Cross, Crescent and Conversion

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in Memory of Richard Fletcher

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COLUMPNA FIRMISSIMA:
D. GIL TORRES, THE CARDINAL OF ZAMORA

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In November 1254 D. Gil Torres, the cardinal of Zamora, died somewhere in Italy, perhaps at Naples where Pope Innocent IV was at the time—or perhaps not, since, even if not almost a centenarian, as one contemporary would allege, after thirty-eight years in the service of the papacy he was almost certainly in no state by then to be carted round with an itinerant court.

The reports that we have of his demise come not from a Zamoran source. They come from the Obituarios of the cathedral churches of Burgos and Toledo. Nor does Zamora, where Richard Fletcher and the present writer both cut their archival teeth, have any street or square named after one of its most notable sons, who at the time of his death was the second most senior cardinal, and over time that neglect, or indifference, which the pope who raised him to the purple commented on more than once, has allowed the Zamoran cardinal to be claimed by other places. According to Luciano Serrano, as well as “doctor en derecho” D. Gil was burgalés, “originario de Bureva”. But for this assertion the learned abbot of Silos offered no proof, and his misreporting of another Torres as “sobrino del abad de Valladolid” hardly encourages confidence. In any case, the apellido Torres was hardly less common.

1 This is a revised version of a paper read in Spanish at the 2° Congreso de Historia de Zamora in November 2003. My warm thanks are due to Sr. José Carlos de Lera Maíllo, archivist of Zamora cathedral, for all manner of kindnesses.

2 See below, p. 257.

3 Reporting the date as 11 November: Luciano Serrano, El obispado de Burgos, y Castilla primitiva desde el siglo V al XIII, 3 vols. (Madrid, 1936), 3:391. The Toledo Obituario says 5 November (for “Egidius cardinalis, huius ecclesie canonicus”): Toledo, Biblioteca Capitular, MS. 42–30, fol. 133v. But the Toledo Obituario is unreliable, with the obits of various fourteenth-century cardinals (for example) wrongly given.

in thirteenth-century Burgos than the *nombre* Egidius. The most that can be said for sure about D. Gil’s connexion with Burgos is that at the time of his promotion in 1216 he was an archdeacon of that church, a dignity he had acquired sometime between March 1209 and November 1210.5

Despite the gift of tithes made in 1218 to the Portuguese bishops by their king, Afonso II, “pro amore magistri Egidii cardinalis,” his alleged Portuguese origins are equally dubious. Like those of the Leonese Cardinal Ordoño Álvarez of the next generation, they are attributable to Portuguese cultural colonialism of the seventeenth century.6

The reason for regarding D. Gil as *zanorano* is twofold. First there is the fact that whereas his bequests to the church of Burgos were for anniversaries for himself,7 those at Zamora were also for his nearest and dearest, his parents and his sister, though at modest cost in comparison with his expenditure on the daily commemoration of himself there.8 And although, by contrast with his senior Leonese colleague, Cardinal Pelayo Gaitán, he did not possess sufficient local property for the purpose,9 suggesting that by the date of these endowments his mate-

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8 For this, and the testimony of Juan Gil de Zamora OFM, see Peter Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge, 1971), p. 277; Zamora, Archivo de la Catedral [hereafter ACZ], 12/1; ACZ, Tumbo Negro [hereafter TN], fol. 131r–v (José Carlos de Lera, *Catálogo de los documentos medievales de la catedral de Zamora* (Zamora, 1999) [hereafter Lera], nos. 370, 373): eighteen aurei as against six hundred. Details have not survived of the original endowment of the anniversary on 4 May recorded in the 16th-century Zamora *Obituario* (ACZ, MS. 211, fol. 21v; Lera, no. 2332): “Yten aniversario por el cardenal don Guillen [sic] ciento maravedís con missa cantada al altar mayor. Yáze en Roma. CVI maravedíes.”

9 “Possessionem aliquam ydoneam usque ad sexcentos aureos alfonsinos ad arbitrium venerabilis patris Zamorensis episcopi qui nun est volumus comparari”: ACZ, TN, fol. 131v. Cf. the houses in León assigned to the same purpose by Cardinal Pelayo in 1230: José María Fernández Catón, *Colección documental del Archivo de la Catedral de León* (775–1230) [hereafter CDAcL] (Fuentes y Estudios de Historia Leonesa), 6 vols. (León, 1987–91), 6: no. 1966. Pelayo’s bequest was made at the end of his life. D. Gil’s is undated. Lera’s proposal of the year 1223 requires reconsideration.
rival links with Zamora were tenuous, the terms in which, on successive occasions, Honorius III rebuked the zamoranos for their reluctance to oblige D. Gil by accommodating his clients, cannot be ignored. If only the chapter of Zamora had reflected on the benefits that their association with the cardinal would bring them—the pontiff reflected in May 1218, in words which D. Gil himself may have supplied—rather than ignoring papal mandates on behalf of such people for promotion in their church, they would be falling over themselves to anticipate his wishes. Honorius’s register contains two further letters, framed in almost identical terms, on behalf of one or other of the cardinal’s clients. And of such clients, many of them the cardinal’s nepotes and consanguinei for whom he secured papal support, there was to be no end over the coming decades. To one of them in particular, his nepos dilectissimus Master Esteban de Husillos, I shall return.

From information contained in the papal registers it might even be possible to reconstruct his family tree. What is certain is that family tree included two bishops of Zamora, both named Pedro, who occupied the see between 1239–1243 and 1255 and 1286 and 1302 respectively. The second of these (Pedro Benítez before his promotion), was the nepos not only of Cardinal Gil and Esteban de Husillos (whose copy of the Gregorian decretales he disposed of in his will) but also of Bishop

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11 Reg. Hon III, nos. 2405, 4878 (MDH, nos. 277, 498).


Pedro I, while the fact that the latter ("Petrus Bonus": Peter the Good) was yet another of the cardinal's *nepotes* is confirmed by some English evidence to which we shall return.

