely undetectable.<sup>126</sup>

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<sup>125</sup> CT 30 a1129, CT 53 a1146, CT 74 a1150, CT 79 a1151, CT 88 [a1125/a1152?], CT 136 a1162, CT 138 a1163, CT 140 a1163, CT 145 a1166, CT 159 a1171, CT 170 a1175, CT 181 a1177, CT 182 a1177, CT 185 a1178, CT186 a1179, and CT 212 a1185.

<sup>126</sup> See note 121 for Simiyūn bin Andrayat al-Rahām (Simon son of Andreas the marble-cutter) and Martin al-Naḡḡār (Martin the carpenter). Jeremy Johns also notes a broader shift from Arabic to Greek anthroponyms that accompanied conversion, or, as he posits, likely a conscious move from liminal Muslim identity back to Greek Orthodox identity. Jeremy Johns, "The Greek Church and the Conversion of Muslims in Norman Sicily?," in *Bosphorus : Essays in Honour of Cyril Mango*, ed. Stefanos Efthymiadis, Claudia Rapp, and Demetres Tsoukarakas (Amsterdam: Adolf M. Hakkert, 1995). Greek aliases may have been employed, as well. For a discussion of aliases, see Chapter One.

## Conclusions

Throughout Mediterranean regions newly incorporated into Latinate realms, Arabic continued to serve a scribal and autographic function, whether because of a desire for bureaucratic continuity (as with private Toledan documents or the royal Sicilian *dīwān*) or because of its symbolic value (as seen with the Toledan Mozarab *alguacil-alcaldes* and notaries or the Sicilian royal and administrative “subscriptions” in Arabic). The Christian demand for co-religionist notaries also helped to foster a thriving Christian Arabic notariat in the private Toledan realm, the private and royal spheres of the Crusader states, the royal Norman administration, with clear evidence for lay Arabicizing Christian scribal dynasties in the former two regions. The long and robust life of scribal Arabic in Toledo and Sicily was also no doubt encouraged by the Mozarab notaries’ and Palace Saracens’ respective dependence on the continued use of the language as a significant justification for their *raison d’être*.

In the private realm, however, the preferred notarial language was inevitably decided by the lingual background of the predominant juridical authorities in wake of the conquest, whether the Arabicizing Mozarab *alguacil-alcaldes* of Toledo or the Hellenizing Greek *κρίται* of Sicily. Thus, just as the comparison of the Toledan Mozarab-Castilian dual judiciary and the Sicilian Greek-Latin dual judiciary made for an apt comparison in Chapter Two, so will a comparison of the Toledan Arabic scribal and autographic tradition with that of the Greek in Sicily. The strong presence of Greek clergy not only amongst the rank of autographically active individuals but also professional notaries, however, requires me to address the fate of their affiliated language in the ensuing Chapter.

The limited nature of extant transactions from the Crusader states precludes me from venturing too far beyond the evidence, but it seems that the royal chancery preferred Latin, as did

that of Castilian Toledo. The necessities generated by marked regional Christian-Muslim segregation, however, may have obliged the Crusader chanceries to produce significantly more Arabic documents than the Castilian kings.

As for Sicily, actual scribal or autographic Arabicity seems to have largely been the reserve of Muslims or converts to Christianity. Thus, in Palermo, private Arabic transactions became the prerogative of Muslim notaries, and the royal *dīwān* was controlled by the Palace Saracens. The marked dearth of evidence for spoken, scribal or autographic Christian Arabicity in Sicily—with the qualified exception of the Palace Saracens—precludes a detailed discussion of the fate of Christian Arabicizing on the island after Ibn Jubayr's visit in 1185.

Historians are better informed about Toledo, however, and on the basis of autographic and narrative evidence, I can reasonably assert that Arabic was perceived as being no longer broadly spoken by local Christians from roughly the 1240's. Its non-notarial autographic survival after this time would have accordingly been remarkable and was substantially due to *alguacil-alcaldes* desiring to autographically affirm their Mozarab *caballero* status as late as the 1250's, an explanation which can also be applied to the notarial preservation of scribal and autographic Arabic until the early fourteenth and mid-fourteenth century, respectively. There is no evidence for a negative perception of Christian Arabicity in Toledo—despite its correlation with *having lived with the Arabs*—until its sudden autographic abandonment in the late 1350's. The date of this phenomenon can be explained by Enrique de Trastámara's contemporary literary campaign which portrayed King Pedro I as in league with the Jews—the only other community with a surviving Arabic notarial and autographic tradition.

## CHAPTER FOUR

### Liturgy, Language and Goths:

#### The Shifting Significance of the Spanish Rite in Medieval Toledo

Modern Toledo is a remarkably well-preserved medieval town, and its charming, winding streets are regularly brimming with visitors and locals alike. By seven o'clock in the evening, however, pedestrian traffic is notably thinner. The museums are closed, tourists have returned to their nearby base of Madrid, and most restaurants would not dream of opening for dinner until at least eight o'clock.

Holy Week is different. As the cool nights of Maundy Thursday, Good Friday, and Holy Saturday approach, narrow *calles* are lined with people eager to witness the spectacle of the annual processions of confraternities and *hermandades*—or “brotherhoods.” These lay societies have a particular religious bent and are proud of their history, with most having been founded in the sixteenth or seventeenth centuries.<sup>1</sup>

One *hermandad*, originally founded as a confraternity in 1513, claims by its very name a much older lineage: the *Illustrious and Most Ancient Brotherhood of Mozarab Knights and Dames of Our Lady of Hope at San Lucas of the Imperial City of Toledo*.<sup>2</sup> For those curious

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<sup>1</sup> A confraternity originally referred to lay religious societies which came from the same “ethnic” or especially professional background, whereas the individuals of an *hermandad*, or brotherhood, were not required to have such commonality. Nowadays the terms are effectively interchangeable in Spain, and women are welcome to join a number of such organizations. The tradition of confraternities in Toledo is first attested by a confraternity of Franks in the twelfth century. MT 801 a1192. MT = Angel González Palencia, ed. *Los Mozárabes de Toledo en los Siglos XII y XIII*, 4 vols. (Madrid: Instituto de Valencia de Don Juan, 1926). Following conventional practice, all citations from this source, henceforth abbreviated as “MT,” will refer to *document numbers*, not page numbers. All dates will refer to the Common Era. Thus, MT 801 a1192 refers to Document 801 of *Los Mozárabes de Toledo*, which was redacted in 1192 CE.

<sup>2</sup> *La Ilustre y Antiquísima Cofradía-Esclavitud de Nuestra Señora de la Esperanza de San Lucas* was founded as a confraternity in 1513 but ceased to exist in 1867. It was re-founded in 1966 as *La Ilustre y Antiquísima Hermandad de Caballeros Mozárabes de Nuestra Señora de la Esperanza de San Lucas de la Imperial Ciudad de Toledo* and was renamed as *La Ilustre y Antiquísima Hermandad de Caballeros y Damas Mozárabes de Nuestra Señora de la Esperanza de San Lucas de la Imperial Ciudad de Toledo* in 1999. Raúl Gómez-Ruiz, *Mozarabs, Hispanics, and the Cross*, (Maryknoll, N.Y.: Orbis Books, 2007). 4-6.

about this and other such organizations, the *Junta of Toledan Confraternities and Brotherhoods* annually publishes a guide to Holy Week events. According to this informational pamphlet, the Mozarab brotherhood's base church of San Lucas is itself a "Mozarab" institution. During the last three days of Holy Week, the brotherhood hosts services according to the "Hispano-Mozarab" rite in another "Mozarab" church, dedicated to Saints Justa and Rufina.

The "Hispano-Mozarab" liturgy—or to use a less loaded term, the "Spanish" liturgy—can easily be distinguished from its Roman counterpart by laity even slightly familiar with the latter.<sup>3</sup> The Toledans who attend the Holy Week masses at Santas Justa y Rufina are immensely proud of its symbolic legacy, which—they will ardently attest to any unwary academic who mentions a scholarly interest in Mozarab Arabicizing—was embodied by the preservation of Christianity and Latin, the language of the rite. The aforementioned pamphlet of the *Junta of Toledan Confraternities and Brotherhoods* reflects this version of historical memory, informing the reader that the very term "Mozarab" refers to the

“ancient Spaniards of Hispano-Gothic origin, who under Muslim domination...tenaciously preserved their Christian faith and the customs of their forefathers—for many, at the cost of their lives. Because these Christians lived amongst the Arabs, yet, for religious reasons, did not mix with them, they were called “Mozarabs...”<sup>4</sup>

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<sup>3</sup> The term "Spanish" is an attempt to describe the liturgy in a geographic sense, for, as will be argued below, the current practice of referring to the rite as "Mozarab" or "Visigothic" ascribes ethnic associations that did not explicitly exist until roughly the mid-twelfth century and the turn of the fifteenth century, respectively. The appellation is, of course, not without its problems, as the rite of *Hispania* was also utilized in lands comprising modern-day Portugal. Yet the adjectival form of Hispania—Hispanic—has quite a different significance.

<sup>4</sup> "Semana Santa : Toledo 2010, 28 de Marzo al 4 de Abril," ed. *Junta de Cofradías y Hermandades de Semana Santa de Toledo* (Spain: Editorial MIC, 2010), 44-46. Relevant information is also updated annually at <http://www.semanasantatoleado.com/>. Translation mine.

This interesting interpretation of the origin of the term *Mozarab* reflects a particular anxiety regarding the community's potential historical inter-ethno-religious mixing in al-Andalus that first explicitly emerged in the sixteenth century as a response to the *limpieza de sangre* debates which since the 1430's had harassed Christians suspected of Jewish or, to a lesser extent, Muslim, descent.<sup>5</sup> Appealing to a Mozarab Gothic origin within the above-quoted vein has roots in this same controversy, for harkening to one's noble Gothic lineage—a tactic appropriated from the revived “neo-Gothic” trope of Castilian kings as the heirs of *Hispania*'s Visigoth rulers—provided a means to affirm one's lineal and religious purity.

More recently, the historical memory of Mozarabs was submitted to another vigorous contest in the nineteenth- and early twentieth-centuries, pitting a nationalist vision of unassimilated Andalusí Visigoth Christians against the ideal of Arabicizing Christian beneficiaries of Muslim culture and *convivencia*.<sup>6</sup> While the polemic no longer rages, historians often implicitly choose sides by focusing on Mozarab Arabicizing—to the exclusion of Latinate liturgical studies—or vice versa.<sup>7</sup>

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<sup>5</sup> For an excellent review of historians' sixteenth- and seventeenth-century discussions of Mozarabs, see Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*, (Burlington: Ashgate, 2008). 109-127. A discussion of the momentous 1430's can be found below. Al-Andalus is the descriptive term for Muslim-ruled Iberia. Its adjectival form, Andalusí, does not refer to the modern-day region of Andalucía.

<sup>6</sup> The former vision was most memorably advocated by Claudio Sánchez-Albornoz. Angel González-Palencia viewed the Mozarabs as the epitome of Christian Arabicization, although he did not employ Américo Castro's later coined term of *convivencia*, which was utilized to describe idealistic relations between Christians, Jews, and Muslims. Américo Castro, *España en su Historia; Cristianos, Moros y Judíos*, (Buenos Aires: Editorial Losada, 1948); Claudio Sánchez-Albornoz, *España, un Enigma Histórico*, (Buenos Aires: Editorial Sudamericana, 1956); Angel González Palencia, *Los Mozárabes de Toledo en los Siglos XII y XIII. Volumen Preliminar: Estudio e Índices*, (Madrid: Instituto de Valencia de Don Juan, 1930).

<sup>7</sup> Perhaps the most recent and explicit symptom of this dichotomy can be found in Richard Hitchcock's monograph concerning Mozarabs, a work which devotes little attention to the Mozarab parishes or Spanish liturgy during the period of Toledan Christian Arabicizing—that is, the twelfth and thirteenth centuries. He explicitly minimizes the parishes' role in communal differentiation and defines Mozarabs as, being, *first and foremost, Arabicized members of a Castilian community* during this period. Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 85-87.



I will attempt to remedy this historiographical caesura by interpreting anthroponymic and autographic data concerning Arabicizing clergy within an investigation which examines the related phenomena of (1) the rise of the association of Mozarabs with the traditional liturgy of *Hispania* and (2) the eventual designation of certain Toledan parish churches as “Mozarab.”

A re-evaluation of contemporary sources will question the dominant narrative which holds that Alfonso VI (r. 1065/72-1109), recent conqueror of Toledo, informally exempted the local Mozarabs from worshipping according to the Roman rite, a liturgy which had been officially adopted in his kingdom only a few years prior to the town’s incorporation into the realm. Instead, according to the account, they would be allowed to continue following the traditional Spanish rite in six parish churches in which they had steadfastly worshipped throughout the years of Muslim rule: Santa Eulalia, Santas Justa y Rufina, San Lucas, San Marco, San Sebastián, and San Torcuato.<sup>8</sup>

I will propose an alternate account. The Toledan Christians whom Alfonso VI met upon his triumphal entry into the city may have been unofficially permitted to continue worshipping according to the Spanish rite, but there is absolutely no evidence for this. At any rate, adherence to this liturgy would not have been a unique trait in the wake of Toledo’s conquest, for the newly adopted Roman rite was still in the process of being introduced to the broader kingdom. Furthermore, the Mozarabs of early Castilian Toledo were associated with none of the six aforementioned “Mozarab” churches. In fact, none of these parishes appear in any source before the year 1156, and it is not until the mid-twelfth-century that evidence arises for Mozarabs adhering to non-Roman liturgical traditions, per a letter of admonition from pope Eugenius III (r. 1145-1153).

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<sup>8</sup> Ramón González provides perhaps the most succinct version of this narrative. Ramón González Ruiz, "La Persistencia del Rito Hispánico o Mozárabe en Toledo Después del Año 1080," *Anales Toledanos*, no. 27 (1990).

With this evidence in mind, it is likely that the fate of the Spanish rite in twelfth- and thirteenth-century Castilian Toledo was largely shaped not by Christians who had lived in Toledo before 1085 but rather by those fleeing the momentous Muwah̄hid invasion of al-Andalus in 1146, for these refugees had completely missed the pro-Roman rite movement of the Iberian Christian realms. A number of such individuals were ecclesiastics, and there accordingly was an explosion of autographically or anthroponymically Arabicizing clergy in numerous Toledan parish churches from 1146, with a significant proportion—but certainly not all—based in five of the six “Mozarab” churches.<sup>9</sup> While it is possible that a number of these “new Mozarab” priests were drawn to the aforementioned Mozarab churches because of pre-existing communal affiliation, it is more likely that these immigrant clergy were behind the founding—or at least appropriation—of most, if not all, the six Mozarab churches to which the *Historia de Rebus Hispanie* of archbishop Rodrigo Jiménez de Rada (r.1209-1247) likely alluded in the 1240’s and which a parish church benefice reapportionment, ordered by archbishop and later Cardinal Gonzalvo Petrez (r.1280-1299), explicitly identified in 1285.

This chapter will also conduct a comparative analysis of the Hellenizing clergy and the Greek rite in the twelfth- through early fourteenth-century diocese of Messina in order to demonstrate the resilient and ultimately dominant role which liturgy could play in communal identification—particularly in regards to language—within regions wrested from Dār al-Islām by Latinate Christian forces. Particularly, I will argue that the survival of the Greek language and texts in this Hellenizing area was largely due to the preservation of the Greek rite—as evidenced by the strong clerical representation in the twelfth- through fourteenth-century Greek notariat and Greek subscribers—and no doubt assisted by early royal support. This preserved lingual

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<sup>9</sup> The significance of the year 1146 was discussed in Chapter One, and the phenomenon of refugee Mozarab clergy was discussed in Chapter Three.

association would result in remarkable attempts by Greek judges to maintain the semblance of Hellenizing autographs at least through the early fourteenth century, long after their competency had ceased in the 1230's. In Toledo, the Latin Spanish rite provided no such motivation for Arabic competency of the clergy, and the autumn of the phenomenon of their Arabicizing accordingly arrived comparatively earlier—by the late 1220's, roughly a decade before that of the Mozarab *alcaldes*.<sup>10</sup> Thus, by the latter-thirteenth century, adherence to the Spanish liturgy—in addition to the *Libro Juzgo*—became a predominant active distinguishing characteristic of largely non-Arabicizing Mozarabs.<sup>11</sup>

Leaving the thirteenth century, there is no mention of Mozarab parishes or the Spanish liturgy until Pedro López de Ayala's (d. 1407) turn-of-the-fifteenth-century *Crónica del Rey Don Pedro* and the bishop of Segovia Juan Vazquez de Cepeda's (r. 1398-1437) last will and testament of 1436. While these two sources are traditionally interpreted as merely episodes in the narrative of the Spanish rite's ultimate salvation by Cardinal Francisco Jiménez de Cisneros's (r. 1495-1517) establishment in Toledo of a Mozarab chapel and printing of the Mozarab missal and breviary at the turn of the sixteenth century, both texts in fact contribute to the understanding of the early fifteenth-century non-royal Castilian attempts to appropriate Gothic historical memory.<sup>12</sup>

In the *Crónica del Rey don Pedro*, Mozarabs, on account of their affiliation with the *Libro Juzgo* and especially the Spanish rite, are associated with Goths decades before the revival

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<sup>10</sup> For further discussion of communal-specific judges in Toledo and Sicily—known as *alcaldes* and *κριταί*, respectively, see Chapter Two. See Chapter Three for a discussion of the autographic Arabicity of the Mozarab *alcaldes*.

<sup>11</sup> For further discussion of the *Libro Juzgo*, or law code associated with the Mozarab community, see Chapter Two.

