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in the early Middle Ages
and were these community places?**

by Wendy Davies

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**Lieux et espaces des communautés
(VI^{ème} - XI^{ème} siècles)**

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Where were court cases heard in Northern Iberia in the early Middle Ages and were these community places?*

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There is some good, though limited, evidence of community space in northern Iberia in the later tenth century. These are the spatial zones which were defined by the remit of local meetings at which business was transacted. There is no evidence that court cases were heard at such meetings. Rather, court cases were held at places associated with kings, places associated with powerful landowners and churches. All of these places were used by their own proper communities whereas for court cases they were used by a temporary judicial community that was convened to deal with a case. As ever, communities were multiple and overlapping and community space could be used by different communities.

Middle Ages, 9th-10th centuries, Northern Iberia, communities.

This paper is about court cases in northern Iberia (that is, northern Spain and Portugal) in the ninth and tenth centuries, a period for which we have plenty of localizable written evidence. Before addressing the particularities of the location of court cases, I want to draw attention to the textual references to community space that clearly was territorialized, because this is relevant. And after considering court cases, I want to end by raising a question about a different kind of community space. But first some general orientation.

The Iberian peninsula is dominated by a high central plateau, the Meseta, up to 760m in altitude, cut by the great river systems of the Duero and Tagus, which enter the Atlantic at Porto and Lisbon, and that of the Ebro which flows into the Mediterranean. There are high mountain ranges on the northern and north-western edges of the plateau and across the middle of the peninsula. This means that there is a great diversity of landscapes and a tendency to political fragmentation. Although the whole of Iberia had in fact been a single Visigothic state in the late seventh century, by the ninth and tenth centuries much of the North fell within two Christian kingdoms, while the South and

* For the list of abbreviations see the end of the text, before the list of works cited.

centre had since 711 been a Muslim polity, al-Andalus, at first an emirate and a caliphate from 929.¹ This polity extended in a north-easterly direction to include much of what is now the autonomous community of Catalonia, though Barcelona and area to the north had become part of a Frankish March or border zone from 801. The two Christian kingdoms were that of Asturias-León, initially ruled from Oviedo in the far North but transferring to León round about 910; and that of Pamplona (or Navarre), for which significant territorial acquisitions began to be noted from the 920s. Both kingdoms were subject to Muslim raids intermittently through the tenth century and both, in their turn, raided the South and took prisoners. Despite these continuing hostilities, there were periods of close diplomatic relations between North and South, particularly with the andalusi political centre of Córdoba, and there were also strong contacts between northern clerics and the Christian communities of al-Andalus. Although northern kings were able to mount campaigns against their Muslim opponents, they were not associated with much governmental activity in this period and powerful aristocratic families in effect controlled many parts of the North, including Portugal, which had no separate political identity at this time.² Among those aristocrats, Galician families had a distinctive regional interest, while on the eastern edges of the *Meseta* the counts of Castile commanded a large territory which ran north to the sea by the middle of the tenth century.³ Much of the Ebro valley in the North East was dominated by Muslim families but a series of Christian Catalan counties developed from the March established by Carolingian rulers of Francia in the early ninth century, in the hinterland of the Pyrenees; the Catalan counts looked north-east towards the Frankish state for more than a century. In due course in the later tenth century one count, the count of Barcelona, emerged predominant and the Frankish orientation began to weaken.⁴

1. *Territorialized community space*

The texts available for considering community space are overwhelmingly ninth- and tenth-century charters. There are few letters or narrative sources that might fill out the detail of the transactions they record and tenth-cen-

¹ For details of political history, see Isla Frez, *La alta edad media. Siglos viii-xi*; Kennedy, *Muslim Spain and Portugal: a Political History of al-Andalus*; Manzano Moreno, *Conquistadores, emires y califas, Los omeyas y la formación de al-Andalus*.

² See Carvajal Castro, *Bajo la máscara del regnum. La monarquía asturleonense en León (854-1037)*, for aristocratic families on the *Meseta*; and in Galicia and the Liébana, Portass, "All quiet on the western front;" Portass, *The Village World in Early Medieval Spain*, especially chap. 4 and 8.

³ See Martínez Díez, *El condado de Castilla (711-1038)*; Escalona, "In the name of a distant king"; Santos Salazar, "Competition in the frontiers of the Asturian kingdom."

