Of the four principal fields cultivated by Alfonso el Sabio - poetry, history, astronomy, and law - it is fair to say that only his contributions to law possess any everyday practical significance outside university departments and other intellectual milieus, where the literati and professional medievalists continue to appreciate and analyze his works. By way of illustration, let me mention a recent court case reported in the Madrid newspaper *El país*. In a small town near Cádiz, a resident had been forbidden to cross a neighbor's patio to reach the main street conveniently. The resulting dispute went to court, where the resident's lawyer brought an *acción de jactancia*, literally a lawsuit for boasting. In layman's terms, he who boasts of possessing a right or privilege may be constrained to prove in court the validity of that right or privilege, the exercise of which allegedly aggrieves another party. In effect, the law places the burden of proof on the defendant. The local court found for the resident-plaintiff, the appellate court found for the neighbor-defendant, and the Spanish Supreme Court agreed to hear the case. The law upon which the resident's lawyer built his case is found in Alfonso el Sabio's legislative masterpiece the *Siete partidas*, or seven parts, of the law.

The text of the law in question says nothing whatsoever about patios or main streets; it considers rather the far more serious case of one person boasting that another is his slave, or of uttering other similar defamatory remarks before witnesses. Such a person may be brought to court and required to prove the truth of his statements; failing to do so, he must repudiate them and thereafter hold his tongue. Alfonso's law code appears to have been rather narrowly concerned with slander at this point; but the legal imagination being what it is, an analogy - farfetched, it seems to me - was drawn between slander and the exercise of property rights. In any case, I carry no brief for the defendant; what seems remarkable is that, after seven centuries, the *Partidas* continues to be living law in Spain, still a functioning part of the fabric of social relations.

During his long reign as king of Castile and León, from 1252 to 1284, Alfonso X wished to establish exclusive royal control over all matters legislative and juridical. To accomplish this task, he ordered the composition of two fundamental legal codes. The *Fuero real*, or royal charter, was a model municipal code, granted to the townships of Castile and medieval Extremadura, where it supplanted the existing municipal charters. In León, as well as in the newly conquered southern territories, a certain juridical uniformity already prevailed at the time of Alfonso's accession, since there the fundamental law book was the Visigothic code, the *Forum iudicum*, or in the vernacular *Fuero juzgo* - literally, the charter of the judges. There is no evidence that Alfonso ever attempted to impose the *Fuero real* in those territories. The *Siete partidas* was conceived originally as a uniform code for all of Alfonso's domains, before being redefined in 1274 as a body of general law to be applied principally in appeals to the king's bench or in cases where royal jurisdiction is primary. The titles of both works are the creation of a later age; Alfonso and his jurists referred to the *Fuero real* vaguely and confusingly as the
Libro del fuero or Fuero del libro, with other variants. Late in his reign, it seems likely that Alfonso decided to call his general code the Setenario a title that posterity, however, accorded to a particular fragment, as discussed below.

The Fuero real is comprised of four books. A brief prologue explains how the king, at the urgent petition of his subjects, agreed to grant them a charter (fuero) so that they might live "rightly," no longer depending on oral precedents (fazañas), arbitrary decisions (alvedríos), or improper customs (usos desaguisados) in their legal disputes. The monarch avers that after taking counsel with his court and with his jurists, he has given the petitioners the charter "written in this book" so that men and women together might be judged according to its provisions; he commands that this charter be observed forever and that no one dare go against it. The first book deals with what might be called public law. Religious orthodoxy and allegiance to the king are enjoined; all citizens are required to maintain and protect the church, in both its officiants and its property, as well as the royal family; there is a title defining and explaining law in general terms. Then the duties and prerogatives of judicial officials are described: the judges (alcaldes), the notaries (escribanos publicos), the barristers (vozeros), and the solicitors (personeros). The last two titles of this first book concern the types of legitimate lawsuits and the disposition of property while it is sub iudice. The second book is given over to salient points of judicial procedure, such as jurisdiction, initiating a lawsuit, witnesses and proofs, legal documents, types of defenses, statutes of limitations, oaths, sentences, the conclusion of lawsuits, and appeals.

