

## The Bishop of Tortosa's Rights Over Alquézar According to A Letter of Pope Alexander III

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The conquest of the city of Tortosa in 1148 made it possible to restore its episcopal see, but the diocese could not be reconstituted in its earlier form.<sup>1</sup> The territory south of the Ebro would remain in Muslim hands for almost another century, and so for this missing land and the income it represented some compensation was conferred in the form of rights and income from property located outside the former diocese of Tortosa. Between 1151 and 1156 (probably 1153, the actual text of the donation no longer survives), Count Ramon Berenguer IV gave the recently-consecrated Bishop Gaufred rights over the church of Alquézar in the Aragonese Somontano. Not only did revenue from Alquézar add to the truncated properties of the bishop of Tortosa, the conferral of rights also provided the count with a Solomonic solution to long-standing litigation between the dioceses of Huesca (successor to Jaca) and Lleida (which had recently succeeded to claims made by Roda) concerning jurisdiction over several churches and lands situated on the ambiguous border of their dioceses.<sup>2</sup> On the occasion of the consecration of the new cathedral

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1. In 1173, the diocese was defined as in theory including towns to the south such as Peñiscola, Morella and others still in fact under Muslim rule, Arxiu de la Catedral de Tortosa (= ACTo), Cartulari 2, ff. 10v-17v. Concerning the conquest of Tortosa and its aftermath the definitive work is now Antoni Virgili, *Ad Detrimentum Yspante: La conquesta de Turtusa i la formació de la societat feudal (1148-1200)* (Valencia, 2001), and also Rudolf Hiestand, "Reconquista, Kreuzzug und heiliges Grab: Der Eroberung von Tortosa 1148 im Licht eines neuen Zeugnisses," *Gesammelte Aufsätze zur Kulturgeschichte Spaniens* 31 (1984), 136-157.

2. On Alquézar in relation to the cathedral of Tortosa, Francesch Carreras y Candi, "Alquézar sots domini dels prelats de Tortosa," *Boletín de la Real Academia de Buenas Letras de Barcelona* 4 (1907), 194-200; Angel-J. Martín Duque, "Notas sobre el dominio de los obispos de Tortosa en Alquézar: El 'Opus Piscium' de los clérigos de Santa María," *Estudios de edad media de la Corona de Aragón* 6 (1956), 211-228; Antonio Benito Vidal, "Los clérigos de la Iglesia de Santa María de Alquézar en los

in Tortosa in 1178, King Alfons and Queen Sança confirmed to the bishop a number of properties including Alquézar, but the latter with the proviso that the grant would last only until such a time as the former borders of the diocese were finally restored.<sup>3</sup> In 1181, Alfons I confirmed possession over Alquézar to Bishop Ponç, giving him also the right to appoint a *clavigero*, a treasurer and general administrator referred to in some later documents as the *procurator* of the bishop.<sup>4</sup> Even before this confirmation there were local officials and clerical administrators such as the *bajulus* who appears in a record of 1164 and a priest who functioned as a sub-prior between 1167 and 1175. The bishop himself acted as prior of the Augustinian chapter of Alquézar, during the late-twelfth and early thirteenth century.<sup>5</sup> In his will of 1194, Alfons I reiterated the grant of Alquézar to Tortosa.<sup>6</sup> King Peter I in 1197 issued another confirmation of Tortosa's control over Alquézar and its dependencies, this time in perpetuity without any stated limit or relation to future reconquest.<sup>7</sup> This privilege was renewed in 1208 (now specifically protecting Tortosa against claims by Huesca), and again in 1213.<sup>8</sup>

Despite the reiterated royal privileges, exercise of Tortosa's control over Alquézar was vigorously challenged by Huesca. The papacy was reluctant to accept the anomaly of a jurisdictional enclave with only royal convenience rather than historical precedent to justify it. Before the conquest of Tortosa, in 1145, Pope Eugenius III had ruled decisively in favor of Huesca against the diocese of Roda.<sup>9</sup> Thereafter the papacy

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reinados de Alfonso II y Pedro II de Aragón," in *VII Congreso de la Corona de Aragón 2* (Barcelona, 1963), 171-177; Antonio Durán Gudiol, *Historia de Alquézar* (Saragossa, 1979), pp. 63-100. On the ecclesiastical dispute see Antonio Ubieta Arteta, "Disputas entre los Obispos de Huesca y Lérida en siglo XII," *Estudios de edad media de la Corona de Aragón 2* (1946), 187-240.

