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Building Episcopal Authority in Medieval Castile: The Bishops of the Diocese of Burgos (11th–13th Centuries)

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Abstract: This article aims to show how episcopal authority was built in the eastern part of the Kingdom of León (county of Castile), where a new kingdom and a vast diocese emerged in the mid-11th century. The monarchs of Castile empowered the strategic pre-urban town of Burgos in the northern Iberian Plateau as a single episcopal see, rather than the four that had existed in the area until then. The bishops were the agents that the monarchs needed in the long process that, from the destabilisation of the Visigothic diocese organisation caused by the Islamic invasion of the Iberian peninsula in the 8th century, led to the consolidation of episcopal power in the mid-13th century. The function and actions of the Burgalese bishops have been analysed in the three dimensions of their ecclesiastic authority and social significance: the patrimonial dimension (the bishop as the lord and owner of properties individually), the jurisdictional dimension and the pastoral dimension. This analysis has been able to establish three periods in the struggle of the Burgalese prelates: to define the territorial frame of their authority (the delimitation of the diocese boundaries), to recover the churches and jurisdictional rights (episcopal third and other ecclesiastic taxes) that were in the hands of the powerful Benedictine monasteries and lay people, and to affirm their hierarchical superiority over other diocese *potestates*. The study has identified the main strategies used by the bishops to reach those objectives: the signing of agreements to resolve disputes, the addition of abbots of collegial churches to the cathedral chapter to control key areas in the diocese, and the acquisition of properties in those areas.

Keywords: episcopal authority; functions and rights; Castile Kingdom-Diocese of Burgos; 11th–13th centuries



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1. Introduction

The institutional and territorial construction of the Burgos diocese in the Kingdom of Castile is paradigmatic of the close links between monarchy and the prelates that characterised the ecclesiastic organisation of the territories recaptured from Islamic power. Modern historiography has demonstrated renewed interest in classic topics, such as the building of episcopal authority (Ott 2015, pp. 1–26) and the creation of the dioceses and parish network in medieval Western Europe (García de Cortázar 2018). The new approaches, inspired by the studies of Florian Mazel (2016), understand medieval dioceses as the result of a social construction and a space of power. Recent research has similarly returned to the study of the parishes, the basic cell of the ecclesiastic structure, as a multidimensional phenomenon or “un fait social total” in the words of Zadora-Rio (2008, pp. 111–15).¹ Until the late 12th century, parishes were a fluid reality in a world in which the forms of social organisation and practices of power were based on personal ties and not on a territorial logic (Lunven 2014, pp. 101–24). As a consequence of the destabilisation of ecclesiastic organisation caused by the Islamic invasion in the early 8th century, the proliferation of churches and small monasteries in the hands of kings, nobles, some clergy and rural communities was a challenge for the imposition of episcopal jurisdiction. ‘Proprietary churches’ (Wood 2013, pp. 2–5) were spread across the Christian kingdoms that emerged in the north of the Iberian peninsula and those whose founders and owners were lay people

were gradually absorbed by the large Benedictine monasteries between the 10th and 13th centuries (Carbajal Castro and Hernández 2019). Only a few of them finally became parishes, in an obscure process due to the silence of the sources, on which regional and local studies have attempted to shed light in recent decades. Nearly all of them have stressed the reactivation of episcopal power that was brought on by the Gregorian reform as a turning point in the ownership of the churches that belonged to lay people, and the different temporal and spatial rhythms in which this occurred². Some scholars have emphasised the survival of proprietary churches as a form of resistance to the centralisation of episcopal power, although these studies mostly envision those foundations as an instrument for the dominion and social control by both ecclesiastic hierarchies and lay people. In a setting of several bishoprics, the royal and ecclesiastic decision to raise the pre-urban centre of Burgos to the category of a single head of a diocese in the young kingdom of Castile was presented as the transfer of the old Visigothic see at Oca (restored in 1068) in the late 11th century. The structure of this study corresponds to the three phases that we have defined on the basis of the analysis of the long struggle of the bishops of Burgos to achieve three main objectives: to bring most of the parishes with their clergy and some of collegial churches and abbeys in the diocese under the dominion of episcopal jurisdiction; to define the territorial boundaries of the diocese; and to impose the hierarchic superiority of the bishop's authority.

2. A Single Diocese Heading the Young Kingdom of Castile: Kings, Nobles, Abbots and Weak Bishops (10th–11th Centuries)

One of the main consequences of the Islamic invasion of the Iberian Peninsula was the destabilising of the territorial administrative structure of the Visigothic Church. From the first nucleus of resistance in the west of the peninsula (Kingdom of Asturias) until the birth of the Kingdom of Asturias and León (in 910), the Christian monarchs headed the ecclesiastic reorganisation of the territories re-conquered from the invaders. By then, the River Douro, in the northern part of the North Iberian plateau, had consolidated as the southern boundary of the kingdom, now frequently known as the Kingdom of León. Therefore, the cities of Oviedo (capital of the Asturian kingdom and episcopal see from the year 811) and León (Visigothic episcopal see restored but not secured until the mid-9th century) held the royal courts, where bishops and nobles shared the taking of political decisions together with the king. In this part of the Middle Ages (8th–10th centuries), there are few written texts and the civil (counties, *'alfoces'*, etc.) and ecclesiastic boundaries (dioceses) of the conquered territories were embryonic, shifting and unstable. From the mid-10th century, the county of Castile, which formed the eastern portion of the Kingdom of León, had achieved considerable autonomy and in 1065, with the death of Ferdinand I of León, it became the Kingdom of Castile.³ In addition to the diocese of Álava in the county of the same name, four other episcopal sees (Valpuesta, Amay^o-Muñó, Sasamón and Oca) co-existed from the 9th–10th centuries in this area that now corresponds to the north-east of the modern province of Burgos and the west of the province of Álava (see Figure 1)⁴.

The second half of the 11th century witnessed the culmination of the process of the reunification of the episcopal sees that had co-existed in the County of Castile into a diocese with a new centre in the pre-urban town of Burgos. Sancho II of Castile restored the see of Oca (1068) and his successor Alfonso VI transferred it to Burgos (1081), while those of Muñó (1088) and Valpuesta (1087) were also incorporated into the new see. Indeed, Valpuesta was turned into an archdeaconry. The political and military strategies of the Castilian-Leonese monarchs opted for the small walled town that had been a defensive bastion of the Kingdom of León, owing to its geographic position on the crossroads of natural ways and corridors that linked the Bay of Biscay to the north with the lands to the south and the Castilian plains in the Ebro valley to the east. King Alfonso VI chose Burgos to hold the council that in 1080 introduced the Roman liturgical rite into the kingdom. Later, with the separation of the kingdoms of León and Castile in 1157, the town became the *de facto* political capital of the Kingdom of Castile owing to the frequent presence of the royal court.