Book three embraces personal and commercial law, with titles on marriage, dowry, communal property, legacies and inheritance, orphanage and tutorships, disinheretance, buying and selling, exchanges, gifts, legal costs, goods held in trust, loaned and rented property, guarantors and guarantees, pawns and gages, and debts. Book four covers penal law. Christians are forbidden to become Jews or Muslims or to embrace heresy. The title on Jews requires them to be orthodox in their faith, not to proselytize, and not to nurse Christian children or to have their children nursed by Christians. No debt to Jews may be secured by a Christian's body; interest rates are limited to 25 percent annually (if I understand the passage correctly: tres por quatro), and the accumulated interest may not exceed the value of the capital. The Jewish Sabbath and other holidays are protected, so that Jews may not be constrained to fulfill any legal obligation on such days.

The next titles of the fourth book take up insults, involuntary injuries (daños) and willful acts of violence (fuerzas), punishments, illegal obstruction of right-of-way, adultery, incest, intercourse or marriage with nuns or monks, abandonment of religious orders and pederasty, rape, sequestration and bawdry, marriage with slaves or freedmen, forgery, theft, the theft of slaves and the sale of free men into slavery, the protection of escaped slaves, the regulation of physicians and surgeons, homicide, grave-robbing, the refusal of military service, and the proper form of accusations and judicial inquiry (pesquisa). The concluding titles are quite heterogeneous and not particularly penal in nature: adoption, abandonment or repudiation of children, pilgrimage, and shipwreck salvage. In a minority of Fuero real manuscripts a most interesting title regulating challenges among the nobility concludes the work; in the others, this has been placed, rather reasonably, after treatment of accusations (III. 4. 2O).

While the Fuero real has a remarkably coherent structure, in comparison with the municipal charters that it was evidently designed to supplant, it is hard to avoid the impression of some arbitrariness in the organization of books, titles, and laws. The last seven titles of the first book are completely germane to the topic of the second book - namely, judicial procedure. It seems unaccountable that the law governing court costs (III. 14. 1), clearly a procedural matter, is buried in the section of titles on commercial law. If there are laws regulating the Jews, why none for the Muslims? The concluding
hodgepodge of miscellaneous legislation [186] mentioned above may represent afterthoughts, strung together when the archetype had already been compiled and a fair copy manufactured. But then why were those laws not redistributed more logically in later copies, as was done with the title on challenges? (This is said under the risky assumption that the title on challenges originally came last: in fact, it may have been inadvertently omitted from its proper place, then appended at the end when the scribe realized his mistake.) The pairing of abandonment of holy orders and pederasty in one title (IV. 9) seems to reflect no consideration that the two offenses were similarly heinous. The punishment for the former is as mild as that for the latter is horrendous. Finally, of all the multitudinous ways one might physically dishonor another person, why mention only the action of burying his head in mud (todo omne que metiere la cabeza a otro en el lodo, in IV. 3. I)? Surely the Learned King and his jurists could have come up with a more general provision or at least a longer list.

With regard to this head-burying law, it is possible to imagine that Alfonso and his jurists did their work with one eye cocked at the municipal codes, which fixed pecuniary and other punishments for many physical affronts, some quite absurd. In the fuero of Alarcón, for example, "he who sticks his ass in the face of another and strikes his face with the warmth of a fart, let him be fined 300 shillings" (todaquel que a otro el culo le pusiere en la faz e con la calor del pedo en la faz le diere, peche. ccc. sueldos). [6] Was this horseplay, or serious business which would conceivably lead to the following (retaliatory?) offense: "whoever thrusts a stick up another's ass outside his house let him be fined 200 maravedies" (qual quierque a alguno fuera de su casa el palo por el culo le metiere, peche. cc. morauedis, in law 291; 1: 244)? Fuera de su casa? Was the practice acceptable indoors? In any case, the absence of these and many similar provisions here leads one to speculate that Alfonso rather preferred to avoid the gamier side of village life in his model code. Still, the inclusion of just one muddy affront in total isolation from the many that must have existed seems quite mysterious.

The differences in tone and style between the Fuero real and the municipal codes can be fully appreciated in their respective provisions concerning male homosexuality. The fuero of Alarcón, with characteristic bluntness, states the matter clearly and succinctly, with no roundabout phraseology: "Let any man found fucking another man be burned" (todo aquel omne que fuere fallado fodiendo a otro omne, sea quemado, in law 285; 1: 242). Alfonso can barely bring himself to mention the act and does so euphemistically, though the penalty he assigns is, if anything, more barbaric:

[187] Although it grieves us to speak of a thing that is outrageous [sin guisa] to think about and ever so much more outrageous to do, yet because evil sin sometimes happens, such that a man desires another man in order to sin with him against nature, we command: whosoever they might be that commit such a sin, as soon as it is known, that both be castrated before the assembled townsfolk and afterwards on the third day be hanged by their legs until they die, and never be removed thence. [7]

