

# Anthropological History Of Medieval Castile

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## Summary

*Acculturation has been the empirical foundation of the anthropological history of humankind. Acculturation refers to all cultural phenomena resulting from the acquisition, modification, or reinterpretation of a culture, particularly the reception and assimilation of cultural elements from one social group by another. There were no origins or deaths of languages, as well as there was never a final generation of medieval Latin, nor a first generation of Romance languages. The anthropological history of medieval Castile raises the need for a new history that takes as its starting point the positions adopted by the various cultures. Our specific working hypothesis assumed that the Castilian vowel system was a clear example of the confluence of several acculturations (Basque-Iberian, Roman, and Christian). The Emilian Glosses (950) and Silos Glosses (second half of the 10th century, although Emilian in origin) stood out for their linguistic, cultural, social, and historical significance. However, within the remarkable production of anthropological history of the monastery of San Millán de la Cogolla, the community text of the Romance language on folio 72r of Em 60 occupied the center of attention and study of proto-Ibero-Romance. The repopulation effort led by the monarch brought about the first active elements of social hierarchy, primarily the charters and the municipal organization. What was novel was their almost universal and systematic application, in which the more favorable legal conditions of the inhabitants contrasted sharply with the more burdensome feudal dependencies of those settled in the northern regions of the kingdom. Education in the High Middle Ages was linked to the effort to gather and preserve the legacy of Roman antiquity, and Visigothic Spain was one of the last and most valuable manifestations of ancient culture.*

**Keywords:** *Confluence of acculturations. Glosses. Community text. Hispania. Middle Ages. Crown of Castile. Liber Iudiciorum. Fuero Real. Siete Partidas.*

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## I. Introduction

The integration of anthropology into medieval history was one of the most significant historiographical developments of the last third of the 20th century. Indeed (since 1970), there has been an enrichment of perspectives and a deepening of our understanding of the configuration of society, and especially of its behavior in relation to the territory it occupied. The interest of geographers and economists in regional phenomena and analysis was strengthened in the field of medieval studies by the emergence of a series of notable French theses based on this type of framework (G. Fourquin, R. Fossier, P. Toubert, P. Bonnassie, and G. Bois).

The central idea of ecosystem and the key concept of acculturation were used by some Spanish historians to show a new perspective on the implications that the social organization of space had during the Middle Ages in the Crown of Castile. J. A. García de Cortázar (1985) proposed starting from the conception of society and space as elements of a system, whose evolution occurred through the complexity of its social organization, and established the close connection between the formulas of economic reproduction and the structures of domination and social cohesion, as well as the system of values (see J. A. García de Cortázar, 1973).

The introduction of anthropology (and medieval history) into the history of language was later, and could be placed at the end of the last century. F. Gimeno, (1988a, 1990: 138-44, 1995) pointed out that sociolinguistics was born from an anthropological commitment that ultimately viewed linguistics as a chapter of social and cultural anthropology (and of the psychology of knowledge).

General sociolinguistics as an extension and revision of institutional disciplines (linguistics, sociology and anthropology) integrated a *sociology of language* and a *strict sociolinguistics*, as well as the *ethnography of communication* (see C. F. Hockett, 1958/1962; C. A. Ferguson, 1959; B. Malmberg, 1966; R. Jakobson, 1970; J. A. Fishman, 1964/1968, 1971; D. Hymes, 1971, 1974; F. Gimeno, 1979, 2019, 2023, 2025b).

Studies on linguistic and cultural contact in Europe were not widely coordinated, although the forerunners were European (W. Leopold, E. Haugen, and U. Weinreich). U. Weinreich (1953: 37-40) commented that for some anthropologists, linguistic contact was nothing more than an aspect of cultural contact, and linguistic transfer was a facet of social diffusion and acculturation.

However, despite the increased anthropological interest in contact problems, particularly in the United States of America after the First World War, studies on linguistic contact and cultural contact did not enjoy widespread coordination, nor had the relationship between the two fields of study been properly defined.

The most interesting problem in language transfer was the interaction of social and cultural factors that promoted or hindered such transfer. Anthropologists investigating acculturation were compelled to include linguistic evidence, while linguists needed the help of anthropology to describe and analyze those factors that governed language transfer and were truly within the realm of culture.

## **II. Historical Sociolinguistics**

The hypothesis of the history of languages as a succession of paradigms was more suited to linguistic facts than to a mere shift of models. One of the most consistently upheld principles in historical linguistics was the theory of the regularity of linguistic change. In the Neogrammatical model, phonological change and analogy constitute the two basic components of linguistic change. Phonological change operated independently of morphological, syntactic, and semantic function. Analogy dealt precisely with the relationship between phonological and morphological structure. In this sense, it was necessary to distinguish between two interpretations: a) An autonomous version based on the assumption of phonological regularity, and b) a grammatical version of linguistic change.

The hypothesis of the autonomy of linguistic levels was incompatible with the post-generative theory of grammatical change, but some European functionalists have not recognized this incompatibility. Furthermore, there was a twofold starting strategy in the investigation of linguistic change: 1) Homogeneity, and 2) structured heterogeneity. According to this interpretation, the following models of linguistic change emerged: a1) Neogrammatical; b1) dialectological; a2) functionalist; b2) pragmatic; a3) generative; and b3) historical sociolinguistic.

If all linguistic change implied ongoing variation, then homogeneous models of linguistic change (Neogrammatian, functionalist, and generative) were unrealistic and inadequate. One success of diachronic functionalism was the recognition that the formation of the various Romance languages from the same Latin system challenged the past simplification of hypotheses based solely on linguistic systems, but this insight was relegated from its objectives and methodology.

Syntactic, semantic, or phonological change implied a grammatical change in the communicative competences of successive generational groups from different social groups within the speech community, through the reorganization of the vernacular with generational change (see F. Gimeno, 2024c).

Within the broad sociocultural framework of languages in contact, U. Weinreich (1953: 236-43) described language shift as the displacement of the habitual use of one language by that of another. Language shift, which implies changes in the social and cultural functions of a language, should be distinguished from linguistic change, which refers to the process of transformation in the structure of the language over time, space, society, and situation (see F. Gimeno and M. V. Gimeno, 2003: 24-64, 101-35).

Regarding its main purpose, the *History of Humankind: Cultural and Scientific Development* (I, 7-9), sponsored by UNESCO (1963), alluded in its "Preface" to the need to overcome traditional approaches to the study of history that attributed decisive importance to political, economic, and military factors. A history was needed that sought to appreciate the meaning of events and took as its starting point and frame of reference the positions adopted by diverse cultures. The perspective opened by each culture on the universal in human beings was a projection of that culture's humanity within its own particular circumstances.