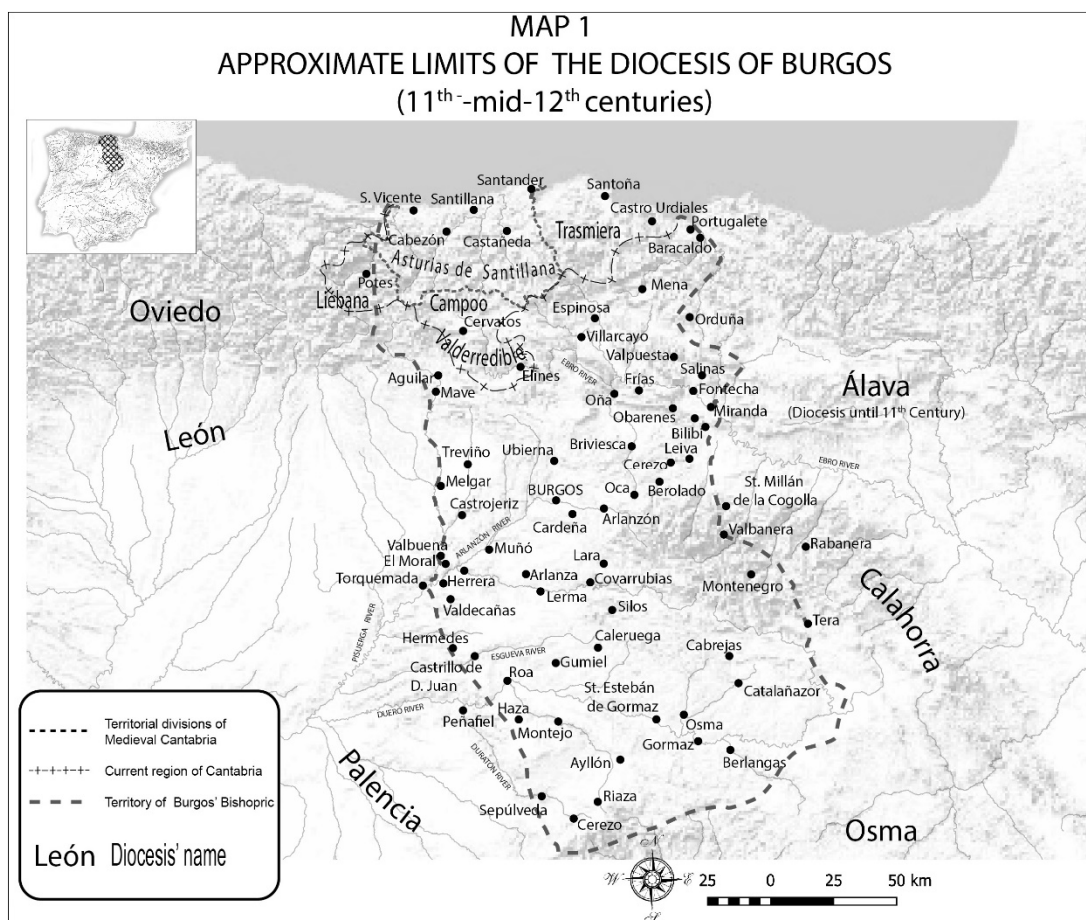


Figure 1. Limits of the Diocese of Burgos (11th–mid-12th centuries).

The establishment of monasteries in the lands that defined the diocese of Burgos in the early 13th century was early and intense. At the same time, the implementation of the Cluniac reform supported by the monarchy contributed to the strengthening of the powerful Benedictine monastic lordships in the diocese (see Figure 2): San Pedro de Cardena and San Pedro de Arlanza, both founded in the 10th century, and in the 11th century, San Salvador de Oña (1011) and Santo Domingo de Silos (restored in 1041). When the episcopal see was established in the city of Burgos in the third quarter of the 11th century, numerous churches remained outside episcopal authority because they were annexed to those important monasteries.

The above-mentioned dioceses are only vaguely known. The signatures of their titular bishops on confirming documents are the main testimony we possess to their existence. Until the late 10th centuries, they were really bishops without a territorial ascription. The bishops at the head of the see of Oca (restored in 1068) lived in the monastery of San Pedro de Cardena until the 1040s (Dorronzoro Ramirez 2013, p. 54). Few bishops are named as witnesses at that time, compared with the large number of abbots, presbyters and hermits. The bishop-abbot model was frequent and created confusion among monastic and cathedral *scriptores*. Sometimes they referred to the same person as abbot and sometimes as bishop. In contrast, kings and county families, the founders of monasteries with their dependent churches, were the main protagonists. Pedro (1003–1024), the abbot of the monastery of San Pedro de Cardena and Bishop of Oca, co-signed a document confirming the donations made by the ancestors of García Sánchez, Count of Castile (1017–1029) and, in his role of proprietor, donated a house in the centre of Burgos to the monastery of Cardena⁵ in 1019. In 1036, he is mentioned as the Bishop of Burgos. In fact, it is the first time a bishop is documented as a bishop of Burgos. His successor, Julian, was

named the Bishop of Oca (1027–1041) and governed the monastery together with the abbot Gómez (Gomesanus). In this time, when the lands of Castile were ruled over by the King of Navarre, Atón (Atto), the bishop of Valpuesta repeatedly appears also as the bishop of Oca (Martínez Díez 2004, pp. 26–27). Abbot Gómez became bishop in 1042 and was usually known as *Burgensis episcopus*, although when he attended the Council of Coyanza (León, 1055), he signed as the Bishop of Oca. Their episcopacy and succession reveal the noble social origin of these bishops and the existence of episcopal families; thus, Bishop Gómez (1042–1064) was succeeded by his nephew Jimeno I (Martínez Díez, p. 29). These episcopates also show how the kings participated in their appointment and in the increase in their individual patrimony through the donations they granted them.