The external history of the Fuero real presents numerous difficulties. Some of its manuscripts (as many as forty are extant) bear a colophon declaring that it was completed on 25 August 1255; in others, the date varies as to day and month; but in the majority, the colophon is absent altogether. The prologue in many manuscripts mentions a specific town as the recipient of the code; but in as many others, a vague phrase referring to "many towns and cities" suggests a broad territorial application. Numerous charters granting the Fuero real to individual towns, beginning in July of 1256, have been preserved; most scholars are convinced that it was either granted or at least utilized before that time, however, indeed before the date that appears in the colophons mentioned above. A recent theory by Joseph O'Callaghan
argues that it was promulgated for all Castile on or near 5 May 1255, and that the charters to individual towns merely confirm the fact that the Fuero real was in force. [8]

In 1272 resentment over Alfonso's legislative activity came to a head, and the Learned Monarch was forced to allow numerous towns to revert to the fueros in force before his new code was adopted. His great grandson Alfonso XI (1312-1350) not only required various towns to accept the Fuero real they had earlier spurned, but he fixed its place in the legal system of Castile and León in his influential Ordenamiento of Alcalá of 1348. From this time on, the Fuero real grew in importance, while the traditional town charters became relics. The vast majority of its manuscripts were copied at this time or later. It was printed in 1483, with a learned commentary by Alfonso Díaz de Montalvo, and went through many subsequent editions. A goodly portion of its provisions found their way into the general legal digests or Recopilaciones of the modern period, from the sixteenth to the early nineteenth century.

Both the external history and the text tradition of the Siete partidas are immensely more intricate. To begin with, no fewer than four different, but intimately related, works are associated with the project. The Espéculo, fragmentarily preserved in only two manuscripts of the fourteenth and fifteenth centuries, is beyond any reasonable doubt earlier than and a [188] primary source for the Partidas. The Espéculo appears to be approximately coeval with the Fuero real; though it bears no internal chronological indications, its text was utilized in various royal documents during the period from 1258 to 1261. There is good reason to believe that the Espéculo was never completed. Though the point remains controversial, Aquilino Iglesia Ferreirós presents compelling evidence for its incomplete nature. [9] His arguments have been corroborated and accepted in the recent critical edition of the text by Gonzalo Martínez Díez. [10] Though it was utilized by some medieval jurists, the Espéculo remained virtually unknown after the Middle Ages until the Real Academia de la Historia at Madrid published it in 1836. [11]

The order of subjects treated in the five extant books of the Espéculo is similar to that observed in the Fuero real, though each is developed in much greater detail. The fairly lengthy prologue casts even stronger aspersions on traditional customary law than did the Fuero real. It also enjoins the king's descendants to observe and uphold the laws of the Espéculo on pain of God's curse; others who contravene it are to be punished with the immense fine of 10,000 maravedies. A final clause allows the king in consultation with his court to emend and correct the text. The very brief first book includes a title on the nature of law in general, and two titles on the fundamental religious beliefs and duties of all Christians. Book two concerns the king's household and the responsibility of all his subjects to honor and maintain it, while book three is a treatise on military justice, where the king has absolute jurisdiction. The remaining two books cover the duties and obligations of judges and all other public officials, as well as the parties involved in legal proceedings. Book five covers judicial procedure from the initial summons, with regulations on proper defense maneuvers, witnesses, evidence, oaths, up to final judgments and eventual appeals.

It would be hard to exaggerate the differences between the Espéculo and the Fuero real. The former is insistently didactic, frequently philosophical, and reflects a far more advanced jurisprudence. Each topic regulated is introduced with fully descriptive definitions, often supported by imaginative etymologies of the terms involved. A scholastic love of fine distinctions has induced the compilers to multiply enormously the number of provisions on any given subject. Finally, the reception of Roman law, already evident in the Fuero real, is seen here in full swing, particularly in books four and five.
Just to give one example among any number that could be adduced, consider the strictures concerning defamation of the king. The Fuero real [189] (1. 2. 2) states simply and clearly enough: "let no one curse or denounce the king, nor recount any evil of him or his deeds." In the Espéculo (II.I.10), defamation is of two kinds, each of which is further divided into three categories. The first kind touches on the king's good deeds (por razón de bien): (I) to deny them, (2) [uncertain because of a lacuna in the text], and (3) not to wish to praise them at the proper time. The second kind involves alleged wrongdoing (por razón de mal): (I) to attribute falsely to the king a wrong word or deed, (2) to exaggerate a wrong word or deed the king may have done, and (3) to take delight in speaking evil of the king though with perfect accuracy.