3. Ed. Manuel Risco (continuator of Enrique Florez), *España Sagrada* 42 (Madrid, 1801), ap. V, p.314; Jaime Villanueva, *Viage literario a las Iglesias de España* vol. 5 (Madrid, 1806), ap. 5, p. 49; Antoni Virgili, *Diplomatari de la Catedral de Tortosa (1062-1193)* (Barcelona, 1997), no. 301, pp. 376-77: *Dederunt etiam et concesserunt predictae ecclesie et episcopo et omnibus successoribus suis regalem capellam de Alchezar ... quatinus predictam capellam cum predictis pertinentiis habeat et possideat Pontius, episcopus presens, et omnes successores sui quousque divina faciente clementia Dertusensis ecclesia recuperet et obtineat plenarie in fide et potestate christianorum terminos sui episcopatus...*

4. Ed. Virgili, *Diplomatari de Tortosa (1062-1193)*, no. 329.

5. Benito Vidal, "Los clerigos;" Carreras y Candi, "Alquézar sots domini," p. 198.

6. Ana Isabel Sánchez Casabón, *Alfonso II Rey de Aragón, Conde de Barcelona y Marqués de Provenza. Documentos (1162-1192)* (Saragossa, 1995), no. 628, p. 811.

7. Martín Duque, "Notas," p. 213

8. ACTo, Cartulari 3, ff. 88v-92r; ff. 92v-93v. The first of these confirmation is in *España sagrada* 42, appendix VII, pp. 318-322 and in Antoni Virgili, *Diplomatari de la catedral de Tortosa (1193-1212): Episcopat de Gombau de Santa Oliva* (Barcelona, 2001), nº 711

9. Paul Fridolin Kehr, *Papsturkunden in Navarra und Aragon*, vol. II (Berlin, 1928), nos. 46 and 47, described in vol. I (Berlin, 1928), p. 132. This was followed a few days later by a letter to the church of Alquézar itself, ordering its personnel to obey Bishop Stephen of Huesca, Kehr, no. 125.

tended to support Huesca but to little effect. Instructions were given to Tortosa to turn Alquézar over to Huesca in 1172 by Pope Alexander III<sup>10</sup> and in 1186 or 1187 by Pope Urban III<sup>11</sup>. On 27 May 1203 at Ferentino, Pope Innocent III made a seemingly definitive decision in favor of Huesca's possession of Alquézar and Barbastro against the pretensions of Lleida. Two days earlier he had commanded the bishop of Tortosa (Gombau de Santa Oliva) to yield Alquézar to Huesca or to come to Rome to explain himself.<sup>12</sup> With understandable exasperation Innocent repeated this order in 1206 but to no avail<sup>13</sup>.

As long as Tortosa received unwavering royal support it could ignore the wrath of the bishop of Huesca and even the annoyance of the pope. The fall of King Peter at Muret had an effect on this as on so many other aspects of the internal politics of the Aragonese-Catalan realm. In addition, as of 1213, the church of Tortosa was led by Ponç de Torrella, a bishop less firmly committed than his predecessor to maintaining complete control over Alquézar. He met with his counterpart of Huesca in 1214 and following the recommendations of arbitrators, the bishops agreed in effect to recognize Huesca's jurisdiction while Tortosa was to be allowed to keep substantial ecclesiastical revenues. Concord was short-lived, for in 1216 the clergy of Alquézar rebelled against the bishop of Huesca, and although they claimed exemption rather than explicit adherence to Tortosa, the opportunity stiffened the will of Bishop Ponç de Torrella to continue the struggle. In 1218 King James I (or those acting in the young ruler's name) promised aid to the Bishop Ponç to recover the church.<sup>14</sup> This effort was successful and once again a bishop of Tortosa acted as prior of the chapter of Alquézar.<sup>15</sup> In 1220 Pope Honorius III responded to a Huesca's renewed complaints about Tortosa's unjust possession of Alquézar by appointing Bishop Berenguer de Erill of Lleida and the archdeacon Vidal (also of Lleida) to investigate. In a subsequent letter the pope noted that the clergy of Alquézar refused to acknowledge any of the rights of the bishop of Huesca over them.<sup>16</sup> Another compromise was agreed to in 1221 allowing Tortosa to retain effective control over what amounted to a quasi-exempt group of churches in