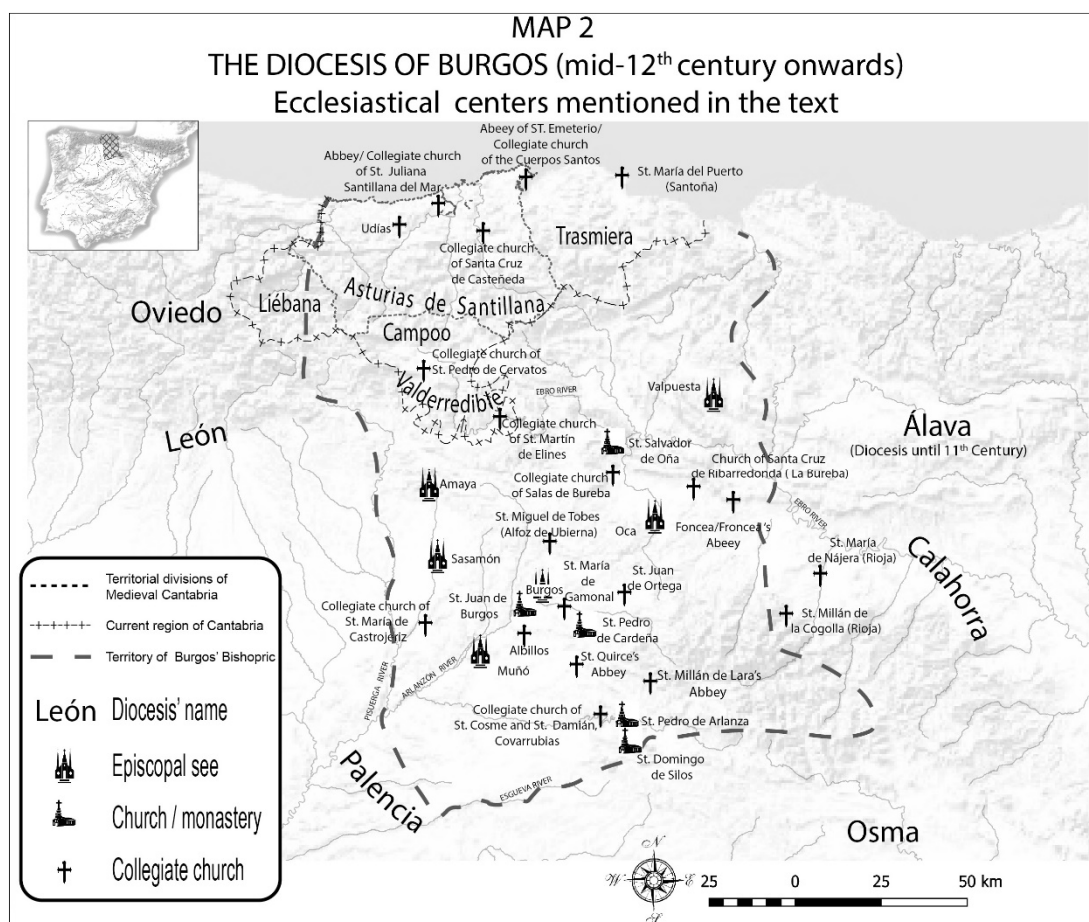


Figure 2. The Diocese of Burgos (mid-12th century onwards).

With the bishop of the same name, Jimeno II (1069–1082), the process of the unification of the diocese was completed as the monarchy definitively chose to establish it in the pre-urban town of Burgos. In order to endow the foundation, the brothers of Alfonso VI donated the church of Santa María de Gamonal to Bishop Jimeno II (1074) and in 1075 the king himself offered the prelate the palaces of his predecessor and the contiguous church of Santa María as the see of the bishop and his cathedral chapter.⁶ To the predominant royal magnificence in the initial endowment of the new see, fourteen generous donations of monasteries, *villae* (populated towns) and other properties by other notable members of the nobility were added in the last decades of the 11th century. The bishops in their role of lords, that is to say, managing their own properties in purchases or sales or receiving donations, can only be seen in three of them. This can be interpreted as a sign that the separation between the *mensa episcopalis* and *mensa capitularis* in the cathedral chapter had still not occurred.⁷ However, the figure of an archdeacon as an official of the bishops appears for

the first time. In fact, this was archdeacon García, the nephew of Bishop Jimeno II and a future bishop.⁸ When the magnate Pedro Días donated the collegial church of Salas de Bureba to Bishop Gómez II and his *colegio canonicorum*, he was called *meo patrono* (the abbot of Salas became a dignitary in the cathedral chapter).⁹

The evidence of the exercise of jurisdictional authority by the Burgalese bishops is still very scarce in the second half of the 11th century, possibly owing to the slow introduction of Gregorian reform, which sought the strengthening of episcopal authority. Much of the evidence that exists comes from the lands in the north of the diocese (parts of Asturias de Santillana, Trasmiera, Campoo and Valderredible, which today belong to the Autonomous Community of Cantabria). In the village of Udias (Asturias de Santillana), the bishop consecrated a church at the behest of the villagers (1099) and its founder, Count Martín Laínez. The nun Apalla complained about the expenses caused by the bishop's stay on the occasion of the consecration of the monastery of which she was the proprietor, in Albillos, near the city of Burgos, in 1045.¹⁰ In the north-east, Bishop Jimeno could only sanction the consecration of the church of Santa Cruz de Ribarredonda (1086) that was performed by the Archbishop of Toledo. This church had been donated as a dowry by its proprietor the priest Fernando to the monastery of San Millán de la Cogolla (the diocese of Calahorra).¹¹ In principle, the presence of the prelate would imply the recognition of his jurisdiction and therefore the obligation of paying the episcopal thirds (a part of the tithes). Indeed, Bishop García Aznárez (1091–1114) began a policy of the imposition of the tithes in the churches of the diocese. That was a difficult task at a time when the existence of proprietary churches was very common. Still in 1031, the exemption of episcopal thirds was conceded to all the churches that depended on the Abbey of Santillana del Mar by Bishop Muño. We find no records of pastoral visits to the diocese although it is possible that the signature of the bishop on a testament written in the area (1093) was made in the context of an episcopal visit.¹² The rules of the Coyanza Council (1055) did not succeed in strengthening the weakened *ius episcopale* that must still have been restricted to liturgical functions (ceremonies and sacraments) and to the discipline of the clergy. The fight for the control of the tithes had only just begun. In a bull sent to the bishop of Burgos in 1099, Urban II alluded to the episcopal see's problems with monasteries that enjoyed autonomy and possessed large patrimony.¹³ The prelate's jurisdictional authority was clearly being challenged.

3. Episcopal Authority Challenged by the Large Monasteries and the Ambiguous Position of the Pontificate in the 12th Century

The six bishops that governed the Burgos diocese in the 12th century used all of their energy in two tasks. The first of these was to delimit the territory belonging to the episcopal see and the second was to define the attributions and rights that corresponded to the bishop in relation to the ecclesiastical institutions long established in this territory, in particular, the monasteries that received tithes from the churches under his control. Both objectives left the prelates in the first line of legal controversies that arose with those institutions and with neighbouring dioceses. Despite the Gregorian reform's support for the figure of the bishop and his officials in the government and administration of the diocese, the position of the pontificate was ambiguous until the second half of the 12th century. From the start of the century, some monasteries had been obtaining pontifical charters for protection (economic exemption) and freedom (jurisdictional exemption). The ownership of monastic properties was passed to the Holy See and the monastic communities became users of them. These charters of protection and freedom also granted those communities (San Salvador de Oña, Santo Domingo de Silos and San Pedro de Cardena) exclusive rights to their organisation and administration, but not to spiritual jurisdiction, which corresponded to the bishop (Serrano 1935, p. 351; Sánchez Domingo 2016, p. 155).