The most plausible reason advanced for Alfonso's failure to complete the Espéculo related to a fundamental change in the Learned King's international outlook. In 1256, ambassadors from Pisa persuaded Alfonso to seek the title of Holy Roman Emperor, a forlorn ambition he entertained until his final disillusionment in 1275. This brilliant prospect seems to have been the occasion for a thoroughgoing recasting and restructuring of his general code, perhaps in order to render it more consonant with imperial dignity. The initial product of this revision was the Libro del fuero de las leyes of which only a single manuscript remains, containing just the first book. An epigraph on the first folio gives the dates of composition as 23 June 1256 to 28 August 1265.

The content of this first book deals exclusively with general legal principles and canon law. In other words, it is a vastly amplified version of the first book of the Espéculo. Thus, it corresponds to the content of the first partida, though with significant differences which have tended to persist, through contamination, in some manuscripts of the Partidas. However, the Libro del fuero de las leyes agrees with the Espéculo, in using the word libro rather than partida to refer to portions of the code, and there is no hint of a seven-part structure. Consequently, it is inaccurate and anachronistic to refer to this work as just another manuscript of the first partida. [12]

The prologue and the first three titles (the nature of law, the nature of Christian faith, and the articles of faith) correspond literally to the respective passages of the Espéculo. The prologue has been shorn, however, of all reference to the existence of a model copy of the code kept with the king's court, from which individual exemplars are transcribed and distributed to towns; at the end no pecuniary penalty for failure to observe the code is specified. But the most notable feature is the royal command, broader and more categorical than in the Espéculo, that the king's subjects be judged by these laws and by no other law or charter - which on the surface would [190] seem to abrogate even the Fuero real. Most commentators have concluded that Alfonso meant only to exclude the direct use of Roman law in the courts of his realm. The fundamental structural difference between the Libro and the Espéculo can be seen in the last three laws of Espéculo I.3 (on the sacraments and statutes of the church), which convert into an extensive treatise on canon law.

The year 1272 appears to have been a genuine watershed in the development of the Alfonsine legislative program. In addition to its importance for the history of the Fuero real, this year constitutes a terminus post quem, or earliest possible start, for the definitive seven-part format of Alfonso's general code, reflected in its traditional title Siete partidas. [13] For this redaction, Alfonso elaborated a two-part introduction. The first attenuates significantly the statement concerning the exclusive validity of the code, by introducing the motif of the mirror of princes:

For this reason we specifically made this our book so that the kings of our realm might always look in it as in a mirror and see those things which they should correct
in themselves, then to correct them and accordingly do likewise with their subjects.

Many commentators have concluded that Alfonso intended to make of the *Partidas* a purely doctrinal treatise; however, various laws in the body of the work continue to demand its exclusive use in law courts. [14]

The purpose of the second part is to extol the virtues of the number seven, by way of introducing and justifying the septipartite structure of the code. The initials of the first word of each partida form an acrostic of the Learned King's seven-letter name: A-L-F-O-N-S-O. The first partida presents general legal principles and a treatise on canon law. The second combines the two *Espéculo* books dealing with the king's household and military law. The third merges the last two books of the *Espéculo* (which regulate, we recall, judicial personnel and procedure). The fourth partida takes up matrimonial law and all sorts of personal relations, including feudal obligations between lord and vassal; the fifth contains commercial law; the sixth contains the law of inheritance; and the seventh is a penal code.

Canon law is the basis for the greater part of partidas one and four. Roman law predominates in partidas three, five, and six and is far from absent in seven. The first partida expands title one (the nature of law) of the first (and only extant) book of the *Libro del fuero de las leyes* into two titles, one on the nature of law in general and one on the nature of custom. The [191] revised first title now includes a set of laws (I. 1.17-19) allowing for the amendment and repeal of existing laws as well as the introduction of new legislation, among many other significant innovations. The second partida remains the most homegrown of the seven; entire new titles have been added vis-à-vis the second and third books of the *Espéculo* - for example, title twenty-one on knighthood, title twenty-four on naval warfare, and title thirty-one on universities. Though there is much literal carryover from the *Espéculo* to the *Partidas*, it is difficult to find passages that have not been retouched; more often, major rewriting and recasting has occurred.