So the cardinal was a member—perhaps a founding member—of one of those episcopal dynasties with which the kingdom of Castile-León was well supplied during his century. One thinks in particular of the see of Burgos and of that of Cuenca, four if not five of whose thirteenth-century bishops were members of a single family. Indeed, one may even think of Zamora itself where for more than forty years during the twelfth century the see had been governed by Bishops Esteban and Guillermo who, as well as probably being French, were also certainly uncle and nephew, and where in the thirteenth D. Suero Pérez, who was elected in February 1255, just three months after the cardinal's death, would accordingly have been regarded by the cardinal's connexion as an intruder. In 1216, however, the date of Cardinal Gil's elevation, Zamora had a pastor whose origins were Galician, namely Martín Arias, Bishop Martín I. And at the date of Cardinal Gil's elevation in 1216 Bishop Martín's pontificate was in the process of drawing to an untidy close.

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15 ACZ, 31/III (Lera, no. 536), April 1247; Linehan, *Spanish Church*, p. 294n.; below, n. 78.


With these considerations in mind, let us return to the papal letter of May 1218, for it may have more to tell us than first appears. In it Honorius III states that he had already required the chapter of Zamora to confer the deanery upon the cardinal’s brother. But they had failed to oblige. He now instructs the new bishop—Martín Rodríguez (Martín II)—to award him the archdeaconry that was vacant. But the cardinal’s brother was no more successful on this occasion than on the last: Under Martín II, who had come to Zamora from León and who returned there as bishop in 1238, there was no archdeacon of Zamora with a name beginning with “P.”

Of course, one might regard such flagrant contempt of papal instructions as just another example of that overweening peninsular self-confidence that historians have observed in action in the years after the battle of Las Navas de Tolosa, particularly in the writings of the canonist Vincentius Hispanus. It was at this very time, indeed, in glossing a decretal of Alexander III—addressed as it happened to a bishop of Zamora (D. Guillermo) who had defied the summons of a papal legate, and had then lied to him, as well as having himself consecrated while excommunicate—that Vincentius asked rhetorically: “Why did the pope not depose him? Why did he tolerate such behaviour and dispense him?” and came up with the answer: “Because he was a Spaniard!”

But in the present case the concerted defiance of bishop and chapter may be symptomatic of something more specific, namely schism within the chapter of Zamora itself in the transition from the rule of Bishop Martín I to Martín II between 1217 and 1219. In the final months of Innocent III’s pontificate Martín I had requested and had been granted permission to resign the see. Then he changed his mind—or had it changed for him by forces within the chapter, other members of which later reported to Honorius III that in consequence the church was “tam in temporalibus quam in spiritualibus multipliciter (...) collapsa,” with

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20 Reg. Hon. III, no. 1277 (above, n. 10).
22 The earliest appearance in the record of Pedro Pérez, archdeacon of Toro, is in June 1241: ACZ, 16/II/50 (Lera, no. 513).
the result that in June 1217 the pope positively required him to withdraw. Yet although the royal chancery was already describing Martín II as bishop-elect by that date, in the capitular record it was not until May 1220 that he figured as bishop. Indeed throughout those three years of obscurity between the two bishops Martín the capitular record is strangely silent, and during it the chapter's senior personnel had all been replaced, with none of those who had profited in the process being a client or relation of the pope's principal advisor on all matters Zamoran, namely the cardinal of Zamora himself.

One thing most of these new men shared was a juristic training because, partly no doubt on account of the expertise of the two bishops Martín, early thirteenth-century Zamora was one of the peninsula's principal juristic centres. Juristic expertise though was less the cause of this distinction than a symptom of Zamora's situation on the frontier with Portugal. At a time when successive kings of Portugal were so regularly at odds with Rome on account of their reportedly beastly treatment of their bishops, Zamora was the safest centre from which to attempt to exercise canonical control, as well as providing a haven for Portuguese bishops in exile. This was a development that had been

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24 Reg. Hon. III, no. 629 (MDH, no. 64). Innocent III's permission must have been granted later than 6 Feb. 1216: Demetrio Mansilla, La documentación pontificia hasta Inocencio III (Rome, 1955), 542.
26 Dean Juan made his will in June 1217 (ACZ, TN, fol. 88r–v: Lera, no. 305) and between Sept. 1217 and Feb. 1219 was replaced in that office by Florencio, archdeacon of Zamora (ACZ, 17/37, Archivo Histórico Provincial de Zamora, pergaminos, 1/15: Lera, nos. 308, 317). In the same period Master Juan replaced Munio Muñiz as archdeacon of Toro, and by Aug. 1221 the archdeaconry of the city had passed to D. Isidoro (ACZ, 36/4: Lera, no. 342).
27 For the former's glosses to the Decretum, see Stephan Kuttner, Repertorium der Kanonistik (1140–1234): Prodrorum corporis glossarum; Studi e Testi 71 (Vatican City, 1937), pp. 11, 53; for the latter's to "Compilatio IV" and his Notabilis to "Compilatio IV", idem, "Bernardus Compostellanus Antiquus," Traditio 1 (1943), 277–340 at p. 335; Antonio García y García, "La canonística ibérica medieval posterior al Decreto de Graciano," Repertorio de las Ciencias Eclesiásticas en España 1 (Salamanca, 1967), pp. 397–434, at p. 412.
28 As evidenced by the depositions of witnesses arraigned at a hearing in 1252 of the dispute between the bishop and chapter of Coimbra and Santa Cruz de Coimbra relating to these years: "Interrogatus in quo loco fuit tempore exilii episcopus, respondit quod Zamore et in curia Romana;" "Interrogatus super alio articulo qui sic incipit "Item quod episcopus fuit exul etc", dixit quod nescit, audiuit tamen quod multo tempore fuit in curia et Zamore et non erat ausus uenire ad regnum propter regem et de hoc erat publica fama": IANTT, Cabido da Sé de Coimbra, 1ª incorporação. docs. particulares, cx. 26, rolo 4, membranas 8, 12.
facilitated by Innocent III's acquiescence in the detachment of the see of Zamora from the metropolitan authority of the church of Braga, a subject on which Richard Fletcher wrote such persuasive pages.\(^{29}\)

