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This book is dedicated to their long-suffering families in
partial expiation for its editors' repeated failure to get
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ABBREVIATIONS

BHL	<i>Bibliotheca hagiographica latina antiquae et mediae aetatis</i>
CCSL	<i>Corpus Christianorum series Latina</i>
CSEL	<i>Corpus scriptorum ecclesiasticorum latinorum</i>
FRB	<i>Fontes rerum Bohemicarum</i>
MGH	Monumenta Germaniae Historica
PL	J. P. Migne, <i>Patrologia Latina</i> , 217 vols.
SC	Sources chrétiennes, Paris: Éds du Cerf
SRA	Scriptores rerum Austriacarum

PREFACE TO THE SECOND EDITION

Peter Linehan and Marios Costambeys

Sixteen years on, but with memories of the generally generous welcome received on its first outing still fresh, it is time to revisit *The Medieval World*. With many of its existing chapters substantially revised or with updated bibliographies, and six new contributions to add to them – Cameron and Rodríguez Porto in Part I; Lambertini and Watkins in Part II; Zutshi in Part III; and Garnett in Part IV – readers are here offered a medieval world refreshed and refurbished. While welcoming the new toilers in the vineyard we also lament the loss since 2001 of five valued colleagues: Jim Brundage, Jimmy Burns, Jacques Le Goff, Yoshiki Morimoto and Timothy Reuter.

‘Highly stimulating’, ‘highly enjoyable’, critics found its predecessor, ‘distilling something of the lively spirit and substance of the subject into a single, concentrated product’, even ‘the perfect cure for the tired course’. But they also found gaps in its coverage and remarked on them. Doubtless their successors will do so again. Thirteenth-century Ipswich will be found to have been neglected and medieval water courses short-changed. The editors (one new, the other a survivor) will be surprised if it proves otherwise. They can only plead that no single volume could accommodate the sheer variety of coverage that the medieval millennium ideally deserves to receive.

Both the editors and the edition benefitted greatly from the superior organisational skills of Dr Casey Beaumont, whom we thank warmly. Without her help, preparation of the edition would not have proceeded as smoothly as it did.

We thank again all our contributors for their kindness and consideration and take this opportunity also to thank Laura Pilsworth, Morwenna Scott and, especially, Catherine Aitken at Routledge for all their help and advice.

CHAPTER THIRTY-FOUR

THE KING'S COUNSELLORS'
TWO FACES

A Portuguese perspective

Maria João Violante Branco

How were medieval popes supposed to deal with renegade kings? Indeed what authority did they have to deal with them at all? Such questions had been latent in Christian Europe ever since 751, the year in which Pope Zacharias had authorised the deposition of the last Merovingian king of the Franks, thereby ushering in their first Carolingian ruler (Nelson 1988: 213–16). He had done so because the disposed-of, and therefore deposed, King Childeric was incompetent. That at least was how Pope Gregory VII recalled the event rather more than three centuries later ('quia non erat utilis': Wallace-Hadrill 1962: 244–5). And during the course of the following century, and especially after Gregory VII's celebrated confrontation with Henry IV of Germany, the questions were addressed ever more closely (Ullmann 1955). The debate on the matter sharpened. And above all it sharpened in the hands of lawyers. Lawyers – both Roman and canon lawyers, and above all that significant minority of twelfth-century lawyers whose competence was in both disciplines – identified the issue as *the* issue. And they were right to do so, because it was the issue that went to the heart of the question of the nature of authority in the Western Church.

It was in the last quarter of that century, the century in which the Western Church, and therefore Western society, fell into the lawyers' clutches, that the kingdom of Portugal was granted its birth certificate by Pope Alexander III. That was in 1179. In 1245 another pope, Innocent IV, declared the great-grandson of Portugal's first king 'inutilis' too (Peters 1970; Fernandes 2006), incompetent like the last of the Merovingians, and therefore (again) effectively deposed him. It had taken the direct line of the kings of Portugal less than seventy years to travel full circle, from papal approval to papal rejection. By comparison with the successors of the first of the Carolingians, for whom the process took all of three hundred years, this was quick.

The purpose of this chapter is to observe this process as it developed, and in particular to scrutinise the activities of those individuals who were involved on one or other side of the barricades, and especially of those who were on both sides, as those barricades were raised.