The didactic and discursive nature of Alfonso's legal discourse in the *Partidas* has lent it a literary significance accorded few law codes. One particularly notable example of elaboration involves the passage quoted above from the *Espéculo*, concerning defamation of the king. In the same law (II. I. 10), the legislator adds that no one should wish to hear ill of the king, since "hearing is the entrance for saying" - that is, one tends to repeat gossip. Perhaps inspired by this association of hearing and speaking, Alfonso has incorporated the entire question of defamation into a larger context in the *Partidas* bearing on how subjects should comport themselves with regard to their monarch (II. 13), specifically that they should seek his honor at all times with all ten senses, five corporeal (sight, hearing, smell, taste, and touch) and five spiritual (common sense, fantasy, imagination, judgment, and memory). Defamation is associated with the sense of taste (11. 13. 4-5), since the tongue, the organ of taste, is also used for speech. [15]

There exists a group of *Partidas* manuscripts that lacks any chronological indication whatsoever. I believe they represent an earlier redaction, albeit after 1272, as opposed to the remaining manuscripts which present, at the end of the first part of the prologue, an elaborate chronology carried out with exquisite astronomical exactitude. That chronological statement fixes the dates of composition, in terms of all the major chronological eras known at the time, as between 23 June 1256 (the same initial date as the *Fuero del libro de las leyes*) and seven full years later (siete años complidos). Needless to say, the latter bit of chronology is fabulous, concocted to correspond with the seven-part arrangement of the work.
The two groups of manuscripts just mentioned -- those that lack the parallel chronology and those that contain it -- also differ widely in the first four titles of the first partida. The former group is textually closer to the *Libro del fuero de las leyes*, while the latter reveals a substantial amplification. Neither during Alfonso's reign nor during the remainder of the Middle Ages did any particular one of the redactions of the *Partidas*, including the [192] *Libro del fuero de las leyes*, come to be regarded as authentic. As he had done for the *Fuero real*, Alfonso XI in 1348 established the place of the *Partidas* in the legal system of Castile and León by his *Ordenamiento* of Alcalá, stating that they had never had force of law up to that time. When Alfonso Díaz de Montalvo brought out the first edition of the *Partidas* in 1491, he formed a hybrid text that contained the parallel chronology but lacked the amplified portions of the first four titles. As fate would have it, this remained the form in which the code was generally known for centuries, since the renowned jurist Gregorio López, commissioned by Charles I to prepare an authentic text, a task which he accomplished in 1555, perpetuated the hybrid character of Montalvo's edition. López's edition, which included a massive Latin commentary, had exclusive legal authority in all courts of law and, to this day, remains the basic version consulted by civilists and canonists. [16]

The amplified text was reintroduced to the learned public in 1807 by the Real Academia de la Historia, which was roundly denounced for its pains. The base manuscript of the first partida in this edition (chosen for no better reason than it was part of a group of three manuscripts containing the first six partidas, all produced in one scriptorium) just happened to include the amplified portions of the first four titles. Many jurists and theologians regarded these passages, hitherto unknown except to a few antiquarian scholars, as impious and heretical interpolations. Traditionally, academics prefer this edition to that of López; lawyers, despite the authentic character of the latter, were not slow to introduce the 1807 edition into the legal system, with confusing and contradictory results. Finally, in 1860 the Spanish supreme court declared that when the two editions differ, that of López takes precedence. At present in Spain, and perhaps also wherever Spain has exercised dominion, the *Siete partidas* remains in force except insofar as its provisions have been specifically repealed or replaced by later codes. [17]

The second part of the prologue of the *Partidas* begins with the word *Septenario*; I suspect this was also intended as the general title of the work. Posterity, however, attached the label *Setenario* to an incomplete work preserved in two manuscripts and fragmentarily in a composite manuscript of the first partida. I believe the evidence is conclusive that the *Septenario*, long regarded as Alfonso's earliest legal work, represents, in fact, yet another attempt by the Learned King to rewrite the first partida. [18] The text, after an introductory eulogy of Alfonso's father, Fernando III (1217-1252), launches into a radically expanded version of the second part of the prologue of the *Partidas*, and then further amplifies the already amplified first [193] four titles of the first partida with an obsessive, indeed maniacal, concern for the properties of the number seven. The *Septenario* never figured in the legal canon in any way. It was known to scholars and occasionally utilized by them, but it only entered the mainstream of academic concern after Kenneth H. Vanderford published his critical edition in 1945. [19]