<sup>12</sup> A concise account of references to the Spanish rite from the latter thirteenth to the early sixteenth centuries can be found in Ramón González Ruiz, "Cisneros y la Reforma del Rito Hispano-Mozárabe," *Anales Toledanos*, no. 40 (2004).

of the neo-Gothic myth and the appearance of concerns about genealogical purity in response to the mass conversions of Jews in 1391. Proceeding to the 1430's, bishop Juan's discussion of the Spanish liturgy reveals a striking attempt to extend the rite's Visigoth identification to the entire Castilian Christian populace during the same time when royal courtiers were first attempting to claim Visigoth descent for themselves.

An investigation of the Spanish liturgy from the late eleventh through the early fifteenth centuries can therefore provide a window into the evolving perceptions of Mozarabs, an explanation for the nature of the decline of Toledan Christian autographic non-notarial Arabicizing, and an early example of Castilian attempts to incorporate the re-emerging neo-Gothic myth into their own visions of history.

### **The Arrival of the Roman Rite in Castile**

Before discussing the fate of the Spanish rite in Toledo, it is necessary to address the broader context of the Roman liturgy's introduction to the kingdom of Castile in the latter eleventh century. Due to popular inertia and a sparse precedence for deference to Rome, this liturgical shift did not occur overnight, and it seems to have been a particularly slow process in Toledo, a city which was conquered shortly after the Roman rite's official adoption sometime between 1076 and 1080 and received an influx of Spanish rite adherents from al-Andalus in the mid-twelfth century.

The Spanish rite had likely begun to take a recognizable form as early as the sixth century, as evidenced by the second council of Braga (563), which called for regional liturgical unity, with Rome as the source of authenticity.<sup>13</sup> Upon the conversion of the Visigoth king

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<sup>13</sup> *Necessarium, et valde hoc utile arbitramur, ut ea quae apud unumquemque nostrum varia et inordinata consuetudine retinentur, unito inter nos, per gratiam, quo per concordiam celebrentur, officio...Praecipue cum et de ceteris quibusdam causis instructionem apud nos sedis apostolicae habeamus, quae ad interrogationem quondam venerandae memoriae praedecessoris tui Profuturi, ab ipsa beatissimi Petri cathedra directa est.* Giovan Domenico

Reccared (r. 586-601) under the watch of Leander, bishop of Seville (r. 587-600/601), the royal capital of Toledo effectively attained ecclesiastical primacy within the realm, at the expense of Rome's authority. The limited success in efforts at liturgical standardization was revealed in the continued call for the cessation of variant practices within the kingdom at the fourth ecclesiastical council of Toledo (633), during the illustrious tenure of bishop Isidore of Seville (r. 600/601-636), brother of Leander. That Toledo was to be a main arbiter of the efforts at liturgical standardization within its archdiocese was made clear at Toledo XI (675), and the see's primacy amongst all Spanish bishops was cemented at Toledo XII (681).<sup>14</sup> The Toledan bishop Elipandus (r. 783-c.808), living under Muslim rule, would explicitly dismiss Rome's Petrine claims to ecclesiastical superiority.<sup>15</sup>

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Mansi, ed. *Sacrorum Conciliorum Nova, et Amplissima Collectio in Qua Praeter Ea Quae Phil. Labbeus, et Gabr. Cossartius S.J. et Novissime Nicolaus Coleti in Lucem Edidere Ea Omnia Insuper Suis in Locis Optime Disposita Exhibentur, Quae Joannes Dominicus Mansi Lucensis, Congregationis Matris Dei Evulgavit*, Editio novissima ed., vol. 9 (Paris: H. Welter, 1901), 776-777.

<sup>14</sup> Toledo IV a633: *...ut omnes sacerdotes qui catholicae fidei unitate conplectimur, nicil ultra diversum aut dissonum in ecclesiasticis sacramentis agamus, ne qualibet nostra diversitas apud ignotos seu carnales schismatis errorem videatur ostendere, et multis existat in scandalum varietas ecclesiarum. Unus igitur ordo orandi atque sallendi a nobis per omnem Spaniam atque Galliam conservetur, unus modus in missarum sollemnitatibus, unus in vespertinis matutinisque officiis, nec diversa sit ultra in nobis ecclesiastica consuetudo qui una fide continemur et regnos; hoc enim et an(t)i qui canones decreverunt, ut unaquaeque provincia et psallendi et ministrandi parem consuetudinem teneat.* Toledo XI a675: *...ut metropolitanae sedes auctoritate coacti uniuscuiusque provinciae pontifices rectoresque ecclesiarum unum undemque in sallendo teneant modum, quem in metropolitana sede cognouerint institutum, nec alique diuersitate cuiusque oridinis uel officii metropolitana se patiantur sede disiungi...ut iuxta mairoum decreta sedes quae unicuique sacerdotalis mater est dignitatis sit et ecclesiasticae magistra rationis.* Toledo XII a681: *Unde placuit omnibus pontificibus Spaniae et Galliae, ut salvo privilegio uniuscuiusque provinciae licitum maneat deinceps Toletano pontifici quosquumque regalis potestas elegerit et iamdicti Toletani episcopi iudicium dignos esse probauerit, in quibuslibet proviniis in praecedentium sedium praeficere praesules et desidentibus episcopis eligere succesores.* For a convenient summary, analysis, translation, and original Latin text of these excerpts, see Pablo C. Díaz, "Monasticism and Liturgy in Visigothic Spain," in *The Visigoths : Studies in Culture and Society*, ed. Alberto Ferreiro (Leiden; Boston: Brill, 1999), 194-197.

<sup>15</sup> *Nos vero e contrario non de sola Roma Dominum Petro dixisse credimus: Tu es Petrus, scilicet firmitas fidei, et super hanc petram aedificabo Ecclesiam meam; sed de universali Ecclesia catholica per univsum orbem terrarum in pace diffusa; de qua ipse Dominus testatur dicens: Venient ab oriente et ab occidente, et recumbent cum Abraham, Isaac, et Jacob, in regno coelorum.* Elipandus, "Ad Migeticum Haereticum," in *Patrologia Latina, Volume 96*, ed. Jacques Paul Migne ([Paris]: Migne, 1851), Chap. 12. For a contextual analysis of Elipandus's correspondence, see J. McWilliam, "The Context of Spanish Adoptionism: A Review," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, Eighth to Eighteenth Centuries*, ed. Michael Gervers and Ramzi Jibran Bikhazi (Toronto: Pontifical Institute of Mediaeval Studies, 1990).

This liturgical history stands in marked contrast to that of *Francia*, which under the Carolingians often looked to Rome as the source of liturgical orthodoxy. King Pippin III (752-768) consciously incorporated Roman liturgical elements into his realm's unstandardized Gallic liturgy, and around the turn of the ninth century, his son Charlemagne, desiring the paragon of rites, requested a copy of the sacramentary of Pope Gregory the Great (r. 590-604) from Rome. He instead received that of Pope Honorius I (r. 625-638). Papal sacramentaries, however, were not intended for regular use, and the Carolingians ironically found themselves obliged to substantially supplement the liturgy with elements of the Gallic rite. By the second half of the ninth century, this amended *Hadrianum* was the most widespread liturgy of the realm, although it was by no means uniform in content. As an additional irony, a version of this hybrid liturgy, commonly known as the Roman rite, eventually made its way to the Vatican, its trans-alpine history forgotten.<sup>16</sup>

This "Roman" rite came to be seen as the original, unchanged, Latin liturgy of the Church, and it is with this misperception of its origins that the reformist popes Alexander II (r. 1061-1073) and Gregory VII (r. 1073-1085) pushed for the kingdoms of Leon-Castile, Navarre, and Aragon to forsake the "Rite of Toledo," as the latter called it, which they viewed as schismatic.<sup>17</sup> This delayed attention to these kingdoms' divergent liturgical practices was due to a combination of factors: the rise of papal centralizing tendencies, the recent hegemonic

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<sup>16</sup> For an excellent analysis of the history and significance of the Frankish liturgy during the Carolingian period, see Yitzhak Hen, *The Royal Patronage of Liturgy in Frankish Gaul to the Death of Charles the Bald (877)*, (London; Rochester, N.Y.: Boydell Press, 2001).

<sup>17</sup> In the words of Pope Gregory VII (a1074) to kings Sancho IV of Navarre (r. 1054-1076) and Alfonso VI of Castile : *Quapropter ut filios carissimos vos adhortor et moneo, ut vos sicut bonae soboles, etsi post diurnas scissuas, tamen ut matrem revera vestram Romanam ecclesiam recognoscatis; in qua et nos fratres reperiat, Romanae ecclesiae orinem et officium recipiat, non Toletane, vel cujuslibet aliae; sed istius quae a Petro et Paulo supra firmam petram per Christum fundata est, et sanguine consecrata.* Jean Hardouin, ed. *Acta Conciliorum et Epistolae Decretales, Ac Constitutiones Summorum Pontificum : Ab Anno DCCCLXXII ad Annum MLXXXV*, vol. 6, Part 1 (Paris: Ex Typographia Regia, 1714), (LXIV) 1244.

ascendency of Iberian Christian kingdoms over the fractured Andalusí *ṭā'ifā*, or “party,” states, and the increasing presence of Rome-centric Cluniac institutions in the realms since the reign of Sancho the Great (r. c.1000-1035).<sup>18</sup>

In 1071, papal legate and Cluniac Hugh Candidus successfully convinced Sancho Ramírez (r. 1063-1094), king of Aragon, to adopt the Roman rite—or, in the words of Pope Alexander II, to reform “the confused rites of the [Spanish] divine service, according to the rule and canonical order.”<sup>19</sup> In the kingdoms of Leon and Castile, local church councils at Nájera (1067), La Llantada (1067), and Burgos (1073) had committed to accepting the liturgy, and bishops from the realms of Sancho IV of Navarre (r. 1054-1076) and Alfonso VI of the united kingdom of Leon-Castile promised the same at a Lenten synod in Rome (1074).<sup>20</sup>

Although the Roman liturgy was, in the presence of Alfonso VI, officially adopted within the Leonese-Castilian kingdom by 1080, its introduction did not occur quickly or smoothly.<sup>21</sup> In 1076, Pope Gregory encouraged his ally Jimeno, the bishop of Burgos, not to let “ravenous

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<sup>18</sup>Juan Pablo Rubio Sadia, "La Introducción del Rito Romano en la Iglesia de Toledo," *Toletana* 10 (2004); H. E. J. Cowdrey, *The Cluniacs and the Gregorian Reform*, (Oxford: Clarendon P, 1970); Bernard F. Reilly, "Alfonso VI : Conqueror, Politician, Europeanizer," in *Estudios Sobre Alfonso VI y la Reconquista de Toledo. Actas del II Congreso Internacional de Estudios Mozárabes (Toledo, 20-26 Mayo 1985)*, ed. Congreso Internacional de Estudios Mozárabes (Toledo: Instituto de estudios Visigótico-Mozárabes 1989).

<sup>19</sup> *Itaque, instigante nos commissae sanctae et universalis Ecclesiae providentia, ad correctionem Ecclesiarum Dei, filium nostrum Hugonem Candidum, et cardinalem presbyterum, in partes illas misimus, qui divina suffragante clementia Christianae fidei robur et integritatem ibi restauravit, Simoniacae haeresis inquinamenta mundavit et confusos ritus divinorum obsequiorum ad regulam canonicam et ordinem reformavit. Dilectus ergo filius noster Sancius rex Hispaniae, divina gratia praeventus et accensus amore, cum omnibus quibus potuit, ad veram perfectamque fidem nobilitatis suae gloriam convertit et protinus semetipsum apostolicae dignitati commisit ac subdidit, et monasteria suae dititionis diu alienata Romanae Ecclesiae proprio jure tenenda reddidit.* Alexander II (Pope), "Alexander II Monasterii S. Joannis Pinnensis, Praesente Hugone Candido Presbytero Cardinali a Sancio Hispaniae Rege Cum Caeteris Monasteriis B. Petro Abbati, Protectionem Suscipit et Privilegia Instituit," in *Patrologia Latina, Volume 146*, ed. Jacques Paul Migne ([Paris]: Migne, 1851), col. 1362B-1362C. Emphasis mine.

<sup>20</sup> Discussed in Cowdrey, *The Cluniacs and the Gregorian Reform*: 105-107; Teófilo F. Ruiz, "Burgos and the Council of 1080," in *Santiago, Saint-Denis, and Saint Peter : The Reception of the Roman Liturgy in León-Castile in 1080*, ed. Bernard F. Reilly (New York: Fordham University Press, 1985).

<sup>21</sup> For an interpretation of the Council of Burgos (1080) as a final step in the official adoption of the Roman Rite in Castile, see "Burgos and the Council of 1080."

wolves” who were “diminished by heretical depravity” deter him from his efforts to introduce the liturgy.<sup>22</sup> In 1077, Alfonso VI complained in a letter to Pope Gregory VII that the rite was proving deeply unpopular.<sup>23</sup> The *Historia Compostelana*, a panegyric to the active archbishop Diego Gelmírez of Compostela (r. 1110-1140), recounted that importing the *customs of the Frankish Church* (i.e., the Roman rite) had been an incredibly laborious project for this Galician ecclesiastic.<sup>24</sup> This statement is also quite revealing, for it reveals that the Roman rite did not begin to be successfully introduced in Compostela until at least thirty years after its official adoption in Alfonso VI’s realm.

Popular resistance to the “Frankish” rite was also recalled in two entertaining stories, first recounted in the late-twelfth-century *Chronica Najarense*, written in northern Castile, and later embellished in archbishop Rodrigo Jiménez de Rada’s *Historia de Rebus Hispanie*. In the first tale, a champion for the Spanish rite vanquished his pro-Roman rite opponent in a trial by duel at Burgos. Rodrigo states that the Matanza family, based along the northern Castilian Pisuerga river, claimed this victorious hero as one of their ancestors, thereby revealing a nostalgia felt for the liturgy in certain mid-thirteenth-century circles. In the second story, the Spanish rite escaped

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<sup>22</sup> *Quapropter, carissime frater, necesse est, ut bene inceptum recto intere gradiatur : nec haeretica debet pravitate minui...Nec dubitamus quod, secundum Apostolum, introeant in vos lupi graves, lupi rapaces, non parcentes, quibus resistendum fortiter est in fide...Procura ergo, ut Romanus ordo per totam Hispaniam et Galliciam, et ubicumque poteris, in omnibus teneatur.* Hardouin, *Acta Conciliorum et Epistolae Decretales, Ac Constitutiones Summorum Pontificum : Ab Anno DCCCLXXII ad Annum MLXXXV*, 1340-1341.

<sup>23</sup> In the words of Alfonso VI : *De Romano autem officio, quod tua iussione accepimus, sciatis nostram terram admodum desolata esse...* Andrés Gamba and Isidoro Centro de Estudios e Investigación San, *Alfonso VI : Cancillería, Curia e Imperio*, vol. 2 (León: Centro de Estudios e Investigación "San Isidoro" : Caja de España de Inversiones : Caja de Ahorros y Monte de Piedad, 1997). 93 (no. 47).

<sup>24</sup> In the words of the chroniclers of the *Historia Compostelana* : *Fuit namque in ecclesiasticis et in secularibus negotiis uir perspicacissimi ingenii; et, quoniam ecclesia beati Iacobi rudis et indisciplinata erat temporibus illis, applicuit animum, ut consuetudines ecclesiarum Francie ibi plantaret. Quod nimis laboriosum fuit ei ...* Emma Falque Rey, *Historia Compostelana*, (Madrid: Akal Ediciones, 1994). II.3.1. For a discussion of both texts, see Rubio Sadia, "La Introducción del Rito Romano en la Iglesia de Toledo," 154-155; "El Cambio de Rito en Castilla : Su "Iter" Historiográfico en los Siglos XII y XIII " *Hispania Sacra* 58, no. 117 (2006): 11-12.



a trial by fire by miraculously leaping from the flames, only to rejoin the burning Roman liturgy when Alfonso VI kicked the tome back into the pyre.<sup>25</sup>

The Roman liturgy was eventually adopted, although at varying speeds throughout the kingdom. At and/or within close proximity to the northern Castilian monastery of Santo Domingo de Silos, the rite was incorporated rather quickly and completely—within roughly a generation. Liturgies produced by approximately the first third of the twelfth century had become markedly similar to Roman liturgical books from Cluny, with only the slightest accommodation to indigenous liturgical traditions or saints' days.<sup>26</sup> As for the rest of Leon and Castile, archbishop Rodrigo, writing his *Historia* around the year 1240, held that the “Rite of Toledo” had been preserved in a number of monasteries for some time in the kingdom, and that the traditional liturgical Psalter was still sung throughout the realm in various monasteries and cathedrals in his day—a claim repeated in Alfonso X's (r.1252-1284) *Estoria de España* a generation later.<sup>27</sup>

### **A Re-Evaluation of the Spanish Rite and the “Mozarab” Parish Churches in Toledo**

As for Toledo, the breviaries and antiphonaries produced at the turn of the thirteenth century and preserved in the town's cathedral—an institution which had been significantly

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<sup>25</sup> "El Cambio de Rito en Castilla : Su "Iter" Historiográfico en los Siglos XII y XIII " 17-20, 28-34; Rodrigo Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*, ed. Juan Fernández Valverde, Corpus Christianorum: Continuatio Mediaevalis (Turnhout: Brepols, 1987). 207-209 (VI.225); Juan A. Estévez Sola, *Chronica Hispana Saeculi XII. Chronica Nainerensis Pars II*, (Turnhout: Brepols, 1995). III.18.