⁴ The classic study of Catalonia in this period is that of Bonnassie, *La Catalogne du milieu du X^e à la fin du XI^e siècle*; see also Jarrett, *Rulers and Ruled in Frontier Catalonia, 880-1010*.

ture annals and late ninth- and early eleventh-century chronicles are more concerned with the deeds of rulers than of communities.⁵ Surviving charters number over 2,700 from northern Iberia excluding Catalonia; they are mostly of the tenth century, but there are a few from the Visigothic period, about 20 from the eighth century and a little over 200 from the ninth century. About two thirds of them survive in cartulary copies and the rest on single sheets; copies, even if manipulated, can be as useful as single sheets. The Catalan corpus of charters is very large, including at least 4,956 known pre-eleventh-century charters. As elsewhere in the North, most come from the tenth century, although the series begin earlier in the ninth century than they do farther west and there is a higher proportion of ninth-century charters. While the scribes who wrote all of these charters included some working for royal and aristocratic households and some from the scriptoria of great monasteries and cathedrals, they also included scribes based at local churches; indeed, many charters were written by local priests for local lay people.⁶ This local input into record-making provides a valuable ground-level perspective.

Charters do throw some light on concepts of community space in the early middle ages. The familiar words *collatio* and *concilium*, although often used for other kinds of assembly, were used in charter texts of the later tenth century in a distinctive way: they were used for meetings of lay people at which business was transacted – business such as the ordinary business of gift and sale of (often small quantities of) land. So, seventeen named men and all the *concilium* of Villabáscones made an agreement with their local abbot over water rights in 956; and nine named people who made a gift in Melgar in 932 were joined by all the *collatio* of Melgar, a meeting subsequently referred to as the *concilium* of Melgar (*collatio* and *concilium* are used interchangeably in other cases).⁷ Although widespread in later centuries, this usage was relatively rare at this time⁸ – there are about 30 cases in over a thousand charters – and it was regionally restricted to parts of the *Meseta* north of the river Duero.⁹

It is extremely interesting that occasionally these meetings were associated with a dedicated spatial zone, which we can therefore think of as territorialized community space. There are four written references to such community space in this period:

⁵ See Andrés Sanz, Codoñer, Iranzo Abellán, Martín, and Paniagua, *La Hispania visigótica y mozárabe. Dos épocas en su literatura* for material available. For Castilian annals, Martín, “Los *Annales Castellani Antiquiores* y *Annales Castellani Recentiores*,” chronicles: Gil Fernández, Moralejo, and Ruiz de la Peña, *Crónicas Asturianas*; Pérez de Urbel, *Sampiro. Su crónica y la monarquía leonesa en el siglo X*, at 273-436.

⁶ See Davies, “Local priests and the writing of charters in northern Iberia in the tenth century.”
⁷ C89; S44, S298 (979). Martínez Sopena, *La tierra de campos*, 507, notes the interchangeability of *concilium* and *collatio* in the tenth century.

⁸ Carlé, *Del concejo medieval castellano-leonés*.

⁹ For detailed argument, and more references, see Davies, *Acts of Giving*, 201-7; and see the tenth- and eleventh-century citations in Menéndez Pidal, *Léxico hispánico primitivo*, s.v. *collacione*.

1. 13 July 965. A record of a lay sale by three people, perhaps brothers, to a married couple of land “in collationis Villa Abcalbelle”, for 3 *solidi*, written by local priest Fortunio. That is, “land [lying] in the area of the meeting of Villa Abcalbelle”. The Villa is unlocated but lay in the Fontecha valley, about 11 km south west of León.¹⁰
2. 13 May 979. A record of a sale by a layman to the priest Arcisclo of a vineyard in the Valle de Antimio “in lloco predicto in collationem Sancti Ioannis Apostoli et Euansceliste et Sancti Pelagi de Capezutos”, for the price of a roan packhorse. That is, “a vineyard in Valle de Antimio, lying in the aforesaid place, in the area of the meeting of San Juan and San Pelayo” and it was bounded by the road to León. The Antimio valley runs towards the south east at about 6 km south west of León.¹¹
3. 1 May 991. A record of a sale by a parent and son to the same priest as in 979 of a farm with buildings, land and water rights, in the Valle de Antimio, beside the priest’s house “in collacione Sancto Pelagio”, for the price of a cow. This appears to be the same area as defined in example 2).¹²
4. 1 May 991. A record of a sale by a woman and two of her children to the monastery of Santos Justo y Pastor of land and a water course in Mataromarigo ‘in collatione Sancte Llocadie’, bounded by the road to Santa Olaja de la Ribera. That is, “[lying] in the area of the meeting of Santa Leocadia”. Mataromarigo lay on the river Bernesga, as does Santa Olaja, about 3 km south of León.¹³