As king, Alfonso engaged in constant legislative activity, granting letters patent and privileges of every sort. At frequent intervals, his cortes or parliament was convened and its decisions communicated to municipalities in writing in the form of *cuadernos*, sheets of vellum or paper folded to form four leaves, some of which have been preserved. The king and his advisers (his *curia* and *corte* in the singular, as opposed to plural *cortes* for the parliament) also issued regulations (*ordenamientos*) dealing with judicial matters. In the view of some city fathers, particularly those of Burgos, the *Fuero real*
required explanation and amendment. Accordingly, Alfonso, beginning in 1260, issued various provisions which were appended to manuscripts of the fuero real and came to have the title Leyes nuevas, or new laws. Finally, a curious collection of bylaws for gambling houses, the Ordenamiento de las tafurerias, was allegedly composed in 1276 by a certain Master Roland at the behest of the Learned King. So far as I am aware, its authenticity has not been called into question. All textual witnesses belong to the fifteenth century or later, however, so it is important to establish the accuracy of this attribution.

This survey is sufficient to reveal what an imposing edifice Alfonso left to posterity in his legal works. Our admiration turns to astonishment when we consider that his accomplishments are equally significant in three other fields - poetry, history, and astronomy. Although every historian of the political events, law, or culture of medieval Spain has perforce dealt with Alfonso's legislative works, those works have suffered until quite recently from a dearth of really close textual, source, and analytical studies. In contrast, work on the Cantigas and on the histories has advanced much more rapidly in the twentieth century. This neglect may seem hard to understand, since on all sides it is conceded that Alfonso's legislative works are one of the chief glories of Spain's splendid past. I believe that a phenomenon of excessive familiarity was at work in delaying or thwarting serious monographic study. The existence of multitudinous and quite accessible editions, however deficient from the philological point of view, rather precludes the excitement of rediscovery that accompanies the appearance of a General estoria or a facsimile of the Cantigas. Furthermore, Alfonsine legislation stands apart as a relatively unified corpus, in large part of foreign inspiration, in balancing contrast with the wonderful variety and picturesque-ness of the municipal codes, with their homely regulations so close to the realities of everyday life and ceaseless conflict with the Moors. Small wonder that the municipal codes were far better studied by twentieth-century scholars, at least before 1980, than Alfonso's legislative works.

This panorama of predominantly perfunctory concern underwent a remarkable change about the time of the recent celebration of the seventh centenary of Alfonso's death on 4 April 1284. The reawakening of interest was already underway and would have gone forward independently of that anniversary; but there is no question that subsequently the pace and quantity of work has accelerated dramatically, so that the scholarly production of the 1980s bids fair to eclipse all that has preceded it. Time and space permit only the most general and selective survey of current and recent work on Alfonsine legislation. Items I am unable to include here will be analyzed in a supplement to my recent legislative bibliography, which should go to the printers by mid-1990.

For those in need of a general guide to the subject, there is a competent and well-documented survey of Alfonsine legislation in English by Robert MacDonald. Those undaunted by the monumental prolixity of Aquilino Iglesia Ferreiros will find in him the most ambitious recent attempt at an overall interpretation of Alfonsine legislation. For the Fuero real, Antonio Pérez Martín has sketched an all-inclusive survey of outstanding problems. Manuals of Spanish legal history are often inaccurate and out of date with regard to fields like Alfonsine legislation, where controversies are multiple and bibliographic production rapid. A happy exception is Francisco Tomás y Valiente, who presents a balanced summation of the principal theories in circulation.

Of the recent miscellanies devoted to Alfonso X, the most significant are The Worlds of Alfonso the Learned and James the Conqueror, edited by R. I. Burns in 1985, and España y Europa, edited by Antonio Pérez Martín in 1986. Other worthy, though often uneven, efforts include the exposition
catalog: Alfonso X Toledo 1984; the collection Estudios alfónies, edited by José Mondéjar and Jesús Montoya in 1985; La lengua y la literatura en tiempos de Alfonso X, edited by Fernando Carmona and F. J. Flores in 1985; as well as the special numbers or sections that appeared in Revista de la facultad de derecho de la Universidad complutense (1985), Revista de occidente (1984), Historia 16 (1984), ABC (1984), and El país (1984). [21] With the juridical compilations of J. R. Craddock and L. M. García-Badell, the bibliographical tasks facing those who wish to delve into Alfonsine legislation have been much [195] facilitated. Craddock includes a census of manuscripts and editions. [24] With regard to the Siete partidas, we have since 1986 a more complete list of the manuscripts from Antonio García y García, who records over a hundred items, including fragments. [25] The most useful periodical bibliography currently available is the Noticiario alfónsi, published since 1982 by Anthony J. Cárdenas at Wichita State University.