<sup>26</sup> Rose Walker, *Views of Transition : Liturgy and Illumination in Medieval Spain*, (Buffalo: University of Toronto Press, 1998). It should be noted that although Walker argues that the Visigoth script and neumes found in some of these late eleventh and early twelfth century liturgies reveal an entrenched resistance to the Roman rite, this conservatism may have been merely reflective of an inability or unwillingness of copyists to learn a new script or neumatic notation style.

<sup>27</sup> Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*: 118-119, 208-209.(IV.3, VI.25) Ramón Menéndez Pidal, ed. *Primera Crónica General de España*, 3 ed., vol. 2 (Madrid: Gredos, 1977), Ch. 872; Mariano de la Campa Gutiérrez, ed. *La "Estoria de España" de Alfonso X : Estudio y Edición de la "Versión Crítica" desde Fruela II Hasta la Muerte de Fernando II* (Málaga: Universidad de Málaga, 2009), Ch. 305.

staffed by Franks for the duration of the previous century and was undoubtedly at the forefront of liturgical Romanization—were of a decidedly hybrid nature, and would not be predominantly Roman until the mid-thirteenth century. The process could only have been slower in the parish churches, although it was likely sped along in the latter twelfth century when a number of them were subsumed into the *Francia*-based Cistercian Order.<sup>28</sup> However, the Toledan Romance scribe Domingo Petrez apparently considered a priest's celebrating of the *missa nueva* in the mid-1240's remarkable enough to date his document by the deed.<sup>29</sup>

With these observations in mind, it is likely that archbishop Rodrigo Jiménez de Rada's famous assertion that the *Office of Isidore and Leander continued to thrive amongst* [the Mozarabs] *in six parishes* in his day should not be interpreted as proof that it survived only in these centers but rather that they could claim a marked resistance to liturgical hybridity.<sup>30</sup> Thus, by the mid-thirteenth century, the Spanish rite was not the sole reserve of the Mozarabs but rather was particularly associated with this community.

This correlation would not have existed in the wake of the Castilian conquest of Toledo, however. The liturgical transition period of at least one generation observed at Santo Domingo de Silos and inferred from the *Historia Compostelana* was probably as fast as one could

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<sup>28</sup> The role of Franks—likely initially Cluniacs and later Cistercians—in the introduction of the Roman rite is attested not only by the anthroponyms of the cathedral canons but also archbishop Rodrigo's reference to the liturgy as the *officium Gallicanum*. For further discussion of the Frankish clergy, see Rubio Sadia, "La Introducción del Rito Romano en la Iglesia de Toledo."; Francisco J. Hernández, "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," *Toletum* 16 (1982-1983): 57-97.

<sup>29</sup> MT 559b = ACT E.9.A.3.12 a1243-a1246. The document is dated in the following manner : *Dia de Luness. Otro dia de sant Cebrian quando canto Pedro Illan [la] missa nueva*. It is signed in the following manner: *Ego Dominicus Petri que hanc cartam scripsi sum testis*. This transaction can be more specifically dated between 1243 and 1246 because of the following factors: the document is attached to an Arabic charter dated November 1242 (MT 559a); the feast days of Saints Ciprian and Ruffina and Saint Ciprian of Carthage are 26 September and September 14, respectively; and archbishop Rodrigo Jiménez de Rada, one of the document's witnesses, died in June 1247.

<sup>30</sup> When discussing the fate of the Toledan Christians in the wake of the Muslim Conquest, de Rada holds that *permissi sunt uti lege et ecclesiasticis institutis et habere pontifices et euangelicos sacerdotes, apud quos uiguit officum Isidori et Leandri et uiguet hodie in VI parrochiis Toletanis*. Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*: 118-119 (IV.113).

reasonably expect in the broader Castilian kingdom, and churches throughout the realm accordingly still would have been celebrating the traditional mass when Toledo was seized in 1085. While there is evidence for Mozarab—or at least anthroponymically or autographically Arabicizing—clergy during the early Castilian Toledo period, it is likely that the ecclesiastics in the town's parish churches also included a number of immigrant Castilian clergy who hailed from centers which had not yet adopted the Roman rite.<sup>31</sup>

It is possible that Roman missals could have been imported to a number of parish churches which almost certainly were only established after the Castilian conquest, but the process of liturgical conversion in these centers was likely more organic than abrupt in nature—remember that the Roman liturgical books preserved in the cathedral were still decidedly hybrid at the turn of the thirteenth century. Furthermore, it would have been quite curious if the parish priests Pedro *cognomen* ‘Abd al-‘Azīz bin Suhayl of San Justo and Miguel *cognomen* Ya‘īsh bin ‘Abd Allāh of Santa Leocadia de Afuera—both of whom, being active as early as the 1110's, had almost certainly witnessed the Castilian conquest of Toledo—had opted to join churches which rejected the Spanish rite.<sup>32</sup> The same could be said for the autographically Arabicizing priest Christopher of Saint Martin, witness to the last will and testament of the aforementioned priest of San Justo in 1125.<sup>33</sup>

As a corollary, it is natural to ask why these presumably Mozarab priests were not affiliated with any of the six “Mozarab” churches: Santa Eulalia, Santas Justa y Rufina, San Lucas, San Marco, San Sebastián, or San Torcuato. An examination of the documentary

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<sup>31</sup> Pace Hernández, who assumes that all parish priests during this period were Mozarab. Francisco J. Hernández, "Sobre los Orígenes de Español Escrito," *Voz y Letra : revista de literatura* 10, no. 2 (1999); "Los Mozárabes del Siglo XII en la Ciudad y la Iglesia de Toledo," 69-97.

<sup>32</sup> MT 966 a1121.

<sup>33</sup> He signed in Arabic as *wa ana Krištūfur al-qiss*. MT 1012 a1125.

evidence suggests that these parish churches in fact did not exist in 1085. Regarding the “Mozarab” church of San Sebastián, at least, recent archeological investigations have confirmed that the building was not a Christian institution until after the Castilian conquest—it had originally been erected as a mosque in the tenth century.<sup>34</sup> Furthermore, none of the aforementioned “Mozarab” institutions were included amongst the fourteen parish churches mentioned in early twelfth-century sources, which, in addition to the aforementioned centers of San Justo, San Martín, and Santa Leocadia de Afuera, included those of San Andrés, San Bartolomé, San Cebrian, San Isidro, San Juan, Santa Leocadia la Vieja, San Nicolás, San Román, Santiago, San Tomé, and San Vicente.<sup>35</sup>

In fact, there is no evidence for the existence of any Mozarab church until 1156.<sup>36</sup> It is no coincidence that these parish churches began to appear shortly after the first allusion to the Spanish rite in Toledo, as found in a letter from Pope Eugenius (r. 1146-1153) which criticized, at the behest of the Frankish archbishop of Toledo Raymond de Sauvetât (r. 1125-1152), the Mozarabs for following their ancient traditions involving a non-Roman rite, tonsure, and

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<sup>34</sup> "El Consorcio Vuelve a Mostrar el <<Patrimonio Desconocido>>," ABC Periódico Electrónico S.L.U., <[http://www.abc.es/hemeroteca/historico-06-11-2007/abc/Toledo/el-consorcio-vuelve-a-mostrar-el-patrimonio-desconocido\\_1641295759320.html](http://www.abc.es/hemeroteca/historico-06-11-2007/abc/Toledo/el-consorcio-vuelve-a-mostrar-el-patrimonio-desconocido_1641295759320.html)>; "Iglesia de San Sebastian," Patronato Municipal de Turismo [Toledano], <http://www.toledo-turismo.com/turismo/contenido/conociendo-la-ciudad/de-ruta/patrimonio-desconocido/iglesia-san-sebastian.aspx>.

<sup>35</sup> MT 966 a1121, CT 23 a1123, CT 24 a1123, MT 1012 a1125, CT 26 a1127, CT 30 a1129, CT 47 a1143, CT 51 a1145. For the purposes of this chapter, “early twelfth century” refers to the period before the massive Toledan immigrations of 1146. CT = Francisco J. Hernández, ed. *Los Cartularios de Toledo: Catálogo Documental*, 2 ed. (Madrid: Fundación Ramón Areces, 1996). See note 1 for the conventional citation style of documents from this collection.

<sup>36</sup> The parish church of Santas Justa y Rufina was first mentioned as the recipient of three mithqals in the last will and testament of Arnold Sequin—not a very Mozarab name (MT 1013 a1156). It should be mentioned that this documentary silence was noted by Rivera Recio, who nevertheless assumed these churches’ uninterrupted existence. Juan Francisco Rivera Recio, *La Iglesia de Toledo en el Siglo XII : 1086-1208*, (Roma: Iglesia Nacional Española : Diputación Provincial, 1966). 87-90.

liturgical vestments. According to the pope, the Mozarabs were to cease these practices unless, he warned, they wished to return to their previous homes.<sup>37</sup>

The traditional interpretation of this papal letter holds it as evidence of Mozarab oppression in the face of pro-Roman clergy. Molénat, however, has suggested that the timing of this missive—redacted during Pope Eugenius’s tenure between 1145 and 1153—strongly suggests that it was actually addressed to the Andalusí Christian refugees fleeing the Muwahħhid invasion of Iberia, for Alfonso VI’s alleged unofficial exemption allowing Mozarabs to continue their adherence to the Spanish rite in the six aforementioned churches would have only applied to the original Toledan Christians and their descendants. Hitchcock, while skeptical of Molénat’s proposed scale of Andalusí Christian immigration from 1146, accepts that this letter was addressed to these refugees, whose influx would have alarmed the ecclesiastical authorities, whether because they adhered to the Spanish rite or because they were new converts unfamiliar with proper Christian practices.<sup>38</sup>

I agree that the papal missive was a response to recent Christian refugees fleeing the Muwahħhid invasion of al-Andalus in the late 1140’s. While Hitchcock very well may be correct in arguing that some of their number had been Muslim or religiously ambivalent before arriving in Toledo, the entire immigrant community was undoubtedly perceived as following particular Spanish liturgical practices. Several observations made above suggest an alternate narrative

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<sup>37</sup> *Significatum bene est, quod quidam, qui Muzarabes nuncupantur, venerabili fratri nostro archiepiscopo Toletano obedientiam denegantes, ecclesias de manu laicorum recipiant; et in sacramentis missarum, et aliis divinis officiis, tonsura quoque clericali et vestimentis, suam antiquam consuetudinem subsequentes, ab apostolica sede diversa sentire praesumant...Universitati vestrae per praesentia scripta mandamus, quatenus eos districtius moneatis : ut in sacramentis Missarum, et aliis divinis officiis, a catholica ecclesia dissentire de cetero non praesumant, et memorato fratri nostro obedientiam debitam exhibentes, si in ipsius provincia remanere voluerint, ejus monita et praecepta reverenter suscipiant et observent.* Jean Hardouin, ed. *Acta Conciliorum et Epistolae Decretales, Ac Constitutiones Summorum Pontificum : Ab Anno DCCCLXXII ad Annum MLXXXV*, vol. 6, Part 2 (Paris: Ex Typographia Regia, 1714), 1292. As will be demonstrated below, this letter refers to recent Mozarab refugees who first arrived in 1146; therefore, the papal correspondence can be dated to sometime between 1146 and 1153.

<sup>38</sup> These historiographical interpretations are given a concise summary in Hitchcock 89-91.

regarding the relationship between Mozarabs, the Spanish rite, and the six aforementioned parish churches before 1146, however.

Toledan Mozarabs may have been preserving the Spanish rite before 1146, but, given that there is neither mention of any correlation between the Spanish liturgy and Mozarabs nor reference to any “Mozarab” church before the mid-twelfth century, it is just as likely that many in this community were increasingly celebrating the Romanizing rites alongside the rest of the population and/or that Spanish rite masses were being performed by Mozarab or immigrant Castilian clergy alongside the increasingly Romanized—or fully Roman—option in various parish churches which did not comprise the six aforementioned “Mozarab” churches. This latter scenario of shared liturgical space would have been unsustainable in the long term, however. The preservation of the Spanish rite would eventually be secured when the inundation of Andalusi clergy in the late 1140’s resulted for the first time in the appropriation, founding, or consolidation of parish churches dedicated solely to the traditional liturgy.

Mozarabs with Toledan lineal roots extending before 1146 would therefore have expressed no parish affiliation towards the six churches of the “new” Mozarabs, and this dynamic is in fact exactly what the records suggest.<sup>39</sup> For example, in his mid-thirteenth century last will and testament, Alfonso bin Mateos bin Michael bin Furón—brother of Mozarab *alguacil-alcalde* (lead judge) Fernando and the autographically Arabicizing Juan—demonstrated

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<sup>39</sup> To be sure, such data is colored by the fact that private transactions from this time have only survived if they were originally preserved in the archives of the Toledan cathedral and the convent of San Clemente. However, it was common practice in the Arabic notarial tradition for a purchaser to take possession of all previous bills of sale concerning the property in question, or at least for the transaction to make a note of such previous acquisitions by third parties, thereby providing ample prosopographical information concerning transactions originally of no relevance to either religious center. Furthermore, documents recording twelfth- and thirteenth-century private donations or bequests reveal that individuals from this period often extended their pious charity to more than one religious center at a time; therefore, while one’s last will and testament may have been preserved in the cathedral archives because of a particular generous donation to the institution, it is possible to also see which other parish churches counted themselves as beneficiaries. For the contemporary rise of apportioned piety in northern Castilian last wills and testaments, see Teofilo F. Ruiz, *From Heaven to Earth: The Reordering of Castilian Society, 1150-1350*, (Princeton: Princeton University Press, 2004).

monetary piety to the non-“Mozarab” parish church of San Roman, in addition to the cathedral and a number of convents and mendicant orders. Furthermore, he chose to be buried in the parish church of Santa Leocadia la Vieja, as had his father Mateos and grandfather Michael, the latter of whom died sometime in the last quarter of the twelfth century.<sup>40</sup> Lest one think that Santa Leocadia was a particularly Mozarab institution, the alguacil-alcalde of the Castilians Domingo Antolín, a contemporary of Miguel bin Furón, also demonstrated particular attachment to this church in his last will and testament.<sup>41</sup> Similarly, Melendo Fernandez, son of the alguacil-alcalde of the Mozarabs Melendo—likely of the Ḥārīṭ family—bequeathed five mithquals each to the non-“Mozarab” parish churches of San Antolín and San Nicolas, in addition to an orchard to the convent of San Clemente.<sup>42</sup> Finally, Domingo bin ‘Abd Allah, archpriest of the Toledan cathedral, later archdeacon of Madrid, and illustrious member of the old Toledan Polichení clan in the latter half of the twelfth century, had a nephew—whose brother was autographically Arabicizing—who was subdeacon and later deacon of the parish church of San Tomé and an homonymous uncle who was a priest of the parish church of San Juan, both non-“Mozarab” institutions.<sup>43</sup>

Thus, if I may revisit archbishop Rodrigo Jiménez de Rada’s assertion that the *Office of Isidore and Leander thrived* amongst the Toledans during the period of Muslim rule and that in

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<sup>40</sup> MT 1030 a1266. Michael bin Pedro Furón appears in transactions dated to 1156 (MT 1013) and 1177 (MT 130). The first Ibn Furón appeared in Toledo in 1103 (CT 13). For a discussion of the position of alguacil-alcalde, see Chapter Two.

<sup>41</sup> In addition to establishing a funeral masses in all Toledan churches for three days, Domingo Antolín funded a nine-day funeral mass to be held in Santa Leocadia, while also gifting it a gold-laminated altar cloth. MT 1014 a1161. For Domingo Antolín’s identification as an alguacil of the Castilians, see Chapter Two.

<sup>42</sup> MT 1025 a1212. The first explicitly identified Ibn Ḥārīṭ appeared in Toledo in 1115 (MT 940c).

<sup>43</sup> For Domingo’s nephew the subdeacon and later deacon Juan bin Pedro al-Polichení, see MT 369 a1209 and MT 513 a1234. For Juan’s autographically Arabicizing brother Fernando, see Archivo Histórico Nacional de España (AHN), Sección Ordines Militares, 113-03. For Domingo’s apparent homonymous uncle, see CT 60 a1147. The first al-Polichení appeared in Toledo in 1140 (MT 28).

his day it continued to do so *in six Toledan parishes*, it also seems that he was not eliciting an image of steadfast worship at these institutions by uninterrupted generations of Toledan Mozarab families but rather referring to a liturgical tradition which had coalesced around these six churches thanks to more recent Andalusí Christian immigrants.<sup>44</sup>

Accordingly, the Spanish rite was not known as the “rite of Toledo” because of the local Mozarab community’s liturgical conservatism in response to the introduction of the Roman rite. Rather, the cognomen was an appellative legacy of the aforementioned liturgical standardization efforts made at the Visigoth capital prior to the Muslim conquest, and it existed prior to the Castilian conquest of Toledo in 1085. Thus, Pope Gregory VII disparaged the *officium...Toletane* in as early as 1074.<sup>45</sup> Furthermore, although it is natural that the “rite of Toledo’s” geo-specific name would eventually have elicited an image of civic liturgical perseverance, and it is likely that Toledo was slow to adopt the Roman liturgy, it must be remembered that when recounting specific Mozarab clergy of Castilian Toledo, archbishop Rodrigo spoke not of Toledan ecclesiastics but rather those from southern Iberia who had fled the Muwahħhid’s.<sup>46</sup> By tracing a sudden spike in anthroponymically and autographically Arabicizing priests from the decades following the momentous year 1146, it can be surmised that these refugee clerics became affiliated with numerous parish churches throughout the town. A significant number of such priests, however, seem to have coalesced around churches which would come to be known as “Mozarab.”