* * *

On 16 June 1222, Pope Honorius III further prevailed upon the king of Portugal in an effort to halt his persecution of Portugal's churchmen. If Afonso II, who was already excommunicated, remained obdurate then the pontiff would absolve his subjects from their oaths of obedience and encourage other kings and princes to occupy his kingdom. Since the spiritual sanctions he had previously invoked had had no effect, the pope was now threatening other than spiritual measures in what were for him the most robust of terms (Costa 1963: 106–7; Linehan 2013: I, 176).

But how was the pope's mandate to be enforced? Would the judges delegate charged with its enforcement prove equally robust? They were instructed 'not to fear the face of man more than the face of God' (Costa 1963: 108; Linehan 2013: I, 176–7) But on reaching the king's presence would they remember this? Would they remain resolute? Judging by the example of recent peninsular history they might well not, for they would certainly come under severe pressure – pressure more effective because more immediate than the papal threats of deprivation which hung over them should they fail in their mission. Spanish kings had long been accustomed to intervene in the affairs of their churches and of their churchmen, the liberties they took with 'ecclesiastical liberties' ranging from abuse of the rights of patronage to parish churches to the intrusion of their own nominees into episcopal sees and the expoliation, even the assassination, of members of the clerical order (Fletcher 1978; Linehan 1971; Linehan 1993). It was not to be wondered at therefore if the papal delegates in 1222 hesitated regarding which 'face' they were less prepared to shun.

Nor would the pontiff himself have been greatly surprised at their hesitation. For, as he knew full well, throughout the West ecclesiastical sanctions were liable to be disregarded by laymen and clerics alike. Rather than risking the indignity of having his spiritual authority thus flouted, in the previous century Archbishop Thomas Becket had reportedly opted for monetary penalties instead (Cheney 1956: 15). But that had been in England, and had merely involved the king's subjects. What was now to be done in Portugal where it was the king himself who was proving contumacious?

It was then as now. Then as now, it was not the monarch who was first identified for censure but rather the thirteenth-century men who populated the King's court as his close councilors. Thus in 1222, it was not the excommunicated king whom the executors targeted but rather those 'clerics, knights and others' who had uncanonically persisted in associating with him – and three individuals in particular, all royal councillors, and named as such: Master Vicente dean of Lisbon, Master Julião dean of Coimbra, and Master Paio cantor of Oporto. The pope was well informed – and not surprisingly so, since the primate of the Portuguese Church, the archbishop of Braga, Estêvão Soares da Silva, was currently in exile at the papal court, having been hounded out of Portugal on account of a series of regalist measures for the implementation of which the trio of senior churchmen had been chiefly responsible (Mattoso 1993: 106–17).

This particular example, one among many such, serves to demonstrate the force of the conflicting pressures to which men such as Master Vicente found themselves subjected in their concurrent service to both Church and State. It was a force which constituted a powerful and permanent occupational hazard for those ecclesiastics whose *cursus honorum* involved many years of legal study and practice, with at the end of it the possibility of episcopal office – but only if the king so

decreed. Assiduous in their attendance on the king though they were, however, churchmen they remained none the less, maintaining close connections with the principal cathedral churches of the kingdom, and in some cases (in that of Master Vicente, for example) establishing themselves as distinguished practitioners and theoreticians of both Roman and canon law. In view of this complex of activities and loyalties – to king and kingdom, and to the Portuguese as well as the Roman Church – the choice with which Pope Honorius's directive 'not to fear the face of man more than the face of God' had confronted them must appear as simplistic as it did stark.

In order to understand the quandary in which Master Vicente and his colleagues found themselves in the late 1220s, however, it is necessary to investigate their ecclesiastical antecedents. We must go back two or three ecclesiastical generations to the cradle from which their predecessors had emerged in the late 1130s, at the very beginnings of the kingdom of Portugal.