A new editorial project directed by Gonzalo Martínez Díez of the University of Valladolid envisages publication of the entire Alfonsine corpus; as of August 1988 the Espéculo (1985) and the Fuero real (1988) have appeared. The latter includes an exhaustive census of the manuscripts, which number forty or more. [26] Another focus of intense activity is the University of Murcia, where a rival set of editions is planned under the direction of Antonio Pérez Martín and the University of Richmond's Robert MacDonald. [27] The Hispanic Seminary of Medieval Studies at Madison, Wisconsin, has in an advanced state of preparation a concordance of the 1807 edition of the Partidas. Individual manuscripts have been the object of recent editions; the Libro del fuero de las leyes was brought out under the (pardonable) misnomer of Primera partida by J. A. Arias Bonet, also then included in the Concordances and Texts of the Royal Scriptorium issued in microfiches by the Hispanic Seminary in Madison by Lloyd Kasten and John Nitti. [28] An extremely important hybrid manuscript of the first partida was edited, with lamentable incompetence, by Francisco Ramos Bossini in 1984; see the brief -- and devastating -- assessment by Iglesia Ferreirós. [29]

Under the auspices of the Spanish Legal Text series, sponsored by the Hispanic Seminary of Medieval Studies in Madison, Ivy Corfis produced in 1987 a microfiche edition of the Fuero real manuscript housed in the Free Library of Philadelphia. [30] Perhaps the finest editorial work recently accomplished involves medieval Portuguese translations of the Alfonsine legal corpus. José de Azevedo Ferreira has editions of the first partida and the Foro real to his credit, so nothing of fragments of the second and third partidas that he has uncovered. [31] Ferreira's 1987 Fuero real in two volumes provides a massive paleographic and linguistic study as well as an exhaustive glossary. For an overview of the impact of Alfonsine legislation on Portuguese law, see also his 1986 article; the same scholar's work on the third partida seems well advanced, to judge by his recent progress report. [32]

Some editorial work focuses on portions of the large codes. Dwayne Carpenter included a critical text as part of his thoroughgoing study of the laws concerning the Jews in the seventh partida (VII. 24); likewise a critical [196] version accompanies his briefer effort on two laws dealing with the Moors (VII. 25. 0-1). [33] Craddock regularly uses critically determined texts as a springboard to treatments of individual issues, such as chronology and external history of the Alfonsine codes, [34] the legal responsibility of the king, [35] and the proper title of the Libro del fuero de las leyes. [36] This approach - the utilization of all extant textual witnesses rather than available editions - was pioneered by Arias Bonet in his analysis of the regulations on property held in trust contained in the fifth partida (V. 3). [37] Questions of authorship - the identification of the jurists who carried out the actual compilation of the Alfonsine legislative works - have evolved little in recent decades. The one figure securely identified, Jacobo de Junta, "el de las Leyes" (d. 1294), will have all his works edited critically by Jean Roudil of
the University of Paris. His Summa de los nueve tiempos de los pleitos, a brief procedural manual, appeared in 1986. If all goes well, the Flores de las leyes and the Doctrinal will soon follow. Both works are important for the text tradition of the Partidas, in particular of the third partida.

The external history of Alfonsine legislation has been ventilated in my own works; readers have already been regaled with a synopsis of those views above. For other, often sharply contradictory views, see Alfonso Garca Gallo [39], Iglesia Ferreirós, [40] MacDonald, [41] O'Callaghan, [42] and Pérez Martn. [43] It is most unfortunate that García Gallo's immense prestige has lent his utterly topsy-turvy chronology a plausibility and wide acceptance that it does not deserve.