Thanks to a re-allotment of clerical benefices in 1285—which has been organized in table format below in *Appendix 1*—it is possible to make some tentative estimates of the relative size

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<sup>44</sup> See note 30 for my earlier reinterpretation of this quote.

<sup>45</sup> See note 17.

<sup>46</sup> See Chapter Three.



of Toledan parish churches in the decades after 1146 and therefore the proportional impact of an Arabicizing cleric on several intra-parish ecclesiastical dynamics.<sup>47</sup> Judging by the average decrease in prebends by at least one third, it is reasonable to assume that the pre-1285 benefice allotments noted in the document had been established some time beforehand, although probably not prior to the mid-twelfth century, as a number of parishes—especially those of the Mozarabs—were likely not in existence before then. The pre-1285 number of benefices per parish church ranged from one to eleven, with the non-“Mozarab” church of San Roman enjoying a status as the statistical outlier, with an enviable 17.25 prebends. To be sure, there was not an exact correlation between the number of prebends and the number of prebendaries, but such clergy were expected to enjoy at least one, if not more.<sup>48</sup>

The non-“Mozarab” church of San Miguel, first mentioned in sources in 1147, was a modestly-sized institution, ranking sixteenth out of twenty-five parishes regarding its number of prebends (five) before 1285.<sup>49</sup> Martin bin ‘Alī and Domingo Mozarab—the latter of whom signed his name in Latin—are the only confirmed prebendaries of San Miguel before the thirteenth century, appearing in 1147 and between 1155 and 1182, respectively.<sup>50</sup> Almost certainly active at the same time, they likely had a significant presence in the church. As the

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<sup>47</sup> This document is discussed and transcribed in Ramón González Ruiz, "El Arcediano Joffré de Loaysa y las Parroquias Urbanas de Toledo en 1300 : Apendice," in *Historia Mozárabe : Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, Toledo, 1975* (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978); "El Arcediano Joffré de Loaysa y las Parroquias Urbanas de Toledo en 1300," in *Historia Mozárabe : Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, Toledo, 1975* (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio, 1978).

<sup>48</sup> As suggested by archbishop Gonzalvo’s directive for prebendaries to end the practice of having half, third, and quarter allotments of benefices. "El Arcediano Joffré de Loaysa y las Parroquias Urbanas de Toledo en 1300 : Apendice," 147-148.

<sup>49</sup> See Appendix 1, below.

<sup>50</sup> Martin bin ‘Alī had his signature signed on his behalf in Latin in 1147 (CT 59). Domingo Mozarab was mentioned in MT 928 a1159 and CT 158 a1171. He signed his name as *Dominicus Mistarabs testis* in 1182 (MT 160).

surname “Mozarab” only appeared after 1146, Domingo Mozarab was undoubtedly an Andalusí immigrant.<sup>51</sup>

Refugees also were drawn to churches known to have been in existence before 1146. Esteban, son of Pedro the Mozarab, was an autographically Latinizing acolyte at San Vicente in 1192 and a contemporary of his autographically Arabicizing confrere Juanes, who witnessed a document in 1193. The autographically Latinizing priest Domingo *al-Ašqar* (the blond) witnessed a transaction in 1209.<sup>52</sup> Although San Vicente was a larger parish church—ranking fifth in pre-1285 benefice allotments, with ten to its name—one anthroponymically Arabicizing, one autographically Arabicizing, and one son of an acknowledged Mozarab would have amounted to no small proportion of this church’s prebendaries.<sup>53</sup>

The overall proportion of anthroponymically and autographically Arabicizing clergy confirmed as belonging to “Mozarab” parish churches was not significantly greater than those belonging to non-“Mozarab” parish churches until roughly 1220.<sup>54</sup> Even when taking a more cautious approach and assuming that all anthroponymically and autographically Arabicizing clergy with unknown parish affiliations had in fact belonged to “Mozarab” institutions, such churches would not have maintained a numerical predominance in clerical Arabicizing until roughly thirty-five years after the immigration waves of 1146. Finally, when limiting the

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<sup>51</sup> Hitchcock, *Mozarabs in Medieval and Early Modern Spain: Identities and Influences*: 91-94.

<sup>52</sup> Esteban bin Pedro Mozarab’s Latin signature of 1192 was later recorded in Arabic but can be reconstructed : *Ego Estefanes Acolatus Sant Vicensi confirmo*. MT 942, copy made in 1198. Juanes signed as *wa ana Yuwāniš al-qiss min kanīsa Šant Bisant* in 1193 (MT 249). Domingo al-Ašqar signed his name in Latin in 1209 as *ego Dominicus Alascar ecclesie Sancti Vincentii testis* (MT 371 a1209).

<sup>53</sup> See Appendix 1, below.

<sup>54</sup> See Appendix 2, below.

examination to autographically Arabicizing clergy, such individuals are found in non-“Mozarab” parish churches through at least the early 1190’s.<sup>55</sup>

These observations clearly demonstrate a significant presence of Mozarab clergy in a number of supposedly non-Mozarab Toledan parish churches through from the late twelfth century through the early thirteenth century. An examination of the small, but suggestive, corpus of anthroponyms and autographs known to belong to clergy from “Mozarab” parishes during this time, however, reveals an unparalleled ratio of Arabicizers within their respective centers.<sup>56</sup> This phenomenon is especially true for the church of Santas Justa y Rufina, which ranked fourteenth in number of pre-1285 benefices (five and one-half).<sup>57</sup> The institution is known to have had at least three or four anthroponymically or autographically Arabicizing clergy—with all but one being the latter—active in any given twenty-year span between 1163 and 1235, with three Latinizers appearing between 1176 and 1196.<sup>58</sup> San Lucas, having a ranking of seventeenth concerning its number of pre-1285 prebends (four), had one autographically Arabicizing priest in 1158 and two such priests active between 1177 and 1188, with an anthroponymically Arabicizing cleric appearing in 1192.<sup>59</sup> Clerical Arabicizing—quite counter to the ecclesiastical inertia toward Latinizing and only appearing in such ratios after the migrations of 1146—suggests a common identity based upon recent geographical origins.

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<sup>55</sup> See Appendix 3, below.

<sup>56</sup> Appendix 1 and Appendix 4, below. Santa Eulalia is curious exception – perhaps because it only appears in documentation in the late 1190’s, at a time when Arabicizing was limited to Santas Justa y Rufina.

<sup>57</sup> Appendix 1, below.

<sup>58</sup> Autographic Arabicizers appear in MT 99 a1171 (copy of 1173), MT 311 a1202, MT 371 a1209, MT 382 a1210, MT 984A a1217, MT 955 a1218, MT 463 a1221, MT 466 a1222, MT 487 a1227, MT 769 a1230, and MT 773 a1234, and MT 787 a1235. Ibn Badr (son of the full moon) did not sign his name (MT 1095 a1163). Two autographic Latinizers appear in MT 362 a1208 and MT 382 a1210, and one anthroponymic Latinizer—Domingo Juanes—is mentioned in MT 348 a1206.

<sup>59</sup> Appendix 1, below. Autographic Arabicizers appeared in MT 56 a1157, MT 134A a1177, and MT 200A a1188. Ibn Duncas the Bald is mentioned in MT 231 a1192.

Thus, when archbishop Raymond asked Pope Eugenius III to admonish the Mozarabs of his see, he did so out of concern about not a swelling in the ranks of the pre-existing Mozarab parish churches but rather a coalescing of immigrant clergy around very small or recently founded parish churches which had previously had no such association. He very possibly was also concerned about the infiltration of Mozarab clergy in a number of additional parish churches, some of whom may have been continuing a previous tradition of parallel Spanish and Roman liturgical celebrations. Raymond was unsuccessful in his efforts.

The “six parish churches” with which archbishop Rodrigo associated the “rite of saints Isidore and Leander” was implicitly and explicitly confirmed as “Mozarab” a generation later in archbishop Gonzalvo Petrez’s aforementioned reapportionment of Toledan benefice distributions in 1285. The document lists Toledo’s parishes in no overall discernable order, yet records the Mozarab churches one immediately after another, revealing a mental association regarding these centers. Archbishop Petrez additionally ordered in the reassessment that Santas Justa y Rufina, San Sebastián and San Torcuato continue to *use their rite* and *follow their traditions*. It is unclear why this same command was not recorded for the remaining three churches, but, in any case, the document’s redactor interlinearly inserted the term “Mozarab” above the entries for these and the remaining three parishes of Santa Eulalia, San Lucas, and San Marco.<sup>60</sup> At the turn of the fifteenth century, Pedro López de Ayala claimed that the Spanish rite was still celebrated at these six aforementioned institutions.<sup>61</sup>

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<sup>60</sup> *Et mandamos que usen bien su officio et lo muestren bien a sus moços.* Gonzálvez Ruiz, "El Arcediano Joffré de Loaysa y las Parroquias Urbanas de Toledo en 1300 : Apendice."

<sup>61</sup> To be further discussed below. Pedro López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*, ed. Germán Orduna, (Buenos Aires: SECRTIT : Ediciones INCIPIT, 1994). 60.

Significantly, none of these sources associated the Mozarab parishes with Arabicity, a lacuna which correlates with documentary evidence. The priests of the Mozarab parishes ceased to demonstrate any evidence of Arabicizing as early as roughly 1200—that is to say, within one generation after the immigration of 1146.<sup>62</sup> An exception lies with Santas Justa y Rufina, which between 1206 and 1235 could claim at least four autographic Arabicizers. By the time that Rodrigo had commenced redacting his *Historia*, however, only two priests from this church were capable of such lingual display. These individuals had been the only Toledan Arabicizing clergy active since 1224, and with their passing sometime after 1241 and 1256, Arabic ceased to appear in such a context.<sup>63</sup>

### **Messina**

The previous chapter's comparative examination of Sicilian autographic and scribal Arabicizing brought my investigation to city of Palermo, but for my analysis of the island's Hellenizing, I will take the reader eastward to the Val Demone, the region least Arabicized during the island's Muslim rule and where the future Count Roger I (r. 1071-1101) initiated his conquest in 1061. I will focus on the diocese of Messina, Sicily's largest repository of Greek documentation and most resilient center of Hellenizing. More specifically, I will examine private transactions, the only medium which allowed individuals to subscribe as witnesses or participants and therefore express their autographic identification. This type of source has the additional propitious tradition of notarial self-identification—unlike its royal counterpart. My investigatory excursus will focus on the Greek documents originally preserved in the diocesan monasteries of San Filippo di Fragalà, San Grigorio, Santa Maria della Grotta, Santa Maria

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<sup>62</sup> See Appendix 4, below.

<sup>63</sup> The prolific Salvador subscribed his last Arabic signature in 1241 (MT 996), and Domingo Martin bin Suleyman signed his last Arabic signature in 1256 (MT 780).

Maddalena di Valle Giosafat, and the Cathedral of Santa Maria.<sup>64</sup> A number of Latin documents with Greek subscriptions—most originating from the nearby towns of Milazzo and Rometta—will be included, as well.<sup>65</sup>

Data from these religious institutions have been organized in *Appendix 5*, below. Due to the remarkably early indigenous adoption of Norman names, in addition to an already-existing large pool of common names, only autographic Hellenizing will be addressed in the graph—and chapter.<sup>66</sup> The graph reveals that after a notable rise in Greek autographs beginning in the 1170's—owing to a commensurate increase in private transactions—there was a steep decline in such signatures with the establishment of the Hohenstaufen dynasty in late 1194. This phenomenon can be explained by the Hohenstaufen introduction of the private Latin notarial

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<sup>64</sup> Transcribed versions can be found in Salvatore Cusa, ed. *I Diplomi Greci ed Arabi di Sicilia* (Palermo: Reprinted by Böhlau Verlag, Köln and Wien, 1982), 289-468, 620-621, 627-635, 643-649; André Guillou, ed. *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)* (Palermo: Santa Maria delle Moniali, 1963).

<sup>65</sup> Summaries of Latin transactions, with full witness lists, can be found in André (ed.) Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," in *Les Actes Grecs de S. Maria di Messina: Enquête sur les Populations Grecques d'Italie du Sud et de Sicilie (XI<sup>e</sup>-XIV<sup>e</sup>)*, ed. André Guillou (Palermo: Santa Maria delle Moniali, 1963). Additional witness lists can be found in Carlo Alberto Garufi, "Sulla Curia Stratigoziale di Messina nel Tempo Normanno-Svevo," *Scritti Vari di Filologia*, no. 9 (1901): 145-148. Further references to the phenomenon of Greek signatures in Latin documents can be found in Vera von Falkenhausen, "The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek," in *The Society of Norman Italy*, ed. Alex Metcalfe and G.A. Loud (Boston: Brill, 2002), 282-283; Henri Bresc, *Un Monde Méditerranéen : Économie et Société en Sicile, 1300-1450*, ([Roma]: Ecole française de Rome, 1986). 588.

<sup>66</sup> See Chapter One, note 80. Autographic analysis in Greek transactions presents its own problems, however, for determining genuine autographs—as opposed to signatures penned by the acting notary—is a more difficult task in the Greek notarial tradition than the Arabic. Like the Latin notarial tradition, notaries rarely informed the reader when they were subscribing on a witness's behalf. This problem can obviously be rectified by examining the original parchment; however, a number of documents which were transcribed in the nineteenth century have since disappeared. In this latter scenario, it must be assumed that individuals who explicitly claim that they are subscribing their own name—usually by appending the word ὑπέγραφα, or “undersigned,” to their name—are in fact telling the truth. Fortunately, this correlation has never been proven false upon examination of existing documents. The greater danger is incorrectly assuming that an individual was autographically illiterate if his signature appears, without the verb ὑπέγραφα, in a document which only survives in transcribed form. For further discussion on the use of ὑπέγραφα as evidence for an individual's actual autograph, see Joseph Anthony Siciliano, "The Greek Religious and Secular Community of Southern Italy and Sicily During the Later Middle Ages" (Rutgers, 1983), 193-194. The following original archival collections from the Archivio di Stato di Palermo (ASP) have been consulted: Tabulario di San Filippo di Fragalà (TSFF), Tabulario di Santa Maria della Grotta (TMG), and Tabulario di Santa Maria Maddalena di Valle Giosafat (TSMG).

tradition, which severely curtailed the production of private Greek documents, thereby limiting a conducive venue for Greek autographs. Greek signatures would continue to appear until the end of the fourteenth century in Messina, but they would overwhelmingly be found in Latin documents.<sup>67</sup>

With the sudden thirteenth-century dominance of Latin private documentation, the phenomenon of lay non-notarial and non-judicial autographic Hellenizing—which had been quite common in the preceding decades—was abruptly curtailed before effectively disappearing during the 1220's. The inability to observe a more organic decline of non-notarial autographic Hellenizing, coupled with a lack of contemporary references to Greek vernacular speech, makes even the most tentative proposal of the city's language situation in the thirteenth century too tenuous to attempt. Fortunately, however, it is still possible to divine some striking autographic trends amongst judges, notaries, and clergy.

As in Toledo, the judges of the local non-Latinate community—that is, the κριταί γρεχῶν—were significantly represented in the autographically active ranks. Like the alcaldes of the Mozarabs, the κριταί resisted the inertia towards Latin better than their non-notarial lay comrades—although the Greek judges were more successful in this regard.<sup>68</sup> By roughly the

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<sup>67</sup> The sudden dominance of the private Latin notariat has been commented upon in Falkenhausen, "The Greek Presence in Norman Sicily: The Contribution of Archival Material in Greek," 276-277. By my own count, private Greek documents were much less common after the Norman period—only roughly twenty such documents are known to have been redacted in Messina within the 112-year span, inclusive, extending from 1195 to 1306. By comparison, roughly fifty private Messinan Greek exchanges are known to have taken place in the seventy-three-year span, inclusive, between 1122 and 1194, to say nothing of their significant presence in the royal chancery. Greek signatures appeared in roughly thirty surviving private Latin documents in the diocese of Messina from 1195 through the fourteenth century. For a list of Greek and Latin documents with Greek autographs in the late thirteenth and fourteenth centuries, see notes 64 and 65.

<sup>68</sup> See Chapter Three for a discussion of the Arabicizing of the alcaldes of the Mozarabs. For the judges of the Greeks, see *Appendix 5*, below.

1270's, the judges of the Greeks seem to have lost their autographic Hellenizing ability.<sup>69</sup> Yet despite their later-thirteenth-century autographic ineptitude, Greek remained highly symbolic for these professionals. Thus arose a curious phenomenon of κριταί procuring individuals to subscribe Latin documents in Greek on their behalf. The first example which I have found appears in a Latin document from 1220. The text contains the subscriptions of four Latinate individuals—three bearing the title *judex Mesanensis* and one *stratigotus Messane*—in addition to a Greek notation informing the reader that Leon, *logothete* and judge, signs by the mark of the cross.<sup>70</sup>

A century later, this practice had become more fully developed, with a standard formula informing the reader who was subscribing on the official's behalf. Significantly, this formula existed in Latin and Greek, further suggesting that the language of requested redaction was a symbolic decision. For example, in a Latin document from nearby Rometta, dated to 1320, the judge Nicolaos had the notary William son of Theophilos record his "signature" in Greek as follows: *I, Nicolaos, noble judge of Rometta, witness the above document. This statement has been written by the hand of William son of Theophilos.* William's brother Leo also appears in the witness list—as the Latinate scribe who had redacted the document in question. Leo had also subscribed a Latin signature on behalf of a certain Theodoros son of Leodaro.<sup>71</sup> Similarly,

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<sup>69</sup> The striking case of an autographically Hellenizing judge of the Greeks in the 1340's notwithstanding. ASP, TSMG. *Anno* 1341.

