

# EPISCOPAL APPOINTMENTS AND ROYAL POWER: THEORY AND PRACTICE OF AN UNWRITTEN PRIVILEGE IN MEDIEVAL PORTUGAL

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## ABSTRACT

The aim of this article is to study the role of kings in the episcopal appointments in Portugal from 1245 to 1357. This chronology covers the period marked by the government of three kings: Afonso III, Dinis and Afonso IV on what it is a crucial phase in the construction of Portuguese royalty after the deposition of king Sancho II by the pope in 1245. At the same time the procedures of episcopal elections are considerable defined by the papacy and the canon law, leaving less space for royal influence. That is why we will reflect about the forms this influence can adopt as a key element in the king's policy of reward loyalty.<sup>1</sup>

## KEYWORDS

Middle Ages, Royal Power, Episcopal Appointments, Ecclesiastical careers.

## CAPITALIA VERBA

Medium Aevum, Potestas Regis, Designatio Episcoporum, Cursus Ecclesiastici.

## 1. Introduction

Episcopal appointments was a crucial point of discussion between kings and popes in Portugal since the 12<sup>th</sup> century. Behind the conflicts about this appointments, kings discussed the real capacity of intervention in this process. In this text we will take in account the episcopal appointments as a privileged focus of analyse. And we will have in mind a crucial period that goes from 1245 and the deposition of Sancho II and the end of the reign of Afonso IV, in 1357. A period marked by a considerable effort in the definition of the royal power as the numerous legislation promulgated shows.

## 2. From capitular elections to royal rights: the sphere of practice

*Este rey entendendo a gaanhar pera sy moor autoridade em ellas, envia suas cartas aos cabidos das igrejas, geralmente ao cabidoo e especialmente a cada huum conego, rogando por seus clérigos de sua casa e por outros meos dignos, porque espera, que em as ditas igrejas e nos hordenamentos dos preitos seguïrom sua vootade delle e estas igrejas nom defendorom contra elle em seus direitos nem em suas livridões; e estas leteras envia elle de rogo, por ameaças, e por grandes espantos que lhes poee, que nom enlegaam por bispo senom aquele, que elle nomea em suas cartas ou faz nomear em suas messagees e aquesto meesmo faz nas outras Igrejas meores, que devem a proveer do prelado ou do reitor per enliçom.<sup>2</sup>*

This was how, in 1289, within the scope of the so-called 40 Article Concordat,<sup>3</sup> specifically in article 28, the Portuguese clergy echoed its complaints about the

1. This article takes part of the research project *A Dimensão Europeia de um grupo de Poder: o clero na construção política das Monarquias Peninsulares (secs. XIII–XV)* (PTDC/EPH-HIS/4964/2012, within the scope of the *Centro Interdisciplinar de História, Culturas e Sociedades da Universidade de Évora-Projeto UID/HIS/00057/2013*), supported by the *Fondo Europeo de Desarrollo Regional-FEDER-* (through the *Programa Operacional Competitividade e Internacionalização-COMPETE-*, Portugal 2020, POCI-01-0145-FEDER-007702) and funded by the *Fundação para a Ciência e a Tecnologia-FCT-*.

2. “Seeking to strengthen his authority, the King sends his letters to the church chapters - usually one to the chapter and one to each canon - campaigning for the royal clergymen and for other less honorable ones. And he does that in the hope that those churches may follow his will. And, despite the fact that he campaigns for those clergymen in his letters, the truth is that he threatens the churches and chapters that elect as bishop someone other than the one he names in them. And he does that in both the greater and the smaller churches that need to elect a prelate or a rector”. *Ordenações Afonsinas*. Lisbon: Fundação Calouste Gulbenkian, 1984: II, 22-23 (Título I, artigo XXVIII).

3. These agreements or ‘articles’, as they are called, were the result of an agreement concluded between the Portuguese prelates and King Dinis’ proxies, under the aegis of the Pope’s representatives, at the Basilica of Saint Mary Major, in Rome, on February 12<sup>th</sup>, 1289. This concordat was copied and kept in different archives, other than the pontifical one, to which the document was sent in order to disseminate the agreement that had been reached. António Domingues de Sousa Costa identifies some of the copies kept in different diocesan archives and in the royal archive, as well as several subsequent documents that approve it. The importance of what was agreed at the time justified the fact that the text was included in the *Ordenações Afonsinas*, and it is this text that we have used as a base for this introduction. We must also



pressure exerted by the monarch in the choice of benefit holders, with a special emphasis on episcopal elections. To this request, King Dinis replied that if *se porventura o rei tinha pedido que elegessem algumas pessoas, fê-lo pelo facto de elas serem dignas para esse lugar, não tendo havido ameaças, pelo que não houve qualquer consequência para a referida igreja*.<sup>4</sup>

However, the king, through his proxies—who were also clergymen—committed himself to campaigning without imposing his choices. Nevertheless, that commitment seems to have gone unheard by the king, or even by the proxies who had been involved in this reply, since they immediately took advantage of the effects of this royal pressure, which will be extremely useful for their careers.<sup>5</sup>

In fact, the eloquence of this article is obvious and even, in a way, groundbreaking, in the Portuguese context, for the straightforwardness of those who complain about the king's intervention, but also of those who reply to them. But, actually, this was not a recent issue. This article retrieves and tries to address a complaint that had already been made by the bishops who, from 1266 onwards, travelled to the Curia where they presented a libel with 43 articles against King Afonso III.<sup>6</sup> He was the king whose ascent to the throne had actually been supported by the prelates after the oath of Paris, in which the prince chosen by the Pope to defend and protect

remember that this concordat it was only the first of a large number of agreements concluded with the following kings, from King Dinis to King John I, to be included in *Ordenações*. See: *Ordenações Afonsinas*....: II, 1-2. As it is mentioned in the introduction to Book II, the integration of these agreements into the *Ordenações*, which are understood as a first effort to compile the available legislation, was justified by the fact that the King's 'intention' was to "greatly honor and appreciate our Holy Mother Church"; so, wanting to keep the provisions agreed in the Court of Rome between the previous Kings and the clergy, the King ordered the concordats to be collected for his and the clergy's information. On the 1289 agreement and its copies, please refer to: Costa, António Domingues de Sousa. "D. Frei Telo, arcebispo-primaz, e as concordatas de D. Dinis", *IX Centenário da Dedicção da Sé de Braga. Congresso Internacional. Actas*. Braga: Faculdade de Teologia da Universidade Católica Portuguesa-Cabido Metropolitano e Primacial de Braga, 1990: II/1, 283-316.

4. "if by any chance, the King had asked for some people to be elected in certain cathedrals or other churches, he had done that because they were worthy of the position, without any threats and, therefore, without any consequences for the churches in question". *Ordenações Afonsinas*...: II, 23 (Título I, artigo XXVIII).

5. We are referring ourselves, specifically, to Martinho Pires de Oliveira and João Martins de Soalhães, two clergymen whose careers have already been analysed, albeit generically, in: Vilar, Hermínia Vasconcelos. *As Dimensões de um poder. A Diocese de Évora na Idade Média*. Lisbon: Editorial Estampa, 1999: 50-51; Lima, Maria Justiniana Maciel. *O Cabido de Braga no tempo de D. Dinis (1278-1325)*. Cascais: Patrimonia, 2003: 89-98. The careers of these two men are the focus of the forthcoming comparative study of: Branco, Maria João; Vilar, Hermínia Vasconcelos. "Contacte et Échange: la circulation et les carrières de quatre archevêques portugais du XIII<sup>e</sup> et XIV<sup>e</sup> siècles", *Mobilité des clercs et circulation culturelle en Europe (XIII<sup>e</sup>-XV<sup>e</sup> siècles)*. Workshop organisé par le Groupement de Recherche Européen (GDRE) "Aux origines de la modernité étatique en Europe: L'héritage des clercs médiévaux" (Angers, 17-19 novembre 2011), unpublished.

6. According to Maria Alegria Marques, the original list of complaints had been prepared by the bishops when they were already in Rome, according to a document that was then identified as a draft and published by the author. Of course that this previous list suffered a lot of changes until the construction of final agreement. Marques, Maria Alegria Fernandes. *O Papado e Portugal no tempo de D. Afonso III (1245-1279)*. Coimbra: Universidade de Coimbra (PhD Dissertation), 1990: 390-399, 499- 521. There is a summary of these articles in: Herculano, Alexandre. *História de Portugal desde o começo da monarquia até o fim do reinado de Afonso III*. Lisbon: Livraria Bertrand, 1982: III, 131-141. The complaint about episcopal appointments corresponds to the article 41.



the kingdom had sworn to protect and defend the church, its privileges and assets against the ineffectiveness of his brother Sancho.<sup>7</sup>

However, this trip to the Curia in a quest for the Pope's support to untangle a complicated situation in the relationships between the Portuguese royalty and the Episcopal clergy did not result in a quick solution. A succession of relatively short pontificates throughout most of the second half of the 13<sup>th</sup> century, the strategy of indecision developed by Afonso III in his relationship with the Papal legates who travelled to Portugal in the 70's,<sup>8</sup> together with the change of king caused by the death of Afonso III, in 1279, resulted in the prolongation of a conflict that, in the first years of the reign of king Dinis, between 1279 and 1289 —when the agreement was concluded— seems to have limited the space for diplomacy and negotiation between the parties and their representatives, all of whom were secular clergymen.