I have translated *collatio* in these four cases as “the area of the meeting”. The phrases are explicitly about the places where the properties were sited. I might have used “assembly” for the occasions although it is quite clear that all the residents of an area did not go to local meetings; rather, meetings were attended by those who concerned themselves with local business. They were a discrete group of local residents, who in effect took decisions for the wider group; there is no implication, at this date, that members of the meeting were elected nor that they were strictly representative of the interests of all residents.¹⁴ But they did act for all residents.

In these four cases the properties transacted were localized to spatial zones defined by the remit of each meeting. This is quite clear from the structure of the charters: these clauses are about where the properties could be found. One of them takes its name from a settlement and the spatial zone

¹⁰ Lii391.

¹¹ Lii468.

¹² Liii546.

¹³ Liii547. Cf. Liii585 (999), a record of an exchange of property in Mataromarigo, which was confirmed in the *collatio* of Santa Leocadia, that is “at the Santa Leocadia meeting”.

¹⁴ I have noted, in the case of ninth-century Brittany, that those who went to meetings were *ad hoc* and temporary groups, not representative of all interests; although relating to Brittany, the principles of local meetings are the same here. See Davies, “Was there collective action in or by the *plebes* of ninth-century Brittany?”.

presumably covered all the residents of that settlement. Three of them take the name of churches. It might reasonably be supposed that these meetings acted for those who attended those churches, just as ‘parish’ in English came to stand for the area for which a church provided pastoral care as well as the community attending the church. This may have been the case; indeed, *col-lación* in Spanish came to refer not only to the association of parishioners but to the area they inhabited.¹⁵ However, we should not at this date suppose any strict allocation of territory to churches, as in a fully territorialized parish system. And indeed it could well be that the churches had given their names to the local settlements and hence that these three spatial zones also took their names from settlements.

It might also be supposed that the terminology of *collatio* and *concilium* derived from the application of well known formulas – borrowed formulas, utilized with little regard for actual local practice. While this is theoretically possible, I think otherwise, for the following reasons. Most of the records which use these terms in this way are short, unelaborated texts – the typical output of a local priest – and many survive on single sheets. Indeed, with the exception of example 3) above, three of these four cases are recorded on single sheets. Further, they come from different sources rather than from a single scriptorium and they record the transactions of lay parties as well as those of clerics. They reflect local usage at settlement level.

It should be said that, overall, meetings in which local business was transacted by individuals were common across northern Iberia. These were occasions, not institutions, and sometimes they involved people from several settlements.¹⁶ Meetings which were described with terms like *collatio* and *concilium*, where named local people acted for the local group, were much less common; but these were also occasions not institutions. However, the very fact that the meeting could sometimes define a territory was both a step towards the institutionalization of the meeting and a step towards the definition of community space. Here we can see one type of community space. This territorialization was, of course, extremely rare in the early middle ages and geographically very limited: all of these four properties were within a day’s walk of León, a major political centre at this time. But they signal the trend of future development.

2. *Where were court cases heard?*

It might be thought that judicial courts would have been held in the meeting places where local business was conducted in northern Iberia, as hap-

¹⁵ Martínez Sopena, 513.

¹⁶ Cf. S164 (959), a record of a gift to the monastery of Sahagún, witnessed by people from at least six settlements, and Ov19 (978), a sale to the monastery of San Vicente in Oviedo witnessed by people from seven settlements.

pened in some parts of western Europe in the early middle ages. On the evidence of written records, this was not so in the rural communities of the peninsula, although there is an exception in the urban community of Burgos, in Castile, which was the context of at least one formal confession.¹⁷ Given this divergence from practice elsewhere, we need to investigate where courts were held. There are two things to say about this: one about the personnel who attended the courts for which we have records and another about the locations which were characteristic.