KING, KINGDOM AND LEGITIMACY: THE EARLIEST DIPLOMATIC CAMPAIGNS AND THE ROLE OF ARCHBISHOP JOÃO PECULIAR

Until 1128 Portugal was a county, formally dependent on the kingdom of León. But in that year Count Afonso Henriques rebelled against his widowed mother, Dona Teresa, and, with the support of the territorial nobility, assumed control of the region. Thus far the story rather closely resembled that of any number of peripheral counties of the Carolingian empire in the late ninth century. In the 1120s, however, the independent county of Portugal did not remain a county. In 1139, soon after a successful encounter with the Moors, Afonso Henriques took to styling himself king (Branco 1993: 604–16; Branco 2009a: 144–6; Mattoso 1993: 45–64; Buescu 1991). Then, in 1143, after his cousin the 'Emperor' Alfonso VII of León had agreed to acquiesce in his kingship in return for an oath of vassalage, he proceeded to offer himself to Pope Innocent II as a vassal of the Roman Church in return for papal recognition of his kingdom (Erdmann 1935: 44–5; Dinis 1960: 1). Thus, while the leaders of Europe's established royal dynasties were preparing to counter the Papacy's burgeoning imperialist aspirations (Kantorowicz 1965b), the *arriviste* ruler of Portugal set about exploiting those aspirations and enlisting them in the service of his own ambition to liberate himself from the ties of vassalage to others. And what better godfather could Afonso Henriques have than the earthly representative of the God of victories whose approval the details of his recent career so clearly proclaimed? *Invictus, triumphator et strenuus* were the martial and irresistible epithets regularly applied by his chancery clerks to the ruler who, as they never failed to record, ruled, moreover 'by the grace of God' (Antunes 1995: 11–17; Azevedo 1938; Mattoso 1995: 80–5; Branco 2009a: 135–43; Vitória 2012: 15–22).

The arguments deployed in *Claves regni*, Afonso Henriques' letter to Innocent II, were both carefully judged and revealed a shrewd awareness of recent discussions on the theme of the relationship of papal authority to royal power (Mochi Onory 1951: 11–20). They had been prepared by people who knew what they were doing and were fully informed of the advantages which had accrued to such recently established vassals of the Roman Church as Navarre, Aragon and Sicily (Kehr 1945,

1946; Feige 1991: 95; Mochi Onory 1951: 14–16). Of those responsible the most prominent, and in all likelihood the principal strategist in the lengthy campaign to secure legitimisation of the king and the kingdom, was João Peculiar, archbishop of Braga from 1138 to 1175 and the king's intimate advisor throughout those years.

When Afonso Henriques declared himself king, as well as being on the front line of the kingdom's frontier with Islam, Coimbra was home to a lively multicultural society which had emerged more or less unscathed from the period of Moorish domination (Mattoso *et al.* 1989: 139–41; Pradalié 1974). This was a world radically different from the seignorial north, where the Islamic threat was by now a distant memory and power was predominantly in the hands of an endogamous old nobility whose economic strength and social prestige found expression in the extensive patronage which its members were able to exercise over the religious establishments and parish churches of the region. It was with the assistance of this nobility that Afonso Henriques had prevailed over his rivals during the 1120s, and it was in order

Figure 34.1 King and Bishop brandish sword and crozier respectively. While one admonishes, the other blesses. Miniature from a thirteenth-century manuscript of the *Fuero Juzgo* (the law-code in force throughout the Spanish Peninsula prior to the 'Arab invasion' and in much of it for centuries thereafter). Source: Lisbon, Biblioteca Nacional, MS. IL. III, fo. 21v. Reproduced by permission.

to extricate himself from their suffocating tutelage that thereafter he abandoned the north and made the city of Coimbra his centre (Mattoso 1993: 65).

João Peculiar was probably born in the vicinity of Coimbra (Costa 1984), a city which during the 1130s was fast emerging as the nascent kingdom's intellectual capital, with at its centre the recently founded monastery of Santa Cruz, a community of canons regular many of whose earliest recruits were drawn from the local cathedral chapter as part of a process in which João Peculiar, as its sometime school-master, played an important part (Nascimento 1997; Nascimento 1998: 19–31; Gomes 2007: 90–95). In the earliest productions of the Santa Cruz *scriptorium*, which recount the story of the convent's founder and first prior, Teotónio, and date from the mid-1150s to the early 1160s, Afonso Henriques regularly appears in the narrative, and, both before and after his assumption of the royal title, always in the guise in which he was presented to the pope in these years, as a brave and pious warrior king favoured by God in all his military endeavours. The few other chronicles of those and the next ten years – the narratives of the conquests of Lisbon and Santarém and of the foundation of the monastery of St Vincent of Lisbon, all of them composed either at Santa Cruz or at one of the houses affiliated to it – tell the same story (Herculano and Leal 1856: 93–5; David and Phillips 2001: 52–185; Nascimento 1998: 54–222; Nascimento and Branco 2001: 54–147, 178–97), exactly as did the clerks of the royal chancery in their diplomatic description of their master. Since the royal chancery was housed in Santa Cruz at this time, and since moreover the king's chancellors were as often as not canons regular themselves, it is reasonable to conclude that the contribution to the propagation of royal propaganda of the community in which Portugal's first two kings would in due course establish a pantheon for themselves and their descendants was decisive (Mattoso 1985).