For this and no doubt other reasons, in the first three decades of the thirteenth century Zamora was arguably the principal centre of juristic activity in the Spanish peninsula, with its chief practitioner the archdeacon, later dean, D. Florencio.\(^{30}\) From this milieu Cardinal Gil emerged. *Dominus Egidius* in December 1206; by March 1209 he had acquired the title *Magister*.\(^{31}\) And although at this date the title *Magister* did not necessarily imply attendance either at Bologna or indeed at any other legal academy,\(^{32}\) there are other possibilities. One of these of course was Palencia. But there were others, Coimbra, Calahorra and Osma, to the last of which the celebrated Portuguese canonist Master Melendus came from Rome as bishop in 1210. Although the Master Melendus who was alongside our Master Egidius at Burgos in March 1209 was almost certainly not the episcopal Melendus,\(^{33}\) it can be demonstrated that the episcopal Melendus had been at Palencia at or shortly before that date. Moreover, Zamora lies on the road between Coimbra, from whose Augustinian church of Santa Cruz Melendus seems to have emerged, and Osma, where he ended his days.\(^{34}\)

It is possible that the future cardinal's *cursus studiorum* paralleled that of Melendus.\(^{35}\) Moreover, since the Roman reputation of Gil Torres was such as to merit advancement within the first six months of Honorius III's pontificate (though not, be it noted, to be included in Innocent III's promotion of cardinals in the previous year), a possible explanation for his absence from the Burgos record after November 1210 (and perhaps the most likely) is that he was at Rome on capitular business,\(^{36}\) that he


\(^{31}\) Garrido, *Documentación de Burgos*, nos. 392, 410.


\(^{35}\) Ibid., pp. 238–9.

\(^{36}\) As capitular or episcopal proctor in relation to litigation against the collegiate church of Castrojeriz and the abbey of Oña, as surmised by Serrano, *D. Mauricio*, pp. 70–1; Garrido, *Documentación de Burgos*, no. 430.
remained there for the Fourth Lateran Council in November 1215, and that it was then that he caught somebody's eye. 37

Once installed in Honorius III’s curia, Gil Torres assumed a low profile. Sometime in the year after April 1217 he was listed by a Roman agent of Philip Augustus as one of the cardinals “who are attached to (qui diligunt) King Frederick (i.e. the young Hohenstaufen emperor-elect) and the lord king of France (i.e. the ageing Philip Augustus).” 38 But there was nothing surprising about that. In 1217, after all, as well as there being an Infanta of Castile (Dona Blanca: Blanche of Castile) installed at Paris as queen-consort in waiting, there was also the same lady’s nephew in the process of ascending the throne of Castile (as King Fernando III) and awaiting delivery of his Hohenstaufen bride.

The English diplomatic records of the following decade refer to the cardinal occasionally, but only very occasionally. 39 Unlike his senior Spanish colleague, Cardinal Pelayo, and his junior, Cardinal Guillermo the former abbot of Sahagún, Gil Torres did not become involved in diplomatic missions abroad 40 Rather, he remained at the curia, active as an auditor of disputes, sometimes in combination with Cardinal Pelayo, until the latter’s death in 1230. But it would be too wearying to repeat here the details of these that are recoverable from the Vatican.

37 Although, admittedly, documentary confirmation of his attendance is lacking, we may regard Bishop Melendus, who was present (Juan Francisco Rivera, “Personajes hispanos asistentes en 1215 al IV Concilio de Letrán,” Hispania Sacra 4 (1951), 335–55 at p. 343) as at least as likely to have advanced his career as the Leonese Cardinal Pelayo and the Portuguese Hospitalier “frater Gundisalvus Hispanus” who have been credited with doing so: Serrano, loc. cit., whence Amancio Blanco Diez, “Los arcedianos y abades del cabildo catedral de Burgos,” Boletín de la Real Academia de la Historia 130 (1952), 267–98 at pp. 273–5. Be it noted that fr. Gundisalvus, papal factotum in the Spanish kingdoms and Portugal since at least 1213, was to be appointed sacrist of Osma during Melendus’ pontificate, despite his membership of the Order of the Hospital: Linehan, “Juan de Osma,” pp. 384–5; Fleisch, Sacerdotiium, p. 239. However, the dedication by João de Deus of his “Notabilia cum Summis super titulis Decretalium” to Gil Torres and João’s description of himself as the cardinal’s “humilis clericus” (Costa, “Cultura medieval portuguesa,” pp. 299–300) are neutral witnesses as to Gil’s relationship with Melendus.

38 Robert Davidsohn, Philipp II. August von Frankreich und Ingeborg (Stuttgart, 1888), pp. 318, 320.


registers and elsewhere. Suffice it to say that although, by contrast with both both Melendus of Osma and Cardinal Pelayo, Cardinal Gil enjoys no reputation as a glossator, and that descriptions of him as "prestigioso canonista" and "jurista de gran reputación en la curia pontificia" appear excessive, he was nevertheless well served by that expertise in procedural law which would be exemplified in the following generation by the Zamoran author of the Summa aurea de ordine iudiciario, Fernando Martinez.

Despite the best efforts at the time of the chapters of both Tarragona and Toledo to recruit him as their archbishop and the assurances of various historians since, most recently the author of a work on the diocese of Ciudad Rodrigo who remembers him as "el cardenal Gil Robles" (que es otra cosa), Cardinal Gil never returned to Spain. The belief that he did so arises from a confusion between the functions of delegate and legate ("delegado" and "legado"). Accordingly, the description of him as "Visitador Apostólico" of Burgos in 1252 is without foundation.