2.1 *Personnel*

A judicial court hearing had a president, who was usually the courtholder, and a *saio*, an official who organized much of court proceedings and who was normally answerable to the courtholder; there were also judges and some others who attended.¹⁸ The president might be male or female and literally presided over the conduct of judicial proceedings, taking the chair. He or she might receive appeals and complaints and might initiate proceedings as a consequence; he or she might order oaths to be sworn or documents to be produced; he or she might order the restoration of disputed property. Sometimes the president joined the judges in judging but did not necessarily do so. This makes it quite clear that the function of presidency was separable from that of judging: whereas presidents tended to take initiating and concluding actions in the conduct of a case, on the whole it was the judges who were concerned with the detail and with what lay between start and finish.¹⁹ The functions of the *saio* (or *sagio*) in ninth- and tenth-century Iberia were overwhelmingly judicial; there is no evidence of them doing estate management work or fighting on military campaigns, although there is a background of *saiones* with other functions.²⁰ The *saio* was the person who got parties to court; he was often (probably always) present in court to hear accusations and agreements; he could present oath-takers and organize the recording of oaths; he could require parties to provide a given number of witnesses; he transmitted judges' orders; he administered confessions; he was the person who physically led the innocent to the ordeal and presented the unwrapped hand three days later; he

¹⁷ C151 (972); cf. C46 (944), recording recognition of the urban community by King Ramiro II because he had made a gift in their presence.

¹⁸ A courtholder was a person of sufficient independent political authority to hold a court, although there are occasional cases of delegation from a higher authority, such as a king. There are also a few cases of *saiones* in the late tenth century who appear to have been answerable to local groups. For more detail on all these points, and on the functions of *saiones*, see Davies, *Windows on Justice in Northern Iberia*, chap. 6.

¹⁹ In Catalonia there were differences for judges were usually appointed and usually took a more prominent role in the conduct of the case; see Salrach, *Justícia i poder*, 26-8, 40-1.

²⁰ For Ostrogothic *saiones*, see Amory, *People and Identity in Ostrogothic Italy, 489-554*, 93, 103-4, 471-2. For *saiones* in Visigothic Spain, Zeumer, *Lex Visigothorum*, II.1.16, II.2.4, X.2.5.

was the person who conveyed disputed property from one party to another; and he received a fee for his duties, the *saionicum*.

The other people present in court were a panel of judges and some ‘others’, sometimes termed *boni homines*. Panels of judges numbered between one and fourteen members, usually close to the higher number in most of northern Iberia, and it is their composition which is particularly significant in the present context. A judging panel often included at least one legal expert, who knew the law, that is the corpus of law ultimately deriving from the Visigothic state, *Lex Visigothorum*, also known as *Forum Iudicum* and *Liber [Iudicum]*, knowledge of which was clearly maintained into the central middle ages.²¹ This expert could live in the locality but often travelled some distance to attend the court: there are cases of experts travelling 50 km or even more, like Gutino Zelim who travelled from his base near León to deal with a case in the Cea valley, at least 40 km to the east.²² Other members of the panel included regional aristocrats and clerics, from a similarly wide range, as well as royal companions and high aristocrats, who might travel 200 km to attend: the Galician aristocrat Pelayo González was involved in judging in the León area and also, with his sister, seems to have led the high level panel sorting out rights to saltpans in Galicia ten years later, in 956; he was a frequent witness at major occasions in both Galicia and on the *Meseta*.²³ Of those members who can be identified, just over half were people of these types. We do not have direct evidence of the associations of the remaining half but they are likely to have been middle-range elites, landowners with more limited horizons but local knowledge and perhaps the occasional rich peasant.²⁴ The significant point is that the composition of all the judging panels we know about was very mixed, with lay and clerical members, experts and non-experts, people who came from a considerable distance from the court site and very probably some people from the locality. A judging panel cannot possibly have simply represented a local community. Further, since the composition of panels varied widely from case to case, it would not be appropriate to propose that there were fixed judging communities.