But the text accepted in 1289 and approved by the Papacy<sup>9</sup> —that, at the time, became a privileged interlocutor for the parties—, which was later included in the *Ordenações Afonsinas*, as we have mentioned, together with other agreements that would be concluded in the following years, sets out an initial overview of the clergy's complaints but, above all, of the replies given by the royal power to those complaints.

However, we should not forget that, as a text that was designed and written with the aim of building up an idea of harmony and interaction, the 1289 agreement should be primarily understood as a diplomatic point of arrival reached after a long negotiation that was clearly focused on the definition of a few areas of competence or borders for the intervention of each of the parties, but whose actual short-term efficiency is not easy to ascertain.<sup>10</sup>

In fact, the conclusion of partial agreements in the following years, as well as of more general texts in the following reigns<sup>11</sup> shows us that not everything had been solved by the 1289 agreement. However, the text written in 1289 seems to set off, in the Portuguese context, a pattern of dialogue between the royalty and the clergy

7. King Sancho II will be deposed by the Pope in 1245. Fernandes, Hermenegildo Nuno Goinhas. *D. Sancho II. Tragédia*. Lisbon: Círculo de Leitores, 2006; Ventura, Leontina. *D. Afonso III*. Lisbon: Círculo de Leitores, 2006: 70-71; Costa, António Domingues de Sousa. *Mestre Silvestre e Mestre Vicente, juristas da contenda entre D. Afonso II e suas irmãs*. Braga: Editorial Franciscana, 1963: 437-444.

8. Marques, Maria Alegria Fernandes. *O Papado e Portugal...*: 407-413.

9. According to the information provided by António Domingues de Sousa Costa, the concordat's text was approved by Pope Nicholas IV by the bull 'Ad Perpetuam rei memoriam'. Costa, António Domingues de Sousa. "D. Frei Telo, arcebispo-primaz, e as concordatas de D. Dinis...": 302.

10. The agreements that came to be concluded, focused on complaints that were virtually similar to the ones presented in the previous concordats, demonstrated how ineffective these agreements actually were, at least as leverages for the resolution of conflicts. However, we should highlight that these lists of articles were not exclusively prepared with the goal of finding a definitive solution for those complaints, many of which were likely impossible to address, at least to the full extent of what was being proposed by the clergy. They were primarily aimed at claiming and reasserting privileges and accomplished the purpose of a recurring demand for a broader sphere of intervention.

11. During the reign of King Dinis there was also a partial agreement with some bishops, an agreement that was followed by other, more general, concordats, such as the one produced in the Courts of Elvas, in 1361, during the reign of King Pedro, all of which were included in the *Ordenações Afonsinas*.



summarized in texts built around the complaint/reply binomial, following a model that would prevailed in the Courts and what seemed to be a common practice in other European kingdoms.<sup>12</sup>

The article presented by the bishops, which touched on the subject of the royal interference in the appointment of the holders of benefits, namely of episcopal benefits is, on the other hand, in line with a vast and varied production that, throughout the final centuries of the Middle Ages, sought to clarify the daily implementation of the agreed regulations. In fact, the episcopal elections and the positioning of the various, direct or indirect, stakeholders in this process had, for a long time, been a matter of disagreement and, above all, of debate, which gave rise to an extensive and fruitful legislative production, particularly during the 12<sup>th</sup> and 13<sup>th</sup> centuries, with the aim of accurately defining the steps required for electing a bishop.<sup>13</sup>

In this context, when the proxies of the clergy and of the king codified and drew up a written agreement on the royal intervention in elections in 1289, they were not certainly unaware of what was being signed.

At the time, the King was not stating his intention not to interfere in the electoral sphere. The elusiveness of the answer seemed to demonstrate that this intervention was right in an electoral model dominated by the capitular election, and that only the pressure to elect certain individuals was wrong. And, in a sense, that is what is being said by the complainants when they highlight that the king imposed the chosen ones with threats, sending letters that left no room for a free election and seeking, in this way, to obtain more power over the churches, because what was really at stake was the election of individuals who were close to him and, through them, the reinforcement of the royal power over the churches.

In the late 13<sup>th</sup> century, when the capitular election model that had been gradually imposed began experiencing the actual effects of the measures that would eventually lead to a growing papal intervention —as proven, for example, by Katherine Harvey for England—<sup>14</sup> the King's intervention seemed to have continued to be seen as common and usual, embodied in letters sent by the king to the members of the chapter, a practice that king Dinis does not deny or undertake to abandon, being

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12. About the grievances presented by the English clergy to the King see: Jones, William R. "Bishops, Politics, and the Two Laws: The Gravamina of the English Clergy, 1237-1399". *Speculum*, 41/2 (1966): 209-245; Denton, Jeffrey Howard. "The Making of the 'Articuli Cleri' of 1316". *The English Historical Review*, 101/400 (1986): 564-595; Wright, J. Robert. *The Church and the English crown, 1305-1334*. Toronto: Pontifical Institute of Mediaeval Studies, 1980: 185-194.

13. There are many works on the definition of the Episcopal election process and on the role played by the pontifical power in that definition, namely several monographic studies that address this issue using case studies. In this context, and privileging the more general approaches, we highlight the classical, yet indispensable, studies by: Barraclough, Geoffrey. "The making of a bishop in the Middle ages. The part of the pope in law and fact". *The Catholic Historical Review*, 19 (1934): 275-319; Pacaut, Marcel. *Louis VII et les élections épiscopales dans le royaume de France*. Paris: J. Vrin, 1957. More recently, a good overview can be found in the study by: Peltzer, Jorg. *Canon law, careers and conquest. Episcopal elections in Normandy and Greater Anjou, c. 1140-c. 1230*. Cambridge (UK): Cambridge University Press, 2008.

14. Harvey, Katherine. *Episcopal Appointments in England, c. 1214-1344. From episcopal election to papal provision*. London: Ashgate, 2014.



quickly implemented in new ways other than the ones that, in the 12<sup>th</sup> century and in the early decades of the 13<sup>th</sup> century, had led to a review of the electoral universe.

These arguments show that this intervention continued to be, not only acknowledged, but also legitimized, as Peltzer had already underlined.<sup>15</sup> On the other hand, the arguments presented by the bishops are very close to the ones used, in 1279, by the pontifical legate Pedro de Rieti to address the issue of the interference of the Castilian kings in the episcopal elections, accusing them also of threatening the electors and imposing the election of certain individuals,<sup>16</sup> revealing the common nature of the problems caused by the royal intervention.

And while there is not much direct evidence of these interventions in the Portuguese context,<sup>17</sup> a few documentary references made during an election process and, above all, the list of those who were elected and candidates to the different dioceses during this period reveals the extent to which the king was able to influence the process.

In Portugal, unlike what happened in Castile with Alfonso X's *Siete Partidas*, the existing legislative collections did not include the determinations produced by the councils and integrated, specifically, into the canons of the III and IV Councils of the Lateran, which set out, in detail, the way how the elections should proceed, as well as the requirements that the candidates for bishop should meet.

The attention paid by those responsible for the preparation of the *Siete Partidas* to the issue of the episcopal election by including, in the First *Partida*, the articles of the council canons on the election virtually in their entirety, is a clear sign of the importance given by the monarchs to these appointments. What also comes across as important is the integration into the articles of the *Partidas* of a reference to the royal rights within the scope of the election process, synthesized in the legal concepts of *consensus* and *assensus*, which implied that the election had to be authorized after the communication of the vacancy, that the elected official had to be accepted and that there had to be a collaboration for the safekeeping of the episcopal assets during

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15. Peltzer, Jorg. *Canon law, careers and conquest...*: 31-38. Please refer to what the author says about the change in the role played by the prince in the election process in these pages, but also about the practical side of that intervention, namely in the Norman context. We should highlight that Peltzer's analysis is focused on a period that ends in 1230.