Instead Spain came to him. It came to him, at the papal curia, in the form of contingents of prelates and capitulares anxious to negotiate under his chairmanship there the division between bishop and chapter of their mensae communes and the assignment of particular rents to particular members of the chapter. These constitutions, start-

41 For these see Linehan, Spanish Church, pp. 280–5, and Maria João Branco (forthcoming).
43 Cit. Linehan, Spanish Church, p. 277; Serrano, D. Mauricio, p. 71.
45 Juan José Sánchez-Oro Rosa, Origenes de la iglesia en la diócesis de Ciudad Rodrigo. Episcopado, monasterios y órdenes militares (1161–1264) (Ciudad Rodrigo, 1997), p. 194.
ing with those for Salamanca in April 1245, had the practical purpose of placing the cathedral and other churches of the kingdom of Castile on a sounder economic footing and of minimising occasions of strife within their governing bodies. Curiously, no such constitutions were adopted at Zamora itself at this time. Can that have been because the bishop of Zamora, Bishop Pedro “the Good” (the cardinal’s nephew, it will be remembered) may not have been overly anxious to surrender to the chapter certain prerogatives, prerogatives of the sort which the cardinal was insisting that other Castilian and Leonese bishops must surrender?

The economic and social objectives of D. Gil’s constitutions were described by Mansilla in 1945 and discussed again in 1971. A further purpose might now be suggested, namely that they were part of a concerted response on the part of the papacy to Fernando III’s attempt in these years to effect a revolution from above by governing the Castilian Church through the agency of infantes: a royal strategy without parallel in post-Hildebrandine Europe, and for earlier generations of Spanish historians unthinkable behaviour in “un rey santo”, but one which had been facilitated by the virtual elimination of D. Rodrigo Jiménez de Rada as a political force after 1230. Hence, incidentally, the chapter of Toledo’s desire to secure D. Gil as their archbishop in 1247, an ambition in which they were disappointed. All that they secured of him (via Archbishop Sancho of Castile) was the silver enamelled bowl “con reliquias (...) que fue del cardenal don Gil” listed in the inventory of the sacristy of that church in 1277.

47 Pace José Sánchez Herrero, Las diocesis del Reino de León. Siglos XIV y XV (León, 1978), p. 98 (“También hacia 1240 elaboró [Gil Torres] unas constituciones para la catedral de Zamora”), what the source cited (“ACZ, Liber Constitutionum”) actually states is that it was not until 1266 that even a preliminary division of the mensa communis was achieved: ACZ, 10/4, fols. 96rb-97vb. The assignment of particular praestimonia to particular personatus, dignities and others, in the manner of the procedures adopted by Cardinal Gil, must therefore have come later, at a date unspecified in the Liber Constitutionum, fos. 105vb-108rb. See further Linehan, “Economics of episcopal politics”, p. 10.

48 Demetrio Mansilla, Iglesia castellano-leonesa y curia romana en los tiempos del rey San Fernando (Madrid, 1945), pp. 194–8; Linehan, Spanish Church, pp. 269–75.


Now either that item had been repatriated by D. Sancho (the Infante-archbishop of Toledo, son of Fernando III) in respect of debts of his predecessors, D. Rodrigo and D. Juan de Medina, for which don Gil had gone surety,51 or it was a bequest—which in the absence of record of any such endowment at Toledo must be adjudged unlikely.52 But not more than that, because although in 1311 the papal library at Avignon possessed a copy of the cardinal’s will bound into a handsome paper cartulary,53 the text of it has not survived. All we know about its contents is that it charged Cardinal Giovanni Orsini (the future Pope Nicholas III) and D. Gil’s nepos Pedro Benitez (the future Bishop Pedro II of Zamora) with the task of collecting debts owed to him.54 On his death in November 1254, the cardinal to whom had been entrusted the last wishes of others—Cardinal Pelayo55 and the exiled Archbishop Silvestre Godinho of Braga (yet another glossator)56—left no mark of his own.

But, as said, Spain came to him, and came to him in droves. His curial household hummed with Spanish visitors and Spanish proctors. His own mark on the dorse of papal letters testifies to the personal interest he took in the affairs of all the peninsular kingdoms. All this has already been described and although, if space permitted, more might be said about it, and lists of names made ad infinitum,57 here instead attention may be addressed to two different issues, namely signs of change both in the cardinal’s Zamora during his years at the papal curia, and in the cardinal himself in the later years of his residence there.

52 See above, n. 2.
55 Above, n. 10.
57 See meanwhile Peter Linehan, “Proctors Representing Spanish Interests at the Papal Court, 1216–1303,” Archivum Historiae Pontificiae 17 (1979) [repr. Linehan, Past and Present in Medieval Spain (Aldershot, 1992)], nos. 485a–c, 523–4 (for bishop and chapter of Palencia, April 1247, ‘Sanctorum Cosme et Damiani’; for bishop and chapter of Burgos, May 1252, ‘Dominus Egidius cardinalis’); also for bishop of Lisbon, Nov. 1231 ‘D(omi)n(u)s Egidius (-----)’; IANNT, Cx. Bulas m4.35 no. 10. Usually of course the donkey-work was done by others, many of them the cardinal’s chaplains: Linehan, Spanish Church, pp. 280–6.
As to the first, it is to be noted that soon after the death of D. Florencio, sometime before November 1237, the frenetic activity of Zamora’s jurists seems to have abated. So where had all the Zamoran jurists gone? To Salamanca? Presumably. To Bologna? Evidently. To royal service at Husillos? An interesting possibility. Or to the papal curia and the household of Cardinal Gil? Certainly, if D. Florencio, who survived until half way through the cardinal’s public career, was representative of the Zamora from which Gil Torres emerged, it is the cardinal’s own nephew, Master Esteban the abbot of Husillos, who may be regarded as epitomizing the latter part of it. One of the mega-pluralists of his generation, with a portfolio extending from Prague to Palencia, in August 1252 Master Esteban was granted papal provision to one of Zamora’s two archdeaconries (which in fact he had already been in possession of for at least seven years).

But well before 1252 pluralism on this scale had created disaffection and tension in Zamora. For whereas, in his will of 1230 the chanter of Zamora, Garsías de Uliolo, had acknowledged that all the advantages he had enjoyed since his boyhood, “in scolis” and elsewhere, he owed to the church of Zamora, in May 1233, Bishop Martín Rodríguez complained to Gregory IX that over the previous seventeen years, at the instance of Cardinal Gil inter alios, thirteen of Zamora’s benefices had been awarded by papal provision to outsiders, with the result that there had been none to spare for local men who had had spent their entire lives in the service of the church. And the pope acknowledged the justice of the bishop’s complaint, conceding that favours shown to individuals “were injurious if they redounded to the disadvantage of the many.”