The term *boni homines* has late antique origins and occurs widely in western European texts of the early middle ages, with varying meanings in different contexts.²⁵ The words are mainly employed in three related but different

²¹ *Lex Visigothorum*. For the best discussion of the issues arising from use of archaic law in subsequent centuries, see Iglesia Ferreirós, “El proceso del Conde Bera;” and Graham Barrett’s monograph, *Text and Textuality in Early Medieval Iberia*, arising from his Oxford DPhil thesis, “The Written and the World in Early Medieval Iberia” (2015).

²² S287 (977); Liii708 (1012) relates the earlier history of his interest in the León property.

²³ Li192 (946), LaC59 (956); Cel256 (936), Cel4 (938), Cel2 (942), S98 (945), Cel264 (949), S123 (?950), S129 (950), S132 (951), Cel54 (955), Lii295 (956), Cel356 (959), for example. See Matto-so, *A nobreza medieval portuguesa*, 120-1.

²⁴ For more examples, see Davies, *Windows on Justice*, 205-11.

²⁵ For a very thorough consideration, Nehlsen-von Stryk, *Die Boni Homines des frühen Mittelalters*.

ways in early medieval Iberian charters.²⁶ Firstly, they are used as a general term to refer to respectable people from whom oath-takers might be selected or in whose presence judicial proceedings were heard. Secondly, *boni homines* might exercise the specific function of intercession in court, especially from the 990s onwards (on which occasions they are never named). In such cases they would speak on behalf of an accused person, especially in order to get a penalty reduced. Thirdly, in certain circumstances it was *boni homines* who fixed a price for a transaction or who saw to the fair distribution of property. References to *boni homines* are often extremely vague and they often seem to mean no more than ‘other people’. However, as they were often associated with court cases, it is quite clear that ‘other people’ were often present at judicial hearings. They include bishops and counts, as well as abbots and priests and laymen with patronymics, and once *proceres palatii* (prominent men of the palace); and two of the royal judges of one record occur elsewhere as *boni homines*.²⁷ On the other hand, those who fixed prices needed local knowledge; these look more like local people. Those designated as *boni homines* included both great aristocrats and local worthies.²⁸ There is nothing in the use of the term to suggest that it was purely confined to a very local community.

2.2 Locations

We do not know where all court cases were held, since inclusion of location is not a standard element of court record formulas. However, where there is an indication, three kinds of location stand out: places associated with kings, places associated with powerful landowners, including counts, and churches.

Unsurprisingly, judicial hearings could take place in the presence of kings – or their delegates – whether at a permanent royal residence or at a place where the king was temporarily present. Cases were heard in the royal centre of León, seat of kings of Asturias/León from the early tenth century, and in regional royal centres like Larín in Galicia.²⁹ In one clear case of delegation, King Ordoño III, who was temporarily in Simancas, heard a case and ordered the disputants who were before him, the abbot of Abellar and the aristocrat Velasco Hanniz, to appear before him again in León on a given day in 952 and – if he should be delayed – to appear before the bishop of León, as indeed

²⁶ Bonushomo occurs as a personal name in Catalan charters, as of the famous judge of CC7-1132 (992), CC4-1736 (996); also the female Bonafilia in CC7-1132.

²⁷ Cel93 (950); Gudesteo Díaz and Tructesindo Nantildiz of Cel252 (1000), in Sob130 (992) and PMH DC 163 (991).

²⁸ The very useful recent survey by Szabó, “Zur Geschichte der boni homines,” does not include the Iberian evidence. For that, see Davies, “*Boni homines* in northern Iberia.”

²⁹ Cases heard in León, for example: S159 (958), Lii450 (977); Larín: Andrade Cernadas, “Villas regias y asambleas judiciales entre los siglos X y XI.” Cf. Andrade Cernadas, “Baños, claustros y piedras.”

happened in the end.³⁰ The king heard judicial cases in many places; there was no fixed spot.