Until 1136, Bishops Pascual (1114–1118) and Jimeno (1118–1139) concentrated on the dispute with the neighbouring diocese of Osma (restored in 1101) over the definition of the diocese boundaries. In that year, they reached an agreement with the Archbishop of Toledo (representing his dependent diocese of Osma) who had perceived the emergence of the

new episcopal see in Burgos as a threat to his hegemony and the Burgalese bishopric. The result was the separation (vid. Maps 1 and 2) of the southern part of the diocese of Burgos (Peribáñez Otero 2023, pp. 149–54). From then on, their successors began a first offensive to obtain the episcopal thirds from the large Benedictine abbeys. The context was favourable as they had held several diocese councils (León, Palencia, Santiago de Compostela, Burgos and Palencia, 1114–1129) that forbade lay people usurping or selling church properties or rents as well as clergy allowing churches to fall into the hands of lay people (Fita 1894, p. 225; 1906, pp. 387–407). These rules were supported by the First Lateran Council (1123), when it was laid down that parish church clergy should be nominated by bishops, and bishops should be allowed to intervene in the administration of churches under the control of the monasteries. It was also stressed that bishops possessed the authority in their diocese to manage ecclesiastic affairs that concerned both their subordinates and lay people (García y García 2000, p. 73). However, the application of these canons came up against ecclesiastic reality articulated around large Benedictine abbeys that had obtained exemptions and charters of protection from the papacy.

Although Bishop Pedro Domínguez obtained a bull from Lucius II in 1144 in which the abbots of San Salvador de Oña, Santo Domingo de Silos, San Pedro de Arlanza and San Millán de la Cogolla (diocese de Calahorra) were ordered not to usurp the fraction of the tithes that the canons granted to the bishop,¹⁴ his successor Bishop Víctor (1146–1156) reached an agreement with Oña that turned out to be more beneficial to the monastery (1152). The abbey consolidated its position as regards the episcopal third in exchange for some lands, lordship rights and economic compensation to the bishop.¹⁵

The second stage in the episcopal offensive began in the last quarter of the 12th century, but the solution to the disputes would not be reached until the first quarter of the 13th century. The case with Oña was reopened (agreement in 1218) and similar cases were begun against the monasteries of San Juan de Burgos (1185, 1194), San Pedro de Arlanza (1201) and Santa María de Nájera in the neighbouring diocese of Calahorra. Moreover, episcopal pressure extended in the early 13th century to collegial churches not integrated into the episcopal see (Santa María de Castrojeriz, and San Cosme and San Damián in Covarrubias), as well as the monastery of San Juan de Ortega in the city of Burgos (see Figure 2). The aim now was not only to claim the episcopal third and rights over the tithes but to achieve the effective recognition of the rights inherent to the hierarchic superiority of the bishop: naming the clergy, the enforcement of excommunication sentences, convoking synods and receiving the right of ‘procuration’ (a tribute received by the bishop when he visited a monastery). At that time, the prelates enjoyed the inestimable legal support given by the canons of the Third Lateran Council (1179).

The intense and long-lasting dispute with the monastery of San Salvador de Oña acted as a point of reference for other conflicts between the episcopal authority and the monasteries. Urban III’s bull (1186–1187) was the response to the complaints of Bishop Marino (1181–1200), among others, about the actions of the abbot of Oña that invaded episcopal jurisdiction.¹⁶ From Innocent III’s bull (1201), it can be understood that the bishop had again claimed his right to the part of the tithes from the lands that the monastery directly exploited and the rights derived from the funeral liturgy (‘mortuaries’ and offerings from the deceased’s family).¹⁷ It is evident that at the turn of the 12th and 13th centuries, the position of the pontificate had finally opted for the pre-eminence of the bishop in the diocese churches, in accordance with the Lateran councils. Innocent III sent letters to the apostolic judges exhorting them to correct what were now perceived to be clear excesses of the abbot at Oña and to make him receive the prelate when he went in procession to the abbey, and to swear obedience and submission to him.¹⁸ A decade later, the bishop of Burgos obtained the pontificate’s backing to exercise several rights over the abbey: an annual canonical visitation during which the abbot was to report to him on the state of the community and swear an oath of obedience to him. Depending on the results of the visitation, the bishop could impose reforms. In the case of the election of a new abbot, he would be blessed by the bishop after the monks had received him in procession. In

addition, Oña obtained an unfavourable sentence in connection with the abbot's refusal to attend synods, observe excommunications and pay the bishop the tributes known as 'procuration' and 'aureus'. However, the monastery appealed against this sentence and was granted a moratorium.¹⁹ It used that time to carry out a survey with witnesses about the attributions that the abbots had been exercising since at least the mid-12th century and sent it to Rome; inexplicably this disappeared from among the set of documents of the legal process at the pontifical court.²⁰ The deaths of the abbot of Oña and Pope Innocent III shortly afterwards paralysed the process momentarily.

The monastery of San Millán de la Cogolla in the neighbouring diocese of Calahorra had possessions in the diocese of Burgos and also demonstrated a great capacity for resistance to episcopal authority. Its abbot obtained an agreement (1163) in which the bishop of Burgos ceded it the rights of the tithes in the lands that the monastery had acquired before the date of the agreement.²¹

In turn, the monasteries of San Pedro de Cardena and San Juan de Burgos, located in the heart of the diocese, seem to have given way to episcopal authority. Pope Alexander III confirmed to Bishop Pedro that the abbot of Cardena should receive him each year in a procession and pay him the tribute of 'procuration'.²² The monastery of San Juan, located outside the city walls of Burgos, was a long way from its mother-house, La Chaise-Dieu in France, but it was able to resist the episcopal pressure successfully and soon reached agreements. In 1185, it confronted the bishop of Burgos over the construction of a church in the town of Castro Urdiales (in the north of the diocese, in modern-day Cantabria) and its refusal to give the prelate the corresponding episcopal third. The clergy in the town also saw it as competition and, supported by the bishop, built a parish church. The prior of San Juan agreed to sign a concord by which the neighbours' church was destroyed and in exchange the bishop received a third of the tithes and 'first fruits' and the prior the other two thirds, as well as half the funeral offerings left by the faithful at the foot of the altar for each one. In a second agreement (1194), the bishopric managed to make the prior recognise the right of an annual visit and 'procuration' together with a third of the goods given by the parishioners in the diocese of Burgos to the monastery, which, from that time on, would go to the parish to which they had belonged. Both cases reveal a significant advance in the episcopal power in the defence of parishes against monastic churches and in monopolising religious practices in the city.²³

The episcopal triumph over abbeys and collegial churches also took place at an early date and resulted in the abbots entering the cathedral chapter as another dignitary who acted as a link between the bishop of Burgos and the place in the diocese that these collegial churches controlled; that is to say, they were like an archdeacon. This occurred with the collegial churches of Valpuesta (annexed to the diocese in the late 12th century), Santa María de Castrojeriz and San Pedro de Cervatos. The second of these formed part of the endowment of King Sancho II to the episcopal see in the city of Burgos in 1068. San Pedro de Cervatos was given to Bishop Marino in 1186 by King Alfonso VIII in exchange for a monastery.²⁴ Equally, the abbeys of Foncea (Peterson 2023), San Quirce and San Millán de Lara. The first two were in King Sancho II's initial donation to the episcopal see (1068) and San Millán de Lara was donated by King Sancho III (1157).²⁵ The conditions established by the bishop and the abbot of San Quirce in the middle of the century can show how the relations between the episcopal see and the abbeys that it had annexed were governed: the correction of the community of canons would be the responsibility of the abbot, who should keep the rights over it, and the visit of the abbot should be accompanied by the payment of the 'procuration' (Serrano 1935, pp. 240–41). In contrast, the abbeys and collegial churches in the north of the diocese of Burgos nearest the Bay of Biscay escaped episcopal jurisdiction. The abbeys of Santillana del Mar and San Emeterio in Santander (later Collegial Church) and Santa María del Puerto (Santoña) remained under royal patronage and the collegial churches of San Martín de Elines and Santa Cruz de Casteñeda under the patronage of noble families (see Figure 2). The same occurred in the south of the diocese with the

collegial church of San Cosme and San Damián in Covarrubias, the pantheon of princesses with a royal origin.

