

Synodal Constitutions of PEDRO LÓPEZ DE LUNA (with provincial constitutions), LOPE FERNÁNDEZ DE LUNA, GARCÍA FERNÁNDEZ DE HEREDIA, BELTRÁN DE CORNIDELLA, PEDRO PÉREZ CALVILLO, and FERNANDO PÉREZ CALVILLO;
ALFONSO V OF ARAGON, Letters; Canons of the Council of Tortosa
In Latin, decorated manuscript on paper
Spain, province of Zaragoza, diocese of Tarazona, c. 1425-1450

258 folios on paper, watermarks similar to Briquet no. 3543, Char: Siena, 1421, Fabriano, 1424, Chambéry, 1428-1431, Genoa, 1428-1458, Narbonne, 1432; Briquet no. 11718, Monts: Genoa, 1390, Lyon, 1391-1412, Utrecht, 1396, Chambéry, 1396/98, Genoa, 1401, Paris, 1406, Neubourg, 1407, Susa, 1410; Briquet no. 808, Arc: Verona, 1371, Grenoble, 1372-1400, Paris, 1374, Venice, 1376; Briquet no. 7683, Huchet: Genoa, 1415, Savoy, 1419/21, Florence, 1420, Narbonne, 1425; Briquet no. 439, Ancre: Naples, 1442-1443, contemporary foliation, top outer recto: ff. 11-103 in Roman and Arabic numerals, i-xxxij, 33-70, 72-86, 88-95; ff. 103-123 in Arabic numerals, 1-21, ff. 129-228 in Arabic numerals, 1-66, 68-100; modern foliation in pencil, top outer recto, 1-258, complete (collation I. i⁴; II. ii⁸ [-1 -8; with no apparent loss of text]; III. iii¹⁴ iv-vii¹⁶ viii¹⁴; IV. ix²⁰ x⁶; V. xi-xvi¹⁶ xvii⁶; VI. xviii²⁰; VII. xix⁸]), quire and leaf signatures for quires 3-8 written in Arabic numerals, lower outer recto, horizontal catchwords in the center lower margin of quires 3-7, 9, 11-16, with boxes drawn around those in quires 3-4 and 11-16 and red decoration of those in quires 3 and 6, layout varies, I. 1-4v, no ruling (justification 87-107 x 101-107 mm.), written in two Gothic cursive hands: (1) f. 1, in a carefully formed hand in dark brown ink and (2) ff. 1v, 4v, in a rapid hand in pale brown ink, with two-line initial outlined on f. 1; II. ff. 5-10v, ruled in lead point with full-length horizontal and vertical bounding lines, prickings visible in outer margins (justification 142 x 90-94 mm.), written in a Gothic cursive script with flourishing hairlines in brown ink on twenty-one to twenty-two long lines, capitals touched in red, red rubrics and paraph, additions in two fifteenth-century cursive hands; III. ff. 11-102v, ruled in lead point with full-length horizontal and vertical bounding lines, prickings visible in three outer margins, but for quire 8, which is ruled in purple ink with full-length horizontal and vertical bounding lines routinely overwritten by the scribe (justification 141-142 x 89-90 mm.), written on thirty long lines (perhaps in hand of ff. 5-10v), rubrics in brown ink in a larger Gothic display script and often preceded by red paraphs, some capitals touched in red, one-line red paraphs drawn within the text, on ff. 11v-13v new text sections marked with red paraphs, beyond this point new text sections marked with one- to three-line initials in brown or red ink filled with red, ten two- to four-line initials in the same colors, followed by one or more words written in Gothic display script, brackets in brown and red, corrections and notes by the scribe, annotations and pointing hands in other hands; IV. ff. 103-128v, ruled in lead point or crayon with full-length horizontal and vertical bounding lines, prickings visible in outer and lower margins (justification 143-144 x 89-90 mm.), written in dark brown ink in a Gothic cursive hand (possibly the first hand of booklet I) on twenty-eight to twenty-nine long lines, rubrics in a larger Gothic hybrida display script, guide letters for initials, six- and two-line spaces for initials, two- to three-line initials outlined in dark brown and followed by one or more words written in Gothic display script, brackets, pointing hands; V. ff. 129-230v, ruled in lead point or crayon with full-length horizontal and vertical bounding lines, prickings visible in outer and lower margins (justification 139-142 x 89 mm.), written in a Gothic cursive hand on twenty-eight to thirty-one long lines, rubrics written in a larger Gothic display script, guide letters for initials, one ten-line space and two- to three-line spaces for initials, two- to five-line initials outlined in dark brown ink, followed in some cases by a word written in Gothic display script, paraphs, pointing hands and heavy annotations; VI. 231-250v, no ruling visible (justification 154-159 x 89-99 mm.), written in dark brown ink in a carefully formed Gothic cursive script on twenty-nine to thirty-five long lines, two- to four-line brown calligraphic initials, added marginal brackets, pointing hand, and some annotation; VII. 251-258v, ruled faintly in lead with full-length horizontal and vertical bounding lines (justification 129-133 x 88-89 mm.), written in two Gothic cursive hands: (1) ff. 251-257, in dark brown ink with decorative flourishing on thirty to thirty-