16. Nieto, José Manuel. *Iglesia y poder real en Castilla. El episcopado. 1250- 1350*. Madrid: Universidad Complutense, 1988: 199. To compare with the situation in Castile see also the indispensable work of Linehan: Linehan, Peter. *The Spanish Church and the Papacy in the Thirteenth century*. Cambridge (UK): Cambridge University Press, 1971 (namely chapters 8 and 9). Furthermore, the list of complaints prepared by the English clergy in 1316 addressed the issue of the elections by actually retrieving articles included in previous lists of complaints, while integrating it into a broader approach by stating that all the elections for ecclesiastical positions should be free, including, obviously, those for prelates. In this case, Edward II also replied in a vague and conciliatory way, leaving more open questions than definitive answers to a hypothetical change in the existing practice. Denton, Jeffrey Howard. "The Making of the 'Articuli Cleri'...": 583-584, 591.

17. "Interference with elections has, naturally, left little evidence in the sources. It operated in largely unseen ways and was persuasive, if often resisted". Like in other contexts, as highlighted, among other authors, by: Denton, Jeffrey Howard. "The Making of the 'Articuli Cleri'...": 583.



the vacancy.<sup>18</sup> It was also important to explain the arguments that legitimized those rights grounded on conquests, on the foundation of new churches and on the prodigal funding of institutions by the king.<sup>19</sup>

The legitimizing arguments used in Castile<sup>20</sup> were not much different from the ones presented in other European contexts, namely in France,<sup>21</sup> which were possibly also followed in Portugal where the *Partidas* had already been known since the late 13<sup>th</sup> century<sup>22</sup> and used, as denounced by the representatives of the clergy in the Courts of 1361, in the context of the excommunication of royal officials, when it was said that the royal justice did not follow the canon law, as all Christians should, but rather *as sete partidas feitas por el rey de Castela ao qual regno de Portuguall nam era sujeito mas bem isento de todo*.<sup>23</sup> To this criticism, King Peter replied that his justice kept the exceptions *como ho direito manda e sam teídas de o fazer*.<sup>24</sup>

Since king Dinis did not intend to waive the right to appoint reliable people to the episcopal elections, it would be difficult to assume that he would waive the other rights that were also legitimized, in practice, in the neighboring kingdoms. In fact, the rights that were exercised, namely in what regarded the collaboration in the safekeeping of assets, seemed to be linked with the rather abundant legislation on

18. *Las siete partidas del sabio rey don Alonso el nono, glosadas por el licenciado Gregório Lopez del Consejo Real de Indias de su Magestad*. Salamanca: Impresor de la Catholica Real Magestad, 1565: 193-250 (Primera Partida, Titulo V: “De los perlados de Santa Iglesia que han de mostrar la fe e dar los sacramentos”), especially 207-217.

19. *Las Siete partidas...*: 38v-39 (Ley XVIII). On the role of the laymen and the discussion that had occurred during the Gregorian reform and in the context of the investiture struggle: Caron, Pier Giovanni. “Les élections épiscopales dans la doctrine et la pratique de l’Église”. *Cahiers de Civilisation Médiévale*, 11 (1968): 573-585. There are many works on the royal intervention in episcopal elections in Castile. See: Nieto Soria, Jose Manuel. *Iglesia y poder real...*: 197-204; and also the overview by Oscar Villaroel, despite the fact that it is focused on a later period: Villaroel, Oscar. *Las relaciones monarquia-Iglesia en época de Juan II da Castilla (1406-1454)*. Madrid: Universidad Complutense (PhD Dissertation), 2006 (particularly pages 87 to 91). As we have seen above, the novelty lies not so much in the claims related to the king’s intervention, which was obvious, at least, since the early 13<sup>th</sup> century, but rather in the justifications that were given and in its identification as a conquest-based Hispanic tradition.

20. Villaroel, Oscar. *Las relaciones monarquia-Iglesia...*

21. The kings had been claiming the right to manage and keep the vacant benefits, as long as they remained vacant, since the Carolingian period. Despite the discussion on the extent to which that right could be exercised and on the comprehensiveness of the regale, within the meaning that was given to it in the central Middle Ages, the fact is that the French royalty continued to claim that right. For an overview, please refer to the classical work by: Lot, Ferdinand; Fawtier, Robert. *Histoire des Institutions Françaises au Moyen Age, Tome III : Institutions Ecclesiastiques*. Paris: Presses Universitaires de France, 1962: 243-256; but also: Pacaut, Marcel. *Luis VII et les Élections épiscopales...*

22. On the expansion of the *Partidas* in Portugal, see the framework by : Silva, Nuno Espinosa Gomes. *História do Direito Português. Fontes de Direito*. Lisbon: Fundação Calouste Gulbenkian, 2011: 265-267 (5<sup>th</sup> edition).

23. “the *sete partidas* made by the King of Castile, to which the Kingdom of Portugal was subject, but from which it was totally free”. *Cortes Portuguesas. Reinado de D. Pedro I (1357-1367)*, ed. António Henrique de Oliveira Marques, Nuno José Pizarro Dias. Lisbon: Instituto Nacional de Investigação Científica, 1986: 2.

24. “acts as required by law and as it should”. *Cortes Portuguesas. Reinado de D. Pedro I...*: 22.



the royal patronage that began with Afonso II and the recurring reassertion of the king's right to hold the churches that did not have a patron.<sup>25</sup>

Despite being questioned in the 13<sup>th</sup> century by the gradual definition of the legislative framework according to which the episcopal elections should be held, as well as of the process they should follow, the space for the king's intervention managed to survive, as clarified in the letter sent by Innocent III to the legate Nicholas late in 1213 or early in 1214, with regard to the episcopal elections in England.<sup>26</sup> In this letter, the Pope explained that the canons were obliged to let the king know about the vacancy and to tell him the name of the elected bishop, as soon as it became known, and that the king was expected to immediately express his support.<sup>27</sup>

In this way, the sphere of royal intervention and the king's rights, which were echoed by the *Siete Partidas*, were fully explained. However, practice showed that the gaps that had been left open allowed other ways for the king's wishes to be heard. In the context of this somewhat impressionist approach to the legal framework that ruled the practice of the royal intervention in episcopal elections in Portugal, which deserves an in-depth study, the actions of kings Afonso III to Afonso IV seemed to be focused on a close monitoring of the vacant cathedrals, hinted by a few documentary references.

Similarly, and as it has been stated with regard to other contexts, the royal influence was not limited to the sphere of the capitular election, and it is not likely to have diminished with the increase of pontifical reserves and the broadening of the scope of the Pope's intervention. In fact, the reinforcement of the Pope's intervention was contemporary of the development of a discourse and a policy aimed at reinforcing and increasingly defining the royal competencies, in a movement that, above all, determined the definition of new links and frontiers, in the wake of a previous practice of intervention that was felt at the different levels of the hierarchy that was responsible for appointing the prelates.

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25. The royal legislation on the King's right of patronage is yet to be analyzed and systematically compared to the contemporary practices of the neighboring kingdoms and integrated into a broader policy of assertion of the royal power. However, in some studies there are more or less comprehensive references to its exercise and to its legal framework. Within denying the urgency of conducting partial studies, there are three analyses that, in our opinion, reveal the chronological evolution of this legislation and, therefore, are three particularly important reflections. Mattoso, José. *Identificação de um país. Ensaio sobre as origens de Portugal 1096-1325*. Lisbon: Editorial Estampa, 1985: II, 162; Homem, Armando Carvalho. "Dionisius et Alfonsus, dei gratia reges et communis utilitatis gratia legiferi". *Revista da Faculdade de Letras da Universidade do Porto*, 11 (1994): 11-110; Ventura, Margarida Garcez. *Igreja e poder no século XV. Dinastia de Avis e liberdades eclesiásticas (1383-1450)*. Lisbon: Edições Colibri, 1997: 181-204.

26. Harvey, Katherine. *Episcopal Appointments...*: 22-24. This letter is mentioned by Katherine Harvey as an example of Innocent III's influence in the definition of the content of the Letter on Free Election, written in 1214.

27. As highlighted by Katherine Harvey, the letter reasserts as royal competences and obligations the license to elect, the ability of the electoral body to proceed with the election away from the court and the need to obtain the King's prompt approval of the elected prelate. Harvey, Katherine. *Episcopal Appointments...*



In fact, when, in 1258, Afonso III asked the archbishop of Compostela to confirm the election of Pedro Eanes to Lamego, his request not only reflected the royal protection give to the clergyman, but also the king's ability to influence an election that was likely disputed at the archdiocesan level.<sup>28</sup>

Afonso III argued then that Pedro Eanes was *viro utique literato provido et honesto tam in temporalibus quam in spiritualibus* and asked the archbishop of Santiago de Compostela to confirm the name of Pedro Eanes without delay after examining the election, an act for which the king would be grateful. Although there might have been many requests like this one, the truth is that this is the only letter with this type of content that was preserved and registered in Afonso III's chancery, a choice that single-handedly reflects the importance given to this election, despite the fact that it does not clarify the real reasons that were behind this record.