Acculturation has been the empirical foundation of the anthropological history of humanity, and it integrated the history of languages, societies, and cultures. The hypothesis of human history as a succession of acculturations was more appropriate to the linguistic, social, and cultural facts, and to the very continuity of history. There were no origins or deaths of languages. There was never a final generation of medieval Latin, nor a first Romance language. Likewise, there was no linguistic change without languages in contact, and both the history of linguistic change and language shift were part of acculturation, stemming from social and cultural diffusion. It was not, therefore, a mere linguistic issue, but also a social and cultural one. The fundamental principle of the history of linguistic change and language shift was the acculturation of social groups, with social and cultural mixing.

Our working hypothesis has been that within the anthropological history of the Spanish language there was a linguistic and cultural continuity, based on the successive and diverse historical acculturations (Indo-European, Basque-Iberian, Phoenician-Punic-Greek, Roman, Christian, Germanic, Visigothic, Byzantine, Islamic, medieval Castilian, Castilian and Anglo-Saxon), with the linguistic and cultural transfers that implied the social and cultural mixing of these groups, and the adaptation to a new sociocultural context (see F. Gimeno, 2024d, 2025a, 2025b).

During the second half of the last century, significant contributions to historical linguistics accumulated, which were far from being recognized by historians of languages. These contributions have led to major breakthroughs and technical applications in the face of previously decontextualized purposes and unexplained

phenomena. The only viable solution was the intrinsic relationship between language, society, and culture. Acculturation has been the empirical foundation of the anthropological history of humanity and has integrated the history of languages, societies, and cultures.

The association between structure and homogeneity was a false assumption, since linguistic structure included the ordered differentiation of social groups and registers, through rules that governed variation within the speech community. Furthermore, a “structured heterogeneity” of language was proposed, and native proficiency implied control over such heterogeneous structures (see U. Weinreich, W. Labov, and M. I. Herzog, 1968: 187–8; F. Gimeno, 1990: 79–87).

Variation and change were distinct dimensions of linguistic evolution, and ongoing variation should never be confused with linguistic change. While all change implied ongoing variation, not all variation implied change (see F. Gimeno, 2008a, 2008b). Indeed, linguistic change based on discontinuous interaction between parents and children simplified the issue to generational variation, but the parents' grammar was the first component of the child's first grammar, ensuring acculturation and the continuity of family transmission.

Acculturation refers to all cultural phenomena resulting from the acquisition, modification, or reinterpretation of a culture, particularly the reception and assimilation of cultural elements from one social group by another, with adaptation to a new sociocultural context. The term acculturation *was* widely accepted among American anthropologists in the late 19th century to describe the changes that occurred when social groups with different cultural traditions came together, without distinguishing whether it should be applied to the results or the processes of cultural change.

Acculturation, therefore, encompassed those events resulting from direct and continuous contact between social groups with different cultures, with the corresponding changes and reinterpretations in the original culture of one or both groups. The terms “acceptance,” “adaptation,” and “reaction” referred to the assimilation of cultural elements and their reinterpretation within new groups, as well as the rejection of those elements. Gradually, the term *transculturation* has become less common than the more frequent acculturation. While the latter was used to refer to the change of one or both poles of contact, transculturation has generally been used in relation to a single society or group.

An anthropological investigation of the history of language proposed the deduction of linguistic variables and social and cultural factors from the past, and empirically verified them in the present. Historical sociolinguistics recognized the need to materialize the most plausible working hypotheses on the historical, sociological, and cultural reconstruction of the processes of oral formation and written standardization of Romance languages, based on empirical principles for a grammatical theory of linguistic change. In accordance with these foundations, it has surpassed the descriptive contributions of historical pragmatics, based on the functionalist analysis of stable discursive traditions in written texts (see B. Frank and J. Hartmann, 1997; D. Jacob and J. Kabatek, 2001; F. Gimeno, 1988b, 1995).

The autonomous version of linguistic change advocated by the Neogrammarians was inadmissible today, and the phonological rules of historical-comparative linguistics were simplifications of linguistic change. This was especially true when we considered the geographical and social differentiation of language within its own “structured heterogeneity,” and variability as part of the communicative competence of the diverse generational and social groups that coexisted in the speech community. Only in this way was it possible for the social history of language to be a genuine reality, with the necessary complementarity between homogeneity and heterogeneity. Moreover, both past and present linguistic change were neither mechanical nor solely phonologically determined.

Innovations were ongoing linguistic variations and changes that could only be fully understood and explained in relation to social and cultural factors, and not solely based on linguistic characteristics for their social and cultural justification. Languages were excellent instruments for expression and communication, reflecting the cognitive development of social groups within a speech community.

Linguistic change was never a problem, nor even a complex issue of oral or written traditions, but a process in which the successive generational replacement of different social groups and diverse cultures was directly involved, and the analysis and delimitation of the complex relationships between linguistic variables and social and cultural factors, as well as the historical, sociological, cultural and legal determinants of the various Romance-speaking communities, was fundamental (see B. Malmberg, 1966: 207-22; H. López Morales, 1989, 2006; F. Gimeno, 1995: 27-53, 2019: 343-51).

Faced with a partial diachrony of the various linguistic levels (and even of all of them descriptively) of the Romance languages, we must now adopt an anthropological history of the communicative competencies of successive generations and social groups within the diverse Romance-speaking communities. Qualitative and autonomous descriptions of linguistic change based on the Latin compilation of early medieval Riojan glossaries prevented us from seeing and understanding the social multilingualism of hybrid manuscripts (as well as the implicit standardization of the Romance languages) through the regulation of multiple linguistic variables and factors (social and cultural), as well as the surface variants of the texts (see M. Alvar, 1996; C. García Turza, 2003a, 2003b).

In this sense, synchronic monolingual description techniques were insufficient and inadequate on their own for the analysis of linguistic variation in these manuscripts, and for the study of the sociological, cultural and legal changes that determined the written standardization of the Romance languages. Only in this way have we revised the hypotheses of historical and diachronic functionalist dialectology that prevailed throughout the last century, and we offer new research on the anthropological history of the formation of Hispanic Romance languages (see F. Gimeno, 2013).

Linguistic awareness of the Romance languages arose from Gallo-Romance-Frankish contact in the Frankish kingdom, beginning in the first half of the 8th century. This was fostered by the bilingual Gallo-Romance-Frankish consciousness of a multicultural Romance-Germanic community, less tied to the Latin-Roman tradition. In general, linguistic awareness was less clear and decisive in the Romance context than in the Germanic one, due to the lesser differentiation between Medieval Latin and the Romance languages. The Romance world emerged from Gallo-Romance-Frankish contact in northern Gaul.

