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[ALFONSO X EL SABIO], *Leyes de Alfonso X. Fuero Real* (Laws of Alfonso X. Royal Code)
In Spanish, decorated manuscript on paper
Spain, Castile (Avila?), c. 1450-1475

44 ff. (with last two blank), fragmentary and misbound (collation impracticable [originally apparently quires of 10] but corrected sequence of leaves ordered as follows: ff. 1-4; 4v; 12v-13v; 7-7v; 10-11v; 9-9v; 14-19v; 8-8v; 5-6; 20-25; 25-42), on paper, with watermark of the type Briquet, "Char," no. 3543 (Fabriano, 1424; Chambéry, 1428-1431; Narbonne, 1432); no. 3544 (Rome, 1459-1460; Lucques 1463-1479) [it should be noted that Spanish paper mills are poorly represented in Briquet], written in a rounded *littera cursiva libraria* hand, text in two columns, ruled in leadpoint (justification 205 x 150 mm), rubrics in red, initials in red throughout, some *manicula*, a few marginal corrections or annotations, title in upper margin added in a later 18th or 19th century hand: "Leyes de el Fuero Real de el Rey D. Alfonso el X." Manuscript unbound (First leaf detached and restored or rather reinforced with rice paper; some holes in paper largely due to acidity of ink; some wormholes; generally quite legible). Dimensions 275 x 205 mm.

A copy of the *Fuero Real*, one of the important legislative achievements of Alfonso X the Wise, first promulgated in 1255 and enforced and copied through the sixteenth century. The present copy antedates the first edition published in Seville in c. 1480-1484 and, although fragmentary (missing Book I, Book II incomplete), is rare on the market. Apart from two thirteenth-century copies, no other manuscripts of this work are recorded in public sales in the Schoenberg Database. This copy offers variants with the critical edition that merit further study.

PROVENANCE

1. Copied in Spain based on linguistic and paleographical grounds. The watermark suggests paper from the second half of the fifteenth century (although watermarks in Spanish paper are not well documented and identified). The general dates for these watermarks are in keeping with the style of script. It is not possible to provide a more precise place of copy for this manuscript without an in-depth analysis of the linguistic particularities that might point to a specific area in Spain, in all likelihood within the Province of Castile and León.
2. There is a full page of inscriptions on f. 42v, that constitute a *livre de raison*, in which the names of the children of an early owner are listed, as well as their dates of birth and the names of their godparents. There are references to the "yglesia de myruenna," which is the church of Mirueña, province of Castile and León near Avila.
3. European Private Collection.

TEXT

The manuscript is misbound; the corrected text sequence is as follows: ff. 1-4; 4v; 12v-13v; 7-7v; 10-11v; 9-9v; 14-19v; 8-8v; 5-6; 20-25; 25-42. Book II is incomplete; Book III is apparently almost complete; Book IV is complete. Missing here entirely in Book I.

ff. 1-4v, *Leyes de Alfonso X. Fuero Real*, Book II, Titulos 11-15, incipit titulo 11, *De las cosas que se pierden o se ganan por tiempo*, ley 4, "Quando alguno morare o estudiare fuera de la tierra et non pudo venir a la tierra a demandar su derecho..." (lacking leyes 1-3); explicit Book II, titulo 15, *De las alçadas*, ley 9, "[...] a aquel que se alço de su joysio aya la pena sobre dicha" [published in Martínez Diez and Ruiz Asencio, 1988, pp. 277-295];

f. 4v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulo 1, leyes 1-2, rubric, *Titulo de los casamientos xii l[eyes]*, incipit titulo 1, *Titulo de los casamientos*, ley 1, "Estableçemos et mandamos que todos los casamientos se fagan..."; explicit ley 2 (lacking ending of ley 2), "[...] non es derecho que case con el [...]" [published in Martínez Diez and Ruiz Asencio, 1988, pp. 298-299];

ff. 5-6v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulos 13-16, incipit Book III, titulo 13, *De los vassallos e de lo que les dan sus senmores*, ley 4 (lacking beginning of ley 4), "[...] -ende las soldadas que toviere servidas. E esto mismo mandamos si el sennor..."; explicit Book III, titulo 16, *De las cosas emprestadas*, ley 1 (lacking ending of ley 1), "[...] luego es suya e pueda la ena[genar] [...]" [published in Martínez Diez and Ruiz Asencio, 1988, pp. 361-372];