The actions of the bishops that governed the diocese of Burgos related to their own properties varied substantially in comparison with the second half of the 11th century. In a previous study, it was shown how, out of 45 transactions (donations, purchases and permutations) that took place between members of the local nobility, magnates and the episcopal see, in seven of them the bishop was the only donee and in nine of them he was attributed the initiative of the operation. The flow of portions (shares) of the ownership of churches and monasteries in the hands of lay people that came into the possession of the cathedral chapter was reduced to nine. To take advantage of the percentage of free disposal that legislation on hereditary transmission left out of obligatory inheritance, the nobles sought useful formulas to optimise the profits from their basic properties. One of them, which was widespread in the last two decades of the 12th century, was the concession of properties on *praestimonium* ('loan'), which implied the donor giving the use of a portion of a property or group of properties to an ecclesiastic institution in exchange for rent or rights. In the management of these properties, the reception of donations no longer took first place whereas the purchases increased significantly. In the last decade of the 12th century, the bishop and chapter only participated jointly in six purchases, which can be interpreted as evidence that the *mensa episcopalis* and *mensa capitularis* had separated by then (Guijarro González 2020, pp. 27–41).

Bishops Pedro Pérez (1156–1181) and Marino (1181–1200) acted like any other lord in the immediate areas around the city of Burgos and in the north of the diocese, where they possessed their own properties. They granted a charter to a town to attract inhabitants, and reordered their property in an area where they purchased a large number of properties, although both prelates often resorted to a *praestimonium* ('loan').²⁶ It should also be stressed that in other cases the transactions involved the episcopal third. Several landowners sold estates to Bishop Marino and the chapter in return for a payment and keeping a third of the tithes corresponding to five places (1188). In contrast, Count Nuño and his wife gave them the place of Barchilona in exchange for avoiding the tithes that they paid for the possession belonging to the hospital they founded in Itero (1174).²⁷ Therefore, the individual strategies of the bishops in relation to their properties or when they acted together with the cathedral chapter were not uniform in their way of including the income from the tithes in the diocese church. What is evident is that the bishops alienated the canonical third temporarily ('loan') in places close to or distant from the episcopal see in order to acquire properties by buying them or by donations. The recipients gave some of their properties and in exchange received the episcopal third during their lifetime.

4. The Triumph of Episcopal Pre-Eminence and the Role of Bishop Maurice (1213–1238) as Architect of Great Agreements

The long process of the construction of episcopal authority in the diocese of Burgos was consolidated in the first half of the 13th century, or to be precise, in the first four decades. Three brief episcopates were followed by the energetic reign of Bishop Maurice (1213–1238).²⁸ It can be said that with Maurice the territorial boundaries of the diocese were finally delimited and then persisted throughout the rest of the Middle Ages. He created the model of bishop as outlined in the Lateran Councils in the 12th century and early 13th century. The characteristic features of this model were expressed in three main dimensions: patrimonial, jurisdictional and spiritual.

The pastoral and disciplinary role of the bishops over the clergy and the faithful is scarcely visible in the medieval diplomas from the period of study. From the conflicts of the bishops with some ecclesiastical institutions, it can be deduced that the Burgalese prelates attempted to make all of the churches and monasteries in the diocese recognise the right of the episcopal visit to assess the state of the institution, the fulfilment of liturgical ceremonies and the discipline of the regular and secular clergy. The independence of the cathedral chapter, rather than the bishop, to correct the behaviour of its members was a

permanent vindication of Burgalese dignitaries and canons in the Middle Ages. Synods must have been held in the 12th century and particularly in the 13th century, but there are no written records of any until the 14th century. However, councils were held in Burgos in 1081, when the Roman rite was introduced in Castile, and in 1117 and 1136. (García y García 1997, pp. 41, 85–86). As explained above, one of the key points in the bitter dispute between the episcopal see and the monastery of Oña was precisely the resistance of the monks to accept the application of the disciplinary or liturgical measures that followed the prelate's visit. It was during the episcopate of Bishop Maurice and the promulgation of a constitution for the cathedral chapter (1230) when the figure of the bishop as the pastor of his church became clearly explicit; previously, it can be guessed rather than proved.

4.1. *The Bishop as Owner of Properties and Lordship Rights*

The four bishops that governed the diocese of Burgos in the first four decades of the 13th century received hardly any donations from the monarchs. The number of purchases documented up to 1245 do not amount to twenty and these were mainly land (estates) and houses in 27 places, nearly all of them in the north of the modern province of Burgos. Neither are there any mentions of the concession of churches owned by monasteries. The donation of the part that corresponded to Countess Sancha, among other heirs, in the church of Santa María de Sasamón to Bishop Juan (1243) would be an exception.²⁹ A 16th century inventory ('Book of Apeo', 1515–1516) records the places where the bishop possessed property and received a part of the tithes and other ecclesiastic levies (Huidobro y Serna 1952–1953). Fortunately, a comparison of these places with those documented in other fragmentary sources in the cathedral archives allows an approximate reconstruction of what was happening in the mid-13th century.³⁰ The study of this inventory confirms the considerable extent of the episcopal lordship of Burgos. As owners of places of worship or as patrons of a church (they named the clergy) they received all of the tithes in 29 places framed in 11 archpriesthoods in the north of the modern provinces of Burgos and Cantabria (which in those centuries was formed by the Asturias of Santillana, Trasmiera, Campoo and Valderredible) on the shores of the Bay of Biscay to the north (see Figure 2). The greatest density was in the valley of Mena, where the prelates possessed the monastery of San Julián de Mena. In 13 places they received a third of the tithe, also in this northern area around the Mena valley; in six places they received half the tithe and in a further 16 places (on the boundary with the diocese of Palencia) a quarter of the tithe.³¹ In all of these places, the bishop possessed a church or a small monastery that possibly functioned as a centre to collect the tithes and, in some cases, may have given rise to an archpriesthood and become the head of the region.

However, the largest part of the episcopal income derived from tithes came from the prelates' rights to the canonical or episcopal thirds that, according to the inventory, they collected in 759 places in the diocese of Burgos. Most of it was collected in the northern part of the modern province of Burgos, in the north-east of the neighbouring province of Palencia, in the lands of the modern region of Cantabria and the north-west of the diocese of Álava. Those parts of the diocese were the furthest from the city of Burgos, the episcopal see and political capital of the kingdom of Castile. In contrast, only a few churches are mentioned in the area nearest to the city and similarly, to the south of the city following the course of the River Arlanza (see Figure 2). In the south-west, between the Rivers Esgueva and Arlanzón, more churches are recorded as contributing to the episcopal third. In more distant northern regions from the head of the diocese, the bishops chose to rent out a certain amount of the episcopal third that corresponded to each parish to the archpriest or another of their officers.³² It was precisely the part of the diocese where the prelate had previously owned a house, church or monastery and this became the original centre for the management and collection of the tithes from which the episcopal third was subtracted.