The real reason for the transition from the relative unity of colloquial Latin to the plurality of Neo-Latin varieties, according to C. Tagliavini (1949/1969: 363-4), lay in the concomitant influence of the three factors cited by several authors (G. Gröber, C. Merlo and W. von Wartburg): a) the chronological discrepancy of the colonization of the various *provinciae* or regions; b) the difference of the pre-Roman languages, and c) the divergent influences exerted over the centuries by peoples who were superimposed on the different social groups of the Romance-speaking communities.

The formation of the Romance languages and their gradual differentiation were therefore due to multiple causes. As the bonds of unity weakened with the collapse of the Western Roman Empire, in the face of the Germanic peoples' advance, a struggle ensued between the old centripetal force and new centrifugal forces, giving rise to the new Neo-Latin world. Reconstructing the oral record (considerably different from the written record) of the various Romance languages during their early period was sometimes impossible.

The process of standardization of written Romance languages in Hispanic Romance languages responded to an implicit application of linguistic planning, and our working hypothesis proposed two stages (Proto-Romance, and Old and Medieval) and five periods with disparate and discontinuous social situations (unstable and stable) (see F. Gimeno, 2019: 233-55, 364-419, 2024b: 74-8).

That is, it comprised a Proto-Romance stage (8th century-second half of the 11th century) and two periods (3rd and 5th) of unstable situations with restrictions and revisions to the use of Romance texts, as opposed to another stage (Old and Medieval) (late 11th century-late 15th century) and two periods (2nd and 4th) of stable situations of standardization, favorable to the use of Romance texts, with the statistical analysis of the process of standardization of written Romance languages.

### **III. Confluence Of Acculturations**

From approximately 1970 onwards, the landscape of concern with space in the historiography relating to the Crown of Castile began to change. In the sources of Spanish historical law, AM Barrero (1993: 231) argued that the conversion of the Iberian Peninsula into a Roman province (*Hispania*), as a result of the military occupation of its territory by Rome and the dominion exercised by Rome over its inhabitants, entailed a profound transformation, both in its political and social organization and in its ways of life, as well as in its law, due to the dual process of Roman acculturation and legal administration to which they were subjected.

Both processes occurred in parallel and independently, as the former was driven by the need to provide the occupied territory with a military and administrative organization that would allow the various peninsular peoples to coexist with the new occupiers from Italy. However, the extension of *Roman citizenship* (that is, the law governing those born in the city of Rome) to the inhabitants of the new province depended on the discretionary decisions of the Roman authorities and provincial magistrates.

Based on this action and the personal nature of Roman law, the full legal Romanization of Hispania was not officially achieved until the year 212, when the controversial emperor M. A. A. Bassiano (called Caracalla) granted Roman citizenship to all inhabitants of the empire through a constitution, although as far as the Iberian Peninsula was concerned it seemed that this measure only served to ratify a factual situation, since at that time practically all Hispanics had to be governed by Roman law.

That date of 212 served as a chronological limit to mark the two distinct stages that (from the point of view of the law in force in the peninsula) succeeded one another under the long period of Roman domination: the first characterized by the plurality of coexisting legal systems, and the second by the full validity of Roman law as the general law of the entire empire, without prejudice to the fact that the Christian and Jewish populations also followed their own systems in their spiritual life, and in the case of the latter also in those civil matters that (by agreement of the parties) were submitted to the arbitration judgment of their own authorities.

At the beginning of the second century, J. A. García de Cortázar (2012: 13-56) alluded to the creation of a clergy composed of the bishop, priests, and deacons, who gradually accumulated privileges and functions. From the mid-third century, and especially after 313, a growing number of Christian faithful sought monasticism as a way to

fulfill their desire for perfection. Initially, the monk was the person who withdrew from the world to advance in the spiritual life. The earliest known manifestations of Christian monasticism date from the late third century in the eastern Mediterranean, and throughout its history, it presented three forms: anchoritism, the *laura*, and the cenobitic community.

The first form was the individual life of the anchorite, who, in absolute solitude, dedicated his life to prayer, manual labor, and penance. The second form, the *laura*, constituted a kind of colony of hermits who broke their absolute solitude only at certain times on Saturday and Sunday, when they gathered in the church, located in the center of the colony of hermitages, to pray together and celebrate the Eucharist. The third form of monasticism was cenobitic, which required communal living.

These Eastern monastic practices were soon known and spread rapidly throughout the West. The two features that distinguished Eastern and Western monasticism were the interpretation of ascetic practices and the monk's social role. Indeed, Western monks accepted Eastern models, but they softened their practices a century before the *Regla Benedicti* definitively established that character.

Furthermore, Western monasticism was characterized by the greater social prominence of monks and a firm commitment to cenobitic life, although it left few traces of the *laura* and provided few examples of anchoritism. The veneration of saints, with pilgrimages to their tombs, allowed bishops to give a different meaning to those pagan practices, while simultaneously Christianizing burial rites and the very regard for the dead.

From the year 313 onward, the definitive visibility of Christianity allowed the institutional church to definitively gain ground over the community church during the 4th-6th centuries. In those three hundred years, the three most relevant features of its history were: the continuity of the clerical structure, the strengthening of the monarchical episcopate, and the consolidation of the primacy of the Bishop of Rome. The progressive affirmation of a more ritualistic religion, recognized by the State, made the differences between clergy and laity increasingly evident. The clergy maintained the previous structure of two orders: the higher order of priests and deacons, and the lower order of subdeacons, exorcists, doorkeepers, and lectors. In both cases, it was an urban clergy.

For the training of the first clergy, some bishops established small centers where they acquired knowledge of the rudiments of pastoral and liturgical practices, as well as the administration of parish finances and the organization of charitable institutions. This urban model was disrupted in rural areas, where the spread of Christianity progressed slowly. Private churches on the large estates of wealthy Christian landowners began to dominate the landscape until the 11th century.

With regard to the sources of provincial law in the Iberian Peninsula, A. M. Barrero (1993: 232-46) proposed that (in addition to the differences of all kinds between Rome and the provinces) the principle of personality of Roman law, on the one hand, and its high level of technical and scientific development (compared to indigenous legal systems), on the other hand, made the imposition of the law of the metropolis on the provinces unfeasible.

However, it did not prevent them from being endowed with their own organization, which involved the establishment of general rules for all their inhabitants (whatever their origin), and thus gave rise to a provincial law distinct from Roman law (although emanating from its authorities and formulated according to the system of sources of Roman law): custom and its interpretation by jurists (*mores and iura*), laws (*leges*), dictated by the competent institutions and authorities, and the edicts of the magistrates (*ius honorarium*).

The organization of the Iberian Peninsula and its legal system was very similar to that of other provinces of the empire. The term "law" appeared as opposed to *ius*, meaning 'disposition of the city in matters of common interest', but it retained an analogous meaning in the term "laws", which designated the provisions issued by the public bodies of the city, as opposed to the term "law", which denoted the doctrine of jurists or jurisprudence.