As for places associated with powerful landowners, there are three comital centres which are especially well evidenced as court locations: Sobrado in Galicia, Valdoré on the southern slopes of the Cantabrian Mountains and Burgos in Castile. Sobrado was a rural site and the focus of the powerful aristocrat Hermenegildo's estates before he and his wife founded and endowed the monastery of Sobrado in 952. It was the location of a number of court hearings: "in presentia uestra et iudicum hic in Superato" ("in the presence of you and the judges here in Sobrado"), where *uestra* refers to the presidency of Hermenegildo.³¹ Valdoré was the centre of operations of another powerful aristocrat, Count Flaino Muñoz and family: "deuenimus indem ad iudizio antem gomite Flaino Munizii uel suos iudizes ic in Orete" ("we came to court before Count Flaino Muñoz and his judges here in Valdoré"), as another record of a court case notes.³² Flaino's grandfather, Vermudo Núñez, had been an associate of kings and his father and mother, Munio Flaínez and Froileva, were prominent landlords, involved in transactions mostly in the northern hills. His sister and brother were patrons of monasteries and his son Pedro had his own areas of responsibility, involved in judicial business and taking fines.³³ It was Flaino's archive that contributed to the Otero de Dueñas collection of charters. Thirdly, the town of Burgos was closely associated with the very active count of Castile, Fernán González, and with his descendants, and was the location of court hearings in their presence: "In presentia de Garsea Fernandiz comite uel omni concilio de Uurgientium ciuitate...manifesti sumus culpauiles nos esse, ego Enneco et Galindo presbiter" ("in the presence of Count García Fernandez and all the council of the city of the Burgenses...we Ñiño and the priest Galindo confess that we are culpable").³⁴

These counts of northern Iberia were not like Carolingian counts: there were relatively few of them; there was no systematic 'coverage' of northern Iberia by comital families; they could not be described as holding office and kings did not delegate power to such people until the late tenth century. Flaino's son Pedro is one of the first for whom we have explicit evidence of delegation: he held the *mandatio* of Valdoré in the early eleventh century and had control over the movement of the population.³⁵ By 1014 he was being called count and by 1019 the delegation of power to him was explicit.³⁶ Until this period people who were termed 'count' were just very powerful aristocrats,

³⁰ Li256.

³¹ Sob103 (952); cf. Sob54 (930), Sob21 (931), Sob23 (949).

³² OD43 (997); on the Flaínez, see Estepa Díez, "Poder y propiedad feudales en el período astur," and Carvajal Castro, "Sociedad y territorio en el norte de León."

³³ OD42 (996), OD70 (1007), OD71 (1006), OD73 (1007), OD76 (1008), OD99 (1014), OD181 (1027), OD213 (1035), OD227 (1039), OD241 (1046), for example.

³⁴ C151 (972) and by implication C22 (932); cf. García's gift of shops in Burgos, C189 (982).

³⁵ See OD56 (1001) and OD70 (1006).

³⁶ OD99 (1014) spells out that Pedro held the *mandación* of Lorma and in this text he is called

often with some military capacity; the designation was in effect an acknowledgement of their exceptional power.³⁷ Unsurprisingly, courts were also held by powerful landowners who were not called counts and their main residences feature as the location of court hearings; this is clear in the case of Dona Dimitria in Portugal and that of the *alia potestate* in Asturias before whom two arrested cowherds were taken and then imprisoned.³⁸ We know of a good number of lay courtholders, but most of the texts detailing their judicial activity do not precisely locate where this activity took place. The implication is that it happened on the courtholder's property until members needed to withdraw to a church but we cannot be sure of this.

The third kind of location for a court hearing was a church building. Churches were important in the conduct of judicial process because of the need for sworn testimony above an altar, as they were also – as it happens – convenient locations for the performance of ordinary transactions of gift and sale. Accordingly, a hearing might adjourn from its initial meeting place to a church so that oaths could be sworn at the altar or an ordeal performed. Many are noted across northern Iberia as the place of judicial hearings, from the church of São Verissimo in northern Portugal to those of Santa María and San Martín by Gordón, on the northern edge of the *Meseta*, to those of San Millán de Gabinea and Santa María of Septe Finiestras (near the comital centre of Cerezo) in Castile.³⁹ As happened in the Gordón instance, more than one church might be used in the course of a single case; this is important because it makes it clear that the spatial context was not confined to that of a single church community. Indeed, in a case of a dispute over rents due to Santa María Mezonzo in northern Galicia, the hearing moved from San Pedro in Présaras to San Julián of Nallar to an unlocated Santa Eulalia on the river Nallar to another San Julián, perhaps of Cumbraos, for different stages of the procedure; this involved movement across a distance of over 20 km.⁴⁰

Court cases were heard in a range of different locations, primarily in the residences of powerful lay people and in churches; these were not community places or spaces. Although the churches may well have been community spaces for their local residential communities, they were not the community spaces of those who used them for judicial purposes. One might postulate a judicial community but these groups were drawn from a wide region, rather than a single locality, and were usually temporary, convened for a particular purpose; the place in which they met took on a judicial character for the

count, in the forms *comes* (once) and, reflecting vernacular speech, *comite* (four times). Royal delegation is explicit in OD116 (1019). All of these Otero charters are on single sheets.