one long lines and (2) ff. 257v-258, in a more rapid hand in lighter brown ink on twenty-six long lines, two-line light brown initial, four-line initial outlined in light brown, marginal annotations by the first scribe, brackets, stiff paper tabs pasted on the fore-edges of ff. 59v, 67v, 81v, 85v, 96v, 103v, 129, and 231v, with a detached remnant of the f. 67v tab between ff. 67v and 68 indicating that the tabs formerly protruded along the fore-edge with minute inscribed textual descriptions, inscription added on f. 258v, upside down, ff. 224 and 225 slightly cropped with some damage to their outer edges, some worming on f. 258, slight staining in the margins, but overall in very fine condition. Bound in modern wallet binding of blind-tooled leather blind-stamped with rings arranged in six-pointed patterns and with interlace patterns, with flap extending from the lower cover around the fore-edge to the upper cover and with two leather thong clasps on the upper cover, smooth spine, stamp "SANTA OI ALLA[?]" visible in lower inside edge on the inside of the lower cover, binding slightly rubbed but otherwise in excellent condition. Dimensions 218 x 142 mm.

This substantial collection of unedited (and, in most cases, unprinted) constitutions and canons that regulated the diocese of Tarazona over more than a century was perhaps copied to consolidate and replace archival records destroyed when the Cathedral was burned in 1358. It was well-used and heavily annotated in the fifteenth century. Both the contents, and these annotations, provide important evidence related to the ecclesiastical policies of fourteenth- and early fifteenth-century province of Zaragoza and the realities of clerical conduct during that period.

PROVENANCE

1. This manuscript comprises seven distinct booklets, all of which were produced in Spain, specifically the Crown of Aragon, judging from evidence of script, spelling, and textual contents. Six of these sections were copied in the second quarter of the fifteenth century, based on watermark evidence. The remaining section (booklet III), copied on different paper with earlier watermarks and containing documents dating from 1319 to 1393, may have been copied earlier in the fifteenth century. This volume must have been assembled after 1429, the date of the latest dated documents within it (see booklet VI).

This compilation combines constitutions and canons pertaining to the archdiocese of Zaragoza and, more specifically, to the diocese of Tarazona, a suffragan diocese of Zaragoza. Some, if not all, of this book was probably produced in Tarazona and it was almost certainly compiled there for the use of a church in that diocese or as part of Tarazona Cathedral's archives. If this manuscript did form part of Tarazona Cathedral's archives in the fifteenth century, it may have been created to reproduce and consolidate documents lost over the course of the fourteenth century. The Cathedral's archives were largely destroyed in 1358 when it was burned down by the troops of Pedro the Cruel of Castile (r. 1350-1369). Since every diocesan church was required to have a copy of Tarazona's synodal constitutions, one of these church's archives might have supplied the exemplars from which these documents could have been copied in the fifteenth century.