ff. 7- 7v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulo 3-4, incipit Book III, titulo 3, *Titulo de las ganancias del marido e de la mugier*, ley 2 (lacking beginning of ley 2), "suyo e si fuer en hueste..."; explicit Book III, titulo 4, *De las particiones*, ley 8, "[...] por ninguna manera maguer que [...]" [published in Martínez Diez and Ruiz Asencio, 1988, pp. 309-315];

ff. 8-8v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulo 12-13, incipit, Book III, titulo 12, *De las donaciones*, ley 8 (lacking beginning of ley 8), "[...] de cosas suyas et si muriere..."; explicit, Book III, titulo 13, *De los vassallos e de lo que les dan sus senmores*, ley 4 (lacking ending of ley 4), "[...] del tiene e quanto del tomo fueras..." [published in Martínez Diez and Ruiz Asencio, 1988, pp. 356-361];

ff. 9-9v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulo 5-6, incipit, Book III, titulo 5, *De las mandas*, ley 9 (lacking beginning of ley 9), "[...] en la terçera parte de sus bienes..."; explicit, Book III, titulo 6, *De las herencias*, ley 3 (lacking ending of ley 3), "[...] pertenesce su buena..." [published in Martínez Diez and Ruiz Asencio, 1988, pp. 323-327];

ff. 10-11v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulo 4-5, incipit, Book III, titulo 12, *De las particiones*, ley 8 (lacking beginning of ley 8), "[...] no aya y escripto si pudiere..."; explicit, Book III, titulo 13, *De las mandas*, ley 9 (lacking ending of ley 9), "[...] puedalos meiorar..." [published in Martínez Diez and Ruiz Asencio, 1988, pp. 315-323];

ff. 12-13v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulos 1-3, incipit, Book III, titulo 1, *De los casamientos*, ley 2 (lacking beginning of ley 2), "[...] e si lo fisiere sea des heredada..." explicit, Book

III, titulo 3, *Titulo de la ganancias del marido e de la mugier*, ley 2 (lacking ending of ley 2), “[...] lo todo quanto ganare por...” [published in Martínez Diez and Ruiz Asencio, 1988, pp. 299-309];

ff. 14-19v, *Leyes de Alfonso X. Fuero Real*, Book III, Titulos 6-12, incipit, Book III, titulo 6, *De las herencias*, ley 3 (lacking beginning of ley 3), “[...] los parientes mas propincos...”; explicit, Book III, titulo 12, *De las donaciones*, ley 8 (lacking ending of ley 8), “[...] de las otras asi como...” [published in Martínez Diez and Ruiz Asencio, 1988, pp. 327-356];

ff. 20-25, *Leyes de Alfonso X. Fuero Real*, Book III, Titulos 16-20, incipit, Book III, titulo 16, *De las cosas emprestadas*, ley 1 (lacking beginning of ley 1), “[...] -genar et fazer della lo...”; explicit, Book III, titulo 20, *De los depdos e de las pagas*, ley 17 (lacking ending of ley 17), “[...] del debdor asi como manda la ley...” [published in Martínez Diez and Ruiz Asencio, 1988, pp. 372-401];

ff. 25-42, *Leyes de Alfonso X. Fuero Real*, Book IV, Titulos 1-25, rubric, *Liber quartus. Titulo de los que dexan la fe catholica*, incipit, Book I, titulo 1, *Titulo de los que dexan la fe catholica*, ley 1, “Ningunt christiano no sea osado de tornarse iudio...”; explicit, Book IV, titulo 25, *Titulo del prestio de los navios*, ley 2, “[...] non sean tenidos de dar nada” [published in Martínez Diez and Ruiz Asencio, 1988, pp. 405- 507].

f. 42v, *Livre de raison*, incipit, “Mercoles, despues de mediodia...naçio mi hijo cristobal cola fueron padrinos...”; “Mercoles despues de mediodia... a quatro dias del mes de mayo anno del nacsimento de nuestro salvador ihesu christi de mill i quatro cientos y ochenta...naçio mi hija francisca cola fueron padrinos juan martines clerogo i andres de gatos...” The inscriptions record the five births to the Cola (or Cola de Hontineros?) family, with dates spanning from 1484 to 1490. The family appears to be based in the city of Mirueña, province of Castile and León, near the city of Avila.

ff. 43-44v, blank.