Similarly, Afonso III's resistance to the transfer of Mateus Martins from Viseu to Coimbra in 1268 seems to reveal the ability to accept or reject an elected bishop; the two dioceses, Viseu and Coimbra, were listed as vacant in the royal documents until 1278, despite the fact that the Pope provided otherwise. This rejection only came to an end in January 1279, when Mateus returned to Viseu.<sup>29</sup>

Let us recall that the presence of Mateus in the royal documents can be traced back, at least, to the beginning of the reign of Afonso III; at the time he was referred to as royal chaplain and, therefore, he was someone who was close to the king. He was appointed to Viseu, apparently as a result of the king's pressure, and there he remained until 1268, despite the fact that his appointment was rejected by some members of the chapter, among which the cantor Pedro Peres. In 1268 he was transferred by Clement IV to Coimbra but, apparently, the king refused to recognize that transfer and Mateus returned to the diocese of Viseu in 1279. The changes in the royal attitudes towards Mateus is yet to be properly explained and analyzed, but it might have been related to a broader conflict that opposed Afonso III to the prelates. However, they are particularly enlightening with regard to the fluctuations in terms of royal protection. The prelate was retransferred to Viseu in January 1279, *id est*, right at the end of the reign of Afonso III, who died in February that year.

But, many times, meeting the royal interests did not entail such drastic measures. In 1323, when Gonçalo was appointed to the bishopric of Viseu, John XXII asked the bishop of Lisbon to confirm the election of Gonçalo, the treasurer of Viseu, as

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28. *Chancelaria de D. Afonso III*, ed. Leontina Ventura, António Resende de Oliveira. Coimbra: Imprensa da Universidade de Coimbra, 2006: I/1, 165 (doc. No. 143).

29. Afonso III's apparent refusal to accept the transfer of Mateus to Coimbra is mentioned by: Morujão, Rosário. *A Sé de Coimbra. A instituição e a Chancelaria (1080-1318)*. Lisbon: Fundação Calouste Gulbenkian-Fundação para a Ciência e a Tecnologia, 2010: 138-139. Leontina Ventura highlights the anomalous nature of the situation of the two dioceses in: Ventura, Leontina. *D. Afonso III...*: 187; which is evidenced by the documents published in and related to the King's chancery. In fact, the two dioceses are mentioned as vacant in the lists of *confirmantes* that closed the most important documents and were transcribed in the chancery. The vacancy does not match with the papal documents, nor the date of the appointment of Mateus as bishop of Coimbra.



bishop, out of consideration for king Dinis of Portugal.<sup>30</sup> But, as we will see, the kings did not depend solely on the acknowledgement of their influence by the religious superiors. Whatever might have been at stake—either gaining more power over the churches, as the proxies of the clergy advocated in 1289, or recognizing and rewarding those who faithfully served their king—was far more important.

So, the episcopal elections became a key element in a policy focused on the reward of loyalty and proximity, and this applied equally to the king and to the papacy, but also to families that had a regional influence and tended to control the capitular elections.<sup>31</sup> Even if that influence often oscillated between a violent assertion of the royal power and the influence of what remained unsaid but was actually translated into a daily practice.

### 3. The ‘rotation’ of the dioceses or the slow disappearance of the internal *cursus honorum*

Between 1245 and 1357, nearly 82 clergymen occupied the 9 dioceses that composed the kingdom of Portugal since the second half of the 12<sup>th</sup> century, except for Silves, which was under Castilian jurisdiction until the treaty of Badajoz, signed in 1267.<sup>32</sup> This figure corresponded to 92 elections or procedures for the selection of prelates. However, this figure does not cover all of the clergymen who were involved in disputes for these positions within the scope of episcopal elections, which were usually settled by the Pope, but only those whose actual presence in the diocesan governance is likely to be proven by the existing documents. Similarly, the definition of this universe also took into consideration the growing importance of the transfers between dioceses, particularly from the early 14<sup>th</sup> century onwards, and the reinforcement of the Pope’s intervention, which meant that a given clergyman could hold, during his career, episcopal positions in more than one diocese.

The constraints that surrounded the definition of the universe under analysis are just one of the problems that emerge while studying episcopal appointments. The difficulties we still face in the definition of the episcopology of dioceses like Guarda, Silves, or even Viseu,<sup>33</sup> particularly during the 14<sup>th</sup> century, are serious restrictions

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30. *Lettres communes du pape Jean XXII (1316-1334). Lettres communes analysées d’après les Registres dits d’Avignon et du Vatican*, ed. Guillaume Mollat. Paris: Boccard Éditeurs, 1910: IV, 227 (doc. No. 16828). The bishop of Lisbon addressed by the Pope was Gonçalo Pereira, a clergyman who, in 1326, was appointed as coadjutor to archbishop João, who was still alive at the time.

31. Peltzer, Jorg. *Canon law, careers and conquest...*: 219-230; Bouchard, Constance B. “The Geographical, Social and Ecclesiastical Origins of the Bishops of Auxerre and Sens in the Central Middle Ages”. *Church History*, 46/3 (1977): 277-295. For a more general approach, please refer to: Barrow, Julia. *The Clergy in medieval world. Secular clerics, their families and careers in North-Western Europe, c. 800-c.1200*. Cambridge (UK): Cambridge University Press, 2015.

32. Ventura, Leontina. *Afonso III...*: 138-148.

33. These dioceses are quite different in terms of available sources of information. While in the case of Viseu, the Cathedral’s collection for this period is preserved and has been analyzed in both partial



to obtaining an accurate information about the profile, or even about the number of prelates or elections in each diocese, an information that becomes a lot more complex when we look for specific data related to the episcopal appointment procedures.

Simultaneously, and unlike what happened in other contexts, the king's intervention in the episcopal elections left very few written traces. As José Mattoso highlighted in his work *Identificação do país*, with regard to the royal patronage and the appointment of bishops:

*Em segundo lugar, reduziu-se a liberdade de eleição dos bispos que até meados do século XIII foi de regra. A partir de 1233, como vimos, o número de bispos que foram eleitos por sugestão do rei tornou-se cada vez mais numeroso*

a statement that associated the clear existence of a royal influence with the growing presence of bishops that came from the ranks of the royal service.<sup>34</sup>

This evidence seems to become particularly important in the period we have chosen to analyze, which spans between the beginning of the reign of Afonso III<sup>35</sup> and the end of the reign of Afonso IV.<sup>36</sup> This period of a little over a century was marked by a royal policy focused on the assertion and clarification of the royal powers and rights and on their written codification, a process in which the laws enacted by the three monarchs are an obvious milestone.

The change in the relationship between the royalty and the kingdom's governing bodies witnessed during these one hundred years did indeed have an impact on this particular area and the number of elections disputed in Portugal is, as in other

and in-depth studies, in the case of the dioceses of Guarda and Silves, the fact that there are not any documentary collections compromises the conduction of systematic studies on its episcopology, forcing the researchers to cross different sources and use data found in both papal and royal documents.

34. "Secondly, the freedom to elect the bishops, which had been the norm until the mid-13<sup>th</sup> century, was reduced. From 1233 onwards, as we have seen, there was an increasing number of bishops elected following a suggestion by the king". Mattoso, José. *Identificação de um país...* II: 162.

35. We used 1245, the year in which the bull that deposed Sancho II was passed, as our reference date. On this deposition, and in order to set the background for these circumstances, please refer to the biography of the King by: Fernandes, Hermenegildo Nuno Goinhas. *D. Sancho II. Tragédia...*: 257-262.

36. We should also justify our choice of end date. The reign of Afonso IV is a corner stone in the development and consolidation of a series of measures that had begun to emerge in the two previous reigns, namely in what regards their legal codification and the definition of the associated administrative structure. The nearly 30 years of this reign remain surprisingly understudied, particularly in what regards the relationships with the clergy—that were relatively calm when compared to the ones that had marked the preceding reigns—, despite being marked by key measures like the ones related to the confirmation of jurisdictions. Among other studies, we highlight the approaches by: Sousa, Bernardo Vasconcelos. *D. Afonso IV*. Lisbon: Círculo de Leitores, 2006; Coelho, Maria Helena da Cruz. "O poder e a sociedade ao tempo de D. Afonso IV". *Revista de História*, 3 (1988): 35-51; Marques, José. "D. Afonso IV e as jurisdições senhoriais galaico-leonesas no Norte de Portugal". *Relações entre Portugal e Castela nos finais da Idade Média*, José Marques, ed. Lisbon: Fundação Calouste Gulbenkian-Junta Nacional para a Investigação Científica e Tecnológica, 1994: 179-204; Vilar, Hermínia Vasconcelos. "No tempo de Avinhão: Afonso IV e o episcopado em meados de Trezentos". *Lusitania Sacra*, 2<sup>nd</sup> series, 22 (2010): 149-168; Vitória, André. *Legal Culture in Portugal from the twelfth to the fourteenth Centuries*. Porto: Universidade do Porto (PhD Dissertation), 2012: 336-394.



coeval political contexts, a clear indication of the transformations that were affecting the role and the competencies of each of the players involved in the episcopal appointment procedure and the importance given to their involvement.