Particularly in the fifteenth century, this manuscript was well-used. There is evidence that the documents within this manuscript were read very carefully and that an early reader, possibly even the compiler of the volume, was invested in rendering the manuscript's contents more easily searchable and more wholly integrated (see Text).

2. An inscription in a fifteenth- or sixteenth-century hand records the names of several people who may have had some connection to the book: "Les clerigi[?] de maganya / primo Ina perez / Ina ximenez / P[...?]o ferrandez ema[?] de maganya" (f. 258v). Since this book remained in Tarazona as late as the nineteenth century (see below), these inscriptions more likely relate to a user from the municipality of Magaña, in the province of Soria, Castile and León, rather than to the book's movements.
3. In 1866 this volume was in the archives of Tarazona Cathedral; while there, it was described in detail by Vicente de la Fuente (de la Fuente, 1866, pp. 63-71).

TEXT

I. ff. 1-4v: f. 1, *Forma fauendi processum constitutionis in Antiquis*, incipit, "In processu constructionis consuevit hec forma seruari ... ista est conclusio[?] glo. in c. parochianos de sententia excommunicationis"; f. 1v, References, with folio numbers, to the contents of the constitutions in booklet III; [ff. 2-4, blank];

f. 4v, *Contra tempestatem* [?], incipit, "Scribe in vna cruce lignj oliue ... vel in terra cum digito etc.";

II. ff. 5-10v: ff. 5-9v *Rubrice huius libri* [inserted in another hand: "Incipiunt constitutiones domini Petri primi Archiepiscopi Cesarauguste"], incipit, "De Reliquis et veneratione sanctorum, De sacra extrema vncione ... De decimis [added in another hand: "folio 91"], De procuratore fiscali" [f. 10rv, blank];

Table listing the contents of booklet III, with later annotations indicating the divisions between different sets of constitutions issued by particular archbishops and noting under which archbishops these sets of constitutions were issued. Folio references have been added in at least two hands.

III. ff. 11-102v: ff. 11-99v, *Incipiunt Constitutiones Reuerendj patris domini Petri primi Archiepiscopi Cesarauguste*, incipit, "Petrus miseracione diuina Sancte Cesaraguste ecclesie Archiepiscopus in christo omnibus Prioribus Archipresbiteris et ecclesiarum alijsque clericis presentibus pariterque futuris ... ad ipsius excitium nulla tenus adnutatur. *Et sic finiunt omnes constitutiones prouinciales et sinodales anno et die superscriptis*"; [ff. 100-102v, blank but ruled];

Synodal and provincial constitutions issued under several successive archbishops of Zaragoza over the course of the fourteenth century. The first set was issued in 1319 by Pedro López de Luna, archbishop of Zaragoza (1318-1345). These are followed by synodal constitutions issued in 1338 (f. 29v), undated provincial constitutions (f. 35v), and provincial constitutions issued in 1342 (f. 55), all issued by the same archbishop. Then follow synodal constitutions issued in 1352 (f. 60) by Lope Fernández de Luna, archbishop of Zaragoza (1352-1380); constitutions issued by Juhanes de Febrera and Juhanes Morelli, visitors on behalf of Archbishop Lope Fernández de Luna (f. 68); and synodal constitutions issued in 1361 (f. 77v), undated synodal constitutions (f. 82), and synodal constitutions issued in 1377 (f. 86), all issued by the same archbishop. The section concludes with synodal constitutions issued in 1393 by García Fernández de Heredia, archbishop of Zaragoza (1383-1411), beginning on f. 96v.