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10. Ed. Kehr, *Papsturkunden in Navarra und Aragon II*, no. 118.

11. Idem, II, no. 164.

12. Ed. Demetrio Mansilla, *La documentación pontificia hasta Inocencio III* (Rome, 1955), nos. 271 and 269.

13. Ibid., no. 338.

14. ACTo, Cartulari 3, ff. 104v-106v.

15. Durán Gudiol, *Historia de Alquézar*, pp. 83-87

16. Ed. Demetrio Mansilla, *La documentación pontificia de Honorio III (1216-1227)* (Rome, 1965), nos. 266 and 270.

return for agreeing to require Alquézar's clergy to attend synods and perform other symbolic acts in recognition of Huesca's theoretical jurisdiction.<sup>17</sup> The agreement seems to have pleased neither side and finally between 1239 to 1242 the eminent jurist Vidal de Canellas, now bishop of Huesca, succeeded in convincing both Pope Gregory IX and King James I of the justice of Huesca's claims. The conquest of Valencia and the restoration of the former extent of the diocese of Tortosa helped persuaded Ponç de Torrella finally to abandon authority over Alquézar to Huesca in return for 1,650 *morabetinos alfonsinos*.<sup>18</sup>

Although there would appear to have been a strong tradition of papal support for Huesca, there is one previously unremarked papal document issued by Alexander III and Innocent III that represent at least the temporary acceptance of Tortosa's rights over Alquézar. Preserved in the "Diversos Asuntos" section of the cathedral archive of Tortosa, is a brief undated original letter of Alexander III, confirming at the request of Bishop Ponç de Monells Tortosa's control over the *capellaniae* of Alquézar. The *capellaniae* were conceived of as rights of patronage or appointment of clergy to benefices. In practice this meant that the bishop of Tortosa received ecclesiastical income from parishes while giving relatively modest salaries to the local clergy, thus retaining the surplus for himself<sup>19</sup>.

This document was unknown to Paul Fridolin Kehr, whose visit to Catalan and later Navarese and Aragonese archives in the 1920s resulted in what remains the authoritative collection and edition of papal correspondence with these realms for the time before the accession of Innocent III in 1198. The letter has been edited in the first volume of Antoni Virgili's edition of the early records of the cathedral archive.<sup>20</sup>

In the second volume of Virgili's collection of Tortosa documents is a letter of Innocent III from May 6 in the first year of his pontificate (1198)<sup>21</sup>. As with Alexander's letter, this is an extremely brief confirmation, is answer to an episcopal request, of Tortosa's claims to Alquézar. In this case the pope simply confirms the church of Alquézar,

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17. ACTo, Cartulari 3, ff. 95r-100r. See also Ramon de Huesca, *Teatro histórico de las Iglesias de Aragón*, vol. 7 (Pamplona, 1797), pp. 285-286.

18. Durán Gudiol, *Historia de Alquézar*, pp. 98-100.

19. Cf. the restitution of alienated *capellaniae* to the bishop of Vic in 1118 by Ramon Berenguer III, Arxiu de la Catedral de Vic, calaix 6, no. 12 and a copy in the Liber Dotationum, f. 81. I am indebted to Josep M. Masnou Pratdesaba for this information.