<sup>70</sup> *Δια σταρω μον του λογοθετου Λεον και κριτου Μεσσηνης.* Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," 187 (no. 184). The office of stratigotus was roughly parallel to the Toledan office of lead judge, while the logothete was roughly parallel to the position of chancellor. For a discussion of the former, see Chapter Two.

<sup>71</sup> The Greek formula is as follows: *Εγο Νιχολαος Κερας() χριτης χωρας Ριματων τα ανωτερω μαρτυρω και αγνοουντα (sic) γραφειν εγραφα δια χειροις Γιλιελμον του Θεοφιλου.* The Latin formula is as follows: *Ego Theodoru de Leodaro procurator dicti monasterii tunc testis sum et scribi feci per infrascriptum notarium nesciens scribere et testor.* Leo identifies himself as the Latin scribe in the next and final signature of the list: *Ego Leo de Theophilo regius publicus notarius territorii Rimatae et casalium et tenimentorum sui praedicta scripsi et testor.* Ibid., 190 (no. 112).



Nicolaos son of Theophilos, yet another brother of the aforementioned notary William, signed a Latin document in Greek on behalf of the judges Bartholomaios of Byzantion and Mathaios son of Caesar. The document had almost certainly been redacted by Nicolaos's brother, the aforementioned Leo son of Theophilos.<sup>72</sup>

These examples demonstrate fourteenth-century non-Latinate autographic lingual resilience amongst a segment of Messinan notarial circles in the face of Latin notarial dominance that is reminiscent of Toledan Mozarab notarial history. Indeed, Greek-proficient lay notaries claimed a significant proportion of the autographic Hellenizers after the introduction of Latin private documents, as well.<sup>73</sup> A key difference between Messinan and Toledan non-Latinate autographic preservation, however, is that while the symbolic value of Christian Arabic was limited to Mozarab scribal circles by the end of the thirteenth century, Greek autographic display was sought out by several additional elements of Sicilian society. As has been demonstrated, such lingual association continued to be desirable amongst the Greek juridical community after the rise of their autographic incompetence by the mid-thirteenth century. However, efforts to preserve Hellenicity were also strikingly long-lived amongst the clerical community—to such a degree of success that the judge John, son of Stephen, had the priest Andrew subscribe a Latin document in Greek on his behalf in 1320.<sup>74</sup>

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<sup>72</sup> While Leo's name is not legible in his scribal signature, he employs the same unique signature phrase utilized in the aforementioned transaction. *Ibid.*, 191 (no.115). *Anno* 1322.

<sup>73</sup> See *Appendix 5*. For a discussion of Mozarab notarial traditions, see Chapter Three.

<sup>74</sup> Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," 190-191 (no.113). See *Appendix 5*. It should be noted that the sudden disappearance of Greek notaries in the 1230's can be explained by the *Constitutions of Melfi (anno 1231)*, which, amongst other regulations, excluded clergy from the positions of notary or judge. In practice, however, this law was not universally observed in Sicily or southern Italy. For further discussion, see Siciliano, "The Greek Religious and Secular Community of Southern Italy and Sicily During the Later Middle Ages," 183-185.

Like the aforementioned κριταί γρεχῶν, however, not all priests of the Greek rite had maintained autographic competence in the fourteenth century. Yet at least some desired to preserve the lingual association. For example, in 1325, a Latin transaction involving the monastery of San Salvatore di Messina bore a remarkably large number of Greek signatures belonging to the center's monastic community. Most of these religious, however, were not autographically proficient, as suggested by their "signatures'" suspicious uniformity. These religious had perhaps turned for help to one of their few confreres in the witness lists who explicitly claimed autographic competency, such as the hieromonk Barsanuphios.<sup>75</sup> Interestingly, there is evidence for monks attempting to preserve proficiency in the language as late as the turn of the sixteenth century—although within a much different context—thanks to an amusing lawsuit brought against the monks of San Filippo of Fragalà on account of their failure to pay a Greek instructor for services rendered.<sup>76</sup>

The Sicilian ecclesiastical association with the Greek language accounts for the greatest proportional dissonance in the comparative autographic non-Latinity of Messina and Toledo. Although there were a significant number of Arabicizing clergy in Toledo—especially in the latter-twelfth century—their proportional twelfth- and thirteenth-century Arabic autographic representation (thirty-eight clergy out of some 1,800 Arabic subscribers, with a total of roughly 1,175 Arabic and Latin documents) pales in comparison to that of Messina's autographic Hellenizers (seventy-nine clergy out of 175 Greek subscribers, with a total of sixty-four private

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<sup>75</sup> Unfortunately, the original document does not survive, but Barsanuphios noted that his signature was "undersigned" (υπεγραφα) by himself. See note 66. For the transcribed version, see Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," 135 (no. 117). *Hieromonk* (ιερομόναχος), or priest-monk, is a particular title which only exists in the Orthodox or Eastern Christian traditions.

<sup>76</sup> Shara Pirrotti, *Il Monastero di San Filippo di Fragalà, Secoli XI - XV : Organizzazione Dello Spazio, Attività Produttive, Rapporti Con il Potere, Cultura*, (Palermo: Officina di studi medievali, 2008). 323-326. Circa 1470, Albanian clergy immigrated to Sicily and Southern Italy in flight from the Ottoman conquest—the Greek teacher may very well have been one of these individuals.

Greek and Latin documents) from the same period, to say nothing of the clear autographic dominance by the religious in the fourteenth century.<sup>77</sup> An explanation for such non-Latinate lingual preservation within clerical circles can be found via an examination of the liturgy.

The rite celebrated by indigenous Messinan Christians was Greek. While early manuscript evidence suggests that it may have had origins in Eastern Christian liturgies, studies focusing on Hellenizing southern Italy suggest that the Sicilian liturgy would have developed into its own unique strands, comprised by numerous variants. In interaction with Latins, the linguistic commonality of these local liturgical variations would have become their primary identifier, and one of their adherents, as well.<sup>78</sup>

As in Toledo, the Latinate conquerors installed a Latin bishop at Messina—perhaps a certain Robert mentioned in 1096—a tradition with precedence in Norman territories in southern Italy and continued in the rest of the island.<sup>79</sup> As has been argued for Toledo, however, a Roman-rite bishop could rule over smaller religious centers which followed non-Roman liturgies. These “centers” took the form of monasteries—the form of organization overwhelmingly preferred by Greek clergy in southern Italy and Sicily—as opposed to the more common parish church form of organization in Toledo.

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<sup>77</sup> See *Appendix 5*. For an estimated number of individual autographic Arabicizers, see Howard Delgin Miller, "According to Christian Sunna: Mozarabic Notarial Culture in Toledo, 1085-1300" (Yale University, 2003), 92. As discussed earlier, anthroponymic Hellenizing is an even more problematic means of divining Greek identity, given the common pool of Italian and Sicilian names.

<sup>78</sup> Valerie Ramseyer, *The Transformation of a Religious Landscape : Medieval Southern Italy, 850-1150*, (Ithaca, N.Y.: Cornell University Press, 2006). 69-110; Siciliano, "The Greek Religious and Secular Community of Southern Italy and Sicily During the Later Middle Ages," 4.

<sup>79</sup> There is no evidence of Greek bishops being removed from office; rather, it seems that Latin bishops were installed in these sees when they became vacant, likely through death. Furthermore, a number of Greek sees apparently had been vacant for some time upon the arrival of the Normans. Peter Herde, "The Papacy and the Greek Church in Southern Italy between the Eleventh and the Thirteenth Century," in *The Society of Norman Italy*, ed. G.A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 215-223.

Many of the similarities end here, however. The most obvious difference is the striking devotion demonstrated to Greek monasteries by Norman kings and nobles. For example, the conqueror Count Roger I took part in the founding or re-founding of at least fourteen small Greek monasteries throughout the island—as opposed to only three Latin institutions—including San Filippo di Fragalà, a center which his widow Adelaide continued to patronize. More monasteries may have been founded than the populace could support, however. Their ranks were limited to a range of six to twelve monks each by the early 1130's, and Queen Constance (r. 1194-1198) would claim that many had become almost completely deserted by this time.

Yet Roger I's son, Roger II (r. 1105-1154), made an effort to forestall such Greek monastic decline by elevating the abbot of San Salvatore to the position of archimandrite, with direct control over eighteen Sicilian and four Calabrian monasteries, in addition to disciplinary authority over thirteen Sicilian and three Calabrian houses. The archimandrite had to acknowledge his (nominal) subordination to the Latin archbishop of Messina, yet he was answerable only to the king. San Salvatore's possessions and privileges were considerable. By the late thirteenth century—well after the zenith of Sicilian Hellenizing—it was the richest monastery on the island, after Monreale.<sup>80</sup> This and other Greek monasteries persevered for quite some time. San Salvatore only ceased to exist when it was converted into a fortress in 1568, while San Filippo di Fragalà met its demise in the nineteenth century, for example.<sup>81</sup>

Monasteries continued to celebrate the Greek rite until their dissolution—as evidenced by the aforementioned turn-of-the-sixteenth century Greek lessons received at San Filippo di Fragalà. However, the need for linguistic instruction reveals that by this point, and certainly long

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<sup>80</sup> Siciliano, "The Greek Religious and Secular Community of Southern Italy and Sicily During the Later Middle Ages," 95-97, 108-115; G.A. Loud, *The Latin Church in Norman Italy*, (Cambridge University Press, 2007). 501-502, 507-508.

<sup>81</sup> *The Latin Church in Norman Italy*: 511-512.

before, Greek had ceased to be a living language amongst the religious community. Its preservation was fundamentally due not to a desire to maintain a distinguishing linguistic trait—although this very well may have held some appeal—but rather to the fact that competence in Greek was essential for the carrying out of their liturgical duties. Such an impetus was completely lacking amongst Mozarab clergy, as the Spanish rite was redacted in Latin, and explains why symptoms of Arabicity ended comparatively earlier, in the mid-thirteenth century.

The strong motivation for Greek clergy to maintain actively their liturgical language made them ideally suited to serve as notaries during the Norman period—a phenomenon completely lacking amongst Mozarab clergy—and would explain their prolonged autographic appearance into the fourteenth century, alongside Greek lay notaries.<sup>82</sup>

And how were the lay notaries learning Greek? In the twelfth through early fourteenth centuries, at least, it is very likely that many of them acquired scribal competency from—or were related to—Greek-rite priests. Unfortunately, Greek autographs typically did not provide genealogical information, so there is insufficient prosopographical data to definitively establish such a link. Individuals such as the early-thirteenth century Greek notary Johannes, son of the priest Petros, however, are suggestive.<sup>83</sup>

How can one explain the prolonged desire of Greek judges to associate themselves with the Greek language in the thirteenth and early fourteenth centuries? To be sure, the royal phenomenon of feigned Greek subscriptions under Count Roger, the *Régente* Adelaide (r. 1101-1105), and King Roger II would have made such autographic ability desirable in the twelfth

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<sup>82</sup> See note 67 for a discussion of the end of Messinan religious notaries.

<sup>83</sup> Cusa, *I Diplomi Greci ed Arabi di Sicilia*, 446-448. Anno 1224.

century—indeed, there are striking examples of two judges of the Latins signing in Greek!<sup>84</sup> Yet while the inertia of the positive association should not be underestimated, memories of this tradition had likely faded within several generations. Perhaps the answer also lies in Greek monasteries. Such Hellenizing institutions would have served as locae of historical memory and living centers of communal differentiation, and the long-lived prosperity of the mother house of San Salvatore would have maintained an attractive veneer on the Greek lingual tradition. Thus, there was significant motivation, and likely expectation, for κριταί to continue outward signs of Hellenicity. This probable relationship between κριταί, Greek monasteries, and the Greek language can also explain how a priest could also be a judge of the Greeks—a phenomenon without parallel in Castilian Toledo.<sup>85</sup>

### **The Spanish Rite in Late-Fourteenth and Early-Fifteenth-Century Toledo**

After the reapportionment of Toledan benefices in 1285, neither the Spanish liturgy nor Mozarab parishes are mentioned in sources until the late-fourteenth-century *Crónica del Rey Don Pedro* of Pedro López de Ayala, former Toledan alcalde mayor of the Mozarabs and royal *canciller mayor*.<sup>86</sup> His discussion of the Spanish rite, found in the same passage addressing the Muslim conquest of Toledo and the origins of the Mozarab alcajería, was clearly modeled after accounts found in archbishop Rodrigo Jiménez de Rada's *Historia de Rebus Hispanie* and

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<sup>84</sup> For the phenomenon of feigned royal Greek subscriptions, see Vera von Falkenhausen, "I Diplomi Dei Re Normanni in Lingua Greca," in *Documenti Medievali Greci e Latini : Studi Comparativi : Atti del Seminario di Erice, 23-29 Ottobre 1995*, ed. Giuseppe de Gregorio and Otto Kresten (Spoleto: Centro italiano di studi sull'alto Medioevo, 1998), 281-286. For a broader discussion of the royal propaganda of *populus trilingis*, see Chapter Three. For the Greek autographs of John of Aversa and Peter of Limoges—both explicitly identified as judges of the Latins—see Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," 84-90 (no. 88) anno 1152; Cusa, *I Diplomi Greci ed Arabi di Sicilia*, 629-630 anno 1162.

<sup>85</sup> Giorgos identifies himself as a priest and κριτής in his Greek subscription to a Latin transaction (*anno* 1200). Guillou, "Appendice I : Souscriptions Grecques au Bas des Actes Latins," 186-187 (no. 183).

<sup>86</sup> For further discussion of this statesman and historian (and not to mention poet), see Chapter Two.

Alfonso X's *Estoria de España*.<sup>87</sup> However, López de Ayala added an original element to the narrative by emphasizing the Gothic nature and antiquity of these aforementioned Toledan idiosyncrasies, thereby portraying Mozarabs as living bearers of Gothic traditions. A generation later, the bishop of Segovia Juan Vazquez de Cepeda—living during the related phenomena of the revival of the royal neo-Gothic myth, the emergence an anti-*Converso* concern with lineage, and the early attempts of courtiers to appropriate Gothic ancestry—would attempt to relegate the ready-made Gothic association of Mozarabs to the entire Castilian kingdom by establishing a church within his see that would be devoted to the “Gothic” liturgy.<sup>88</sup>

The Visigoths had held an inconstant—yet ultimately resilient—allure in the minds of medieval Asturian, Leonese and Castilian chroniclers. In the late-ninth century, the Asturian monarchy had established a tenuous yet determined genealogical link between the Visigoths and their lineage in the late-ninth-century *Chronicle of Alfonso III* and the *Prophetic Chronicle*.<sup>89</sup> Although the *Chronicle of Alfonso III* admitted that the line of Visigoth kings had been exterminated during the Muslim invasion, it proposed a dynastic *translatio* in the person of Pelayo, the late-eighth-century semi-mythical former royal sword bearer, leader of the anti-Muslim resistance, and alleged forebear of the Asturian—and later Castilian—kings. To be sure, Pelayo was not said to have been related to any Visigoth king. Yet he was a Goth, and when the *Chronicle* recorded the hero as swearing that *the well-being of Spain and the army of the Gothic people* would ultimately be restored, it effectively established the royal line as continuators of

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<sup>87</sup> As previously discussed, the *Estoria de España* was also heavily indebted to archbishop Rodrigo Jiménez de Rada's *Historia de Rebus Hispanie*.

<sup>88</sup> Conversos were Christians—and their descendents—who had converted from Judaism forcibly or under great social pressure in the late fourteenth and early fifteenth centuries.

<sup>89</sup> Significantly, the former work was a continuation of Isidore of Seville's early seventh-century *History of the Goths*.

the Visigoth kingdom. The *Prophetic Chronicle* went a step further, claiming that Pelayo, the son of Vermudo, was in fact the grandson of Rodrigo, the last Visigoth king.<sup>90</sup>

The notion of royal Visigoth continuity was later employed in the *Historia Silense*, a twelfth-century Leonese panegyric to King Alfonso VI, but this propagandistic tool was considerably advanced in—and essential to—archbishop Rodrigo Jiménez de Rada's *Historia de Rebus Hispanie*.<sup>91</sup> King Fernando III (r. 1217-1252) seems to have welcomed this royal propaganda, as did his son Alfonso X, who furthered it not only in his *Estoria de España* but also in symbolic acts such as the *translatio* of the heroic Visigoth king Wamba's body from the town of Pampliega to Toledo.<sup>92</sup>

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<sup>90</sup> Quote taken from Kenneth Wolf's translation. Kenneth Baxter Wolf, *Conquerors and Chroniclers of Early Medieval Spain*, 2nd ed., (Liverpool: Liverpool University Press, 1999). 168. For an erudite introduction to, and edition of, these texts, see Yves Bonnaz, *Chroniques Asturiennes : Fin IX<sup>e</sup> Siècle*, (Paris: Editions du Centre national de la recherche scientifique, 1987). Bonnaz makes the most compelling argument yet for clerical Mozarab hands in these texts—and especially the neo-Gothic thesis. It must be stressed, however, that there is no evidence for Mozarab Gothic self-identification or ascription in Castilian Toledo until Pedro López de Ayala's indirect association at the turn of the fifteenth century, as will be demonstrated below.