Now here was a startling statement of principle, and one to which historians of the period have not given sufficient attention. For sentiments such as these were wholly subversive of the practice and system

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58 Arquivo Distrital do Porto, Mitra da Sé do Porto, pergaminhos, caixa 1867, n. 7.
60 Amongst the many other benefices Master Esteban had acquired since 1229 was the secular abbacy of Husillos, which he had added to his portfolio by November 1251.
61 Linehan, Spanish Church, pp. 294–5; ACZ, TN, fol. 135v (Lera, no. 532); Reg. Inn. IV, no. 5912. Stephanus Geraldi, the canon who appears in the capitular record in 1217 and 1220 (ACZ, 17/37, 31/1/2: Lera, nos. 308, 337), is not seen there again.
62 “Cum (... ) ego Garsias, cantor Zamorensis ecclesie, a puericia mea de bonis ecclesie alitus et nutritus ab eadem, non meis meritis set sola sua gratia multa in scolis et alibi receperim beneficia (... )”: ACZ, TN, fols. 88v–89r (Lera, no. 431).
63 “Quam injuriosa est gratia que fit uni si in grauamen uideatur plurium redundare”: Reg. Greg. IX, no. 1318: Domínguez Sánchez, Gregorio IX, no. 282.
of papal provisions upon which the operation of the thirteenth-century Church at large depended. At issue was the very morality of that practice and system. What the papal *obiter* implied was the need for fairness and moderation, for "moderation in applying the rules of positive law, and in softening the rigours of the law according to the circumstances in unusual cases"—to quote a contemporary translator of Aristotle's *Nichomachean Ethics* on the concept of *épistéme*: a concept corresponding to what Catholic theologians once described as an "outward sign of inward grace", the inward grace in this case manifesting itself (and again I quote) in "thoughtfulness, modesty and love of self-knowledge", in short what we would call a spirit of equity. 64

As the bishop's complaints of 1233 make clear, in Zamora the argument for selflessness cut no ice. There, as elsewhere, the situation continued unchanged, because the mind of the pope and the hand of the papal chancery were not effectively co-ordinated. Since there was no reason in canon law why provisions to benefices in the diocese of Zamora should have affected the cathedral church of Zamora at all, 65 if they did it can only have been because someone at headquarters with an interest in the matter was making them do so. And that someone can only have been the Zamoran cardinal.

In 1234, and again in 1236, the pontiff was alerted to the dire consequences for laity as well as clergy of the disruption of the local clerical economy. 66 What made them so dire were unemployment and its effects. In the overpopulated Europe of the 1230s that was the case everywhere. But nowhere more so than in a community whose temper was anyway volatile, as the social history of twelfth-century Zamora attests, 67 and where it was not just unemployment that was the problem,

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65 Although not enshrined in canon law until the end of the century (Sext 3.4.4), according to Bonaguida de Arezzo (his "Consuetudines curiae Romanae") the rule was already observed in the papal curia of his day "quod generale mandatum pape super provisione alicuius de aliqua canonia in aliqua civitate vel diocesi non extendatur ad ecclesiam cathedralem" (cit. Geoffrey Barraclough, "The English Royal Chancery and the Papal Chancery in the Reign of Henry III," *Mitteilungen des Instituts für österreichische Geschichtsforschung* 62 [1954], 365–78 at p. 376 n. 16).


but also—given the evidence of high-grade juristic expertise in the vicinity—graduate unemployment. If consequences so far-reaching could follow—or be thought to have followed—upon the ownership of a dead fish, what was the response to invasion of the career structure by aliens and absentees likely to be?

Violence remained endemic. Not long after his promotion as cardinal, Gil Torres had to intervene on behalf of one of his clerics (another Gil), charged with having caused the death of "a certain scholar" who reportedly had attacked him. By 1249 such emotions were feeding the development of a clerical proletariat, with "los clérigos del choro que non an racion" receiving two bequests from the layman D. Mateo, and two years later the chanter García Peláez similarly favouring "la confraría de los clérigos." Then there was the disruptive effect of another element in Zamoran society to be allowed for, namely the mendicant orders, and in particular the Dominicans, whose influence on Europe's delicate ecclesiastical ecology was already being felt by that date and whose representatives, significantly, were also present at D. Mateo's deathbed.

In the view of some historians, it was not only D. Mateo who was moribund in 1249, so was the medieval Church itself. If so, one of those responsible for its condition was D. Gil Torres. For he it was who had been instrumental in dismantling the stringent disciplinary programme imposed by the papal legate John of Abbeville. True, he was viewed otherwise at the time, as the case-sensitive medic who rejected a universal panacea and instead responded to the needs of the individual patient. Not for nothing perhaps were his cardinalatial titulars Saints Cosmas and Damian, the patron saints of doctors. It was by shifting responsibility for the aforementioned scholar's death to the medic who

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68 Reg. Hon. III, no. 1367 (MDH, no. 170), May 1218.
69 ACZ, 18/15, 18/12a (Lera, nos. 550, 563).
70 "A los predicadores el so lecho con una cecedra e con tres xumazos. (...) E esta manda lexa en mano del chantre, presentibus predicribus duobus et multis alis": ACZ, 18/15; Linehan, Ladies of Zamora, pp. 1–11. The Order's rising stock is indicated by the level of bequests during these years: four maravedís (Pedro Pérez, "hermano de Vímani": ACZ, 18/2, Aug. 1230); five maravedís (Martín Martínez, canon: ACZ, 18/6, July 1236); ten maravedís (García Peláez: ACZ, 18/12a, 1251): Lera, nos. 427, 476, 563.
72 Joaquín Lorenzo Villanueva, Viaje literario a las iglesias de España, 22 vols. (Madrid, 1803–52), 5:286; Linehan, Spanish Church, p. 279n.
had attended him that the cardinal secured the acquittal of the cleric of his who had struck the fatal blow.\textsuperscript{73}

As to the Church at large, however, and to the church of Zamora in particular, it was the likes of \textit{el sobrinísimo}, Master Esteban, who struck that blow. As archdeacon of Zamora, he should have been there, keeping an eye on the place, functioning as the bishop's eye indeed, which was precisely how the role of archdeacons was defined.\textsuperscript{74} On all the evidence so far, therefore, Gil Torres emerges in stark contrast to Innocent III, the pope who had stipulated that a cleric who had petitioned him for provision at Zamora be subjected to rigorous examination,\textsuperscript{75} the pope who had not promoted him cardinal.