IV. ff. 103-128v: ff. 103-123, [in another hand: "Vide alias constitutiones prouinciales que sunt folio 45 supra xlv"] incipit, "[P]etrus miseracione diuina Sancte cesarauguste ecclesie archiepiscopus vniuersis et singulis venerabilibus nostris suffraganeis fratribus episcopis et alijs nostre ecclesiarum prouincie prelatis ... satisfecerit competenter"; f. 123v, Added notes; ff. 124-126, Alphabetized index of subjects addressed within the constitutions that follow in booklet V; [ff. 126v-128v, blank but ruled];

Undated provincial constitutions issued by Pedro López de Luna, nearly identical to those presented on ff. 35v-55. There are small variations in wording and in the headings with which statutes are labeled. A more significant variation occurs on ff. 119-120, where a section of text also appearing on f. 51v has been lengthened. Marginal annotations in this section make note of the correspondences to the other copy of the constitutions in the manuscript with references to specific folio numbers.

V. ff. 129-230v: ff. 129-230, incipit, "[B]ertrandus miseracione diuina Tirasonensis uenerabilibus et dilectis abbatibus prioribus decanis archidiaconis archipresbiteris uel alijs quibuscumque ecclesiastica Jurisdictione vtentibus ... non destiterint ipso facto excommunicationis summam"; [f. 230v, blank];

Three sets of synodal constitutions issued in the diocese of Tarazona, a suffragan diocese of the Archdiocese of Zaragoza. The first set are synodal constitutions issued in 1332 by Beltrán de Cornidella, bishop of Tarazona (1324-1343). These are followed by synodal constitutions issued in 1354 by Pedro Pérez Calvillo, bishop of Tarazona (1354-1391), beginning on f. 145v, and synodal constitutions issued in 1392 by Fernando Pérez Calvillo, bishop of Tarazona (1391-1404), beginning on f. 225.

VI. ff. 231-250v: [f. 231rv, blank]; ff. 232-238, incipit, "Alfonsus dei gratia Rex Aragonum Sicilie Valencie Maioricarum Sardine et Corsice Comes barchinonensis dux Atenarum et Neopatrie ac etiam comes Rosilionis et Ceritanie egregijs Nobilibus dilectis ac fidelibus consiliarijs nostris quibuscumque ducibus Marchionibus ... Date Calat[ayud?] xvij die Junij Anno a nativitate dominij Millesimo cccc^o vicessimo nono [1429] Rex Alfonso";

Eight letters of Alfonso V of Aragon (reigned 1416-1458) confirming the liberties and immunities of the Church. These were read at the ecumenical Council of Tortosa, convened in 1429 by Cardinal Pierre de Foix (1386-1464).

ff. 238v-247, *De uita et honestate clericorum et prohibet certas uestas et forraturas*, incipit, "Decet uite ecclesiastice professores tantos pre ceteris honestate pollere ... si diujnam et sedis apostolice efugere uoluerint ulcionem"; [ff. 247v-250v, blank];

Twenty canons approved and published at the Council of Tortosa in 1429 by Cardinal Pierre de Foix. These have been printed in Tejada y Ramiro (1854, pp. 753-757).

VII. ff. 251-258v: ff. 251-257, *Constitutio ista venit ad declarationem constitutionjs in antiquis sed non ad ordinem process[...?]*, incipit, "Sane cum ad compescendas Impiorum audacias constitutiones sacrorum conciliorum nostre prouincie Cesaraguste edite pro bone memorie dominum Petrum predecessorem nostrum ... date Cesaraguste in Concilio nostro prouinciali xvj die mensis

decembris anno a nativitate dominj Millesimo ccc^o Nonagesimo quinto [1395] Indicione iiii pontificatus sanctissimj in christo patris et dominj nostrj dominj benedicti diujna proujdencia pape xiiij Anno secundo. Testes sunt ad predicta presentes honorabiles et circumspecti virj dominj Raymundus de olieto decanus oscensis et Saluator de agerbio Archidiaconus Albarrazmensis”;

Provincial constitutions issued in Zaragoza in 1395.

ff. 257v-258, *Ordo processus*, incipit, “Ordo processus constitucionis in antiquis ex ordine scripte constitucionis declaratione quj super hoc elicitur ... venerabilem dominum petrum lupi sarnes Jurisperitum Cesaraguste”; [f. 258v, blank but for an inscription added at the bottom].