<sup>91</sup> Namely, the anonymous cleric author of the *Historia Silense* noted that the good Asturian kings had confirmed the laws of Visigoth kings, referred to all of the early eleventh century Asturo-Leonese inhabitants as Goths, and stressed that Alfonso VI had “sprung from the famous stock of the Goths.” *Historia Silense*, ed. Justo Pérez de Urbel and Atilano González Ruiz-Zorrilla, (Madrid 1959). Chapters 30, 72, and 38, respectively. Translation taken from “Historia Silense,” in *The World of El Cid : Chronicles of the Spanish Reconquest*, ed. Simon Barton and R. A. Fletcher (New York: St. Martin's Press, 2000), 29. Rodrigo's most cogent statement of the neo-Gothic thesis can be found in Jiménez de Rada, *Historia de Rebus Hispanie sive Historia Gothica*: 120, 125 (IV.124 and IV.128). Significantly, Don Rodrigo also introduced the notion of Leonese-Castilian Visigothic identity being not only a matter of lineage but also inheritable traits, attributing the civil war amongst Alfonso VI and his brothers to their “fierce Gothic blood.” *Ibid.*, 194-195 (IV.114). Translation mine. It should be noted, however, that the archbishop had taken this approach, however, not in order to simply elevate the monarchy but also to justify the enhancement of Toledo—the former Visigoth capital—to the position of primate see of Spain. Lucy K. Pick, *Conflict and Coexistence: Archbishop Rodrigo and the Muslims and Jews in Medieval Spain*, History, Languages, and Cultures of the Spanish and Portuguese Worlds (Ann Arbor: University of Michigan, 2004). 21-70.

<sup>92</sup> As specified in a proclamation in 1274 at Palencia, in which document Alfonso X also claimed that Fernando III had visited Wamba's resting place: *Sabiendo ciertamente que el noble Rey Banba que fue de linage de los godos et sennor de las Espannas et de otras tierras ...que por acabar bien su tienpo et salvar su alma que ante que muriesse tomo religion de monges negros en Sant Vicent de Panpliega que era de los onrrados monesterios que avie en Espanna en aquella sazón en el qual logar maguer la tierra se perdió después que ganaron los moros los otros reyes que fueron en Espanna sopieron o yazie assy que entre todos ellos el noble rey et bien aventurado don Fernando nuestro padre lo supo mas sennalda mente por el arçobispo de Toledo don Rodrigo que ge lo fizo entender por el ystoria de Espanna et por los e la dicha villa quel mostraron el logar o yazia enterrado ante la puerta de la iglesia por que el rey don Fernando catando la su bondat et queriendo onrrar este rey sobre dicho non quiso salire por aquella puerta et mando fazer otra en la iglesia por o saliesse et aun oviera voluntat de levar le a otro*



Traditional historiography holds that this royal “neo-Gothic” myth entered into a period of dormancy after the reign of Alfonso X, only to be reawakened in the 1410’s and especially 1430’s by the pen of a number of Converso authors.<sup>93</sup> An unacknowledged exception, however, lies in the *Crónica del Rey Don Pedro*.<sup>94</sup> While the neo-Gothic myth had previously been advanced on behalf of the Toledan see or especially the Castilian monarchy, Pedro López de Ayala’s discussion of things Gothic revealed a particular devotion to the city of Toledo itself and a recognition of the myth’s power as legitimator of the town’s particular traditions—including that of his own former position of *alcalde mayor* of the Mozarabs.<sup>95</sup>

The *Libro Juzgo* and *the liturgy of saints Leander and Isidore*, López de Ayala was sure to mention, had both been produced by Goths, and these text-based traditions had been preserved in Toledo by the *Mozarabs, the ancient inhabitants who had always lived in the city*. Regarding the liturgy, the author marveled that Mozarabs still celebrated the mass in six parish churches *as it had been chanted in the time of the Goths*. So profound was the association of these churches

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*logar...et acaesçiemos de passar por Panpliega et quisiemos provar sy yazie enterrado en aquel logar o nos dezien et mandamos lo cavar de noche a clerigos et a omnes buenos de nuestra casa et otrosy de la villa et quiso Dios quel fallamos alli o nos dezien et por que viemos que en el logar non abie monesterio de ninguna religón nin tanta clerezia por que el yuguiesse y onrrada mente nin eglesia por que el podiesse y aver su sepultura qual le convinie tomamos lo ende et mandamos le levar a Toledo a enterrar que fue en tiempo de los godos cabeça de sennores... Emphasis mine. Ricardo Izquierdo Benito, *Privilegios Reales Otorgados a Toledo durante la Edad Media (1101-1494)*, (Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, Diputación Provincial de Toledo, 1990). 130-131.*

<sup>93</sup> J.N. Hillgarth, "Spanish Historiography and Iberian Reality," *History and Theory* 24, no. 1 (1985); Rafael González Fernández, "El Mito Gótico en la Historiografía del Siglo XV," *Antigüedad y Cristianismo*, no. 3 (1986). See especially the latter for a modern historiographical review. Hillgarth attributes the mid-fifteenth century resurgence of the notion of a royal Castilian Visigoth heritage to the “messianic vision of history” held by Conversos such as poet Juan de Mena (d. 1456) and former rabbi of Burgos Solomon Halevi, also known as Pablo de Santa Maria (d.1435).

<sup>94</sup> In fact, Hillgarth (erroneously) deems the *Crónica del Rey Don Pedro* as “virtually uninterested” in Gothic history. Hillgarth, "Spanish Historiography and Iberian Reality," 28.

<sup>95</sup> See Chapter Two for the argument for designating him in such a position.

with Toledo's *ancient inhabitants* that they were called *Mozarab*, as well.<sup>96</sup> Thus, the Mozarabs, while not explicitly called Goths, were seen as living preservers of—and witnesses to—Gothic traditions, with the Spanish liturgy as a prime mediator.

A generation later, Gothic history would receive significant and continuous attention, although within the sphere of royal genealogy. In 1418, the laudatory poem *Siete Edades del Mundo*, composed by the Converso bishop of Burgos, Pablo de Santa Maria, extolled the Spanish monarchy's lineage, claiming that no *naçion* would ever equal the royal line's Gothic ancestors.<sup>97</sup> In approximately 1430, Pedro de Corral's *Crónica Sarracina*, a mix of courtly literature and chronicle, reinterpreted the history of the Visigoth kings with the rosier colored of glasses.<sup>98</sup> Additionally, Pablo de Santa Maria's son, Alfonso de Cartagena, also bishop of Burgos, would argue at the Council of Basel (1431-1439) that Castile had preeminent rights to the allegedly former Visigoth territory of the Canary Islands, for the Castilian king Juan II (r.

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<sup>96</sup> According to López de Ayala, when the Toledans negotiated their surrender to the Muslims, they obtained the following privileges: *que su fuero que auian que era de los godos, al qual llamauan Libro Juzgo que se fizo en vn conçilio que vn rrey godo llamaron Şçisnando fiziera en el Conçilio de Toledo....otrossi dieron e otorgaron los moros a los christianos moradores de Toledo que ouiessem las seys iglesias que demandaron para oyr sus misas e sus oras, las quales duraron e duran siempre fasta oy en este dia. E dizen en las tres iglesias dellas el ofiçio segund la ordenança de San Leandre, e en las otras tres, segund la ordenança de San Ysidro...E fueron estos dos arçobispos en aquel tiempo de los godos e la letra gotica de los libros oy en dia es, e dizen la misa con otras çirimonias que las otras misas se dizen, enpero las palabras de la consagraçion todas son vnas. E quien lo quisiere veer e saber mas espeçialmente alli lo podra veer. Ca oy en dia se dizen ally las misas e ofiçios segunt se dizian en el tiempo de los godos. E llamaron a aquellas iglesias e a los christianos que alli fincaron entre los moros despues aca, moçaraues, que quiere dezir, chrisitanos mezclados con alarabes...Los moçaraues, que eran los antigos, que siempre biuieron en la çibdat...López de Ayala, *Crónica del Rey Don Pedro y del Rey Don Enrique, su Hermano, Hijos del Rey Don Alfonso Onceno*: 60-62. Emphasis mine.*

<sup>97</sup> *De sus maridos tornemos a contar* (i.e. *We now turn to the Goths, the husbands of the Amazons*) / *porque del linaje dellos descendieron / los nobles reyes qu'en Castilla vinieron / despues de su tienpo dellos a reynar / y puesto que no los queremos loar / allende d'aquello que es dicho detras / sabemos ya çierto que nunca jamas / ninguna naçion se les pudo ygualar*. Pablo de Santa María, *Las Siete Edades del Mundo*, (Revista Literaria Katharsis, 2008), [http://www.revistakatharsis.org/Pablo\\_Santamaria\\_7Edades2.pdf](http://www.revistakatharsis.org/Pablo_Santamaria_7Edades2.pdf). 123 (stanza 277). For further discussion on the author and his work, see Jean Sconza and Sainte-Marie Paul de, *History and Literature in Fifteenth-Century Spain : An Edition and Study of Pablo de Santa Maria's Siete Edades del Mundo*, (Madison: the Hispanic seminary of medieval studies, 1991).

<sup>98</sup> For the most recent edition, see Pedro de Corral, *Crónica del Rey Don Rodrigo : Crónica Sarracina*, ed. James Donald Fogelquist, (Madrid: Editorial Castalia, 2001).

1406-1454) had inherited the Visigoth kingdom through his descent from Pelayo, who in turn had royal Visigoth blood. The Portuguese rivals—who were no more than a lesser branch of the Castilian monarchy—could not make such a claim.<sup>99</sup>

During this period of neo-Gothic revival, non-royals made their first, tentative, approaches toward a notion of shared Gothic ancestry—no doubt at least partially motivated by newly emerging concerns of lineal and religious purity expressed by the “Old Christians” or “Natural Christians” against Conversos.<sup>100</sup> Perhaps the most striking example can be found in a collection of courtly poetry known as the *Canciones* of Juan Alfonso de Baena (d. 1434), a Converso poet and scribe of the king. A number of the poems in this collection—whose contents span from the early 1400’s to the early 1430’s—took the form of *pregunta* and *respuesta*. This particular genre, while ostensibly an entertaining competition in which the recipient of a poem was obliged to respond in kind with the same rhyme and verse-form of his opponent, was also an opportunity to amuse the court with the exchange of lyric insults.<sup>101</sup>

Juan de Baena’s Jewish ancestry provided an obvious target for attack, perhaps most strikingly exemplified by the lyrical volleys which he received from the Cordoban poet Rodrigo de Harana:

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<sup>99</sup> The polemic itself was likely written sometime between 1434 and 1436. Alonso de Cartagena, *Diplomacia y Humanismo en el Siglo XV : Edición Crítica, Traducción y Notas de las Allegaciones Super Conquesta Insularum Canariae Contra Portugalenses de Alfonso de Cartagena*, ed. Tomás González Rolán, Fremiot Hernández González, and Pilar Saquero Suárez-Somonte, (Madrid: Universidad Nacional de Educación a Distancia, 1994). 98-101, 124-127.

<sup>100</sup> Nirenberg is one of the few scholars to have examined this phenomenon in its early stages (from 1391 to the the 1430’s), although he does not extensively investigate the neo-Gothic phenomenon. David Nirenberg, "Mass Conversion and Genealogical Mentalities: Jews and Christians in Fifteenth-Century Spain," *Past and Present*, no. 174 (2002); "Enmity and Assimilation: Jews, Christians, and Converts in Medieval Spain," *Common Knowledge* 9, no. 1 (2003); "Race and the Middle Ages : The Case of Spain and Its Jews," in *Rereading the Black Legend : The Discourses of Religious and Racial Difference in the Renaissance Empires*, ed. Margaret Rich Greer, Walter Mignolo, and Maureen Quilligan (Chicago: University of Chicago Press, 2007).

<sup>101</sup> For a discussion the genre, see John G. Cummins, "Methods and Conventions in the 15th-Century Poetic Debate," *Hispanic Review* 31, no. 4 (1963).

*Look, I'm descended from the Vermudo's<sup>102</sup> / and I've got fists to give you until you've had your full / ... / Take for yourself, Mr. Fucked, a cap / adorned with a yellow (Jew-identifying) patch / and wait for the inevitable arrow wound / that will find the chink in your armor.<sup>103</sup>*

While not an explicit claim for Gothic lineage, the implicit significance of claiming royal Asturo-Leonese ancestry would not have been lost on Rodrigo de Harana's peers.

The last will and testament of Juan de Cepeda, bishop of Segovia, suggests that the notion of extra-royal Gothic ancestry may have existed beyond the king's immediate circle. In the text, redacted in 1436, the bishop revealed a perception of the Spanish liturgy—which he called “Gothic”—as being the heritage of all Castilians, thereby signaling a shift from Pedro López de Ayala's previous depiction of the rite as more of a living relic of history preserved by the Mozarabs.

Bishop Juan sought to actualize his vision by establishing a small church in Aniago, a town twelve miles southwest of Valladolid, devoted to the celebration of the “Gothic” liturgy. This new appellation of the rite represented a fulfillment—albeit only intimated—of a potential syllogism underlying the association of Mozarabs with Gothic ethnic markers which had existed since the *Historia* of archbishop Rodrigo but was substantially developed by López de Ayala. That is to say, if the liturgy of the Mozarabs was “Gothic” (on account of its origins and uninterrupted history from Visigoth times), then it followed that Mozarabs (who had continued

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<sup>102</sup> That is, Rodrigo de Harana is an Old Christian who is descended from the Asturian kings – recall that Vermudo was the name of the father of Pelayo, the first Asturian king and alleged descendent of Visigoth rulers. A number of Asturo-Leonese kings took this name, as well. See Juan Alfonso de Baena, *Cancionero de Juan Alfonso de Baena*, ed. Brian Dutton and Joaquín González Cuenca, (Madrid: Visor Libros, 1993). 697 n. 436.

<sup>103</sup> *Cata que vengo de aquellos Bermudos / e dart'hé que fingas fasta que te fartes / ... / A vos, don Fodido, que avéis la / fecha por arte a guis' de jaldeta, / entiendo sin dubda ferir de saeta / e de açertarvos por la escotadura.* Ibid., 697-698 no. 436. See note 436 v. 696 for the proposed reading of "dart'hé que fingas fasta que te fartes".

to celebrate this rite in Toledo throughout the period of Muslim rule and afterwards) were Goths, as well—or at least descended from them. Sensing the symbolic value of a rite that had been celebrated by *the churches of España and the nación of the Goths*, bishop Juan held that the liturgy had been preserved not only by the Mozarabs of Muslim-ruled Toledo, but also the inhabitants of Christian-ruled Galicia, Asturias, and Gascony—regions which formed the kernels of the later kingdom of Castile.<sup>104</sup> This link to a Gothic past was therefore the reserve of all “Old Christians” within the kingdom of Castile.

The rite, bishop Juan continues, had unfortunately been supplanted during the reign of Alfonso VI, and as an additional travesty, it now languished in the Mozarab parishes of Toledo, for the priests had lost their ability to read the “Gothic” script and neumes of the traditional liturgy.<sup>105</sup> The bishop, however, would remedy this situation by having the rite and chants translated into the common script and musical notation at his new church of Santa Maria in Aniago. Juan de Cepeda had been led to carry out such a *translatio officii* on account of his devotion to not only saints Leander and Isidore but also *our nación*—the same word which he

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<sup>104</sup> ...[el] oficio eclesiástico que los santos doctores de España sant Leandro e sant Isidoro fisieron e ordenaron para que usasen dél las eglesias de España de la nación de los godos...los quales rrescibieron el dicho oficio eclesiástico de los dichos santos doctores en el tiempo que sant Gregorio era Papa de Roma, fasta la destrucción que los moros en ella fisieron en tiempo de don Rodrigo, rrey postrimero de los godos, e después guardaron e usaron los christianos que quedaron en Toledo con los moros alárabes después de la dicha destrucción, y los christianos que rremanescieron por las montañas de Galisia e de Asturias e de Viscaya fast quel rrey don Alfonso ganó la cibdat de Toledo de los dichos alárabes. Emphasis mine. Juan Vázquez de Cepeda, "El Cardenal Jiménez de Cisneros, Fundador de la Capilla Mozárabe : Apendice Documental 1, Juan Vázquez de Cepeda, Obispo de Segovia, Funda una Capilla Mozárabe en la Iglesia de Santa María de Aniago--Santa Maria de Aniago, 28 de Octubre de 1436," in *Historia Mozárabe: Ponencias y Comunicaciones Presentadas al I Congreso Internacional de Estudios Mozárabes, 1975*, ed. Juan Messeguer Fernández (Toledo: Instituto de Estudios Visigótico-Mozárabes de San Eugenio), 183-184.

<sup>105</sup> *E por quanto las dichas eglesias de Toledo (i.e., the Mozarab parishes) son venidas a tanta pobreza que ya non ay clérigos que celebren el dicho oficio, e es ya venido en obliuio e olvidança por manera que en una eglesia en Toledo do se guarda el dicho oficio, los clérigos non saben cantar nin ordenar el dicho oficio segund los dichos santos doctores lo ordenaron.* Ibid., 184.

and Pablo de Santa Maria had used to describe the Gothic people.<sup>106</sup> By portraying the “Gothic” liturgy as a worthy gift to his *nación*, the bishop was assuming that all Christian Castilians were heirs of the Visigoths, a psychological leap typically assumed only to have been made in the sixteenth century.<sup>107</sup>

### Conclusions

Juan de Cepeda’s vision of his *nación* should not necessarily be interpreted as a predecessor to later Castilian popular Visigoth self-identification but rather as one of several responses to the early fifteenth century neo-Gothic revival and Converso-related genealogical anxiety. Historians of these phenomena, therefore, should incorporate this episode in Mozarab history into their analyses.