In the presentation of the filtered image of the king projected by the *scriptorium* of Santa Cruz and the royal chancery alike, as well as in the overt objective that both clearly shared of legitimising his rule, the influence of João Peculiar at Coimbra was ubiquitous (Branco 2009a: 145–9), and it remained effective there even after his appointment as bishop of Oporto in 1136 and archbishop of Braga in the following year. His activity between then and his death in 1175 was by no means confined to the field of public relations and royal propaganda, however. For as well as reconciling his responsibilities as both royal counsellor and ecclesiastical primate, João Peculiar was also a man of action – as he needed to be. In the course of a public career during which the kingdom's southern frontier advanced from the river Mondego almost to the Algarve, he had not only Muslims to deal with but also his royal master's Christian neighbours, the rulers of León and Castile whose own peninsular agenda posed no fewer problems for the kingdom of Portugal than did the machinations of the infidel.

As archbishop, João Peculiar was *ex professo* committed to the ongoing task of reconquest. Thus whereas on the occasion of the siege of Lisbon in 1147 Bishop Pedro of Oporto used intellectual argument to persuade the Jerusalem-bound crusaders to stay and fight there, the archbishop preferred to station himself in the front line and act the warrior. And in the front line he was regularly to be found in later military engagements, always at the side of the king. He consecrated the bishops of restored sees, as the king directed, and regardless of the rights of neighbouring metropolitans. He continued to divert both rank-and-file crusaders and members of

the military orders from their Holy Land objective by means of grants of extensive benefices. Doubtless he hoped thereby to ingratiate himself with Rome. Certainly the desire to please the pope mattered as much to him as the need to attract skilled warriors and settlers to the undermanned frontier.

Central to the processes of peninsular politics during Archbishop João's lifetime, and a complicating factor in all his dealings with the Papacy, was the issue of ecclesiastical primacy. Questions regarding the relationship of secular divisions to their ecclesiastical counterpart, and in particular Braga's jurisdictional conflicts with the churches of Toledo and Compostela (the metropolitan churches of the kingdoms of Castile and León respectively), were a feature of this period with which its secular complexities were inextricably entangled (Erdmann 1935: 71–4; Feige 1991: 95–9). Thus, although the ostensible purpose of the seven visits which the archbishop paid to the papal curia between 1135 and 1175 was the defence of his church's rights against the pretensions of the church of Toledo, the timing of his journeys was regularly determined by such considerations as his royal master's most recent military exploits or political developments elsewhere in the peninsula. Not that his tireless peregrinations paid significant dividends. Due as much to his own rebarbative character as to his adversaries' diplomatic exertions, it would seem, João Peculiar consistently failed to secure unequivocal papal support either for his church or for his king (Feige 1991). Yet he continued undeterred. Although suspended from the exercise of his jurisdiction between 1145 and 1148, he remained unabashed, consecrating bishops, restoring episcopal sees which although they lay within the realm of Portugal were not subject to the metropolitan jurisdiction of Portugal's primate, and even presiding over an ecclesiastical assembly in the presence of a papal legate. Like master, like servant, in short. Regardless of accusations pending against him at Rome, as for example of furiously trampling the sacred host under foot, and regardless of two other suspensions and the threat of further punishment for disobeying papal directives to submit to Toledo (Erdmann 1935: 83; Feige 1991: 114), he doggedly pursued his course. Though the paucity of evidence relating to patrimonial and pastoral activities should not necessarily be counted against him, the picture which emerges, from what evidence there is, is of an archbishop who was in no doubt as to where his first loyalty lay – or for that matter as to where his *only* loyalty lay. In short, here was a prelate who would have felt at home anywhere in mid-twelfth-century Europe.

But times were changing. In 1169 Afonso Henriques broke his leg at the siege of Badajoz, putting paid to his celebrated invincibility, and ten years later when the papal recognition which king and archbishop had for so long laboured was finally forthcoming, Archbishop João Peculiar was dead and the king was ruling in association with his son and heir, the future Sancho I.

ESTABLISHING THE KING IN HIS KINGDOM: THE CHANCELLOR JULIÃO PAIS AND THE JURISTS

With jurists and the exploitation of legal science to the fore, by the late 1100s popes and kings were increasingly engaged in the process of defining and redefining their respective roles within Christian society. Developments in Portugal were part of this process.