4.2. *The Jurisdictional Dimension of Episcopal Power: Hierarchical Superiority, Judge, Legislator and Title Holder of Ecclesiastic Rights*

The processes of the introduction of episcopal jurisdiction and the definition of the spatial frame of their application ran parallel courses after the definitive establishment of the head of the diocese in the city of Burgos in the late 11th century and during the 12th century. The intense debates and disputes of the previous century over the delimitation of the boundaries with the neighbouring dioceses had ceased to be a burning issue in the first quarter of the 13th century. In a final episode with the diocese of Osma, Innocent III resolved the matter in 1216 by forcing both parties to respect the boundaries that existed at that time.³³

The last struggles for the control of parish churches and episcopal rights over them with monasteries and collegial churches awoke old claims on both sides. The sequence of bulls issued by Innocent III in connection with those disputes reveal a pontificate that had definitively opted to support episcopal pre-eminence. The pope gave Bishop Mateo (1200–1202) the power to incorporate in his corresponding churches all the possessions that had been alienated incorrectly or by negligence (1201)³⁴ and ordered Bishop Fernando González (1202–1205) not to confer ecclesiastic benefices or ‘loans’ to lay people. When litigation with the monasteries of San Pedro de Arlanza (1201)³⁵ and San Salvador de Oña (1201–1218) restarted, he similarly responded with the affirmation of canonical right to the episcopal third and other levies derived from the parish tithes and the due obedience of the monks to the bishop. It seems that the abbot of Oña still demonstrated his capacity of resistance by acting as a judge in matrimonial litigation, the pronouncement of excommunication, add-to naming clergy in the parishes within the monastic dominion and forbidding his clergy attend the diocese synod.³⁶ However, Innocent III’s bull issued in 1210 clearly laid down the relations that should prevail in the future between monasteries and bishops: the abbot should receive the bishop each year in a visit and pay the ‘procuration’ and inform him about the state of the abbey. He could propose reforms, and while the choice of abbot must be blessed by the prelate, the possible arbitrariness of the prelate could be avoided by making him consult the pontifical court before making certain decisions. It is true that, as regards the visits and blessing of the chosen abbot, the possible arbitrariness of the prelate were limited by making him consult the pontifical court before making certain decisions. The monks of Oña carried out an investigation into the rights they had been exercising since the middle of the 12th century (tithes and “procurations”) and obtained a moratorium to present the evidence collected. However, the conflict was resolved in favour of the episcopal see eight years later (1210).³⁷ By then, at the head of the Burgos diocese was a bishop whose policies defined the model of bishop that was formed in late medieval Castile. Bishop Maurice (+1238) was the great architect of the agreements with monasteries and collegial churches, like the one he signed with the Oña monastery to overpower its community: the abbot accepted the right of the prelate to name the clergy in the churches dependent on the monastery; the compulsory attendance at diocese synods; and the acceptance of sentences of excommunication and the payment of tributes (‘procuration’ and ‘aureus’). In relation to the church tithes, it had to pay the episcopal third of all of those that had been added to the monastic possessions after the mid-12th century. In addition, it would renounce the tithe collected from settlers who farmed land in places where the monastery did not possess the parish church or receive the episcopal third.³⁸ This demand was completed with a survey on the status of all of the centres of worship belonging to the monastery. The results of the survey were used by Bishop Maurice to expand the list of places from which he received the episcopal third. The agreement reached between the neighbours of Altable, to whom the church of the town belonged, and Bishop Maurice (1236) could serve as a model to solve this type of dispute. The tithes of Altable were divided into three parts: one for the clergy, one for the bishop and one for the village council.³⁹

The final defeat of the once all-powerful Benedictine abbey at Oña must have affected the vindications of other ecclesiastic institutions, which gave way one after another to episcopal power. Thus, Santo Domingo de Silos signed a concord (1222) with Bishop

Maurice and the cathedral chapter in similar terms to the Oña agreement (the acceptance of the annual payment of the tithe and the tribute of procuration during the bishop's two visits) to be applied in five ecclesiastic centres. In its favour, Silos succeeded in having its church in San Pedro recognised as the only parish church in the town.⁴⁰ Bishop Maurice's strategy on this occasion was to take advantage of the abbey's weakness, since it was in the middle of a dispute over the tithes that the villagers had to pay with the clergy and neighbours of the town of Silos, which belonged to the lordship of the abbot. In 1213, the resolution of the dispute had been recommended by Innocent III to members of the cathedral chapter in Osma first and then to the bishop and chapter in Burgos⁴¹. Maurice did not hesitate in supporting the clergy and villagers to encourage the conversion of the church of San Pelayo into the parish church, to the detriment of the monastery's parish church (San Pedro). Nor did he shrink from defaming the abbot and other monks and accusing them of irregularities.⁴² After the bishop's visit to the Silos monastery in 1218 and issuing a sentence of excommunication, he even resorted to verbal and physical violence when some of the monks approached him to take communion. He even called on the villagers to sack the monastery.⁴³ It was in vain that, in a desperate attempt at their defence, the monks turned to the orders of Kings Ferdinand III and Alfonso VIII that established the tithes that the people in the town should pay the abbot of Silos.⁴⁴

Other places in the diocese fell like dominoes in 1222 in the face of episcopal pressure. The regular clergy in the collegial church of Castrojeriz proved to be tenacious in their attempt over nearly a decade of resistance to the prelates' demands with the support of Pope Honorius III regarding ecclesiastic rights over moveable and unmoveable properties in several places. Again, Bishop Maurice did not mind resorting to unorthodox methods by taking away the book of privileges of the collegial church, which he never returned. The agreement both parties signed, confirming the episcopal control of the churches in the town, the choice of the abbot and the reception of episcopal levies, was accompanied by the imposition of a constitution on the college of canons (1222).⁴⁵ In the same year, the dispute between Maurice and the collegial church of Covarrubias with royal patronage was resolved. Both King Ferdinand III and the clergy gave way over the bishop's right of visits and recognition of the hierarchic superiority in the diocese.⁴⁶ Similarly, a concord was signed with the monastery of San Juan de Ortega as regards the imposition of St Augustine's rule for the canons, the choice of the prior and obligation to pay the procuration after the episcopal visit.⁴⁷ All of these actions were important for the priors to complete and make the government of the prelate effective over certain areas of the diocese (see Figure 2). Hardly any evidence exists of parish resistance to the payment of the episcopal third during the first half of the 13th century. This is possibly a sign that Maurice had practically achieved the payment of the parish tithes in most of the diocese. One exception that was documented refers to the church of San Esteban in the city (1217), which had managed to avoid paying the bishop and chapter the ecclesiastic levies derived from the tithes and death of parishioners.⁴⁸ Not even the king escaped this pressure exercised by Bishop Maurice. In his will (1214), King Alfonso VIII returned two monasteries that he had occupied to the episcopal see.⁴⁹

As we have seen, the bishops of Burgos were directly involved in disputes that were decided by ecclesiastic justice and reached agreements. However, they also acted as judges and arbitrators in disputes in which they were not involved directly. During his episcopate, the longest in the present period of study, Maurice was named arbitrator and judge in legal processes that affected the Castilian monarchy. Pope Innocent III asked him to mediate in the armed conflict that had broken out between King Alfonso of Portugal and his sisters Teresa and Sancha over the interpretation of their father's last will and testament (1217). He was also asked to admonish the king of León for seizing possessions of the Military Order of Santiago (1217) and in 1220, Honorius III asked him to stop the king naming Jews as ambassadors. Although they have left few documentary traces, in addition he must have often acted in litigations that took place in other dioceses such as those of Cuenca and Calahorra (Serrano 1922, pp. 67–69).