And so D. Gil would deserve to be remembered, were it not for some discrepant English evidence concerning his relationship with the Englishman who, first amongst all of the churchmen of his time, set his face against the abuses that Master Esteban typified: that is, Robert Grossesteste, the bishop of Lincoln famous for lecturing Innocent IV and the cardinals in person and by letter on their misconduct of the government of the Church in general and the evils of pluralism in particular, and the author \textit{inter alia} of the gloss on the concept of \textit{ἐπιείκεια}, reported by Walter Burley († c. 1344), to which I referred earlier:

\begin{quote}
Notandum est hic secundum Linconiensem quod hoc nomen epichia multas habet significationes. Nam uno modo significat studiositatem i. virtuositatem et decentiam et moderationem et modestiam et amorem cognitionis sui ipsius qualis sit in virtute ex prudentium et cognoscentium ipsum iudicio. Alio modo significat virtutem cognoscitivam moderaminis legum: qualiter scilicet leges positivae de his quae ut frequentius et in pluribus contingunt non sunt obervandae in aliquibus casibus quae contingunt raro et paucioribus, sed moderandus est earum rigor secundum circumstantias rarius accidentes cuius rei exempla satis inferius patebunt. Haec Linconiensis.\textsuperscript{76}
\end{quote}

\textsuperscript{73} \textit{...qui non tam propter acerbitatem vulneris quam imperitiem medici, ut creditur, expiravit}: \textit{Reg. Hon. III}, no. 1367.

\textsuperscript{74} The address of \textit{Reg. Inn. IV}, no. 5806 (5 March 1252) establishes that Esteban was archdeacon of the city.

\textsuperscript{75} Mansilla, \textit{Inocencio III}, no. 134.

Cardinal Gil was not one of the cardinals present at the confrontation of 1250. But he had been in contact with Grosseteste since at least 1229–32 when he had written to him on behalf of his nephew Petrus Bonus (the future Bishop Pedro I), a letter to which the then archdeacon of Leicester might well have replied, as he had replied tongue-in-cheek to another cardinal regarding an Italian providee, that this son of the south was unlikely to flourish in sodden Lincolnshire. Moreover, in 1245 the two men met at Cluny. Then, in 1253, Grosseteste refused to obey a papal mandate of provision on behalf of one of the pope’s own nephews, denouncing the system of provisions as encompassing the “most manifest destruction” of the Church, and delivering a lecture to Innocent IV of all pontiffs on the meaning of “plenitudo potestatis”. Grosseteste’s finest letter, the English chronicler Matthew Paris called it.

And Paris had more to report. When the letter was read out, the pontiff was incandescent, and threatened terrible reprisals against the man he was later to describe (again according to Matthew Paris) as one of his two greatest enemies. But the cardinals restrained him. The bishop of Lincoln was renowned both for his sanctity and for his learning, they reminded him. Moreover, “what the bishop said was true.” “Thus spoke

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79 “A wise gardener in a cold region will know that he should choose plants from that region, for although they are not equal in quality to the luxuriant plants of warmer climes, they will at least bear fruit”: cit. Leonard E. Boyle, “Robert Grosseteste and the Pastoral Care,” Medieval and Renaissance Studies 8 (1979), 3–51 at pp. 17–18. There was also the language question. Cf. the high-minded refusal of another English prelate to award a benefice to an Italian client of the future Boniface VIII, “quoniam, ut nobis dicitur, non solum linguae Anglicanae inscius est, verum etiam satis literaliter loqui nescit”: Charles T. Martin, ed., Registrum epistolarum Fratris Johannis Peckham, archiepiscopi Cantuarensis (Rolls Ser., 3 vols.) (London, 1882–5), I:351 (May 1282).

80 Reported in the Cluny Chronicle, cit. Hernández and Linehan, Mozarabic Cardinal, p. 43, and referring to Grosseteste as “episcopus Lingonensis”.

81 “Breviter autem recolligens dico, quod Apostolicae sedis sanctitas non potest nisi quae in ædificationem sunt, et non in destructionem, hæc enim est potestatis plenitudo, omnia posse in ædificationem. Hæ autem quæ vacant provisiones; non sunt in ædificationem sed in manifestissimam destructionem; non igitur eas potest beata sedes Apostolica [acceptare]”: Epp. Grosseteste (n. 78), 437; Southern, Grosseteste, pp. 290–1.
lord Egidius the Spanish cardinal," Paris reported, "and others whose own consciences were touched." Had he known the language, Paris might have described the intervention of don Gil and his colleagues as a plea for ἑπείτεκεα.

It was Paris who reported that Cardinal Gil was "almost a centenarian" when he died in 1254,83 as to which he is hardly to be believed. For Matthew Paris, most elderly gentlemen were "almost centenarians". But Paris also described the Zamoran cardinal as incorruptible and as a unique pillar of truth and justice at the Roman court: "columna veritatis et justitiae", and that was a judgement confirmed by Innocent IV himself. When refusing to allow D. Gil's election to Toledo seven years earlier, Innocent had described him as the "columna firmissima" on which the stability of both Roman Church and the Church at large depended.84 Coming from a pope such an encomium was almost a cliché of course. But coming from the English chronicler for whom on the whole the only good cardinal was a dead cardinal, it was more remarkable. And all the more remarkable was it in view of his career as a trafficker in benefices, culminating in the activities of the sobrinísimō in the very last year of both his life and that of the pontiff whom his successor, according to Paris, described as "venditor ecclesiarum"85.