Because it provided Afonso Henriques' *de facto* ascendancy with authoritative authentication, Pope Alexander III's privilege *Manifestis probatum* of 1179 (Dinis

1960: 9) constituted the new kingdom of Portugal's principal title deed. Hence the frequency with which it was reissued by successive popes at the behest of successive rulers and its value to their agents at the papal curia, particularly at times when (as they often did) those rulers found themselves at odds with the pontiff. Its insistence on the integrity of the kingdom, the definition it contained of the king's legitimacy in terms of his personal obligations and virtues, and its assertion of his right to enlarge his domain by waging war against the infidel, ensured for *Manifestis probatum* a uniquely privileged position in the documentary armoury of the kings of Portugal (Branco 2009a: 148–56; Vitória 2012: 15–22).

On Afonso Henriques' death in 1185, as well as his father's kingdom Sancho I inherited his father's chancellor, Julião Pais. The son of Paio Delgado, a warrior who had been present at the conquest of Lisbon alongside João Peculiar, Julião was a native of Coimbra, where, together with other members of his family, he acquired, by a combination of royal grant and purchase, extensive properties in the vicinity of the cathedral, as well as hosting meetings of the city council in his own home. His brother Gonçalo Dias and his son Master Julião Juliães, were successively deans of the place (from before 1195 until around 1261) and, throughout the thirty-two years of his chancellorship and beyond, other members of the clan were prominent in both Church and State. Master Julião *filis* and another son, Master Gil Juliães treasurer of Viseu and Coimbra, were intimates of Afonso II.

As chancellor, Julião Pais has been cast as the *éminence grise* of the Portuguese court, and, as the Bologna-educated civil lawyer responsible for secularising the ethos of the place at the turn of the twelfth century, as the man who reformulated the basis of Portugal's dealings with the Papacy, and the impresario who introduced Roman law concepts into Afonso II's general laws of 1211 (Mattoso 1995: 105). But this is no more than conjecture. In fact, there is no evidence to link him either with Bologna or with any other school of law, and not much to justify the confident description of him as 'Master' (Fleisch 1998: 71–4).

Although his innovations in the *formulae* of the *arengae* of the royal documents have been viewed as the harbingers of a new style of kingship, in reality the lay chancellor's model king was constructed very much along traditional lines: pious, principally dedicated to the administration of justice, the common good and the maintenance of social order, prodigal because prodigality was a sure sign of generosity of spirit, and dedicating himself to the cause of regnal harmony by employing written law to achieve what previously had been secured by good customs (Antunes 1995: 19; Mattoso 1995: 82–5). All of which (derived as it was from biblical models, Isidore of Seville and the precepts of canon law) rather closely resembled the papally approved ideal of the ruler as guarantor of justice (Post 1972: 164–70). It was not fundamentally contrasting models that distinguished the Portuguese chancellor from the Roman pontiff but rather their contrasting (and distinctive) attitudes to the model they had in common – namely the blueprint of the ideal Christian king as adumbrated in *Manifestis probatum*.

The pragmatic chancellor's reputation as civilian orchestrator of royal policy is unwarranted therefore (Branco 2000: 206–25). Even so, he was closely involved at every stage of Sancho I's long-running controversy with Rome. When, for example, in connection with reports of the king's violent treatment of ecclesiastics in general and of bishop Pedro of Coimbra in particular, Innocent III had occasion to complain

Figure 34.2 A Portuguese king, presumably Sancho I, in a late thirteenth-century imitative copy of the *foral* of Penas Ruivas. Crowned and attended by the paraphernalia of Portuguese regality, the monarch was evidently meant to appear a masterful figure.

Due to the draughtsman's incompetence, however, the abiding impression is less one of powerful biceps than of a weak chin and pitiful feet. Source: Lisbon, Arquivos Nacionais, Gavetas, gav. 15, mc. 10, doc. 14. Reproduced by permission.

in 1211 that not even the heretics had thought to address him thus, and declared himself much offended by the suggestion that while the king and his warriors were starved of the means of fighting the infidel the clergy were sunk in luxurious excess, the pontiff was surely correct in surmising that it was not the king himself who had authorised these charges, nor even the witch whom he was reported regularly to consult, but rather Julião and his chancery colleagues (Costa and Marques 1989: nos. 154–5; Linehan 2013: 128–9).