This excursus has also demonstrated the remarkable shifts in significance attributed to the Spanish liturgy from the late eleventh to the early fifteenth century. From the mid-twelfth to the early thirteenth century, the rite had been associated with the Arabicizing Andalusí Christians fleeing the Muwahħhid’s, as suggested by the papal letter of Eugenius III, the *Historia de Rebus Hispanie*, and anthroponymic and autographic documentary evidence surrounding the Mozarab parishes. When Toledo had been captured, however, devotion to the Spanish liturgy would have been a trait shared by many non-Mozarabs. While it is impossible to determine if—or to what extent—the Mozarabs in Castilian Toledo preserved the Spanish liturgy before 1146, it is almost certain that they would not have solely done so in the six “Mozarab” parish churches—likely

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<sup>106</sup> *Por lo cual nos, el sobredicho obispo don iohan, mouido con deuocion de los santos tan famosos en ciencia e en santidad en la universal elesia, e por celo de la nación nuestra, de la que ellos fueron, trabajamos mucho por que non pareciese la memoria del dicho oficio e de los dichos santos, que lo auían ordenado, e trasladámoslo de letra gótica en esta letra común que agora usamos, e trasladamos el canto, que era en arte de grigos, en nuestro canto común, e rreformamos el dicho oficio por la abtoridat apostolical por manera que tolo clérigo lo pueda faser buenamente.* Ibid., 184-185. See note 97.

<sup>107</sup> As advanced by Nirenberg, for example. Nirenberg, "Mass Conversion and Genealogical Mentalities: Jews and Christians in Fifteenth-Century Spain," 30 n.74.

because these religious centers had not previously existed. Finally, an examination of the Greek Christian community of Messina suggests that the comparatively shorter-lived non-Latinate abilities and affinities of the Mozarab clergy and alcaldes can be explained by the lingual dissonance between one of their original spoken languages—Arabic—and their liturgical language—Latin—and also the lack of substantial royal or ecclesiastical support for the Mozarab parishes in the latter-twelfth and thirteenth centuries.

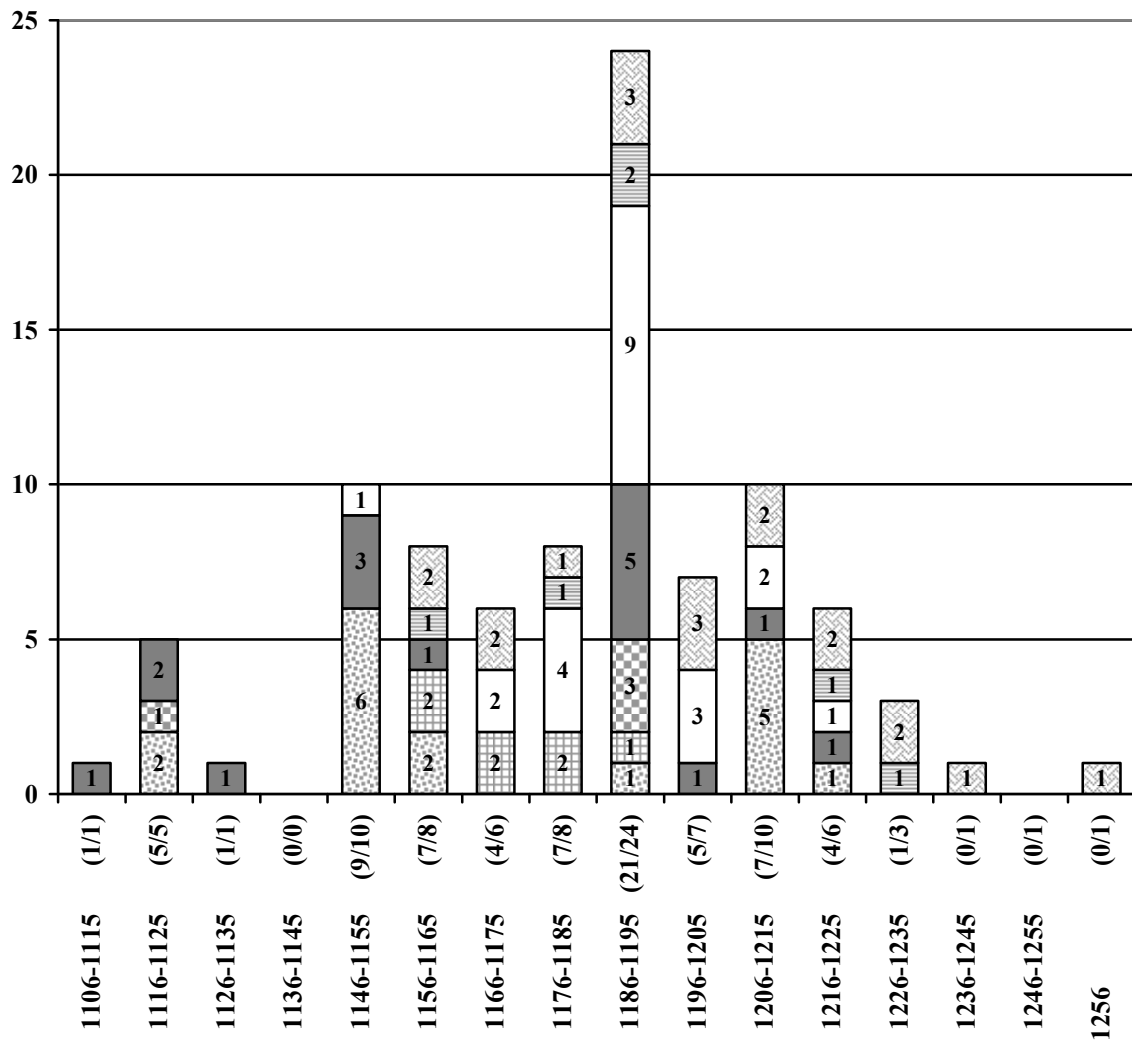
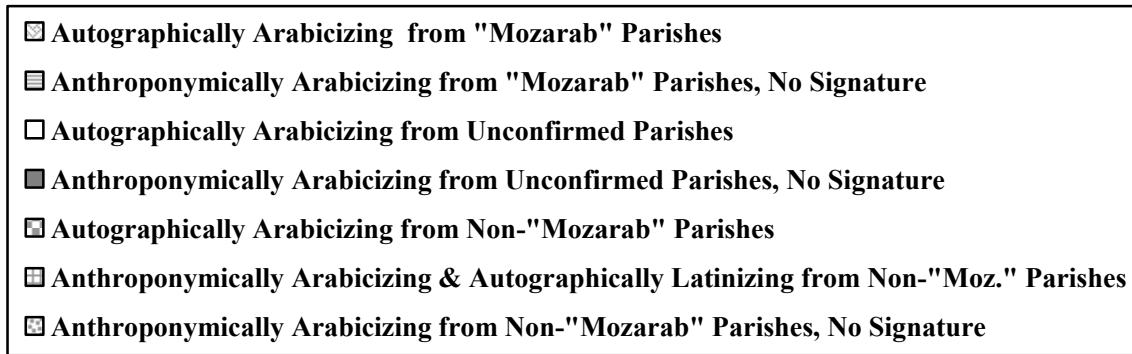
**APPENDIX 1 : Anthroponymically and Autographically Arabicizing Toledan Parish Clergy**

Parish Church	Pre-1285 Benefices	Post-1285 Benefices	Anthroponymically or Autographically Arabicizing Clergy <sup>108</sup>	Year(s) of Appearances in Documentation
S. Roman	17.25	10	1	1211
S. Andrés	11	6	0	X
S. Nicolas	10.25	7	1	1146
S. Salvador	10.25	7	0	X
S. Vicente	10	6	3 (1*)	1192-1209
S. Justo	9	6	2	1121-1150
Santiago	8.5	5	0	X
S. Antolín	8	5	0	X
S. Leocadia la Vieja	8	6	2	1164, 1215
S. Tomé	7	5	2 (1*)	1187-1234
S. Zoilo	6.75	5	2	1185-1217
<i>Sta. Eulalia</i>	6	4	0	X
S. Lorenzo	6	4	2	1158-1176
<i>S. Justa (y Rufina)</i>	5.5	4	7 (5*)	1163-1256
<i>S. Sebastián</i>	5.25	3	1*	1181-1186
S. Miguel	5	3	2	1147-1182
<i>S. Lucas</i>	4	3	4 (3*)	1157-1192
<i>S. Marcos</i>	4	2	1*	1158
S. Juan	3.5	2	1	1147
S. Ginés (Genesis)	3	2	1*	1192
Sta. Mary Magdalene	3	2	0	X
<i>S. Torcuato</i>	2.5	2	2 (1*)	1187-1190
S. Cyprian	1	1	1	1146
All Saints	1	1	0	X
S. Cristobal	1	1	1	1190
Sta. Leocadia de Afuera	No Mention	No Mention	1	1121
S. Martin	No Mention	No Mention	1	1129
<b>Total Clergy</b>	N/A	N/A	70 (33*)	1115-1256
<b>Total Confirmed Parish Affiliation</b>	N/A	N/A	38 (14*) % of Total Clergy = 54.3% (42.4%*)	1121-1256
<b>Total Unknown Parish Affiliation</b>	N/A	N/A	32 (19*) % of Total Clergy = 45.7% (57.6%*)	1115-1219

<sup>108</sup> An asterisk denotes the number of autographically Arabicizing priests. For example, San Vicente's entry of 3 (1\*) reflects the church's three Arabicizing clergy, one of whom was autographically Arabicizing.

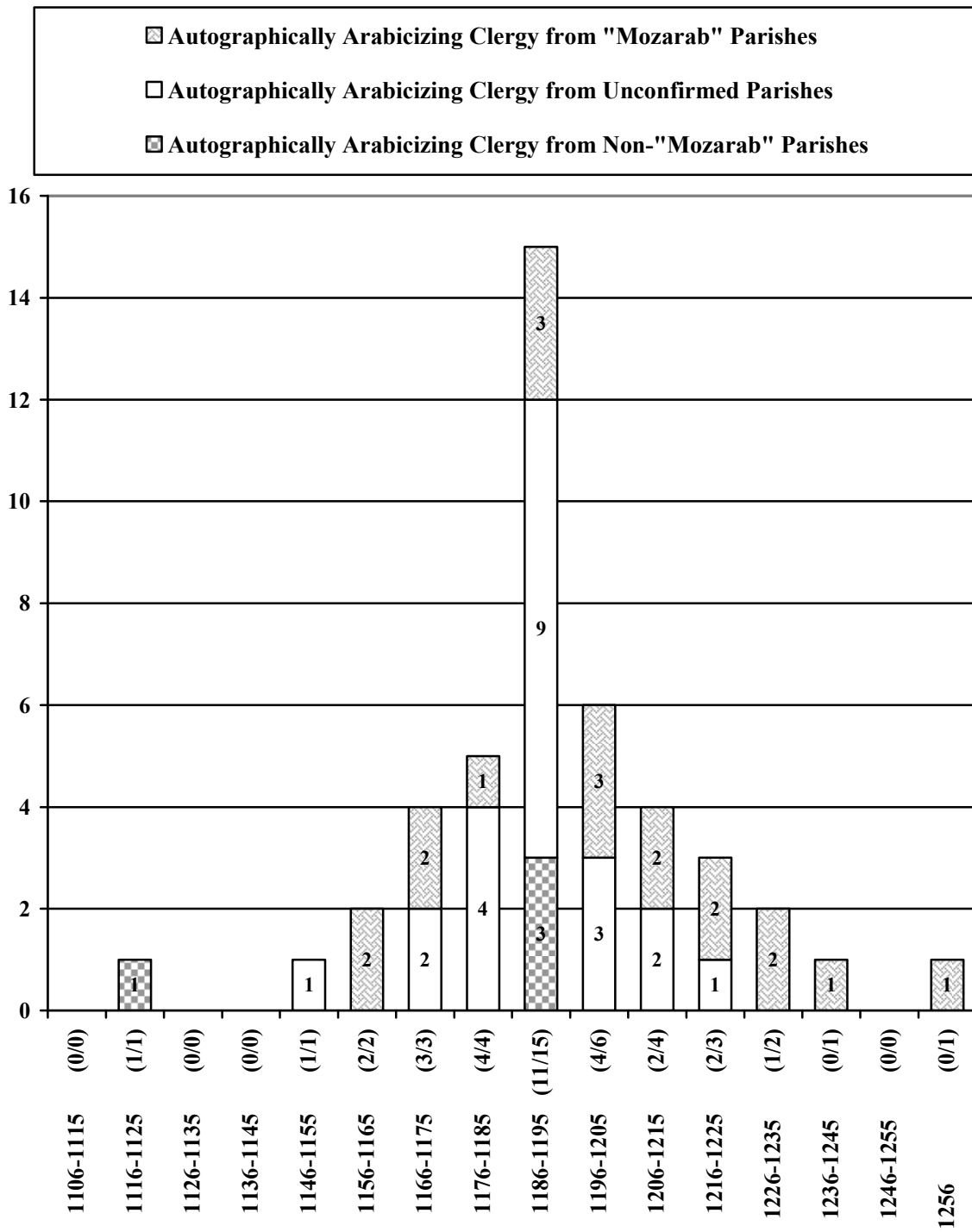


**APPENDIX 2 : Anthroponymically and/or Autographically Arabicizing Toledan Parish Clergy<sup>109</sup>**



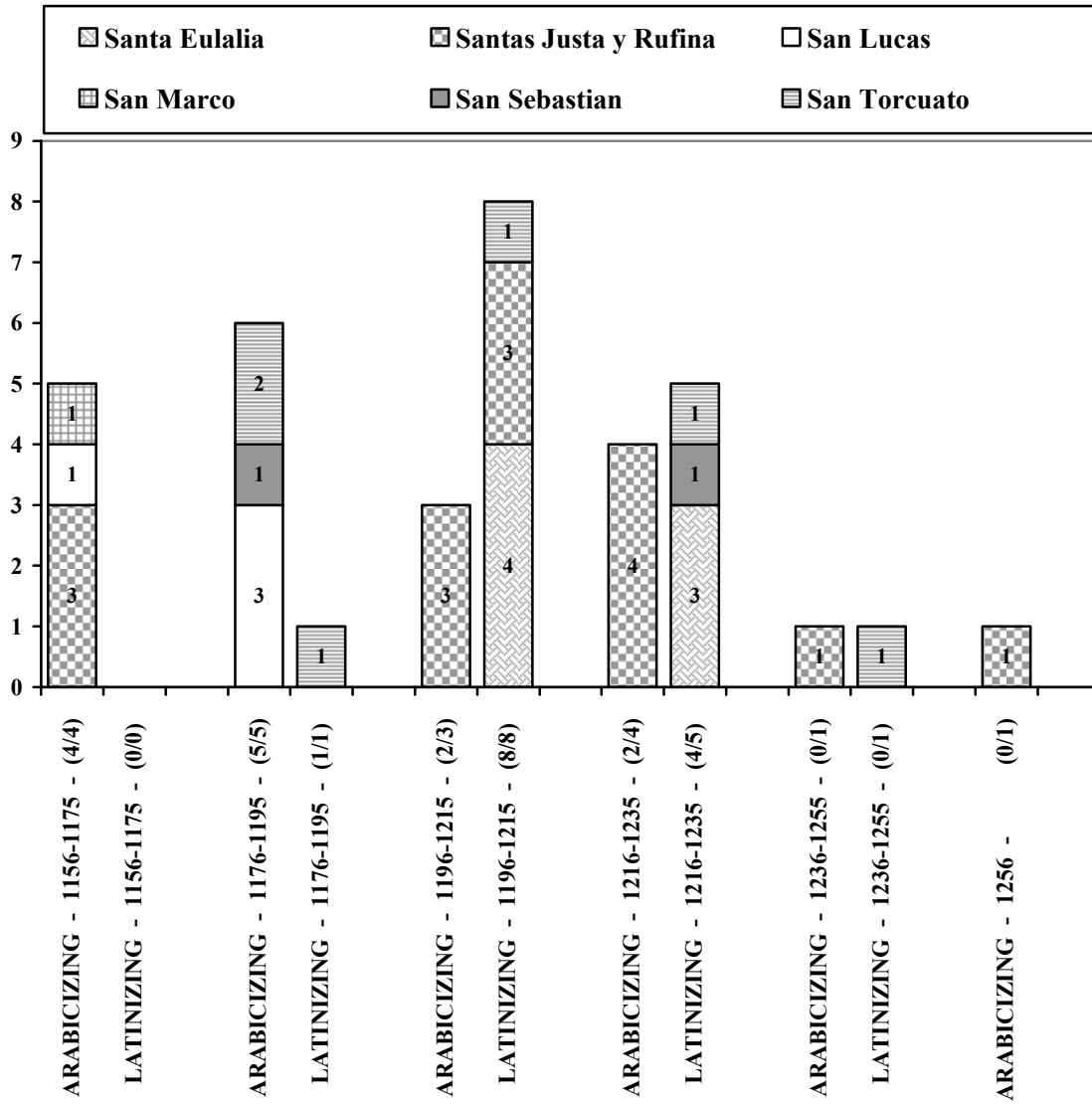
<sup>109</sup> The parenthetical entries in the x-axis refer to individuals who appear in documentation for the first time. Thus, "1146-1155 (9/10)" reflects the fact that nine of the ten potentially Mozarab clergy found in documentation between 1146 and 1155, inclusive, are appearing for the first time.