20. Virgili, *Diplomatari de Tortosa*, no. 154.

21. *Diplomatari de la catedral de Tortosa (1193-1212)*, n°572

along with its suffragans (*cum capellis*). Both papal documents are significant for understanding papal policies, the preservation of papal records, and the history of Tortosa's claims in the post-conquest era.

It is possible to date the letter of Alexander III more exactly. Virgili noted that it falls within the pontificate of Ponç de Monells, who is specifically addressed by the pope in his salutation, thus Virgili dates it between 1165 (the accession of Bishop Ponç) and 1181 (the death of Alexander III). As the letter is stated to have been written in Montpellier on August 12 (2 ides of August), we can situate it more precisely in the year 1165 by reference to the itineraries of the pope. During his pontificate Alexander III stayed in Montpellier only twice, first in the spring and summer of 1162 (April 15- August 19) and then from July 10 to August 19, 1165. As the letter is addressed to Bishop Ponç who became bishop only in 1165, the date must be August 12, 1165. During this period in Montpellier, Pope Alexander transacted an immense amount of business related to Catalonia, especially in relation to litigation between Urgell and the Augustinian monastery of Àger over the latter's claims to exemption from episcopal jurisdiction<sup>22</sup>.

Probably during that same late summer of 1165 in Montpellier, Pope Alexander III confirmed to Stephen, Bishop of Huesca, the decisions of Eugenius III and Hadrian IV with regard to churches disputed between Huesca and Roda, repeating the terms of Hadrian's privilege of 1159.<sup>23</sup> For Alexander III the fact that Tortosa held certain revenues from the church of Alquézar and its dependencies did not confer on it actual possession of it as part of its diocesan rights at the expense of Huesca. Unfortunately beyond the assertion that the matter rested with the king's authority and will, we don't have a record of arguments Tortosa might have advanced to justify defying the repeated order of popes over many decades to recognize Huesca's jurisdiction over Alquézar. Neither Alexander III nor any of his successors refers to the *capellaniae* or the present document either as theoretical support for Tortosa's defiance or as conceptually distinct from ecclesiastical jurisdiction.

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22. Six documents from Montpellier in August, 1165 are listed in Paul Freedman, "Jurisdictional Disputes over Sant Pere d'Àger (Catalonia) in Light of New Papal Documents," in *Proceedings of the Ninth International Congress of Medieval Canon Law*, ed. Peter Landau and Jörg Mueller (Vatican City, 1997), pp. 750-751.

23. Kehr, *Papsturkunden in Navarra und Aragon* II, no. 105. The basis for Kehr's belief that this was enacted in 1165 is given in his note to the text.

The May 1198 letter of Innocent III is preserved in a different section of the cathedral archive from that of Alexander III (Sec. Comú Bisbe i Capítol). It represents a curious repetition of the pattern of the earlier pope, a confirmation of Tortosa's claims at its request early in the pontificate, followed by a later, although not completely effective, reversal in favor of Huesca. The letter of 1198 is less ambiguous than that of 1165 in recognizing to Tortosa a general authority over the church of Alquézar rather than the right to specific revenues. Thus the subsequent reversal is more marked than Pope Alexander's change in policy. As mentioned earlier, Innocent III, would come to support Huesca's jurisdiction vigorously after 1203.

The document is slightly damaged and a hole almost obliterates certain key words describing the particular place involved, but the first and last letters of Alquézar are preserved. The pope acts at the request of the bishop (whose name is left blank), and refers to an earlier document conferring the here vaguely-defined rights, perhaps the letter of Alexander III, but otherwise the words of Innocent III's curia are formulaic and very concise.

The bishops of Tortosa kept both privileges, but it is noteworthy that neither was copied into any of the cathedral's numerous cartularies and so it is unlikely to have served as a basis for defending Tortosa's possession of Alquézar. This is readily understandable in the case of the confirmation of Alexander III. Rather than arguing on the basis of the limited and purely financial rights represented by the *capellaniae*, Tortosa would understandably prefer to rely on the more sweeping rights conferred by royal favor. Perhaps Innocent III was faced with his earlier privilege in the discussions leading up to his decision for Huesca in 1203, but we have no record of the arguments and the archives of Tortosa do not indicate that much reliance was placed on this 1198 confirmation.