As to these chancery colleagues, and the juristic character which they had in common and which is so striking a feature of these years, it can hardly be doubted that, whatever the nature of his own juristic preparation, Julião must have been instrumental in facilitating the advancement at court of the group which after Afonso II's accession in 1211 became increasingly prominent in the conduct of the king's affairs both at home and abroad. Most of these men, of a type whose emergence was closely paralleled in many other parts of Europe in these years (Baldwin 1976; Cheney 1956: 1–17, 22–39; Cheney 1967: 1–15, 77–114; Genet 1986: 296–7, 304–6; Millet and Moret 1992: 255–76), were closely related to Julião in one way or another as well as being associated with Coimbra.

The kingdom whose chancery Julião controlled was one whose legitimacy was now no longer an issue, other of course than for his royal neighbours, even if it had still to be prepared to counter the interventionist tendencies of the likes of Innocent III (Cheney 1976: 271–4; Pennington 1994: 105–10). And since 1179 other changes had occurred in Portugal's fortunes. The last two decades of the twelfth century were years of war, famine, plague and natural disaster. Militant Islam had regained almost all the territory south of the Tagus. Soon after his father's death Sancho I found himself locked in conflict with both the nobility and the Church, Braga's contest with Compostela (with its secular dimension) reached crisis point, and relations with Rome entered a new phase in which the services of learned professionals were proving ever more necessary (Mattoso 1993: 88–9, 106–8, 119–20; Pennington 1994: 105–10; Tierney 1994: 95–9), all of which exposed the king to ever closer public scrutiny. Because in this new situation an increasingly pressing need was felt for a clearer definition of the latter's functions and attributes, Julião, the chancellor, had a very different part to play from João Peculiar. Accordingly, while the new archbishop of Braga, D. Godinho, distanced himself from his predecessor's example and was increasingly occupied with the affairs of his see and with commissions as papal judge delegate, by the time of Julião's death in 1215 a new breed of chancery servant was in the ascendant. With the exception of Master Vicente (chancellor, 1224–37: Costa 1963; Machado 1965; Ochoa Sanz 1960), we know very little about the background of Julião's successors in office (Mattoso 1995: 106–7). We do know, however, that, apart from Vicente, they were predominantly members of the middling nobility and that their careers had begun in the royal chancery rather than in the law schools (Vilar 2005: 154–66).

The last years of Sancho I's reign were marked by a series of conflicts with his ecclesiastics in the resolution of which the papal curia was increasingly involved. But it was only after his death in 1211 that the impact of the new breed of royal servant became fully apparent. To his son and heir, the leprous Afonso II, Sancho bequeathed an unsettled kingdom and a state of uncertainty exacerbated by the terms of his will. By his creation of extensive hereditary appanages for three of his daughters the moribund monarch struck at the heart of his son's sovereignty (Veloso 1980). It was in these circumstances that the king's interests at Rome began to be represented by canon lawyers of the calibre of the same Master Vicente (Vincentius Hispanus), Silvestre Godinho and Lanfranco of Milan (Costa 1963: 27–8, 35, 58–61; García y García 1976: 108–12; García y García 1991: 61, 68; Maffei 1990: 18–19; Branco 2000: 505–54). With Afonso II beset by family strife, his proctors at the papal curia took their stand on the assertion that the old king's will was void by reason of his insanity (Costa 1963: 26–7) and its disregard of the principle of inalienability of the royal fisc. In the absence of any oath of inalienability akin to that later sworn by English monarchs at their coronation (Kantorowicz 1965a; Post 1964: 415–33), the new king's agents based their case on the requirement of *Manifestis probatum* and its reissues that Afonso Henriques and his successors maintain the kingdom undiminished.

In the same years two of these men, Master Vicente and Silvestre Godinho, were preparing their commentaries on Innocent III's decretal collection (*Compilatio III*), and on *Compilatio I*, and refining their glosses on such fundamental papal definitions of political theory as *Venerabilem*, *Novit* and *Per venerabilem* (Cheney 1976: 98; García y García 1976: 106–10; Post 1937: 418–19; Post 1964: 453–82; Tierney 1994: 97). Jurists such as these as well as others with peninsular and in particular Portuguese