The documentary traces left behind by the conflicts and alliances associated with many of these appointments are, therefore, the starting point for this reflection, which is based on the notion that episcopal appointments took center stage in the system of redistribution and reward of loyalties, both by the royalty and by the papacy. This determined the inclusion of these benefits in the benefit circulation chain that characterized the 14<sup>th</sup> century and, furthermore, the fact that the points of conflict or alliance associated with these appointments became key elements in the assertion of the sphere of influence of each of the players.

So, in this reflection, we chose the Portuguese case and the evolution of the types of royal interference in episcopal appointments throughout these one hundred years as our main line of analysis, from a point of view that is necessarily partial considering the numerous questions raised by the study of the episcopal appointment procedures. In order to do that, we divided our analysis into two levels: the first level is a generic characterization of the election procedures and the second level is an identification of the ascent and appointment requirements and of the positions held at the service of the king, in order to assess the importance that these criteria had in the characterization of a more general universe.

In Portuguese case there is a limited availability of data on many procedures for the election and appointment of prelates, particularly with regard to the second half of the 13<sup>th</sup> century and the early years of the 14<sup>th</sup> century. The increase in the number of pontifical appointments will allow a better understanding of the reasons or circumstances that led to those appointments, but that knowledge will be limited to the references found in the papal records. With regard to other types of appointments, it will only be possible to reconstruct some of the stages of these procedures by crossing different dispersed sources and data.

The preparation, or rather, the preservation of minutes is virtually non-existent in the Portuguese dioceses and there are only written records of elections that were disputed or in which there were conflicts related to the definition of the electoral universe. That was the case in Braga, following the death of Telo and the null and void election of João Martins de Soalhães in 1292, which resulted in the production of a particularly important documentary collection that portrays the debate on the constitution of the electoral universe.<sup>37</sup>

The same happened in Viseu when, following the election of the royal chaplain, Mateus Martins, in 1254, his opponent, Pedro Peres, the diocese's cantor, addressed the Pope claiming that the diocese had not compensated him for the costs of the election, which the Pope had ordered to be paid. This conflict was at the origin of a curious document that clarifies the procedure that followed the election and the

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37. The procedure for the election of the archbishop of Braga following the death of Telo has already been studied by, Maria Justiniana Maciel Lima, based on the documents preserved in the District Archive of Braga. Lima, Maria Justiniana Maciel. *O Cabido de Braga no tempo de D. Dinis (1278-1325)*. Cascais: Patrimonia, 2003: 89-92.



fate of the players that did not obtain the benefit in question.<sup>38</sup> Due to these gaps, the image we are able to draw from the available data is necessarily incomplete.

As we have mentioned above, the universe under study includes 82 clergymen who held the position of bishop in the Portuguese dioceses between 1245 and 1357. In our analysis, we considered all the prelates elected between those years, excluding the ones that formed part of the diocesan government when Afonso III was appointed. Nevertheless, the fact that all the dioceses witnessed changes in the second half of the 1240's is rather curious and means that only a few years were left out of this analysis. Chronologically, our analysis ends with all the bishops appointed before 1357, i.e., before the death of Afonso IV.

By choosing a political chronology based on a dynastic logic, we were aware of the need to establish a common chronological framework for all the dioceses that would allow overcoming the regional vicissitudes, even if that choice meant following an approach focused on the relationship between the royalty and the episcopal clergy right from the start, a standpoint that became the focal point of this analysis.

In addition to the lack of data on the selection processes we have mentioned above, there are scarce, or even contradictory, sources on the 14<sup>th</sup> century episcopology of dioceses like Guarda, Silves and Viseu, among others. However, by overcoming these limitations we find that, during these nearly 110 years, all the Portuguese dioceses, except for Viseu, were ruled by approximately 9 to 11 bishops, a common feature that seems to reflect the existence of relatively short terms of office that were interrupted, either by the death of the person in charge or, frequently, by the transfer of the prelate in question to another diocese.

In fact, there seems to have been a great number of transfers between dioceses in these decades, particularly from the early 14<sup>th</sup> century onwards, when the pontifical intervention became more pressing. Sometimes, a transfer was used to settle conflicts, as was the case in disputed elections; in these circumstances, the pope often called a clergyman —prelate or not— who was not involved in the conflict, or pushed one of the contenders out of the run in order to facilitate the integration of the chosen one.

Transfers could also be used to reward favors or consolidate careers, as was the case in the transfer of João Martins from Lisbon to Braga, in 1313, or of Gonçalo Pereira also from Lisbon to Braga.<sup>39</sup> Furthermore, transfers could be used to strengthen the

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38. Mentioned in: Linehan, Peter. *Portugalia Pontificia: materials for the history of Portugal and the Papacy 1198-1417*. Lisbon: Fundação Calouste Gulbenkian, 2013: 343; and published in: *Diplomatário da Sé de Viseu (1078-1278)*, ed. Leontina Ventura, João da Cunha Matos. Coimbra: Imprensa da Universidade de Coimbra-Instituto de Estudos Medievais-Centro de História da Sociedade e da Cultura da Universidade de Coimbra, 2010: 320-359.

39. The election of João Martins as archbishop of Braga in 1313, following the death of Martinho Pires, seems to crown a career that was developed close to the King and end a procedure that had begun in 1292 with a failed election of this clergymen to Braga. On this procedure, please see: Vilar, Hermínia Vasconcelos. "O episcopado do tempo de D. Dinis –trajectos pessoais e carreiras eclesiásticas (1279-1325)". *Arquipélago. História*, 2<sup>nd</sup> series, 5 (2001): 581-604. Gonçalo Pereira also ended his career in Braga, following a path that led him from Porto to Lisbon and, then, to the archdiocese of Braga. On



pope's presence and intervention in the Portuguese kingdom, as was the case in the appointment of Franciscan clergymen during the 1260's and 1270's, like Frei Telo for Braga, Frei Vasco and Frei João Martins for Guarda —being that the latter was bishop of Cadiz<sup>40</sup> when he was transferred to Guarda—, or in the appointment of foreign clergymen, like the Ebrard in Coimbra or Guilherme de La Garde in Braga, who were invariably appointed by the Pope.<sup>41</sup>

Among other consequences, the pope's growing intervention broadened the scope of the circuits in which these clergymen moved and were recruited, and defined new models of mobility between benefits. In fact, in a somewhat simplistic way—that is nonetheless revealing—, we could say that, in the 13<sup>th</sup> century and in the dioceses that composed the Portuguese kingdom, the capitular elections that were successful were characterized by a preference for clergymen with careers within the diocese in question, but also by a relatively poor ability to reach consensus, despite the three different forms of capitular election permitted by law. This circumstance gave rise to a large number of disputed elections that, after 3 months,<sup>42</sup> according to the IV Latran Council, should be submitted to the Pope for a decision.

Nearly half of the 37 capitular election procedures clearly recorded during this period were disputed by different clergymen and ended in the Pope's hands. In fact, the Papacy's early reservation when it came to settling disputed elections sought, on the one hand, to reduce the duration of the vacancies and, therefore, the period during which the dioceses were managed by the chapters and, on the other hand, it was aimed at taking advantage of a practice that was common in capitular elections to its own advantage.

In the case of the universe in question, it was relatively common to find elections disputed by two candidates that divided the members of the chapter. In some cases,

Gonçalo Pereira, please refer to: Vilar, Hermínia Vasconcelos. "No tempo de Avinhão...":149-168; and, especially, to: Coelho, Maria Helena. "O arcebispo D. Gonçalo Pereira: um querer, um agir", *IX Centenário da Dedicção da Sé de Braga. Congresso Internacional. Actas*. Braga: Universidade Católica Portuguesa e Cabido Metropolitano e Primacial de Braga, 1990: II/1, 389-462.

40. Costa, António Domingues de Sousa. "D. Frei Telo, arcebispo-primaz, e as concordatas de D. Dinis...": 284 (note 3). He was appointed in 1287 but, in 1289, Nicholas IV entrusted this bishop, together with a few other ones, with the consecration of Egas as bishop of Viseu. *Documentos de Nicolau IV (1288-1292) Referentes a Espanha*, ed. Santiago Domínguez Sánchez. Leon: Universidad de León, 2009: 166 (doc. No. 138). We should highlight that the appointment of these three Franciscan prelates was made by the Pope in the context of the conflict between the Portuguese kings and the episcopate, i.e., between 1266 and 1289. About the importance of mendicant bishops, see: Tabbagh, Vincent. "Les évêques profés des ordres mendiants dans la France de la fin du Moyen âge", *Religion et mentalités au Moyen Âge. Mélanges en l'honneur d' Hervé Martin*, Sophie Cassagnes-Brouquet, Amaury Chauou, Daniel Pichot et Lionel Rousselot, eds. Rennes: Presses Universitaires de Rennes, 2003: 243-253.