This manuscript unites a large and important collection of constitutions issued in provincial councils (councils held by the archbishop of an ecclesiastical province for which the bishops of an entire ecclesiastical province assemble) and diocesan synods (councils convened by the bishop of a diocese). Such constitutions were issued as a means of articulating corporate identity and enacting ecclesiastical reform. As such, these constitutions have a great deal to tell us about ecclesiastical aspirations and realities in the fourteenth- and fifteenth-century Crown of Aragon.

The core of the volume consists of a series of constitutions issued over the course of the fourteenth century, either in councils and synods in the archdiocese of Zaragoza (see chiefly booklet III, but also booklets II, which offers a table of contents for III; IV, which contains an expanded version of one set of constitutions in III; and VII, which includes an additional set of constitutions supplementing III) or in synods in Zaragoza’s suffragan diocese of Tarazona (see booklet V). These are accompanied by letters of Alfonso V of Aragon read at the ecumenical Council of Tortosa in 1429 and the canons promulgated at that council (see booklet VI). In sum, then, this book’s contents address ecclesiastical regulations that would universally have been relevant to the diocese of Tarazona in the early fifteenth century. Furthermore, the composition of this volume suggests that the book’s compilers were striving for thorough coverage of such regulations.

Largely unedited and unprinted, to our knowledge, these texts offer singular insights into the ecclesiastical policies of fourteenth- and early fifteenth-century Zaragoza and the regional issues with which the Church grappled during that period. Writing of this manuscript in 1866, Vicente de la Fuente noted the relative rarity of manuscripts like this one surviving in diocesan archives. Based on recent overviews of the holdings of the Archivo Capitular de Tarazona and the Archivo Diocesano de Tarazona, it would appear that neither archive presently holds a copy of synodal constitutions covering this period (González Martín, 2001 and Ruiz Izquierdo, 2001). As such, the historical value of the records amassed here is considerable.

This is particularly true of the synodal constitutions of Tarazona. In the earliest set of synodal constitutions here, straightforward stipulations of areas where burials were prohibited or the number of masses a priest might say in one day accompany more revealing constitutions, like those demonstrating attempts to eradicate superstitious behavior among the clergy (eg. the placement of thistles on the altar when suffering from a particular pain). The second, and longest, set of constitutions offers an extended explanation of points of dogma connected to the

clergy's catechetical obligations and lays out some points of decorum for the Church and clergy, as well as the formalities for future synods. Significantly, these constitutions dictate that each church in the diocese have a copy of the synodal constitutions and that the clergy attending each synod be sure to annotate these books with later resolutions and constitutions.

This stipulation may indicate the use to which this manuscript itself was put. It was not only almost certainly copied and compiled for use of clergy within the diocese of Tarazona (either at a church within that diocese, or even at the cathedral), but was also carefully scrutinized and annotated there during the fifteenth century. Sustained annotation within the manuscript systematically tracks where the manuscript's contents address and even expand upon similar topics. For example, an annotator active in several booklets (notably booklets II and IV) made note of the duplication of a set of synodal constitutions, copied in booklets III and IV (probably part of an effort to update or correct these constitutions, as the second copy, which stands alone in booklet IV, expands on the copy in booklet III and appears to have been made after it); this annotator has indicated in the margins of the booklet IV copy where the corresponding text may be found in booklet III. The same annotator also supplied folio references within the table of contents copied in booklet II and contributed in booklet IV to the alphabetical index of subjects covered in the Tarazona constitutions copied in the following booklet (V). Other annotations offer cross references within particular texts, but this annotator's contributions are particularly important insofar as they indicate that he was handling the volume after it was compiled and was attempting to harmonize its contents and make them more easily searchable. Further study will undoubtedly uncover more insights into how these constitutions were read and into the regulations that excited the most engaged fifteenth-century response.

LITERATURE

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