The legislative facet of the Burgos prelates is harder to study. Unlike the case of the 14th and 15th centuries, the constitutions that emerged from the diocese synods have not been preserved. However, Bishop Maurice wrote a constitution for the cathedral chapter known as the ‘Maurician concord’ (1230) that established the basis for the organisation of chapter life. It also regulated the position of the dignitaries, canons and lesser beneficiaries in the choir in accordance with their hierarchic rank. It established the number of canons (30, a number that placed the Burgos chapter among the largest in the kingdoms of Castile and León). He endowed the clergy in the service with income from properties and rights that belonged to the *mensa episcopalis* and ensured the provision of ecclesiastic prebends and benefices that came from the *mensa capitularis*.⁵⁰

5. Conclusions

The diocese of Burgos and its bishops are a good example for understanding one of the possible outcomes of the destabilisation of diocese administrations in Visigothic Spain caused by the Islamic invasion. The present study has shown how the construction of episcopal authority was the result of a long process of consolidation during the 11th to 13th centuries, during the birth and youth of the kingdom of Castile and the creation of a bishopric in the city of Burgos through the unification of the existing ones. Two of the most important agents in those parallel processes were the monarchs and the bishops. Three periods have been identified in the challenges and the main strategies the bishops pursued to consolidate their authority. In the first stage (10–11th centuries), episcopal sees and the bishops were closely linked to the monastic world (bishop-abbots), without a clear territorial framework in unstable military frontier areas. Their activity is barely reflected in cathedral and monastic diplomas. Only in the late 11th century, with the establishment of a single head of the diocese in Burgos, is evidence of the exercise of its jurisdictional rights seen in the northern part of the diocese through the consecration of churches and the start of a policy of the imposition of the episcopal third in all the diocese churches. In the second stage (12th century), the prelates’ activity intensified notably in four ways: a legal offensive against the large Castilian Benedictine monasteries; the possession of numerous churches with the cure of souls, still favoured by exemptions and ambiguity of pontifical decisions; the integration of the abbots and priors of the main collegial churches in the cathedral chapter; and the effective control of particular areas in the large diocese. They used their properties in distant parts of the diocese to turn them into parish centres for the collection of tithes. At the same time, until 1136, they litigated with the neighbouring diocese of Osma and finally lost part of the southern area they controlled. The third stage (until the mid-13th century) saw the triumph of the jurisdictional rights the prelates had long claimed over the churches in the hands of monasteries and lay people (episcopal third and other levies derived from tithes, pastoral visits, attendance at synods and clergy discipline). With the backing of the pontificate and the Lateran Councils, the model of the bishop was created and personified in Maurice (+1238). He was responsible for the five concords that brought an end to the disputes between the episcopal see and the monasteries; legislated for his chapter; completed the delimitation of the diocese territorial boundaries; and began building the Gothic cathedral. By the end of his episcopate, the prelate collected the episcopal third in nearly 800 centres of worship. In brief, with Maurice the slow process that led to the achievement of episcopal jurisdiction in the diocese of Burgos came to an end as he established the bishop’s authority.

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and Vol. 2 (1184–1222). Three unpublished documents from the 13th century referenced in the endnotes require consultation in the Burgos Cathedral Archive.