41. On the Ebrard family, please refer to the above mentioned work by: Morujão, Rosário. *A Sé de Coimbra...; Morujão, Rosário. "La famille d'Ébrard et le clergé de Coimbra aux XIIIe et XIVe siècles", A Igreja e o clero português no contexto europeu*. Lisbon: Centro de Estudos de História Religiosa-Universidade Católica Portuguesa, 2005: 77-91. The tables attached to this paper illustrate the network established by this family. It is possible to find additional information in these studies on previous analyses made about the presence of French clergymen in Portugal.

42. For all the conditions establish by Latran conciles see: Peltzer, Jorg. *Canon law, careers and conquest...*: 20- 72.



these divisions were solved through the selection of a series of members of the chapter that became responsible for suggesting a potentially consensual name, thus following the way of compromise. That is what happened, for example, in the election of João Martins de Soalhães to Braga, in 1292, and of Afonso Eanes, also to Braga, in 1313.<sup>43</sup> However, in many other cases, the disputes could not be solved by compromise because the gaps between opposing positions kept widening.

In fact, a capitular election was influenced by multiple interactions other than the abovementioned royal pressures. At a time and in a space where the logic of the episcopal appointment was still markedly internal, the episcopal elections were also pivotal moments in the confrontations between families and clientele, often at a regional level.

The clear preference for clergymen with careers in the dioceses —often marked by the enjoyment of dignities— in the context of the capitular elections cannot be explained solely by what the capitular universe might have known about the individuals in question, but also by the fact that, in many cases, these choices were associated with the local prominence of certain families and clientele networks that integrated the access to and the control of capitular and episcopal benefits into their strategies of social ascent or consolidation.<sup>44</sup>

This situation tended to change as the 13<sup>th</sup> century progressed and as a result of changes in the logic of the episcopal appointments that led to a deep separation between the circuits of appointment of the prelates and those of the capitulars, leaving the chapters subject to regional logics.

But the growing number of disputed elections that were not settled within the timeframe given by the papacy made it easier for the pontiff to intervene, often by choosing a third individual that had not been involved in the dispute.

That is what happened in Evora, in 1312, in the conflict that opposed Gonçalo Pereira to João Afonso de Brito, which was settled by the pope through the appointment of Pedro de Cuenca. That is also what happened in Coimbra, in 1302, with the appointment of Fernando, canon of Burgos, as bishop of Coimbra, following a disputed election between Egas Lourenço Magro and Francisco Domingues,<sup>45</sup> and, again in the same diocese, in 1325, with Raimundo Ebrard II,<sup>46</sup> appointed by John XXII when he was a dean. That was also the choice made by Clement V when he appointed Diogo,<sup>47</sup> dean of Salamanca, to the diocese of Lamego, following a

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43. *Documentos de Clemente V (1305-1314) referentes a Espana*. ed. Santiago Domínguez Sánchez. Leon: Servicio de Publicaciones de la Universidad de León, 2014: 1265-1266 (doc. No. 1329).

44. By way of example, please refer to: Vilar, Hermínia Vasconcelos. *As Dimensões de um poder...*: 44-55.

45. Morujão, Maria do Rosário. *A Sé de Coimbra...*: 166-169.

46. Morujão, Maria do Rosário. *A Sé de Coimbra...*: 168 (note 418).

47. Diogo was appointed in November 1306 by Clement V: *Documentos de Clemente V...*: 157-158 (doc. No. 107). According to Anísio Saraiva, Diogo came from Salamanca after a disputed election and tried to return to this diocese a few years later. In 1306 he was transferred to Zamora a ruling that was relatively distant from the diocese of Lamego. Saraiva, Anísio. *A Sé de Lamego na primeira metade do século XIV (1296-1349)*. Leiria: Magno edições, 2003: 53-59.



disputed election in Salamanca,<sup>48</sup> and João Martins to the diocese of Guarda in 1278.

The pope's tendency to choose a third individual allowed integrating a person that was almost always unrelated to the opposing sides into the appointment procedure and transferred the choice of the prelate to the sphere of the papal policy. Hence, the mobility circuits of the clergymen tended to expand according to a logic that was not limited by regional, or even national, criteria, but guided by a policy of distribution and accumulation of benefits within the sphere of Christendom.

This was the background for the gradual increase in the number of foreign prelates that ruled Portuguese dioceses, which did not begin with the Avignon Papacy, but was witnessed in dioceses such as Braga, Coimbra, Lamego and Guarda from the 1270's onwards and during the pontificates of Gregory X, Nicholas III and Nicholas IV.

Among the foreign individuals appointed to Portuguese dioceses we find Castilian and French clergymen, like Guilherme de La Garde in Braga, or Aimerico de Ebrard—whose term of office marks the beginning of a more or less continuous presence of the Ebrard family in the diocese of Coimbra—, as we have already mentioned, but also individuals who were close to the kings, like Raimundo Ebrard I—bishop of Coimbra between 1319 and 1324 and a clergyman at the service of King Dinis.<sup>49</sup>

It is obvious that when we consider the presence of Castilian and French clergymen we are, above all, facing two different logics of mobility: one that matches the peninsular space and another one that brings to the discussion the issue of mobility within the Christendom and the importance of the French pressure on the Papacy from the late 13<sup>th</sup> century onwards. In fact, the peninsular circuits of mobility were ruled by principles and legacies that we shall not analyze in this paper, but whose presence can be attested since the 12<sup>th</sup> century. There were many Castilian clergymen in Portugal and Portuguese clergymen in Castile and Leon who held prelatial positions, capitular benefits or benefits in churches. Those are the cases, in the universe under study, of Geraldo Domingues, bishop of Porto, Palencia and Evora, Egas Fafes de Lanhoso, bishop of Coimbra and archbishop of Compostela, and Frei Estêvão, bishop of Porto, Lisbon and Cuenca.

Despite the growing papal intervention legitimized in cases of long vacancies, local unresolved disputes or following the death of holders of in Curia benefits,<sup>50</sup> the fact is that there were other elections that, despite being disputed, were solved

48. *Documentos de Clemente V...*: 152 (doc. No. 101); Sataiva, Anísio. *A Sé de Lamego...*: 53-59.

49. Farelo, Mário; Roldão, Filipa; Marques, André Evangelista. "Les clercs dans l'administration dionysienne (1279-1325)", *Carreiras Eclesiásticas no Ocidente cristão (séc. XII-XIV)*. Lisbon: Centro de Estudos de História Religiosa-Universidade Católica Portuguesa, 2007: 310.

50. For an overview of the evolution of the papal intervention and of the different forms it took, namely throughout the 13<sup>th</sup> century, please refer to the study by: Bégou-Davia, Michèle. *L'interventionnisme bénéficiaire de la papauté au XIII<sup>e</sup> siècle. Les aspects juridiques*. Paris: De Boccard, 1997. About the impact of foreigners clerics in diocesis, see: Montaubin, Pascal. "Étrangers en chrétienté: clercs italiens en France et en Angleterre ( XII<sup>e</sup>-mi XIV<sup>e</sup> siècle)". *Actes des congrès de la Société des historiens médiévistes de l'enseignement supérieur public*, 30/1 (1999): 233-244 (Actes des congrès de la Société des historiens médiévistes de l'enseignement supérieur public, 30<sup>e</sup> congrès, Göttingen, 1999. L'étranger au Moyen Âge).



at the local level through a *maior* or senior pars election, a compromise or a divine inspiration. Either way, it is likely that the chapters were pleased with the possibility of finding a local solution, because forwarding the issue to the papal sphere would hypothetically lead to a loss of control in their freedom of choice, all the more so when the pontiffs often chose individuals that were not related to the dispute.

#### 4. On service and loyalty or the corridors of the beneficial paths

As we have seen, the issue of the importance of the royal service in the definition of career paths, and even of its actual content, raises many doubts. However, when we try to analyze a level of information that is often within the sphere of the unsaid and the unwritten, we should take other indications into account in order to reconstitute and reflect on the criteria that might have guided the episcopal appointments.

As we have mentioned above the royal influence was not an alternative to the capitular election. In fact, it could be present both in capitular elections and in pontifical appointments. So, the royal interest can be measured using criteria other than the right of presentation; instead, we can focus our analysis on the proximity of the individuals that were appointed to the royal circles, who held positions in the governance structure, worked as prosecutors or ambassadors, were members of the royal chapel or simply had the status of royal clergyman. Based on these criteria, we can trace back the positions held and the roles played within the spheres of kings Afonso III, Dinis and Afonso IV by 34% of the clergymen under study, a number that would possibly increase if there were more eloquent information on dioceses like Guarda or Silves.