The distinction persisted during the early Visigothic period, only to disappear later. In Rome itself, law was considered "written reason," and in this sense acquired the meaning of 'written law' as opposed to custom, a distinction that lost its significance between the Visigoths and the High Middle Ages, although it was revived from the Late Middle Ages to the present day.

From the destruction of the city of Rome (476) until the year 711, initially as allies of the empire and after its fall as the sole holders of political power, the Visigothic kings were the protagonists for almost three centuries of the history of most of the territory of Hispania, which became an independent kingdom from any other authority, whose dominion was gradually extending throughout the peninsula.

By virtue of a pact recognizing imperial authority and a commitment to defend the territory ceded by the emperor, the first Visigothic kings exercised their authority as true governors and created Visigothic law. This involved enacting laws to regulate the new situations arising from the division of land and the coexistence of the two peoples (Visigoths and Romans), which brought about significant changes in the new legal system, although the promulgated legal texts incorporated Roman legal tradition and practice. From then on, the kings legislated generally for all their subjects, creating comprehensive codes that replaced those of the imperial era.

The profound impact of Roman acculturation was well known, as it shaped the Italic group (within the Indo-European family) and formed the basis of the Romance languages. However, it was not the model of Classical Latin

and the written register, but rather the oral register, which manifested itself in both vocabulary and surface structure (morphological and phonological). The term "*Romance language*" was the literal translation of the Latin term *lingua romana*, which appeared in the second paragraph of Canon 17 of the Council of Tours (813), where priests were advised to preach in the oral register (the vernacular Romance language) so that they could be understood by the faithful.

However, this was not the "birth certificate" of the Romance languages (see M. Banniard, 1992: 410-1; F. Gimeno, 2006: 43-4). Rather, the Church became bilingual, and was the bearer of literary Latin as well as the vernacular Romance languages. The clergy who committed their sermons to writing in Romance languages gave these vernacular languages their first standardization.

But as soon as the Romance languages began to standardize, they in turn fell under the acculturation of the literary Latin of the time and its grammatical and rhetorical norms. It was this influence that shaped the development of the Romance literary languages of the Middle Ages and the Early Modern period, particularly in the learned Latinisms of their lexicon and syntax (see H. Lausberg (1956/1962, I: 105-6; F. Gimeno, 2019: 233-8).

Most studies on typological distinctions based on surface word order agreed that Indo-European languages shifted from SOV to SVO syntactic order. This linguistic change resulted from a syntactic calque of Semitic word order, originating from Latin biblical translations, which influenced colloquial and Christian Latin. Consequently, vernacular syntax was shaped by Christian reading and preaching, and this had far-reaching repercussions on the Romance languages, to the point of becoming a defining characteristic.

From the 1st century AD onwards, one of the most important syntactic transformations from Latin to Romance languages was the loss and readjustment of Latin case inflection. This represented the most superficial evolution from a postpositive inflectional nominal paradigm to a prepositional analytical one, already partially present in Latin. This restructuring, along with the new word order of Biblical Latin, allowed for the replacement of cases in Romance languages. However, the Latin verbal paradigm has been well preserved (see F. Gimeno, 2016b, 2019: 113-77).

#### **IV. The Middle Ages**

The first schools were preserved in monasteries. Monks were the teachers, and the schools were frequented by future monks and some young nobles. From the 12th century onward, cities took over from the monasteries. The encouragement of monasteries (as centers of colonization) by monarchs became a recurring theme in historiography, according to which kings had used the possibilities for territorial organization and population control that monasteries offered in the process of reconquest and repopulation.

Between the 8th and 11th centuries, according to J. A. García de Cortázar (2004: 240-6), Visigothic influence and the preservation of Visigothic thought in politics and culture constituted one of the defining characteristics of the developing Hispanic-Christian society. Monasteries were the primary centers for the preservation and dissemination of this influence. In the eastern part of the Iberian Peninsula at the beginning of the 9th century, these centers became the focus of reform efforts by a monk of Visigothic origin, Benedict of Aniane, who had the support of Emperor Louis the Pious to establish the Rule in the monasteries of the Frankish Empire. Thus, Catalan monasteries (and to a lesser extent, Aragonese and Navarrese ones) were compelled to adopt the Rule of Saint Benedict from the 820s onward.

In Western Europe (especially around the Mediterranean), what remained alive in that culture was gradually incorporated into the service of the Church. Christianity, with its Scriptures and Hebrew tradition, its faith and liturgy, could not do without such a rich expression as the one it had received from antiquity, and the debate between the two positions (acceptance or rejection of a pagan culture) was resolved with the acceptance of the Greco-Roman tradition.

Meanwhile, in the western region (from Castile to the Atlantic), the Visigothic monastic rules remained in force. However, probably from the end of the 9th century, the monastic centers of Navarre and Aragon returned to the observance of those rules and to the liturgical practice of the Hispanic rite, as a further sign of their separation from the Carolingian Empire.

Thus, during the 10th century, with the exception of the Catalan counties, the rest of the Iberian Peninsula remained faithful to the tradition established by Visigothic scholars. However, the surviving evidence of this sense of continuity was subject to the vicissitudes of history, resulting in discrepancies between different types of documents. Nevertheless, it was in the eastern territories and the border region between Castile and Navarre that the most explicit evidence of the Hispano-Christian desire to embrace the Hispano-Gothic tradition emerged.

The Albeldense and Emilianense codices were their culminating manifestation, in which the texts that constituted the legal bases (both ecclesiastical and civil) of the Visigothic kingdom were copied together: the conciliar canons of the *Collectio Canonum* and the *Liber Iudiciorum*. In all peninsular areas, the years 711-850 were characterized by the political and cultural strengthening of the respective structures resulting from the Muslim invasion.

In early medieval society, although the oral formalization of some legal acts was possible, a written document was necessary to prove ownership of something (e.g., land ownership). Initially, while medieval Latin was the common language, documents were always written in that variety, but later on, due to the difficulty of transcribing a spoken Romance language or in regions where another language (such as Basque) was spoken.

Education in the High Middle Ages was linked to the effort to gather and preserve the heritage of Roman antiquity, which found its cultural expression in the Carolingian Renaissance. In contrast to the meager and negative image presented by historical studies of the role of Hispanic culture in the development of European culture, J. García Turza (2000) highlighted the connection between Hispanic cultural transmission and the Carolingian Renaissance, asserting that the period of Visigothic Spain was a time of collecting ancient cultural traditions, as maintained by Visigothic bishops and Irish and Italian monks between the 5th and 8th centuries.