³⁷ For detailed discussion, Davies, "Counts in ninth- and tenth-century Iberia;" there was much back projection of comital status on to early medieval prominent aristocrats by eleventh- and twelfth-century texts.

³⁸ PMH DC 163 (991), Lii378 (964).

³⁹ PMH DC 183 (999), OvC26 (953), V10 (911), BG391 (940).

⁴⁰ Sob109 (990s). For discussion of all kinds of meeting in churches, see Carvajal Castro, "Local meetings and meeting places in early medieval León."

moment. It is, of course, possible that there were also local courts which are completely unrecorded, which consistently met in the same local community space, since we know of very small-scale local courts in other parts of western Europe, notably in ninth-century Brittany.⁴¹ However, since we have a substantial corpus of charter texts from northern Iberia, far more than those available for Brittany, and since these are full of local detail, it would be surprising if any such local institution existed but left no written trace. It must be very unlikely.

3. *Another kind of community space?*

The corpus of northern Iberian charters of the ninth and tenth centuries has plentiful examples of gardens – garden space primarily devoted to growing legumes and fruit.⁴² While some of these gardens are in isolated locations or lie beside private houses, many lie in dedicated garden zones, especially in the *vegas*, that is in the meadows beside the rivers. This was true, for example, of gardens in Zamora on the Meseta, along the rivers to the south of León, in Orbaneja just outside Burgos, in Bárcena near Briviesca also in Castile, in Ollic in southern Osona, and in a large area outside the walls of Barcelona, both of the latter in Catalonia.⁴³ Most of the gardens in any one garden zone had different owners – sometimes clerics or monasteries but for the most part, until the late tenth century, free peasant farmers. These garden owners gardened side by side. They must have formed gardening communities, sharing water resources and access paths, as is sometimes explicitly recorded. A stream led to the gardens and flax fields of the concilium of Marialba, a little to the south of León, and the local population had to keep the water channel clear in Villabáscos (near Burgos) in return for the small channel taking water to their own gardens, as agreed with the local abbot.⁴⁴ These garden zones were a different kind of community space.

4. *Conclusion*

The places where court cases were held in northern Iberia in the ninth and tenth centuries do not appear to have been community spaces, except in the sense that they were a place to meet for the temporary judicial community

⁴¹ See Davies, “People and places in dispute in ninth-century Brittany.”

⁴² See Peña-Chocarro and Pérez-Jordà, “Garden plants in medieval Iberia;” and Davies, *Gardens in Northern Iberia*.

⁴³ Cel427 (1010), Li9 (894), Li95 (932), Lii316 (959), C83 (953), BG362 (981), CC4-155 (916), ACB20 (996). See Fernández Mier et al., “The investigation of currently inhabited villages of medieval origin,” 46-7, for the archaeology of a possible early medieval set of gardens.

⁴⁴ Lii293 (955): “Et ipsum regum qui discurrit ad ortos et linares de Sancta Maria Alva concilio;” C89 (956).

that was convened to deal with any one case. This seems a negative way to conclude but surveying the evidence does not have entirely negative results and some useful lessons emerge. Occasionally in this period a tangible sense of community space was articulated, in the territories of *concilia* that feature on the *Meseta* near León. Community space did exist. Moreover, the very real significance of churches as meeting places – sometimes for a local community and sometimes for other groups drawn from wider areas – is made very clear. Surveying the evidence also – as has often been indicated in this series of conferences on communities – underlines the fact that there was a multiplicity of different and overlapping communities in the early middle ages, from the very local residential group whose members met to transact business or cultivate their gardens to the regional network which came together for a particular purpose. It also underlines the fact that a community place or space could be used by different communities, as also by groups who did not form any kind of community, just as a church was the dedicated place of a particular community but could be used by other groups for completely different purposes. Community space had different manifestations.