**APPENDIX 3 : Autographically Arabicizing Toledan Clergy<sup>110</sup>**



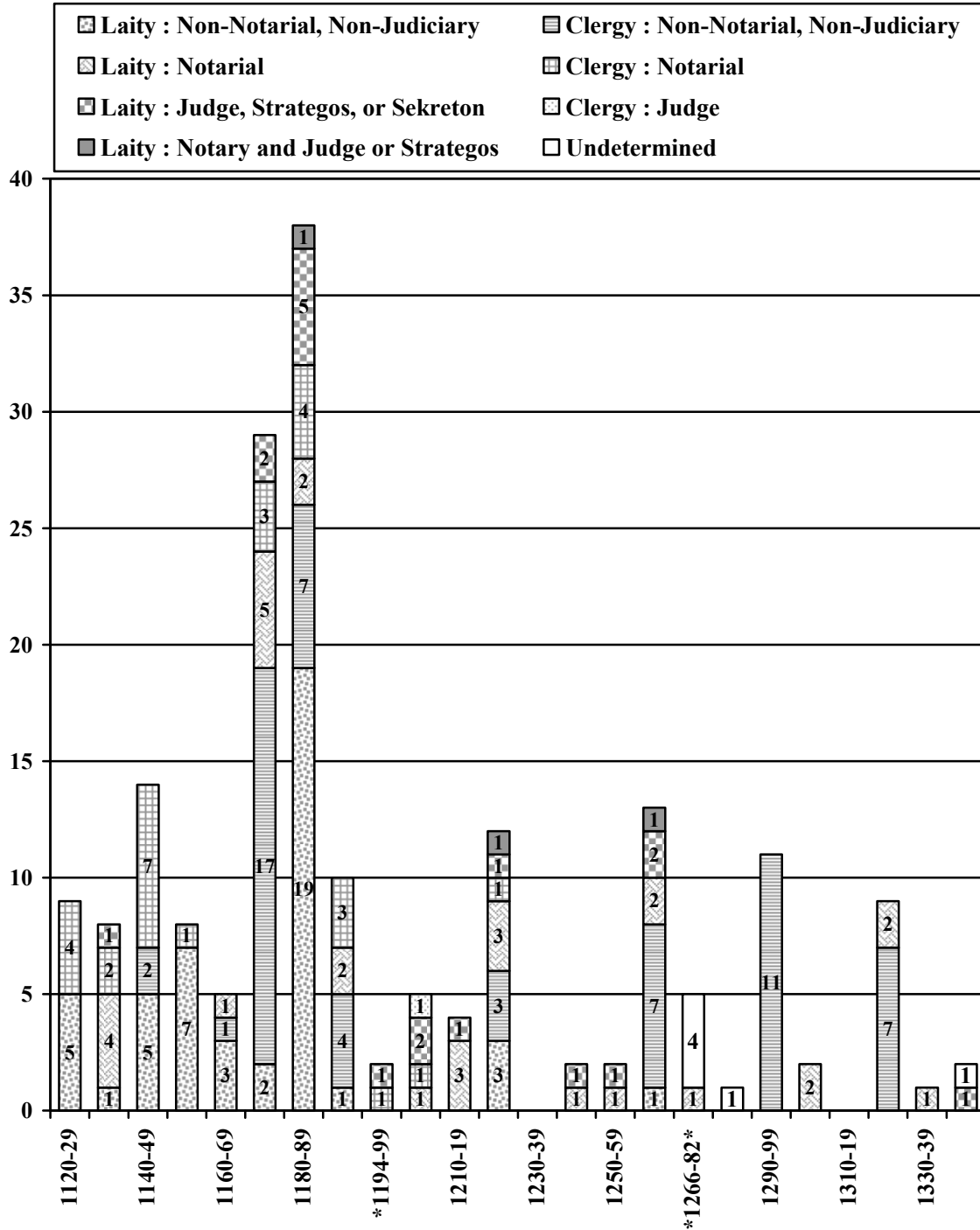
<sup>110</sup> See note 109 for proper interpretation of the x-axis.

**APPENDIX 4 : Autographically and Anthroponymically Arabicizing and Latinizing Clergy  
from the “Mozarab” Toledan Churches<sup>111</sup>**



<sup>111</sup> See note 109 for proper interpretation of the x-axis.

**APPENDIX 5 : Scribally and Autographically Hellenizing Individuals of Messina<sup>1</sup>**



<sup>1</sup> Judges of the Latins are not included. Asterisks denote shifts in x-axis intervals due to new dynasties in 1194, 1266, and 1282. The *κριτής* Gregorios (1200's-1210's), *κριτής* Alexander son of Alexander (1240's-1250's), and notary Nicolaos son of Theophilos (1300's and 1320's) appear in more than one decade. Clergy also subscribed in Greek in 1378 (ASP, TSMG 533) and 1397 (ASP TSMG 667 and ASP TSMG 668).

## CONCLUSIONS

The chronological and thematic breadth of the preceding chapters have allowed me to investigate not only the shifting identifications ascribed to the community known as *Mozarab* in medieval Castilian Toledo but also the evolving meanings attached to each of the “ethnic markers” traditionally associated with this group from the twelfth to the early fifteenth centuries. A comparison with the twelfth- through early fourteenth-century indigenous Arabic and/or Greek Christian communities of medieval Sicily and the twelfth- through thirteenth-century Crusader States has demonstrated that the lingual, legal, and liturgical criteria and means of distinguishing the Castilian Toledan Mozarab community were in fact strategies shared by other Latinate-ruled regions which had recently been wrested from the Islamic world. Divergences in the contemporary respective interpretations or fortunes of such traits do not complicate this pan-geographic analysis but rather contribute to the understanding of their particular evolutionary paths in each region.

Historians of the Castilian Toledan Mozarabs often approach their subject by chronicling the fates of one or more (but rarely all) of the following ethnic markers historically associated with the aforementioned community: Arabicity, as demonstrated by scribal, anthroponymic, and accordingly assumed lingual Arabicizing; legal privileges, as recorded in various *fueros* and attested by the enduring institution of dual-Castilian-Mozarab judiciaries; and the Spanish liturgy, a rite preserved in the six parish churches of Santa Eulalia, Santas Justa y Rufina, San Lucas, San Marco, San Sebastian, and San Torcuato.

The respective vitalities of these traits are often assumed to correlate with that of Mozarab identity—or at least the fortunes of the community at large. Such an assumption, however, necessitates a constant historical conceptual framework for identifying Mozarabs

within one's chronological span of investigation. That is to say, one must assume static historical criteria for identifying Mozarabs if one is to interpret the changing rate of a particular markers' expression over time as a function of identity retention.

As has been demonstrated in the preceding chapters, however, the contemporary methods for identifying Mozarabs in medieval Castilian Toledo—and the relative importance ascribed to each—were not constant from the late eleventh through the early fifteenth centuries, and were not necessarily applicable to the entire perceived community. Furthermore, ethnic markers typically identified by modern scholars as *Mozarab* were at various times in Toledan history often shared by others who were not perceived as such.

In the preceding chapters, I have sought to re-evaluate the changing significances ascribed to these aforementioned markers in order to trace not the strength of Mozarab identity, but rather the history of Mozarab identification. Thus, the term *Mozarab*, when employed in this work, should be understood within the contemporary context under discussion. For example, the term in Chapter Three reflects the mid-twelfth through mid-fourteenth-century association of the community with historical proficiency in Arabic, while in the latter half of Chapter Five, it reflects the early fifteenth-century perception of Mozarabs as preservers of Gothic traditions. The former vision of Mozarabs is quite at odds with the latter, yet the loss of one did not necessarily reflect the weakening or loss of communal coherence.

It must also be stressed that historical methods for identifying Mozarabs were often multifaceted. Accordingly, Mozarab scholarship which does not investigate all contemporary traits that had been associated with Mozarabs within its particular chronological frame risks creating an incomplete image of the community's identification, which, while useful within its own analytical context, would have been unrecognizable to contemporaries. Thus, although each

chapter in this work has been devoted to a particular category of ethnic marker associated with the community, the larger text as a whole has by no means progressed in a simple linear chronological fashion. Rather, my analytical approach has revisited the historical canvas in each successive chapter with a different-colored paint brush, with each respective contribution having its unique insights, but when incorporated into the larger whole, creating a more complex, yet more revealing, picture.

In the early twelfth century, for example, Mozarabs would have been identified primarily according to geographical origin, which was expressed via unique legal privileges (Chapter Two). Arabic was very likely associated with this group, but it was not a primary identifier, as a number of individuals perceived as non-Mozarabs were competent in the language, as well (Chapter One). In the mid-thirteenth century, however, I have argued that individuals could perform Mozarabicity by opting to have a lawsuit heard before a Mozarab *alcalde* (Chapter Two), subscribing in Arabic (Chapter Three), or attending the parish church of *Santas Justa y Rufina* (Chapter Four). It is almost certain that many individuals considered *Mozarab* did not participate in all three during this time.

I have devoted much attention to the Arabic lingual tradition associated with the Mozarabs—especially as revealed via scribal, autographic or anthroponymic evidence—on account of the particular attention which it has received in recent historiography, likely owing to not only modern perceptions regarding language’s importance in identity formation and retention but also a movement to draw attention to the cultural contributions and influences of the Islamic world on Spanish history or Western Civilization.<sup>1</sup> These assumptions have implicitly played a role in the investigatory framework of a number of scholars whose examination of the Castilian

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<sup>1</sup> For further discussion, see the Introduction.

Mozarab community ends with the loss of one or more of the group's aforementioned Arabic traits. An essential element of this approach is the identification of Mozarab individuals via the scouring of documentary sources for Christians with Arabic anthroponyms, genealogical naming styles (the *nasab*), or signatures.

As Chapter One has argued, however, a number of individuals in twelfth-century Toledo who were clearly perceived as foreign in origin were also autographically and/or anthroponymically Arabicizing, a phenomenon with parallels amongst the Arabic and Greek Christians in Norman Sicily. Furthermore, as the phenomenon of double names has revealed, autographic or anthroponymic Latinizers—especially in regards to clergy—could very well have been known by their Arabic aliases in separate contexts, a finding which calls attention to the limits of documentary and narrative sources as mediums for divining perceived identities. Thus, the mere expression of Arabicity was not enough to be considered Mozarab by contemporaries; accordingly, nor should one identify individuals as such solely on the basis of lingual evidence.

That is not to say that Arabic was not associated with Mozarabs. As argued in Chapter Three, Mozarabs had been the primary contributors to Toledan Arabicity, and the language accordingly assumed a particular significance for the community once it ceased to be commonly spoken or understood in the city by at least the late 1230's. From roughly this time until the early 1250's, individuals associated with the Mozarab *alcaldería* demonstrated a preserved autographic Arabicizing—approximately a generation longer than the average population. Similarly, the Mozarab notariat, which had redacted in Arabic the majority of private Toledan transactions until roughly 1260, employed the language—via dual Romance-Arabic signatures—as a means of performing Mozarabicity after their professional transition to scribal Romance in the latter thirteenth century. This curious phenomenon continued until the mid-fourteenth century, when



anti-Jewish Trastamaran propaganda made any association with the group—such as a shared autographic competency in Arabic—undesirable. Thus ended the Mozarab association with Arabicity, which in practice had been limited to the Mozarab notariat since the late thirteenth century and was last explicitly associated with Christians from al-Andalus in the *Chronicle of Sancho IV* (1289).

Individuals continued to identify as *Mozarab* centuries after the loss of Arabicity, however, especially within the context of legal privileges reserved for the community, including the right to an *alcalde of the Mozarabs*. Chapter Two's investigation of Toledo's intra-Christian juridical and judicial pluralism draws attention to the significant motivations for self-identification as a Mozarab—and, by extension, for the performance of Mozarabicity. This analysis involves the examination of the earliest definitions of Mozarabs in the twelfth century—which were based upon geographic origin—and follows until the turn of the fifteenth century the striking efforts by caballeros from Mozarab and Castilian communities to maintain juridical and therefore legal distinctions between them as a means to preserve not only their respective privileges but also the possibility of acquiring the prestigious judicial position allotted to each community. To be sure, non-caballeros were also eager for such a dichotomous legal situation, as well, for as various lawsuits reveal, they could navigate between both courts and corresponding law codes as fit their needs.

An examination of the Crusader Kingdom of Jerusalem and the Kingdom of Norman Sicily (especially the diocese of Messina) reveals a similar parallel judiciary, thereby suggesting that the Toledan intra-Christian legal and judicial pluralism—unique within Iberia—was actually a common response of Latin conquerors to the pre-existing Christian legal organization which had existed under Muslim rule. While the limited sources of Jerusalem preclude an extended

analysis of the local judge, or *rā'is*, of the indigenous Christians, there is much more information about the judges (κριταί) of the Greeks and Latins in Messina.

As in Toledo, the judges of the indigenous Messinan Christians demonstrated a devotion to non-Latinate subscriptions which outlasted that of the broader population. However, when the Messinan juridical autographic Hellenizing effectively ended in the 1260s—forty years after that of the broader population—a number of judges continued the tradition of Greek autographs by having notaries or priests subscribe their names in Greek on their behalf until at least the early fourteenth century. An explanation for this comparatively more extended judicial affiliation with Greek can be found by examining not only the language of the rites associated with Mozarab and Greek clergy but also the nature of Castilian and Norman royal support for non-Roman liturgical traditions.

In order to maintain their ability to read the Greek rite, the indigenous Messinan clergy had been obliged to preserve their competency in the language. This association with Greek can explain their predominant presence in the completely Greek private notariat of Norman Sicily. Even after the curtailing of the Greek notarial tradition from the 1190's with the Hohenstaufen's introduction of Latinate public notaries and later the effective exclusion of clergy from notarial positions with the Constitutions of Melfi in 1231, the religious continued to be a significant presence amongst the autographic Hellenizers of Messina through the fourteenth century. This continued display of monastic Hellenicity—when coupled with the Norman royalty's feigned autographic Hellenicity, historical support for Greek monasteries, and establishment of the well-endowed archimandrite monastery of San Salvatore—would have created a long-lasting positive association with Greek as a means of self-identification that would have exerted pressure on

κρίται to perform Hellenicity—if not by their own hand then via the hand of an autographically competent priest or lay notary.

Such liturgical motivation for the preservation of Arabic outside the Mozarab notariat was lacking in Castilian Toledo, in part because the Spanish liturgy—which had been in a slow process of transition to the Latin rite since 1080—was not perceived as unique to the Mozarabs until the arrival of new Andalusí Christian immigrants fleeing the Muwahħhid invasion of al-Andalus in the late 1140’s. More importantly, however, the Spanish rite was a Latin-language and him and him liturgy; therefore, Arabicizing priests—most of whom appear in Toledo after the aforementioned mass immigrations—had no religious or professional reason to preserve Arabic. Thus, most clerical Arabicizing had disappeared by roughly 1230—roughly contemporaneous with the broader population. During the previous century, there had been particularly high rates of clerical Arabicizing within a number of the six parishes later identified as “Mozarab,” further suggesting that these churches—and the preserved Spanish rite—were primarily associated with post-1140’s Andalusí Christian refugees, a proposal bolstered by the fact that Mozarabs with pre-1140’s Toledan roots made no pious acts of generosity toward these parishes. These churches’ comparatively smaller documentary presence—or efforts to preserve their traditional non-Latinity—could also be attributed to the comparable lack of conspicuous royal support.

At the turn of the fifteenth century, documentary and narrative sources make no reference to any historical Mozarab Arabicity, but they do reveal that Toledan Mozarabs were still identified on a legal basis—a distinction preserved by the resilient intra-Christian dual judiciary—as they had been likely since the conquest of the city. As Pedro López de Ayala reveals in his *Crónica del Rey Don Pedro*, the association of the Mozarab community with the

Spanish rite—first attested in the mid-twelfth century—was still strong, as well. However, these two ethnic markers were now perceived as being inherited from the Goths, an association which was strengthened a generation later, firmly within the context of attempts to appropriate Gothic identity for non-royals and to define the lineage of *Conversos* and *non-Conversos*. Such an interpretation of Mozarab history would dominate the minds of sixteenth- and seventeenth-century historians, and as one can easily gather from conversations with some modern-day Toledans, efforts to define Mozarabs on the basis of liturgy and preserved Latinity are still current. Yet a number of locals are also proud of the undeniable Arabic heritage of the city, thereby reflecting a dichotomy implicitly present in current Mozarab historiography.

It has been the goal of this work to not only escape such a fragmented analytical approach but also to avoid the imposition of current assumptions of identity upon Mozarab history. This task has been aided by striving not only to utilize contemporary efforts to define Mozarabs as a framework for discussion but also to lessen the historiographical inertia which can occur in an investigatory vacuum by extending my analysis to medieval Sicily and Crusader Jerusalem and Antioch.<sup>2</sup> Yet, ultimately, it must be admitted that a primary motivation for this work has not been a simple desire for objectivity but rather the draw of undeniably fascinating phenomena—such as an autographically Arabicizing Gascon named Ibn Tamām in Toledo or a judge in Messina asking a notary or cleric to subscribe a Latin document in Greek on his behalf—which do not fit standard explanatory models and therefore call for an interpretative reevaluation. Hopefully, this text has been successful in this endeavor and as enjoyable for the reader as the author.

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<sup>2</sup> These three areas' similar lingual, legal, and liturgical approaches to intra-Christian communal differentiation suggest that conclusions from my research could be applied to other Christian communities residing in areas on the Latin-ruled Greco-Latinate and Arabo-Latinate frontiers. Additional research on Latin-ruled Sicily and/or the Crusader States would be required to not only confirm this hypothesis but also better understand the causes of regional idiosyncrasies, however.

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Monastero di Santa Maria Maddalena di Valle Giosafat	(TSMG)	
Monastero di Santa Maria della Grotta	(TMG)	
Archivo Capitular de Toledo	(ACT)	Toledo, Spain
Archivo Histórico Nacional	(AHN)	Madrid, Spain
Sección Ordenes Militares	(OOMM)	
Biblioteca Capitular de Toledo	(BCT)	Toledo, Spain
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