Visigothic Spain was one of the last and most valuable manifestations of ancient culture. The Visigoths experienced a gradual Romanization of their law, and from the religious unification under Catholicism at the Third Council of Toledo (589), Hispania achieved unity in canon law. Likewise, Byzantine influence on the ecclesiastical order should be noted, both directly in the territories occupied in the 6th century and conquered by the Visigothic monarchs, and indirectly through North Africa. From this period and throughout the Early Middle Ages, culture in general and law in particular were the exclusive domain of the Church, which kept the Roman legacy alive in the West through monastic centers.

In legal terms, this legacy owed much to the dissemination of the work of Isidore of Seville, who possessed a vast knowledge of Roman and canon law, as reflected in the *Etymologies* and the *Hispania*, and in his practice attested to at the Second Council of Seville (619). In particular, the *Etymologiae* constituted the most important encyclopedic compilation of ancient and medieval knowledge. Around 800 AD they were found in all the cultural centers of Western Europe, either as imitations or selections, as preserved copies or as simple references to their presence in libraries (see J. García Turza, 1990, 2013; C. García Turza, 2013a, 2013b; C. García Turza and J. García Turza, 1997, 2000, 2002, 2004; F. Gimeno, 2019: 71-8)

Furthermore, the momentous legacy of Jerome (347-420), a disciple of the Greek grammarian Donatus and author of the *Vulgata* (commissioned by Pope Damasus), with his revision of the ancient Greek translation of the *Vetus Latina*, based on the translation of the Hebrew text of the Bible, should be highlighted. On the threshold of the Middle Ages, his figure as a philologist and historian (as well as a hermit and cenobite) came to encapsulate what would become the history of Christian acculturation for the next thousand years: a history of monasteries and codices, texts and scribes, who translated, revised, and constructed a universe in which written standardization maintained a leading role (see J.A. García de Cortázar, 2016; F. Gimeno, 2019: 166-77).

However, from the second half of the 8th century until the middle of the 12th century, we find hybrid samples and texts (Romance and Medieval Latin), where there was a transition of the varieties involved, in a long process of written normalization of the Hispanic Romance languages.

We had to remember that it was a mere label of a clear process of linguistic transfer between the two varieties (Romance and Medieval Latin, not forgetting sometimes the non-Romance vernacular involved, Basque) that intervened in the multilingual competence of the scribe.

It is true that this research also involved necessary risks, and precautions and safeguards had to be at their maximum, but not to the point that the descriptive and autonomous discussions of linguistic change on the Latin compilation of the early medieval Riojan glossaries prevented us from seeing and understanding the social multilingualism of mixed manuscripts (as well as the implicit planning of the Romance language), through regulating the multiple variables (linguistic, social and cultural) and the superficial variants of the texts (see C. García Turza, 2011; F. Gimeno and C. García Turza, 2010).

The greater Romance tradition of glosses and legal texts and the appearance of the *Oaths of Strasbourg* (842) thus revealed the very antecedents of the acculturation of the history of law in the determination of the sociological and legal function of the Romance languages, which was not due to Christianity, but to the previous acculturation of Roman law, as well as to the existence of a multicultural Romance-Germanic community in the kingdom of the Franks.

Under King Euric (466-484), the Visigoths began to codify their legal institutions, as previously they had been governed by custom. Later, Leovigild thoroughly revised some of Euric's laws, correcting some, eliminating several superfluous ones, and adding many others that were missing. Leovigild's *Codex Revisus* (573-586) ushered in a new cycle similar to the previous one, with the official validity of a written law of royal origin, based on Roman acculturation. However, its updating became insufficient over time, to the point that a new compilation was necessary.

Furthermore, the clear political intent behind the king's actions should be emphasized. Having consolidated his authority internally after the subjugation of Baetica and the Suebian kingdom, he sought to assert his kingdom against the imperial power of Byzantium, which was present in the southeastern Iberian Peninsula. Only two of the codes have survived to the present day, preserved in their entirety along with their corresponding promulgation laws. Therefore, in addition to their content, records have also been kept of their authorship, date, and the circumstances of

their creation: the so-called *Lex Romana Visigothorum*, commonly known as *the Breviary of Alaric* (484-507), and the *Liber Iudiciorum* in its various versions.

Both the *Code of Euric* and the *Breviary of Alaric* compiled existing Roman law, but they bore no resemblance to each other in content. The former drew upon the law of practice (i.e., Vulgar Roman law), while the latter was a selection of official legal texts, generally accompanied by their interpretation. The mere difference in content did not seem sufficient reason to researchers to justify the successive creation of these legal texts (and within a relatively short period), nor to explain their possible simultaneous validity, leading to the formulation of various theories.

The new compilation, the *Liber Iudiciorum*, was promulgated by Recceswinth (654), after its revision by the Eighth Council of Toledo. It expressly and exclusively prohibited the application of the laws of other peoples (specifically Roman laws), and ordered judges to act in accordance with its provisions, and failing that, to appeal to the king for a ruling. The orientation of its content reflected the new circumstances of a society undergoing feudalization, in which the old public-based relationships were continually giving way to the emergence of private ties and particular solidarities.

Furthermore, Christianity had a body of doctrine made up of dogmatic and legal norms that bound its faithful, and its expansion experienced from the 4th century (as a result of the confessional freedom decreed by Emperor Constantine) forced it to la Iglesia face its inevitable organic and institutional development, through the establishment of its own legal system made up of provisions emanating from its highest authorities: pontiffs and bishops gathered in ecumenical and provincial councils.

The national churches determined the formation of collections, which indiscriminately gathered the canons of one or more councils, along with papal epistles. The *Collectio Canonum*, commonly known as *the Hispana*, was compiled by Isidore of Seville between 633 and 636 and was considered the best of its time. Its significance was similar to the *Liber Iudiciorum* in the secular sphere, and its validity continued throughout the early Middle Ages.

J. A. García de Cortázar (1969: 119-36) applied his working hypothesis to the study of the monastery of San Millán de la Cogolla, and attributed to its border condition between the kingdom of Navarre and the county of Castile the abundant donations (both Navarrese and Castilian) that the monastery received during the 10th century, which would have served (among other things) to encourage the colonization process in La Rioja, recently occupied by the Christians.

Later, faced with the growing conviction that the colonizing effort had been developed earlier by peasant communities, J. A. García de Cortázar (1988: 17-54) defined the role of San Millán and other monasteries as that of feudal organizers of a territory that had previously been colonized by peasant communities (see F. García Andreva, 2010a; 2010b).

With regard to Basque-Iberian acculturation in Hispanic Romance languages and mainly in Riojan, the most important transfer was undoubtedly the substitution of the Latin-colloquial vowelism (according to the reconstruction for the late period of Latin) by the calque of the phonological variants of the penta-vocalic system, within the Basque-Romance bilingualism of the different Basque-speaking groups of their speech community, who did not know the oppositions of quantity (see F. Gimeno, 2024d, 2025a, 2025b).