connections for whom the issue of the independence of Spanish kings from the emperor was a familiar topos (Machado 1965: 194–6; Mochi Onory 1951: 282; Post 1937; Post 1964: 482–93; Post 1972) are unlikely not to have appreciated the implications of Afonso II's struggle for the integrity of his kingdom. The emendations to the text of *Manifestis probatum* in Innocent III's reissue of the privilege in April 1212 illustrate both the difficulty of their task as the representatives of a sick king incapable of that military 'strenuousness' which had helped to justify the legitimization of his grandfather's rule and their capacity for overcoming it by stressing instead the martial qualities of Afonso's predecessors (Costa and Marques 1989: no. 176). Likewise the replacement on this same occasion of the hallowed phrase concerning the king's suitability 'to rule his people', as repeated in earlier reissues, by a reference to the 'government of his kingdom', with the change from *populi regimen* to *regni gubernatio* is probably to be understood in relation to current discussions of the theme of the autonomy of kings (and not least Spanish kings) *vis-à-vis* imperial authority (discussions in which the opinions of both Master Vicente and Silvestre Godinho were well represented) rather than as an assertion of any novel concept of territorial kingship (Mochi Onory 1951: 274–86; Post 1964: 453–82; Tierney 1994: 95–104).

In the kingdom of Portugal itself, meanwhile, Afonso II had begun his reign by summoning a curia in 1211 and, with the consent of his magnates and ecclesiastics, promulgating a series of general laws, the purpose of which was to secure his position on the throne and reassure the nobility and ecclesiastics (Branco 1997: 80–8). As an early example of a thirteenth-century European phenomenon whereby the ruler sought to define the scope of his public authority, the promulgation of the general laws of 1211 is surely to be related to the influence of those so-called 'jurists' whose activity is amply attested both in the Italian law schools and in Spain, namely in Palencia and Zamora (García y García 1976; García y García 1991; Linehan 1998; Linehan 2006: 461–513). Although no warrior, Afonso thus demonstrated a competence to legislate as an independent ruler, and with the advice and consent of his curia, to address his subjects and make manifest to them the reality of his legitimate authority. To that end eighteen of the twenty-eight laws are introduced by a preamble in which the characteristics of the good prince are summarised mirror-of-princes style (as bringer of justice, guarantor of equity and harmony, Christian hero), reflecting the same ideals of king and kingship as those proposed by the canonists (Branco 2000: 585–95). True, kings of Portugal cut somewhat improbable figures as Christian heroes, at least in so far as their treatment of ecclesiastics was concerned. But this was compensated for by a prologue restating the supremacy of the laws of the Church over those of the prince – as befitted those canonists who, although in practice dualists regarding the spiritual and the temporal spheres, were in theory prepared to submit themselves to the ultimate authority of the supreme pontiff (Machado 1965: 180–9; Mochi Onory 1951: 206; Post 1937: 414–15).

The substance of the legislation contained various innovations, notably the requirement that title to property be confirmed by written record, laws of inheritance seemingly derived from Roman law, and in particular restrictions on the right of ecclesiastics to inherit property. This last, which was soon to provoke uproar and involve Afonso and his successors in the bitterest of strife, suggests that the jurists responsible for this legislation were taking their cue from the expression on the king's face, conscious though they must have been of what the pope (if not God) would think of the inevitable implications of the measures which they were advancing.

Figure 34.3 The *signum* of Master Vincentius ‘bishop of Guarda and chancellor of the court’ (Jan. 1236). Source: Lisbon, Arquivos Nacionais/Torre do Tombo, Santa Cruz de Coimbra. Documentos régios, mç. 3, doc. 1. Reproduced by permission.

TOWARDS 1245: VICENTE HISPANO AND THE ‘DEPOSITION’ OF SANCHO II

This was only the earliest instance of the broadening of the jurists’ range of activities. As the king’s contest with his sisters developed, the jurists went from strength to strength. As early as 1214 Master Vicente, now dean of Lisbon, was instrumental in promoting the marriage of the Infanta Mafalda to King Enrique of Castile (Costa 1963: 89), and five years later the conduct of the Alcácer campaign was entrusted to the bishop of Lisbon, another of the royal proctors of 1212. A roll-call of them, as well as an indication of their importance to the king, is provided by the terms of Afonso II’s grant of tithes to his bishops and to the convent of Santa Cruz of Coimbra on Good Friday 1218. His largesse was prompted, it was explained, ‘by love’ of a number of named individuals, among whom, apart from Master Vicente, there figure Master Paio cantor of Oporto, Master Julião dean of Coimbra, Master Silvestre archdeacon of Braga, and Master Lanfranco (Costa 1963: 48–9, 67–73, 396–7, 146–52, 509; Mattoso 1995: 106).