The king's support meant that Tortosa was not merely persisting in litigation but was in actual control throughout the twelfth and early thirteenth centuries except for a brief period between 1214 and 1216. At various times bishops of Tortosa might be more or less engaged in actively administering things or trying to extract profit from Alquézar. Doubtless there were times when its distance or other preoccupations made it figure very little in the policies of the bishop, but nevertheless, there seems to have been no question of conceding anything to Huesca before 1213 and this was due to the support of the kings of Aragon/counts of Barcelona who had, after all, initially rewarded Tortosa

with this gift after the conquest. Pope Innocent III recognized this basis for Tortosa's intransigence and tried to obtain the cooperation of Peter I in 1206, asking him not to abet Tortosa's defiance in prejudice of Huesca.<sup>24</sup> Peter, who had been crowned in Rome by the pope, was as cooperative a king as Innocent was likely to find, at least at this stage of his reign, but there is no evidence that the king acceded to the papal admonition.

The letter of Alexander III in 1165 and of Innocent III in 1198 thus stands as an anomalies within the reiterated tradition of papal policy with regard to this part of Aragon in favor of Huesca against the claims of Roda, Lleida, and Tortosa and they show the difficulties of these most exacting and masterful popes in steering through just one of hundreds of intra-ecclesiastical disputes over jurisdiction.

## Appendix

Montpellier, August 12 (1165)

Tortosa, Arxiu de la Catedral, Diversos Asuntos, 1, 16 – Ed. Virgili, *Diplomatari de la Catedral de Tortosa*, no. 154.

Dorse: Confirmatio Alexandrii pape cappellanie regie de Alcazer, date ecclesie Dertutensis (15<sup>th</sup> century).

Originally folded three times

ALEXANDER episcopus, servus servorum Dei, venerabili fratri Pontio, Dertutensi episcopo, salutem / et apostolicam benedictionem. Iustis postulantium desideriis facilem nos conuenit prebere assensum et uota qua a rationis tramite non discordant opere sunt prosequente com/plenda. Eapropter venerabilis in Christo frater tuis iustis postulationibus grato concurren/tes assensu capellanas de Alchezar cum omnibus appenditiis suis rationabiliter tibi / concessas

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24. Mansilla, *La documentación pontificia*, no. 339.

fraternitati tue auctoritate apostolica confirmamus et presentis scripti patrocínio / comunimus. Statuentes ut nulli omnino hominum liceat hanc paginam nostre confirmacionis infringere uel ei aliquatenus contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei et Beatorum Petri et Pauli apostolorum / eius se nouerit incursurum. Dat. Apud Montempessulanum, ii idus augusti.

Rome, may 6, 1198

Tortosa, Arxiu de la Catedral, Comú Bisbe i Capítol, 43. Ed. Virgili, Diplomatarium de la catedral de Tortosa (1193-1212), nº 154

Originally folded three times. Damaged

INNOCENTIUS episcopus, seruus seruorum Dei, uenerabili fratri. Dertusensi episcopo, salutem et apostolicam benedictionem. Cum a / nobis petitur quod iustum est et honestum, tam uigor equitatis quam ordo exigit rationis ut id per / sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter, uenerabilis in Christo frater, tuis / iustis postulationibus grato concurrentes assensu, [ecclesia]m d[e] Alcheza[r] cum capellis et omnibus / ad ipsam spectantibus sicut ea iuste possides... [a]utenticis publicis plenius contine/tur, tibi et per te ecclesie tue auctoritate apostolica confirmamus et presentis scripti patrocínio / comunimus. Nulli ergo omnino hominum liceat hanc paginam nostre confirmacionis in/fringere uel ei ausu temerario contrarie. Si quis autem hoc attemptare preaesumpserit, in/dignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum.

Dat. Rome apud Sanctum Petrum, ii. Nonas maii, pontificatus nostri anno primo.