The Basque glosses in the *Glosas Emilianenses* suggested that in a place near San Millán de la Cogolla, in addition to Basque and Riojan, Medieval Latin (as the language of Christian worship and official documents), Occitan (spoken by Frankish immigrants) along with its distinct Gascon variety (both used in clearly differentiated official documents), Hebrew, and Mozarabic (spoken by immigrants from the south) coexisted. The Basque-Romance contact thus occurred within a multicultural context of social multilingualism, less tied to Roman acculturation, and the *Glosas Emilianenses* were the work of a single Basque-speaking author.

The Basque presence in the *Glosas Emilianenses* (through the glosses GlEmil [31] *izioqui dugu* and GlEmil [42] *guc ajutuezdugu*) allowed support for the hypothesis of a greater prominence of the Basque language. In fact, the *Glosas Emilianenses* were interpreted as manifestations of Navarro-Aragonese Romance (R. Menéndez Pidal), Navarrese (F. González Ollé), Aragonese (H. J. Wolf), Castilian (M. Carrera de la Red and others), as well as its Riojan variety, because they presented features of all of them. However, the Basque glosses themselves are still inexplicable, and clearly indicative of the mother tongue of the only glossator of the *Glosas Emilianenses* (see R. Menéndez Pidal, 1926/1950 : 1-9; R. Lapesa, 1942/1981 : 154-9; MC Díaz, 1978, 1979 ; S. García Larragueta, 1984; C. García Turza, 2000, 2003b, 2013a; F. Gimeno, 2004, 2006, 2024a, 2024b, 2024c).

Our specific working hypothesis assumed that the Castilian vowel system was a clear example of the confluence of several acculturations (Basque-Iberian, Roman, and Christian). The *Glosas Emilianenses* (950) and *Glosas Silenses* (second half of the 10th century, although Emilian in origin) stood out for their historical, cultural, social, and linguistic relevance, as a consequence of the confluence of Iberian in the vowel systems of Basque and Castilian, and as the first multilingual example of the Hispanic varieties (Basque-Iberian and Castilian Romance).

In the reconstruction of Basque, a system of five oral vowels with three degrees of openness had been observed, without any trace of quantitative opposition. The Riojan vowel system (as well as that of Aragonese

and Asturian, which presented a system identical to that of Basque) therefore originated in the Basque-Romance bilingualism of the different social groups within the Basque-speaking community, and not in the vowel system of Hispanic Latin in the Pyrenean region and surrounding areas of Spain.

Furthermore, these Riojan-speaking groups consolidated the Romance diphthongization of the two open tonic vowels of colloquial Latin (*e* and *o*), although this diphthongization existed in other Romance languages, but in none of them did the diphthongs completely replace the two open vowels (see M. T. Echenique, 1983, 2013; F. Gimeno, 2019: 102-7).

However, within the remarkable production of anthropological history of the monastery of San Millán de la Cogolla, the community text of the Romance language on folio 72r of *Em 60* (incorrectly identified as “gloss 89”) occupied the center of attention and study of proto-Ibero-Romance.

In order to analyze the exceptional role played by the scriptorium of the San Millán de la Cogolla monastery in providing documents for the study of formation processes of Hispanic Romance languages, C. García Turza (2003b) offered an extensive commentary on the text, which attested to a Riojan variety of the multilingual and multicultural speech community, and it corresponded to a joint register of monk and parishioners in the liturgical practice of the Hispanic rite.

The first written text of the Riojan Romance language, which has been published mostly with considerable textual deficiencies, presented the following paleographic edition: “Cono alutorio. <de> nustr<o> / dueno. dueno christo. dueno / salbatore. qual dueno / get ena honore. equal / duenno tienet, ela / mandatjone. cono / patre cono spiritu sancto / enos sieculos. delosiecu / los. facanos deus omnipotens / tal serbitjo fere. ke / denante ela sua face / gaudioso segamus. Amem”.

It was not a lexical gloss, but a community text (culminating in the prescribed acclamation *amem*, ratifying the prayer) for everyday use in the monastery. It was, therefore, the first testimony in which a determined intention was shown to reveal the three basic components of the language (syntactic, semantic and phonological of the oral Romance register), completely independent of Visigoth Latin.

The three elements that had to be taken into account were: a) The vernacular text in its entirety; b) its location on folio 72r, between the end of a homily or talk by Caesarius of Arles and the beginning of another by Saint Augustine, and c) the Latin text that contained the same page (see R. Menéndez Pidal, 1926/1950: 1-9; R. Lapesa, 1942/1981: 154-9; M. C. Díaz, 1978, 1979; S. García Larragueta, 1984; H. J. Wolf, 1991; C. García Turza, 2000, 2003a, 2013a; 2023; J. C. Martín-Iglesias, 2023, M. Pérez, 1985, 2023; F. Gimeno, 2004, 2006, 2024a, 2024b, 2024c, 2025c).

In the inaugural lecture of the *First International Congress on the History of the Spanish Language*, “Esplendor y miseria de la filología”, K. Baldinger (1988: 19-44) suggested that we first emphasize another aspect of our discipline: its international character, in two senses. This Congress was international not only because Hispanists constituted an international family within the Spanish-speaking world, from Spain to Peru, but also because of the nature of the object of our research. The history of the Spanish language could not be understood without considering history in general, within a much broader domain, encompassing Romance languages and even pre-Romance and non-Romance languages.

To illustrate its splendor, it sufficed to recall a series of works of paramount importance, such as R. Menéndez Pidal's the *Orígenes del español* (1926/1950). However, it was more difficult (but also more necessary and urgent) to speak of the shortcomings of philology, that is, of the countless pitfalls awaiting the philologist. They were as varied as human imagination, and it was almost impossible to systematize them; what he presented was nothing more than a provisional and very incomplete outline.

Indeed, it silenced the assumption of the *Poem of Mio Cid* (see R. Menéndez Pidal, ed., 1913, 1950), that Castilian epic in its primitive period lived for several centuries in constant variation and a supposed latent state, in which there were no written texts, but oral texts limited on each occasion, through the oral transmission of the various minstrels, who intervened in the creation and dissemination of the Song.