The title of royal clergyman is the one that is more frequently found among the clergymen who were promoted to bishops. This title revealed a proximity to the king that distinguished the individual in question by highlighting the particular bond that linked them. Although the specific duties associated with this title are not always clear, the proximity it entailed was sufficiently important for many of its holders to end their careers as dignities or prelates in different dioceses.<sup>51</sup> That was the case of Martinho Pires, archbishop of Braga, João Martins de Soalhães, also archbishop, Estevão Anes Brochardo, Raimundo Ebrard I, Martinho da Guarda, Estevão Eanes de Vasconcelos bishop of Lisbon, Domingos Anes Jardo also bishop of Lisbon, João Soares Alão bishop of Silves, Afonso Eanes of Silves, among others.<sup>52</sup>

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51. Vilar, Hermínia Vasconcelos. "Les 'clerici regis' et le service du roi dans le Portugal des XIII<sup>e</sup> et XIV<sup>e</sup> siècles", *Église et État, Église ou État. Les clercs et la g nese de l' tat Moderne*, Christine Barralis, Jean- Patrice Boudet, Fabrice Deliv r , Jean-Philippe Genet, dirs. Paris: Publications de la Sorbonne- cole Fran aise de Rome, 2014: 153-158.

52. The main data about this royal clergyman are being collected in a data base of the Project *A Dimens o Europeia de um grupo de Poder: o clero na constru o pol tica das Monarquias Peninsulares (secs. XIII-XV)* – DEGRUPE—: DEGRUPE. "Home". DEGRUPE. 15 January 2016 <degrupe.cidehus.uevora.pt/>.



But while the status of royal clergyman stopped being mentioned when a clergyman obtained the episcopal status, the same did not happen with positions such as the ones of chancellor as these titles continued to be used as identification details after an election. That was the case, for example, with Domingos Anes Jardo, bishop of Lisbon and royal chancellor. The charge of chancellor was also occupied by Pedro Martins and Estevão Eanes Brochardo, bishops of Coimbra.

As prelates, some of these clergymen continued to hold positions for which they had been appointed before or after an election. Royal counselor, as it was the case of Pedro Juliães and Domingos Anes Jardo, among others, or physicist<sup>53</sup> or even ‘ouvidor’ are other titles used by these ecclesiastics.<sup>54</sup> In other cases, these connections were not translated into the bestowal of positions or titles that revealed the proximity of the individuals to the royalty, but rather insinuated when they were chosen to be the king’s proxies or representatives in foreign affairs or integrated into broad family and clientele networks.

In Portugal, the dioceses of Braga, Coimbra, Lisbon and Evora were the ones that had a higher number of prelates with careers marked by the royal service, both as candidates in episcopal elections—that were not always favorable—and as elected and confirmed prelates. In fact, the placement of clergymen with connections to the royalty seems to have been particularly relevant in these dioceses reflecting, on the one hand, their financial importance—with an emphasis on Braga, which was the only archdiocese in Portugal until the late 14<sup>th</sup> century—<sup>55</sup> and, on the other hand, the King’s ability—or lack of ability—to influence chapters that were often particularly difficult to manage.

In the case of Braga, out of the nine archbishops whose term of office began during this period, four held positions in the royal council or acted as the king’s representatives in foreign affairs.<sup>56</sup> In Evora, eight of the 11 prelates had careers that placed them close to the king<sup>57</sup> and the same happened in Lisbon, where seven of the ten bishops held governance positions or had statuses that placed them close to the king.<sup>58</sup>

53. Pedro Martins bishop of Coimbra, and Afonso Dinis, bishop of Evora were two of the clergymen also known as royal physicians.

54. On the presence in the *Desembargo*, please refer to: Homem, Armando Carvalho. *O Desembargo Régio (1320-1433)*. Porto: Instituto Nacional de Investigação Científica, 1990.

55. Lisbon was made archdiocese in 1393. Almeida, Fortunato de. *História da Igreja em Portugal*, ed. Damião Peres. Porto: Portucalense Editora, 1967: I, 283 (4 volumes); Brásio, António. “Ereção da metrópole lisbonense”. *Lusitania Sacra*, 1<sup>st</sup> series, 2 (1957): 51-56.

56. They were Pedro Juliães, Martinho Pires, João Martins de Soalhães and Gonçalo Pereira. Among other studies, some of them already mentioned: Ventura, Leontina. *A nobreza de corte de Afonso III*. Coimbra: Universidade de Coimbra (PhD Dissertation), 1992: II, 771-772 (2 volumes); Coelho, Maria Helena. “O arcebispo D. Gonçalo Pereira...”: 389-462.

57. Martinho Pires, Durando Pais, Domingos Anes Jardo, Pedro Martins, Geraldo Domingues, Martim Afonso, Afonso Dinis, and João Gomes de Chaves. For all these bishops see: Vilar, Herminia Vasconcelos. *As Dimensões de um poder...: 27-100*.

58. Estevão Eanes de Vasconcelos, Domingos Anes Jardo, João Martins de Soalhães, Frei Estevão, Gonçalo Pereira, João Afonso de Brito and Vasco Martins. See: Fareló, Mário; Roldão, Filipa; Marques,



In the other dioceses there were three or four clergymen, within a similar context of 10 to 11 prelates, whose careers had placed them close to the royalty. Silves is possibly the only exception, but the gaps in the existing data do not allow for now any definitive conclusions. However, they do suggest the existence of an apparently higher number of clergymen who were close to the royalty in this diocese.

The explanation for the prevalence of clergymen who served the king or were close to him in the dioceses of Braga, Lisbon and Evora can only be found through an analysis made at different levels. First of all, and as we have underlined, it does not mean that there were no royal clergymen in other dioceses or that there were no royal favors granted to prelates from other dioceses,<sup>59</sup> but the political weight of the bishops of this cities who were, simultaneously, key elements in the Portuguese urban and economic geography and, in many cases, linked to the political elites,<sup>60</sup> did not come across as a negligible issue to the royalty.

Braga is particularly relevant in this context. Being, as we have mentioned, the only archdiocese in Portugal, Braga also stood out as the head of a profitable diocese and as the centre of an episcopal manor. In fact, until the early 15<sup>th</sup> century, Braga, as well as Porto, was a city held by the episcopate. But, unlike Porto, where the prevalence of prelates with careers marked by the royal service was significantly lower, in the first half of the 14<sup>th</sup> century Braga was dominated by clergymen who were close to the monarchy. Between 1295 and 1348, all the archbishops who were appointed had been somehow related to the corridor of the royal service or favor. However, it is difficult to ascertain the extent to which these appointments were the result of a royal influence or depended also on the changes that occurred in the chapters upon the archbishops' initiatives. In fact, the changes made to the chapters as a result of the integration of clergymen with connections to the archbishops are a phenomenon whose implications are yet understudied, but can also explain the conflicts that surrounded the elections.

In Braga, the period between 1295 and 1348 coincided with the terms of office of three clergymen who were not connected by family bonds, but by the fact that they shared and served in the same political spheres. Martinho Pires, João Martins de Soalhães and Gonçalo Pereira ruled the archdiocese of Braga between 1295 and 1348. The former two had been proxies of king Dinis in the Curia when the Concordats were negotiated and, additionally, they shared family ties as a result of the marriage

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André Evangelista. "Les clercs dans l'administration...": 271-315; Farello, Mário. *O Cabido da Sé de Lisboa e os seus cônegos (1277-1377)*. Lisbon: Universidade de Lisboa (Master Dissertation), 2003.

59. The case of Miguel Vivas is paradigmatic. He was the chancellor of Afonso IV and, according to Bernardo Vasconcelos e Sousa, the King tried to transfer him to Porto after the death of João Gomes. However, this seems to have been an unsuccessful attempt, because he was appointed by John XXII as bishop of Viseu, under a special reservation, in 1329. Sousa, Bernardo Vasconcelos. *Afonso IV*. Lisbon: Círculo de Leitores, 2005: 93; *Lettres communes du pape Jean XXII (1316-1334)*. *Lettres communes analysées d'après les Registres dits d'Avignon et du Vatican*, ed. Guillaume Mollat. Paris: Boccard Éditeurs, 1924: VIII, 228 (doc. No. 44855).

60. Vilar, Hermínia Vasconcelos. "Canons and cities: cathedral chapters and social composition in the medieval Portugal". *E- Journal of Portuguese History*, 5/2 (2008): 1-19.



between a brother of João Martins and a sister of Martinho Pires,<sup>61</sup> Gonçalo Pereira was coadjutor to João Martins in Braga, served king Dinis as a clergyman and was close to king Afonso IV. He also served as a clergyman in the household of Martinho Pires, to whom he was bound by dependency ties.<sup>62</sup> Curiously enough, both the election of Martinho Pires and that of João Martins gave rise to internal disputes that were settled in favor of the two clergymen but still reveal how these internal oppositions were likely to be triggered and it might reflect the resistance that the candidates who were close to the royalty seemed to face in many diocesan spheres.