Hence the paradox, an explanation for which eludes me. For Paris, it is now acknowledged, was on the whole rather well informed on the Roman matters he reported.86 Can it have been that it was only in his dealings with Grosseteste that the cardinal exhibited the characteristics so admired by the English chronicler? There is some reason for suspecting as much.87 Alternatively, or additionally, may it be that after all he really was very old when he died, that in his final years he had lost not

83 Ibid., 5:529 (cit. Linehan, Spanish Church, 278n.); Chronica Majora 4 (London, 1877), p. 162 (of Gregory IX, who was probably only in his seventies when he died in 1241).
84 Reg. Inn. IV, no. 3654.
85 Chronica Majora 5:492.
87 His reported inability to determine the dispute between the papal subdeacon John of Vercelli and the archdeacon of Buckingham (dioc. Lincoln) in January 1236 was subsequently ascribed to his absence from the curia. But if so, where was he? Reg. Greg. IX, nos. 2948, 4836–9; Reg. Inn. IV, no. 568.
only the plot but also control of his stylistically interesting seal\textsuperscript{88} and that Maestre Esteban and others were operating in his name whilst the cardinal himself was afflicted with Alzheimers and in a Roman old people’s home, though enjoying remissions frequent enough to enable him to attend the occasional consistory and, as a venerable, and therefore indulged member of the college of cardinals, occasionally to speak out there, as he is reported to have done in favour of Grosseteste for example.

Though none of them is decisive, there are various reasons for entertaining such suspicions. There is the fact that don Gil had ceased to subscribe papal privileges as early as July 1246.\textsuperscript{89} Then there is the notable acceleration after 1252 of provisions in favour of persons allegedly related to him, and, if so, also of course related to Master Esteban and Bishop Pedro I. Now in theory, petitions for such provisions were subject to close scrutiny at the curia, being publicly read out no fewer than three times. That close observer of the curial scene, Bonaguida de Arezzo, described the process as analogous to a process that Romans really were concerned to have done properly, namely the process of baking bread. For many hands were involved, as well as fire, water and cool before, like good loaves, petitions could be declared “done.”\textsuperscript{90} Such was the theory. But it was a theory to which curial practice in the last years of the pontificate of Innocent IV too often failed to conform. Take, for example, the case of the papal letter of March 1252 addressed to

\textsuperscript{88} For the following description of which I am indebted to Professor Julian Gardner: “Vesica showing two standing nimbed male figures on architectural plinth supported by foliate(?) capital within frame moulding. The left beardless figure approaches from the left with right hand raised. He holds a round object (jar) in left hand. Frontal bearded figure on right turns head towards left towards companion. He raises his right hand in blessing. Holds a book(?) in left hand. The drapery style of the figures is timidly gothic, but there is not enough evidence to say where from. It could be Spanish or French. If you compare sculpture c. 1250, say Burgos or Reims, it precedes anything like this in Rome by about a generation. But so much metalwork is lost one can’t be certain.” Damaged impressions are preserved in Cuellar, Archivo parroquial, no. 11t (Lyons, 25 Jan. 1250), and AC Burgos, vol. 7.i, fol. 370 (Perugia, 1 July 1252).

\textsuperscript{89} Agostino Paravicini Baglioni, Cardinali di curia e “familiae” cardinalizie dal 1227 al 1254 (2 vols.) (Padua, 1972), 2:424–5.

\textsuperscript{90} “Et nota, quod omnes litterae beneficiales sunt legendae coram domino papa. Leguntur primo in petitione, secundo in nota, tertio in littera grossa, at aliter transire non sinuntur, et per multas manus transeunt, et quasi per ignem et aquam currunt ad refrigerium, et ad magnam maturitatem decoquuntur”: Summa introductoria super officio advocationis in foro ecclesie, ed. Agathon Wunderlich, Anecdota quae processum civilem spectant (Göttingen, 1841), p. 332.
Bishop Pedro of Zamora in favour of his nepos Francisco, described as “son of Teresa, niece (or so you say: ut asseris) of Cardinal Gil.”

*Ut asseris.* Now it hardly sounds like good baking practice, this failure to check that what the supplier’s sack contained was wheat and not sand. Furthermore, there was the allegation made by Bishop Pedro Pérez of Salamanca early in the pontificate of Alexander IV, that after the cardinal’s death his seal-matrix had been appropriated by interested parties “in those parts” and used to fabricate letters which purported to “interpret” and thereby extend to other churches of the city and diocese of Salamanca the restrictions on the appointment of aliens contained in the cardinal’s constitutions for the cathedral chapter: an allegation which, because in the following March it was found to be proven, inevitably implicates Master Esteban de Husillos. There is also the deletion from the...

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91 “nato Tarasie, nepte, ut asseris, dilecti filii E. Sanctorum Cosme et Damiani diaconi cardinalis”: *Reg. Inn. IV*, no. 5808. And the bad old ways continued into the next pontificate. In October 1257, three years after the death of don Gil, Egidius Guillemi received a dispensation to enjoy the church of S. Frontón, Zamora “cum cura animarum” to be enjoyed in plurality with his prebends in the chapters of Zamora and Palencia, on account of his alleged relationship with the cardinal “cuius nepos esse diceris”: Charles de la Roncière et al. (eds.), *Les Registres d’Alexandre IV*, 3 vols. (Paris, 1895–9), no. 2298.