Therefore, there was no recognition of the process of written standardization of Castilian epic poetry during the early period, since the materialization of the syntactic-semantic basis of the *Poem* by minstrels was sociologically and culturally unacceptable. The author was a multilingual monk from Burgos (Per Abbat), with a profound knowledge of the corresponding poetics, and it was written in the monastery of Saints Peter and Paul of Cardeña (whose connection with the knight Rodrigo Díaz had been documented), at the beginning of the 13th century (1207). The copy of the codex preserved in Madrid was from the beginning of the 14th century, and this text must offer several forms from the original manuscript, with superficial revisions (see R. Lapesa, 1942/1981: 210-5, 1980-1982; G. Martínez 1999; M. Torreblanca, 2021, J. F. Domene, 2021, F. Gimeno, 1984, 1988a, 1988b, 2021).

In the second half of the 12th century, the temporal, geographical, and social context of the written standardization of Hispanic Romance languages determined their general consolidation in the *Fuero de Avilés* (1155), by an Occitan author, and the *Poema de Mio Cid* could never have been written in the first half of the 12th century. R. Lapesa (1948) analyzed the hybridity of Asturian and Occitan in the *Fuero de Avilés*, although

without completely detaching itself from Visigothic Latin, and concluded that the language of the fuero largely reflected general characteristics of Asturian Romance.

Furthermore, nowadays, the contribution of R. Menéndez Pidal's *Orígenes del español* (1926/1950: 515-32) should be considered. On the one hand, he argued that a study limited to texts from literary periods was incapable of illuminating certain aspects of the life of the language. But while modern dialects had opened up a vast field of learning, the study of non-literary documents from the most archaic period also revealed other horizons of great novelty. Modern dialectology had suggested and propagated the idea that regular phonetic laws existed only on paper, because there was not, nor had there ever been, any phonetic regularity; there was only what philologists, by illusion, believed they saw.

On the other hand, the material from his period of study seemed to support this conception, and his material necessitated studying each word separately from those usually listed together when stating the phonetic law. Dialectology might lead us to believe that each word had its own phonetic history, and that there were no general laws governing them. But linguistic protohistory (after observing the course of several centuries) clearly told us that each word was merely an episode in the general history of each of the phonetic elements that comprised it.

The illusion would not occur if we affirmed the existence of the phonetic law, and a linguistic law is not established on "natural" facts, but on perfectly individualized "historical" facts. The principle of language evolution had been sought in each generational change, but generations did not change every twenty or thirty years; rather, they were born and imperceptibly renewed every day

The phonetic laws of historical-comparative linguistics were mechanical without exception, and they oversimplified the sociocultural fragmentation of linguistic change. It was never just a linguistic issue, but also a social and cultural one. Acculturation has been the empirical foundation of the anthropological history of humanity (see B. Imhoff, 1999; F. Gimeno, 1990, 1995, 2025a).

Previously, R. Menéndez Pidal (1923: 414) had written that the languages of Spain had three periods of development: 1) From the most remote times until the end of the second Punic war, in the year 206 BC; 2) from the arrival of the Romans to Spain in 206 BC, until the fall of the Visigoths, in the year 711 AD, and 3) from the invasion of the Arabs in 711 AD until our days (see B. Imhoff, 1999; F. Gimeno, 1990, 1995, 2025a).

Since F. Diez, various attempts have been made to delimit and classify the Romance languages, based on different criteria (historical, linguistic, political, or literary). C. Tagliavini (1949/1969: 478) took into account the geographical distribution from east to west and divided the Neo-Latin varieties into the following groups: a) Balkan Romance (Romanian and Dalmatian, although it ceased to be spoken at the end of the 19th century); b) Italo-Romance (Italian, Sardinian, and Rhaeto-Romance); c) Gallo-Romance (French, Franco-Provençal, Provençal, and Catalan); and d) Ibero-Romance (Spanish, Galician, and Portuguese).

Throughout the Roman Empire, the following elements played a decisive role in Roman acculturation: Roman administration, military garrisons (in connection with them, the granting of citizenship rights to discharged soldiers from the provinces), Roman culture in urban centers and schools (especially in Spain and Gaul), trade, and rural colonization.

During the flourishing of medieval Christendom in the 13th century, the Church was ubiquitous, and the same currents of thought circulated throughout the West via Latin, the common language of liturgy, science, and diplomacy, although Greek remained its primary source throughout its history. Christendom undertook great common endeavors: universities, crusades, and the construction of the great cathedrals. The Roman Church, at the Council of Trent (1545–1563), declared its support for the preservation of Latin.

The acceptance of Latin by all the inhabitants of the provinces was a process that developed without any coercion and represented the profound impact of Roman acculturation on the political, social, commercial, and cultural penetration of the empire. Nor was there a conscious desire among the inhabitants of the provinces to preserve their mother tongue, except in conservative enclaves. However, language maintenance and language shift implied a linguistic awareness and attitude (positive or negative, respectively) (see F. Gimeno, 2016a)

## **V. Crown Of Castile**

The rupture caused by the military action and the subsequent settlement of the Muslim community constituted a milestone that marked the beginning of a new period in the history of Castile, which extended, depending on the political events and the institutional framework that characterized it, until the end of the 15th century.

As far as the legal field is concerned, if this period coincided with the coexistence in Spain of two different political organizations and two different legal systems, its term "ad quem" was not significant for the development of Castilian law, since the entry of the Hispanic kingdoms into modernity as a consequence of the reception in them of the common European law occurred earlier and gradually throughout the 13th century, so that although this entailed important changes, it did not cause a radical break with the previous legal system, whose survival (at least in law) was guaranteed by the legal texts themselves for more than a millennium.

In the creation of law in the early medieval Christian kingdoms, A. M. Barrero (1993, 243-55) explained that if the Visigothic legal tradition was maintained in Al-Andalus thanks to the Mozarabs, this did not happen (although there was also the presence of Visigothic refugees among them) in the other centers of resistance formed initially by small contingents of population grouped around some military leaders, limited in their actions to small territories in which life developed in a rural environment according to tradition and custom

The subsequent advance of the Reconquista, very uneven in each kingdom, and the repopulation of the recovered lands did not essentially alter this legal situation, reflecting the weakness of these incipient political organizations, characterized (compared to that of the Visigothic era) by the lack of a single and general law in the respective kingdoms, and the recognition by their supreme authorities of local autonomy in the process of creation and evolution of the law now entrusted to society.

As a consequence of all this, a new legal order emerged in accordance with the demands of this developing society, very similar in all kingdoms because the political, economic, social and cultural conditions in which it was to develop were also the same.

The first novelty consisted of the mechanisms for organizing and controlling the territory, which were established from the very moment of the occupation. The repopulation project, directed by the monarch or his direct delegates, brought about the active presence of the first elements of social hierarchy, primarily the charters and the municipal organization, although neither of these were entirely new creations.

What was novel was its almost general systematic use, and in it many historians saw the reason for the emergence in the territory (between the Duero and the Tajo rivers) of a different social space, in which the better legal conditions (greater freedom) of its inhabitants would contrast with the heavier manorial dependencies of those settled in the northern areas of the kingdom.