Source studies repeatedly emphasize that, even when Alfonso's sources are known, conclusive textual parallels are often difficult to establish, since his compilers rarely, if ever, adopted them slavishly. Accordingly, RuggeroMaceratini, in his study of likely Roman sources for the Siete partidas laws on heresy (VII. 26), comes to the following cautious conclusion: "it is possible to attribute to the Summa [codicis] of Azo... the role of direct, but not literal source." [44] In fact, the whole subject of literal sources must be treated with extreme caution, particularly where one is desirous of deriving from their alleged presence in Alfonso's legal works specific conclusions about the latter's chronology. The late lamented J. A. Arias Bonet reveals with devastating effect the fragility of the claims put forth by Bono and Garca Gallo, regarding the supposed influence of Salatiel's Arsnotariae (composed in 1272) on the third partida, and Saint Thomas Aquinas's De regimine principum (completed posthumously by an anonymous continuator, circa 1305) on the second partida. [45] For the similarities to, and departures from, the Corpus iuris civilis to be detected in the Siete partidas, Rafael Zurita Cuenca's outline is most helpful. [46]

[197] The work by historians of law on the Alfonsine legal corpus usually takes one of two forms: (1) some portion of an Alfonsine legislative work is the target for detailed analysis, or (2) some portion of the Alfonsine legal corpus is drawn into the discussion of a specific topic. The latter form has been far more frequent, in line with the often perfunctory attention that has traditionally been paid to Alfonsine legislation. James Powers, however, in his recent work on medieval Hispanic municipal law as it relates to military matters, takes exquisite care to compare at every point the town regulations with the laws of the Fuero real, Espéculo, and Siete partidas; he thus avoids the temptation to put aside, a priori, the latter three codes as relatively extraneous to the most authentic Hispanic legal traditions. Perhaps the best recent representative of revived interest in the direct approach to the Alfonsine codes is the exceptional work of Jesús Vallejo on procedural law in the Fuero real. [47]

Literary and linguistic work on the Alfonsine legislative corpus has never stood in the forefront of scholarly activity. But one can mention the significant contributions of JoséAntonio Bartol Hernández (1986) on the syntax of adverbial clauses in the Partidas, and Rafael Lapesa (1980) on the philosophical basis, structure, style, and vocabulary of the Setenario. [48]

A field that constituted a somewhat stagnant intellectual backwater has evolved very quickly to one of the most lively and actively cultivated subspecialties in Hispanic letters. It remains to be seen whether the current frenetic pace can be long maintained.

Notes for Chapter Twelve
[1] 13 May 1988, page 30. Joseph Snow of the University of Georgia kindly brought this article to my attention. Barbara De Marco, the assistant editor of Romance Philology, and Dr. Paula Rodgers of the University of California at Davis read a draft of this chapter and suggested numerous useful
improvements.


[3] I find Aquilino Iglesia Ferreirós the most persuasive and plausible overall presentation of Alfonsine legislation and have adopted here the substance of his basic points of view, though considerable differences remain between us in matters of detail. See his "La labor legislativa de Alfonso X el Sabio," *España y Europa* (ch. 2 above, n. 14), 275-599; but see the important review by Carlos Petit, *AHDE* 56 (1986): 1087-92


[8] O'Callaghan's article is above in ch. 2, n. 18. His case rests in large part on an interpretation of a passage in the prologue of the *Espéculo*, where Alfonso supposedly refers to the distribution of copies of the *Fuero real*. On a purely linguistic level, the passage in question cannot, I believe, bear the construction O'Callaghan puts on it. The passage refers to copies of the *Espéculo* -- which, it would seem, were in fact never produced, as noted below.


[14] For example, III.4.6


[16] *LWAX*, Bh1 (1st edn.) and Bh7 (López edn.).

[17] On the continuing legal validity of the *Partidas* in Spain and the Americas, North and South, see *LWAX*, C33, C670, and G. C. Barragán, *La obra legislativa de Alfonso el Sabio* (Buenos Aires:


[19] LWAX, Bg1; and ch. 2 above, n. 5.


[21] LWAX.


[29] Ramos, Primera partida (MS. HC. 397/573) Hispanic Society of America (Granada: Caja General


[33] Alfonso and the Jews (see above, ch. 2, n. 10), and his "Alfonso el Sabio y los moros: algunas precisiones legales, históricas y textuales con respecto a Siete partidas 7.25" Al-Qantara 7 (1986): 229-52.

[34] LWAX, C195 and C197

[35] LWAX, C196

[36] ”How Many Partidas?” (see above, n. 12).

[37] LWAX, Bh35, C40.

[38] LWAX, C195 and C197; see also ”How Many Partidas?”


[41] ”Notas sobre la edición" above in n. 27; and his ”Problemas políticos," and ”Law and Politics," above in ch. 2, n. 18. Besides the three articles in n. 40 here, see his ”Espéculo atribuido," above in ch. 2, n. 18.


Gallo, "Obra legislativa" and "Problemática" above in n. 39.