92 “(...) Super hoc [the “interested parties’] litteras cardinalis eiusmod post ipsius obitum in illis partibus, ostenderunt,” D. Pedro reported, continuing: “Verum quia in partibus istis, pro eo quod sigillum prefati cardinalis, non factum post ipsius obitum, apud quosdam remansisse dicitur, huiusmodi littere admodum sunt suspecte:” *Ibid.*, no. 747 (Aug. 1255). The finding of the judges delegate to whom the matter was referred (or rather, of one of them together with the canon of Leon to whom the others had remitted their authority) is found appended to the transcript of Alexander IV’s mandate in Archivio Segreto Vaticano [hereafter ASV], *Reg. Vat. 46*, fol. 129r. In the failure of the “pars concilii, canonicon rum et portionariorum” to appear at the hearing, and for that reason alone, “(...) quia nobis per ipsam ordinacionem cum vero filio et vera bulla nobis exhibitam ac alias plene constituit de premisiss, habito peritorum consilio pretas ordinationem et interpretationem auctoritate apostolica denunciamus secundum mandatum apostolicum non tenere ac reverendum patrem episcopum et caputulum Salamantinum, clerum et populum civitatis et diocesis Salamantini ad earum observationem iuxta mandatum apostolicum non teneri” (*Les Registres de Nicolas IV*, ed. Ernest Langlois, 2 vols. [Paris, 1887–93], no. 6365): a judgment that appeared to nullify not only the attempted “interpretation” but also Cardinal Gil’s *ordinatio* for the chapter, the earliest of his sets of constitutions, which Innocent IV had confirmed in May 1245: *Reg. Inn. IV*, no. 1262. This doubtless was why in 1291 the bishop of Salamanca (D. Pedro Fechor) was moved to seek copies of the documentation from the papal chancery. The influential comma before the word ostenderunt, supplied by Bourel de la Roncière to the text of the letter cited in the first sentence of this note, may be thought to imply that, as well as visiting Spain as cardinal (as some have imagined), Gil Torres had died “in illis partibus”, viz. in or near Salamanca. In fact, as the evidence of ASV, *Reg. Vat. 24*, fol. 90v makes clear, all that had happened in illis partibus was that the “interested parties” had published (ostenderunt) their (spurious) letters.
papal register itself (a remarkable enough event in any circumstances) of two letters of provision, both of mid-August 1252 and both in favour of Master Esteban de Husillos, and their replacement by other letters hedged round by even more *non obstante* clauses. And finally there is that plethora of *non obstante* clauses itself.

For it was the profligate use of such clauses in papal letters of provision that was bringing the entire system of papal provisions into disrepute. As Leonard Boyle observed years ago, it was the “supercumulation” of such clauses, clauses that negatived existing papal privileges without so much as acknowledging their existence, that had been fomenting the “cataclysm” of vices by which mid thirteenth-century Church and society were beset.

But then, just three weeks after receiving Grossesteste’s final damaging indictment of his government of the Universal Church, Pope Innocent acknowledged the justice of the Englishman’s criticisms. The pontiff’s encyclical letter of October 1253, *Postquam regimini*, acknowledged that in the matter of papal provisions mistakes had been made. Serious mistakes. There had been dishonesty amongst petitioners and in the procedures. On occasion the pope himself had been prevailed upon to authorize provisions against his better judgement. In future, bishops and chapters and other patrons were to “tear up” papal letters purporting to appoint foreigners to benefices in their gift.

*Postquam regimini*, which was issued on the pope’s own motion (“proprio motu”) was not only “quite unusual” but also, as Boyle rightly remarks, “dramatic.” But in his conjecture that, as well as having been prompted by Grossesteste’s latest outburst, the encyclical may have been

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93 ASV, Reg. Vat. 22, fols. 202r–v, 203r (Reg. Inn. IV, no. 5913, 5919; cf. ibid., nos. 5951, 5992, printed Augusto Quintana Prieto, *La documentación pontificia de Inocencio IV (1243-1254)*, 2 vols. (Rome, 1987), 2: nos. 788, 785, 788, 790 respectively, where the editor complicates the task of comparison by substituting for the chancery’s *eidem* forms of address of his own devising.


directed exclusively at the English Church, he was mistaken. In Castile, for example, the churches of Palencia and Segovia both secured copies. The church of Zamora, however, did not—and, if it did, there is no sign of it in the cathedral archive now. And if it did not, perhaps that was because what Postquam regimini referred to was foreign providees. And, thanks to don Gil, all or most of Zamora's providees over the previous thirty years had been local men, the cardinal's own friends and relations. If the Zamoran cardinal had saved his native church from anything during that period, it was from the intrusion of foreigners, whether from Palermo or from Segovia.

Almost all we can know about don Gil Torres comes from the papal registers, and this may well give us a skewed view of him. After all, how would Grosseteste appear if that was all we had to judge him by? We have to remember that we know next to nothing about the cardinal's intellectual preparation. We have no correspondence between him and the Spanish rulers of his day. Yet such correspondence there must have been, and in abundance, between them and the man who wrote so "gracefully" to the bishop of Lincoln. What would we not give for just some part of it? Regarding the cardinal's role in the complex matter of Fernando III's relations with the papal curia, for example? Or the reasons for the lengthy delay in confirming Pedro I's episcopal election? And, above all, as contributing to a better understanding of the Cardinal of Zamora and providing him with the third dimension that he still lacks?

97 Ibid., 35–6, influenced perhaps by the fact that Potthast's principal sources for Postquam regimini were Matthew Paris and the (also English) Burton annalist. However, in stating that "scholars in general have not paid [it] much attention" (p. 34), the author is absolutely correct. In his study of Grosseteste, for example, Southern does not so much mention it.

98 AC Palencia, 2/1/59; AC Segovia, caj. 5, no. 12 (alter Bulas, no. 9) (ed. respectively, and in both cases with numerous misreadings, Quintana Prieto, Inocencio IV, no. 928; Luis-Miguel Villar García, Documentación medieval de la catedral de Segovia (1115–1300) (Salamanca, 1990), no. 154). The church of Santiago acquired a copy at one remove: AC Santiago de Compostela, leg. no. 13, “Tumbillo de privilegios, concordias, constituciones”, fols. 112r–113v.

Additional note.

The will of Archbishop João Egas of Braga (?Oct. 1255) records the bequest to the Roman house of Santa Anastasia (O.Cist.) of the hereditas 'de S. Marina de Oleiros quam comparavi de morabetinos quos mihi dedit Egidius cardinalis de argento quod sibi dimisit [Silvester]': Braga, Arquivo Distrital, Liber de testamentis I, no. 19.