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Notes

- ¹ For the diocese of Burgos until the 13th century, there are two classic studies ([Serrano 1935](#)—[Mansilla Reoyo 1945](#)).
- ² Owing to limitations of space, we shall only mention some of the most important studies: on the churches of León’s Diocese ([López Quiroga 2005](#); [Reglero de la Fuente 2018](#); [Pérez 2020](#)), on Galicia’s parishes ([López Alsina 2009](#)), on Vasque Country’s parishes ([Curiel Yarza 2009](#)) and on the Burgos’ Diocese ([Guijarro González and Díez Herrera 2022](#)). Monasteries and churches have been also studied in relation to the building of territoriality in Medieval Western Spain prior to the Gregorian reform ([Escalona Monge 2020](#)).
- ³ The kingdom of Navarre reached its largest size during the reign of Sancho III the Great (1000–1035) when it ruled over the kingdom of León, the county of Castile and the modern provinces of Álava, Biscay and Guipúzcoa. On his death, he divided the kingdom between his sons and his son Ferdinand received the first two territories. On Ferdinand’s death (1065), his son Sancho inherited the county of Castile and called himself king (Sancho II of Castile, 1065–1072).
- ⁴ They shared boundaries with the Kingdom of Pamplona (Navarre from the 11th century), which had promoted the bishopric of Calahorra, from its domination over the lands of La Rioja until the mid-11th century, and absorbed the episcopal sees of Álava (which was suppressed), Valpuesta and Oca. However, the military victory of Ferdinand I, king of León and Count of Castile, over the king of Navarre, García Sánchez III, in 1054 returned the sees of Valpuesta and Oca to the kingdom of Castile.
- ⁵ ([Garrido 1983a](#)), 13, no. 11 (April 1024) and ([Fernández Flórez and Serna Serna 2017](#)), *Becerro Gótico de Cardeña*, no. 63 June 2019.
- ⁶ ([Garrido 1983a](#)), 13, no. 24 (July 1074) and no. 26 (1075).
- ⁷ ([Garrido 1983a](#)), 13, no. 45 (December 1088). In 1088, three brothers entered with their properties in the family monastery of San Miguel de Tobes (*alfoz* de Ubierna) and swore to live under obedience to the bishop. With this oath, it can be inferred that perhaps the monastery was under the patronage of Bishop Gómez II. ([Garrido 1983a](#)), 13, no. 53 (1094). In 1094 he received property in Anaya Gustios (from a countess) and from Doña Mayor (grand-daughter of Count Rodrigo González de Lara) in three towns in the regions of Ubierna and Poza. ([Garrido 1983a](#)), 13, no. 59 (February 1096). With the consent of the chapter, Bishop Gómez changed them with two landowners in the *alfoz* de Villadiego.
- ⁸ ([Garrido 1983a](#)), 13, no. 36 (February 1078).
- ⁹ ([Garrido 1983a](#)), 13, no. 44 (November 1087).
- ¹⁰ ([Garrido 1983a](#)), 13, no. 67 (December 1099) ([Fernández Flórez and Serna Serna 2017](#)), *Becerro Gótico de Cardeña*, no. 168 (October 1045).
- ¹¹ ([Serrano 1930](#)), no. 216 (1086).
- ¹² ([Garrido 1983a](#)), 13, no. 67 (December 1099). ([Jusué 1912](#), no. 61 (1031) and ([Garrido 1983a](#)) 13, no. 50 (April 1093): exemption of thirds and census.
- ¹³ ([Garrido 1983a](#)), 13, no. 66 (April 1099): Urban II confirmed and enlarged the privileges of the bishop of Burgos.
- ¹⁴ ([Garrido 1983a](#)), 13, no. 129 (April 1144): Pope Lucius III.
- ¹⁵ ([Garrido 1983a](#)), 13, no. 138 (June 1152): Pope Eugene III ordered Bishop Victor and the abbot of Oña to meet and reach an agreement as regards their dispute over the payment of tithes. Garrido, 13, no. 139 (03/09/1152): Pope Eugene II urged the abbot of Oña to fulfil the agreements reached or he would take measures against him.
- ¹⁶ ([Garrido, 1983b](#)) 14, no. 269, (July 1181): Bull of Urban III. Garrido, 14 no. 298 (20/05/1191): Bull of Clement III to the bishops of Segovia, Palencia and Osma where he describes some of the actions for which he has reprimanded the abbot of Oña.
- ¹⁷ ([Garrido 1983b](#)), 14, no. 353 (March 1201): Bull of Innocent III.
- ¹⁸ ([Garrido 1983b](#)), 14, no. 355 (March 1201), no. 356 (March 1201) and no. 358 (March 1201): Letters from Innocent III.
- ¹⁹ ([Garrido 1983b](#)), 14, no. 425 (April 1210), no. 426 (April 1210) and no. 427 (April 1210): Innocent III.
- ²⁰ ([Oceja Gonzalo](#), 1983) no. 107 (1209–1210).
- ²¹ ([Garrido 1983b](#)), 14, no. 339 (May 1199): Innocent III confirmed the previous concord (1163) between the monastery of San Millán and the bishop of Burgos.
- ²² ([Garrido 1983b](#)), 14, no. 163 (July 1162–1165): Bull of Alexander III.
- ²³ ([Peña Pérez 1983](#)), no. 46 (July 1185) and no. 56 (1194).
- ²⁴ ([Garrido 1983a](#)), 13, no. 19 (March 1068): King Sancho II restores and endows the episcopal see of Oca. Garrido, 14, no. 267 (04/12/1186): King Alfonso VIII exchanged with Bishop Marino the collegial church of Cervatos for the monastery of Santa Eufemia de Cozuelos.
- ²⁵ ([Garrido 1983a](#)), 13, no. 148 (October 1157).

- ²⁶ (Garrido 1983a), 13, no. 75 (March 1168): Bishop Pedro granted a charter (lands to be used and exemption of taxes) to the inhabitants of the town of Madrigal del Monte. (Garrido 1983b), 14, I, no. 227 (March 1185) and no. 253 (25/08/1184): purchases by Bishop Marino in Valedetobes. Concessions in *preaestimonium* (Guijarro González 2020, pp. 37–38).
- ²⁷ (Garrido 1983b), 14, no. 276 (January 1188) and Garrido 1983a, no. 190 (April 1174).
- ²⁸ There is a brief and early monograph about Bishop Mauricio (Serrano 1922).
- ²⁹ (Cathedral Archive of Burgos, May 1243, vol. 33, fol. 86).
- ³⁰ In the Archive of Burgos Cathedral, some account books from the 13th century (1266–1287), the 14th century (1355–1398) and the 15th century are preserved, which record the places where the bishop received income from the tithe. Although not all of the books from each century have been preserved, it can be seen that a large number of these places appear in the inventory of 1515. To this must be added the information on these places provided by non-serialised sources in the archive. All of this has allowed the scholar (Pereda Llarena 1986), who has previously studied this inventory, to establish the hypothesis that the situation it reflects in relation to the places where the part of the tithe belonging to the bishop was collected is quite close to what happened at the beginning of the 16th century.
- ³¹ (Pereda Llarena 1986, pp. 521–27). The inventory can be found in his unpublished graduate dissertation.
- ³² (Pereda Llarena 1986, pp. 528–36). These places were recorded in a list during the Thirteenth century.
- ³³ (Garrido 1983b), 14, no. 480 (June 1214): Innocent III recommended that the bishops of Osma and Burgos should send representatives to the Fourth Lateran Council to document the boundaries between the two dioceses. (Garrido 1983b), 14, no. 491 (March 1216).
- ³⁴ (Garrido 1983b), 14, no. 354 (25 March 1201).
- ³⁵ (Garrido 1983b), 14, no. 352 (20 March 1201): He ordered abbot Arlanza to respect the right of Bishop Mateo to receive tithes from the church of Villaverde and nominate its clergy.
- ³⁶ (Garrido 1983b), 14, no. 355 (28 March 1201).
- ³⁷ (Garrido 1983b), 14, no. 425 (April 1210).
- ³⁸ (Garrido 1983b), 14, no. 515 (May 1218): Concord between Bishop Maurice and San Salvador de Oña, pp. 399–400.
- ³⁹ Cathedral Archive of Burgos, 1236, vol. 25, fol. 348.
- ⁴⁰ (Garrido 1983b), 14, no. 537 (January 1222): The churches of San Pelayo and San Pedro in the town of Santo Domingo de Silos and the monasteries of San Millán de Lara and Los Perros.
- ⁴¹ (Férotin 1897), no. 82 and no. 85 (1213).
- ⁴² (Vivancos Gómez 1988), no. 89 (January 1216).
- ⁴³ (Vivancos Gómez 1988), no. 95 (November, 1218): Bishop Mauricio visited the monastery. And no. 98 (December 1219): Bull of Honorius III.
- ⁴⁴ (Vivancos Gómez 1988), no. 97 (August 1219): Ordinances of the King Fernando III.
- ⁴⁵ (Garrido 1983b), 14, no. 525 (November 1221): Honorius III: no. 527 (18/01/1221): episcopal administration of the churches of Castrojeriz; (Garrido 1983b), no. 544 (October 1222): Constitutions of Bishop Maurice addressed to the clergy in the collegial church of Castrojeriz.
- ⁴⁶ (Garrido 1983b), 14, no. 542 (July 1222).
- ⁴⁷ (Garrido 1983b), 14, no. 541 (June 1222).
- ⁴⁸ (Garrido 1983b), 14, no. 511 (September 1217).
- ⁴⁹ (Garrido 1983b), 14, no. 484 (November 1214): Monasteries of San Juan de Ordejón and San Juan de Mena.
- ⁵⁰ Cathedral Archives of Burgos, November 1230, vol. 17, fol. 525: “Concordia Mauriciana”.

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