Churchmen in general were less favoured. Just two years later a royal inquiry into their titles to property was instituted. This provoked a furious reaction, resulting in the exile of the archbishop of Braga, Estêvão Soares da Silva, and occasioning Honorius III’s letter of June 1222 which threatened the kingdom with invasion, reminded his executors where their first loyalty lay, and excoriated Master Vicente and his two colleagues for remaining in the company of their excommunicated master. Yet it was to the same Master Vicente and his colleagues that the pope had to turn in

January 1224, at the beginning of a new reign, when he wrote urging them to use their best endeavours to steer the 'tender-aged and docile' Sancho II in the direction of the paths of virtue (Costa 1963: 133–4). It was the dean of Lisbon's duty to serve both his God and his king, the pontiff reminded him later that same year, while also showing himself 'benign and favourable' to churches and churchmen (Costa 1963: 136). He did not explain how those various circles were to be squared.

The multi-faceted dean of Lisbon had perforce to be a man of more than one face. As Afonso II's servant he had been aligned against Archbishop Estêvão Soares and had found himself accused of conspiracy to murder his own bishop, Soeiro Viegas (Mattoso 1993: 115; Branco 1998: 77; Costa 1963: 76–7). None the less (and surely it was no coincidence), later in his chancellorship various jurists and canonists who had been prominent during Afonso II's lifetime were appointed to Portugal's principal sees: Silvestre Godinho to Braga, Mestre Paio to Lisbon, Pedro Salvadores to Oporto – and in 1226, as Sancho II's relationship with the Portuguese Church slipped into irreversible decline – Vicente himself to Guarda. Although this was a development paralleled both elsewhere in the peninsula and also further afield in these years (García y García 1985: 46–57; Fleisch 1998; Linehan 1971; Linehan 1993), in Portugal the role recently played by such men in the kingdom's affairs gave it particular significance. No wonder Vicente was reluctant to accept episcopal office and even showed signs of resisting the pressure brought to bear in 1229 by the papal legate, Cardinal John of Abbeville (Costa 1963: 163–5; Linehan 2001: 239–41; Fernandes 2006: 166–9). For with the kingdom threatened with the papal interdict which became a reality in 1231, how was the king's chancellor to live within the same skin as the bishop of Guarda? Needless to say the chancery records themselves are silent on the subject – though it is to be noted that when Gregory IX wrote in August 1234, forbidding the ordination of *curiales* of the king's court as both contrary to canon law and liable to bring the Church onerousness rather than honour ('*non honorem . . . sed onus*'), it was not principally to Vicente that he addressed himself but to Vicente's old teacher, Archbishop Silvestre of Braga (García y García 1976: 109; Costa 1963: 207–8; Linehan 2013: I, 228).

With pressure mounting on Sancho II, Vicente as well as Silvestre cannot but have recalled their earlier adhesion to the proposition that by reason of sin (*ratione peccati*) a king was liable to deprivation of his dignity (García y García 1981: 290; Machado 1965: 182–3, 187; Mochi Onory 1951: 213–25; Post 1972: 165–8). In his *Apparatus* to the *Liber Extra* of Gregory IX, Vicente reaffirmed this doctrine, as Silvestre had done in his gloss to *Compilatio III* (Machado 1965: 185–8; Post 1937: 414–15; Post 1972: 168–70).¹

The Portuguese bishops had been considering the question of a replacement for their king for some time already, and in 1245, when by his celebrated bull *Grandi* Innocent IV declared Sancho II to have forfeited the administration of his kingdom, only one of them, Aires Vasques of Lisbon, spoke up for the monarch (Cunha 1642: 160–3; Branco 2003). 'What is really striking about 750/51' – where this present chapter began – is, it has been said, 'the coincidence of Frankish clerical and lay aristocratic interests and of those with the papacy's' (Nelson 1988: 214). *Mutatis mutandis*, the same goes for Portugal almost five hundred years later. It would be interesting to know Vicente's opinion of *Grandi*, enshrining as it did the fully developed canonical doctrine concerning the right of the pontiff to intervene in such a

situation (Peters 1970). Unfortunately, however, though characteristically perhaps, that sedulous servant of two masters left nothing on record.

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NOTE

- 1 Silvestre Godinho was in Rome from 1243 and died there in the summer of 1244. Vicente was at work on his Apparatus sometime between 1234 and 1245, the year of the Council of Lyons whose canons he does not quote (Costa 1963: 15–17; Machado 1965: 102).

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