Despite its fragmentary nature, this manuscript is interesting because it contains sections of an unrecorded copy of the *Fuero Real* (Royal Code), promulgated by Alfonso X el Sabio (Don Alfonso el Sabio or Alfonso the Wise), King of Castile and León (1221-1284). The *Fuero Real* is a compilation of the existing laws and customs of Spain, which borrowed heavily from the *Fuero Juzgo* (the Visigothic Code) and other Castilian *fueros*, but also introduced new elements taken directly from Roman law. Hence the *Fuero Real* is a first attempt to unify Spanish law. The cities and clerical orders were at the time governed through their own *fueros*. The powerful Castilian nobility posed a constant menace to centralized government; it was just this fragmentation of Spanish law, considered a serious obstacle to the unity of the kingdom, which Alfonso sought to rectify.

The *Fuero Real* is one of the four Alfonsine normative works, which include the *Espéculo* (May 5, 1255), the present *Fuero Real* (Aug. 25, 1255), the *Siete Partidas* (1256-1265), and the *Setenario* (Sevenfold Law, after 1272?). The *Fuero Real* was composed in 1252-1255 and granted to Castile in 1255 to supplement existing law, but it was considered valid only when it did not contradict local law. It was used by judges at the King’s court of appeals. Practically speaking, the *Fuero Real* was to be used as a template for the newly instituted law codes in Castilian towns. Influenced by Roman

and Canon law and derived from local statutes, the codes sought to make uniform Castilian municipal statutes.

Concise, clear, methodical, and factual, parts of the *Fuero Real* were then incorporated into the *Siete Partidas*, generally considered the most important law code of the Middle Ages (and largest legislative compilation since Roman times). In 1251, Alfonso commissioned a group of jurists to perfect the legislative reform envisioned by his father, Fernando III. The work was intended ultimately to replace the bastardized Visigothic *Forum Judicum* (the *Fuero Juzgo*, in Asturias and León), as well as the diverse, conflicting, and confusing legislative maze of local *Fueros* and unwritten customs (in Castile). Based on customary law, Roman and Justinian law, Alfonso's *Fuero Real*, and ideas of Aristotle, Seneca and Isidore, the *Siete partidas* constitutes a unifying and universalizing legislative synthesis (enriched with doctrinal commentary and an exposition of philosophical principles). It was intended to guide jurists and future monarchs to promote social harmony by providing subjects with norms and legal dispositions to regulate human activity.

According to the census conducted by Martínez Díaz *et alia*, there are some 39 manuscripts containing the Castilian *Fuero Real* (see Martínez Díaz *et al.*, 1988, pp. 22-77, "Transmision manuscrita y estructura del Fuero real"; "Codices y fragmentos del Fuero Real"). The *Fuero Real* was first published circa 1480-1484 in Seville probably by Alfonso del Puerto under the title *Fuero Real de Castilla o Fuero de las Leyes con la glosa latina de Alfonso Diaz de Montalvo* (copy Madrid, BN, sign. 215; on the successive editions, see Martínez Diez *et al.*, 1988, pp. 12-21). The Schoenberg Database records no fifteenth-century copies of the *Fuero Real* in public sales, but lists two important thirteenth-century copies of the work, one sold at Sotheby's 29 November 1966, lot 51 (bought by Kraus, former Phillipps 6736); the second sold by Kraus (*Bibliotheca Phillipica*, no. 25; former Phillipps 8191). The present copy of portions of the *Fuero Real* presents differences in wording and spelling, as well as distinctive linguistic features, that should be further studied in comparison with the other known witnesses of this important monument of Spanish jurisprudence.

LITERATURE

Craddock, Jerry. "La cronología de las obras legislativas de Alfonso X el Sabio," *Anuario de Historia del Derecho español* 51 (1981), pp. 365-418.

García-Gallo, Alfonso. "Nuevas observaciones sobre la obra legislativa de Alfonso X," *Anuario de Historia del Derecho español*, 46 (1976), pp. 509-570.

García-Gallo, Alfonso. "La obra legislativa de Alfonso X. Hechos e hipótesis," *Anuario de Historia del Derecho español* 54 (1984).

Iglesia Ferreiros, Aquilino. "Alfonso X el Sabio y su obra legislativa," *Anuario de Historia del Derecho español* 50 (1980), pp. 531-561.

Martínez Diez, G. and José Manuel Ruiz Asencio. *Leyes de Alfonso X. II. Fuero Real*, Ávila, Fundación Sánchez Albornoz, 1988, pp. 184-507.

ONLINE RESOURCES

On Alfonso X, a "Learned King"

http://www.third-millennium-library.com/readinghall/UniversalHistory/Spain/Alfonso_X_the%20Learned.htm

On the Fuero Real

http://es.wikipedia.org/wiki/Fuero_Real

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