Fig. 1 The Iberian Peninsula in the 9th and 10th Centuries.

Abbreviations

- ACB = Feliu i Montfort, Gaspar, and Josep María Salrach, ed. *Els pergamins de l'arxiu comtal de Barcelona de Ramon Borrell a Ramon Berenguer I: estudi i edició*. 3 vols. Barcelona: Pagès, 1999.
- BG = *Becerro Galicano de San Millán de la Cogolla*, 2013, <<http://www.ehu.es/galicano/?l=es>>
- C = Martínez Díez, Gonzalo, ed. *Colección documental del monasterio de San Pedro de Cardeña*. Burgos: Caja de Ahorros y Monte de Piedad del Circulo Catolico de Obreros de Burgos, 1998.
- CC4 = Ordeig i Mata, Ramon, ed. *Catalunya Carolíngia IV: Els comtats d'Osona i Manresa*. 3 vols. Barcelona: Institut d'Estudis Catalans, 1999.
- CC7 = Baiges i Jardí, Ignasi J., and Pere Puig i Ustrell, ed. *Catalunya Carolíngia VII: El comtat de Barcelona*. 3 vols. Barcelona: Institut d'Estudis Catalans, 2019.
- Cel = Andrade Cernadas, José-Miguel, with Marta Díaz Tie and Francisco Javier Pérez Rodríguez, ed. *O Tombo de Celanova: estudio introductorio, edición e índices (ss. ix-xii)*. 2 vols. Santiago de Compostela: Consello da Cultura Galega, 1995.
- Li, Lii, Liii = Sáez, Emilio, ed. *Colección documental del archivo de la catedral de León (775-1230)*, vol. 1 (775-952). Sáez, Emilio and Carlos Sáez, ed. *Colección*, vol. 2 (953-985). Ruiz Asencio, José María. *Colección*, vol. 3 (986-1031). León: Centro de Estudios e Investigación 'San Isidoro' (CSIC-CECEL), Caja de Ahorros y Monte de Piedad, Archivo Histórico Diocesano, 1987, 1990, 1987.
- La C = Sáez, Carlos, and María del Val González de la Peña, ed. *La Coruña. Fondo Antiguo (788-1065)*. 2 vols. Alcalá: Universidad de Alcalá, 2003-4.
- OD = Fernández Flórez, José Antonio, and Marta Herrero de la Fuente, ed. *Colección documental del monasterio de Santa María de Otero de las Dueñas*, vol. 1. León: Centro de Estudios e Investigación 'San Isidoro', Caja España de Inversiones, Archivo Histórico Diocesano, 1999.
- Ov = Floriano Llorente, Pedro, ed. *Colección diplomática del monasterio de San Vicente de Oviedo (años 781-1200)*. Oviedo: Diputación de Asturias, Instituto de Estudios Asturianos del Patronato José M. Quadrado (CSIC), 1968.
- OvC = García Larragueta, Santos, ed. *Colección de documentos de la catedral de Oviedo*. Oviedo: Instituto de Estudios Asturianos, 1962.
- PMH DC = Herculano de Carvalho e Araujo, Alexandre, and Joaquim José da Silva Mendes Leal, ed. *Portugaliae Monumenta Historica a saeculo octavo post Christum usque ad quintumdecimum, Diplomata et Chartae*, vol. 1. Lisbon: Academia Scientiarum Olisiponsensis, 1867-73.
- S = Mínguez Fernández, José María, ed. *Colección diplomática del monasterio de Sahagún (857-1230), I (siglos IX y X)*. León: Centro de Estudios e Investigación 'San Isidoro', Archivo Histórico Diocesano, Caja de Ahorros y Monte de Piedad de León, 1976.
- Sob = Loscertales de García de Valdeavellano, Pilar, ed. *Tumbos del monasterio de Sobrado de los Monjes*. 2 vols. Madrid: Dirección General del Patrimonio Artístico y Cultural, Archivo Histórico Nacional, 1976.
- V = Ruiz Asencio, José Manuel, Irene Ruiz Albi, and Mauricio Herrero Jiménez, ed. *Los becerras gótico y galicano de Valpuesta*. 2 vols. Burgos: Fundación Instituto Castellano y Leonés de la Lengua, 2010.

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