The diocese of Evora was marked, since its early days, by the presence of bishops who were close to the royalty. In a first moment, that proximity was related to the fact that, during a significant part of the 13<sup>th</sup> century, the diocesan territory was still dominated by military conflicts and by the definition of borders with the Muslim power. Hence the importance given to these appointments and to the reinforcement of the ties of dependency with the royalty. In a second moment, this proximity seemed to persist and consolidate itself as Evora was gradually integrated into a new political axis that was progressively being defined by the royalty, in which Lisbon was the organizational centre of the kingdom's central and southern regions; in this context, families with an eminently local influence, like that of Martinho Pires, bishop of Evora, were able to gain political influence during the 1240's.<sup>63</sup>

So, the presence of clergymen who were close to the royalty in Lisbon was framed in the broader context of the growing importance of the city as capital that was led by the monarchy from, at least, the second half of the 13<sup>th</sup> century onwards. This process involved different aspects and took its course over the following centuries, covering different levels, from administration to economic and social transformations. It is in the context of this capitalization process that we should understand the influence and the attention given by the royalty to those who played episcopal roles in the city, as well as to all the numerous conflicts associated with their elections. But, as we have mentioned above, together with the royal service, the integration into family networks with different connections to the ecclesiastical structures and to the political circles that were closer to the royalty was also particularly important when it came to defining careers.

In Portugal, as in 13<sup>th</sup> and 14<sup>th</sup> centuries in France—which was masterfully characterized in Bernard Guenée's study on the careers of 4 archbishops—<sup>64</sup> or as in 13<sup>th</sup> century Spain—which was brought to the forefront by the analysis of Gudiel's unique career—<sup>65</sup> an episcopal position seldom crowned a career built around the Portuguese noble families of the 13<sup>th</sup> or 14<sup>th</sup> centuries. The success of a bishop's career was more influenced by his knowledge, his service and loyalty to the king

61. Vilar, Hermínia Vasconcelos. *As Dimensões de um poder...*: 48-49.

62. Arquivo Distrital de Braga. Coleção Cronológica. Caixa 4, nº 159.

63. Vilar, Hermínia Vasconcelos. *As Dimensões de um poder...*: 48-49.

64. Guenée, Bernard. *Entre l'Église et l'État. Quatre vies de prélats français à la fin du Moyen Âge*. Paris: Éditions Gallimard, 1987.

65. Hernández, Francisco J.; Linehan, Peter. *The Mozarabic Cardinal. The life and times of Gonzalo Pérez Gudiel*. Florence: Sismel-Edizioni del Galluzzo, 2004.



or the Pope, and the weight of his family's previous generations in the ecclesiastical structure than by a noble origin. Not that this origin was of secondary importance, but the truth is that the time for the nobility to look at ecclesiastical careers as a key alternative in their power consolidation strategies was yet to come.

In addition to the fact that many of these clergymen, or their predecessors, had relatives that were integrated into the ecclesiastical structure and held benefits, we should highlight that there were bonds of kinship between 18 of the individuals who became bishops of different dioceses throughout this period. In some cases, these positions were held by successive generations of clergymen from the same family, while in other cases they were held simultaneously in different dioceses. That was the case, for example, of Julião Fernandes, bishop of Porto between 1247 and 1260—if he was actually connected to the Pereira family—,<sup>66</sup> who was the uncle or great-uncle of Sancho Pires, bishop of Porto between 1296 and 1300, and of Gonçalo Pereira, bishop of Lisbon between 1313 and 1326 and archbishop of Braga from 1326 onwards.

That was also the case with the Ebrard family, since Aimerico, Raimundo I and Raimundo II d'Ebrard became bishops of Coimbra.<sup>67</sup> Geraldo Domingues, Vasco Martins and Afonso Pires were related and, respectively, bishops of Porto, Lisbon and Evora.<sup>68</sup> It was also the case of Frei Estevão and Fernando Ramires, respectively bishops of Porto and Lisbon,<sup>69</sup> and especially of Martinho Pires, bishop of Evora, whose descendants became prelates in dioceses as different as Braga, Lisbon and Lamego.<sup>70</sup>

While the royal influence was focused on the dioceses that were seen as strategic within the scope of the royal policy of control of the kingdom's physical and political territory—an interference that had an impact on different levels of the ecclesiastical structure, and not only on the episcopal positions—the papal influence seems to have gradually managed to worm its way into all the dioceses from the 1270's onwards, taking advantage, on the one hand, of the conflict between Afonso III and the episcopate and, on the other hand, of the growing legitimization of the papal intervention fostered by the laws on pontifical reservations. So, in this period, nearly

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66. Ventura, Leontina. *A nobreza de corte de Afonso III...*: II, 755-756.

67. Pradalié, Gerard. "Quercynois et autres méridionaux au Portugal à la fin du XIIIe et au XIVe siècle: l'exemple de l'Église de Coimbra". *Annales du Midi. Revue archéologique, historique et philologique de la France meridionale*, 94 (1982): 207-219; Morujão, Rosário. "La famille d'Ebrard et le clergé de Coimbra aux XIIIe et XIVe siècles...": 75-91.

68. Vilar, Hermínia Vasconcelos. *As Dimensões de um poder...*: 76.

69. Cunha, Rodrigo da. *Catálogo e História dos bispos do Porto*. Porto: I. Rodríguez Impresor, 1632; Lopes, Frei Fernando Félix. "Das actividades políticas e religiosas de D. Frei Estevão, bispo que foi do Porto e de Lisboa", *Colectânea de Estudos de História e Literatura*. Lisbon: Academia Portuguesa de História, 1997: II, 95-152.

70. For the family relations of some of this bishops see also: Krus, Luis. *A Conceção nobiliárquica do espaço ibérico. (1280-1380)*. Lisbon: Fundação Calouste Gulbenkian-Junta Nacional Científica e Tecnológica, 1994: 88-89, 98-99, 107, 111, 313; Pizarro, José Augusto de Sotto Mayor. *Linhagens Medievais Portuguesas. Genealogias e estratégias (1279-1325)*. Porto: Centro de Estudos de Genealogia, Heráldica e História da Família-Universidade Moderna, 1999 (3 volumes).



36% of the prelates were appointed by the Pope under the reservation, namely in cases of in Curia vacancies.

The fact that this type of appointments was very common does not question what has been said above regarding the importance of the royal service when it came to appointing clergymen. All the more so when many of these clergymen had careers both in the royal service and in the papal service, visible in the use of the title of papal chaplain and in the appointment as papal representative, like in the cases of Martinho Geraldês, Martinho Pires, Frei Vasco, Gonçalo Pereira or Vasco Martins, among others.<sup>71</sup> However, the expansion of the papal provisions, namely in the Avignon period, reoriented and tended to integrate Portugal in the circuits of beneficial provision defined by the Papacy, albeit with some limitations; this integration resulted in an increase in the number of foreign clergymen who held benefits in Portugal and, potentially, in the growing ability of the Portuguese clergy to obtain benefits outside the kingdom and, especially, outside the Peninsula, a possibility that is yet to be fully proven.

This period was, in fact, characterized by a growing definition of the roles of the different protagonists of the episcopal appointments process. The growing role of kings and popes in this process had inevitable consequences in the importance of the local families and of the canon in the nomination of the bishop. In fact what was in stake was not only the episcopal benefices but the control of the ecclesiastical benefices as it was clear since early and reaffirmed in IV Latran Council when Innocent III reaffirmed the necessity of having elections free from any secular power pression.

The royal influence in the episcopal elections did not disappear after 1357; however, in the wake of what happened in Castile, and throughout the 15<sup>th</sup> century, that influence was marked by new models of interaction and legitimation within a framework of papal interventionism guided by the different existing regulations.

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71. For the papal career of this ecclesiastics see, among others, for Martinho Pires: *Documentos de Nicolas IV (1288-1292) referentes a Espana...*: 270-271 (doc. No. 245); for Frei Vasco, bishop of Guarda: Castro, José Osório da Gama e. *Diocese e Districto da Guarda*. Porto: Typographia Universal, 1902: 406-407; for Gonçalo Pereira: Cunha, Rodrigo da. *História Eclesiástica dos arcebispos de Braga*. Braga: Manuel Cardozo, 1989 (2 volumes, facsimiled reproduction); Coelho, Maria Helena. "O arcebispo D. Gonçalo Pereira...": 389-462; for Vasco Martins: Coelho, Maria Helena; Saraiva, Anísio. "D. Vasco Martins, vescovo di Oporto e di Lisbona: una carriera tra Portogallo ed Avignone durante la prima metà del Trecento", *A Igreja e o Clero português no contexto europeu*. Lisbon: Centro de Estudos de História Religiosa-Universidade Católica Portuguesa, 2005: 119-138.