At the outset, the differences were not illusory, and on the one hand they were explained by the need to attract settlers by offering advantageous conditions for settlement, and on the other hand because the direct relationship between repopulation and reconquest made monarchical direction necessary and made possible (if not the disappearance) at least the reduction of the use of the manorial instrument.

By the end of the 11th century, the revival of urban life was already a reality, particularly along the Camino de Santiago in the Castilian-Leonese kingdom. This revival brought about a new spatial organization, coinciding with the already established tradition of the town council. The fusion of these two elements resulted in the town and surrounding land communities that shaped the new territories, and their presence south and north of the central mountains was dominant.

The relationship established between towns and their (sometimes) very extensive surrounding areas could be considered a manorial relationship, but the collective nature of these lordships, the property and freedom requirements demanded of their inhabitants, and their degree of participation in decisions that affected them, established a significant difference between them and those headed by a cathedral, a monastery, or a nobleman. Charters already established these differences, and residency, profession, function, and religion allowed for the early distinction of different social groups.

The sheer extent of the system of municipal charters and customs explains why the greatest number and variety of surviving texts of this kind originate from the Castilian-Leonese kingdom. The oldest appear dating from the 10th century, and record the granting of charters to several places in the county of Castile (Lara, Canales de la Sierra, Salas de los Infantes, Melgar de Suso, and Castrojeriz) by Counts Fernán González and García Fernández or their lords with the latter's express consent (see A. M. Barrero and M. L. Alonso, 1989).

However, no charter (if indeed one existed) attributed to Count Sancho Garcés has been preserved, despite his being recognized by tradition as "the one with the good charters." All of them contained norms of the region's traditional law, especially those relating to the status of lesser nobility of the commoners, but only those of Melgar and Castrojeriz achieved any real influence in the surrounding area at a time considerably later than when they were said to have been granted.

Some of the charters of the following century achieved greater importance and dissemination: firstly, that of the city of León formed from the Decrees of Alfonso V of 1017, and other privileges granted to the city by his successors that gave rise to the elaboration of several versions that were disseminated in a relatively close area by being expressly granted as "Charter of León", or taken as a model for the drafting of their own in other places as these were being reconquered.

Subject to further revisions, the text drafted in the town of Benavente achieved extraordinary expansion when it was adopted by Ferdinand III, Alfonso IX, and Alfonso X for the founding of new towns in León, Galicia, and Asturias. Other documentary references to the Charter of León from the late 13th and 14th centuries should be understood as referring to the *Fuero Juzgo* and not to the old charter of the city.

The impact of several of the relatively numerous charters (26) granted and confirmed by Alfonso VI or his delegates on the frontier was not insignificant, and their analysis as a whole made it possible to clearly detect lines of action by the king in accordance with the achievement of specific objectives, in addition to the general objective of defending the kingdom through the repopulation of its territory.

On the one hand, as the charters of Nájera, Sepúlveda and Toledo were good proof, they obtained the acceptance of their new subjects (whether those of the old kingdom of Nájera, the Castilians or the Mozarabs of Toledo), through the recognition of their own law and the granting of new privileges.

On the other hand, to mitigate the power of the nobility not through confrontation, but through the balance that would be provided by the creation of urban centers that, due to their high degree of autonomy, would ensure the settlement of a large, diverse and free population in their condition as gentry on the frontier or as bourgeois in the rearguard, at this time especially attractive because it coincided with the Jacobean route.

The incorporation of Islamic cities, especially Toledo, and the creation of the towns that organized the repopulation process meant that (from the moment of occupation) artisanal and commercial activities existed, concentrated in the urban centers. The role of Toledo, whose conquest by the Christians did not represent a sharp break with the Muslim past, was important during the 12th and 13th centuries within the Castilian kingdom as a whole.

Monetary circulation, the money business (mainly in the hands of the Jewish community), the existence of a small urban aristocracy with significant monetary incomes, and references to regular exchanges with the Islamic area denoted a commercial attitude above the average level in the rest of the cities and towns (see J. A. García de Cortázar, 1973, 1985: 11-42; M. Torreblanca, 1976; J. F. Domene, 2023; F. Gimeno, 1985, 2004).

## VI. Formation Of Law

The first noteworthy aspect of the formation of law in the early medieval Christian kingdoms was the different value assigned to the various modes of normative production compared to the previous legal system. In this atmosphere of political weakness, and in the absence of an authority capable of enforcing it, the law lost its role as the fundamental source it had held among the Visigoths. And initially, *custom*, and important *judicial decisions*, were used to regulate most institutions. However, its casuistry was crucial both for establishing customary norms, which generally guided the actions of judges, and for formulating new norms based on equity and, therefore, widely accepted.

By its very nature, this customary and judicial law did not exceed the local or regional scope of application, which was not an obstacle to the fact that, due to the development of the repopulation process, the same customs came to govern in different places because of the common origin of their inhabitants, nor to certain sentences or “fazañas”, either because of the prestige and authority of those who issued them, or because of the fairness and suitability of their solutions, came to create a judicial practice known and applied by other courts.

Subsequently, this initial legal basis was expanded by a new right, generally of a privileged nature, born from the need to encourage and promote settlement in the reconquered territories in order to ensure their defense. Beyond the common denominator of its purpose, the variety of documents (contemporary or later) that recorded this right in terms of their nature and content was extraordinary, encompassing within the generic category of charters of “settlement,” “privilege,” or “franchises,” from private or contractual texts to public ones granted by the corresponding political authority, in which (along with establishing the status of the settlers and the boundaries of the place) some rules were established regarding the organization of community life.

All of these measures, aimed at creating new population centers or stimulating the development of existing ones in a specific way, had a strictly local scope. In the former cases, they served as a starting point for the subsequent development of community law, through the combination of the various sources mentioned and the statutory capacity that local authorities acquired (with municipal development). In the latter, they served to complete, update, and even replace the system by which they had been governed until then, whether that system was based on old Visigothic texts (as in Catalonia) or on customary and judicial law.

Above this local right, some kings and counts occasionally issued general provisions for their entire territory, such as the Decrees given by Alfonso V for the kingdom of León, the “constitutions” granted by Alfonso II of Aragon in 1188 or those established in the peace and truce assemblies by the Catalan bishops and counts.

The evolution of early medieval law in the Christian kingdoms into more developed forms was favored, especially from the beginning of the 11th century, by several factors of different kinds. These included the expansion of the kingdoms' borders, the overcoming of patrimonial conceptions of these territories, the consolidation of royal power within them, and the establishment of new urban population centers in the rear. The development of these centers was fostered by a general climate of economic activity, and their defensive purpose along the borders was based on privileges and autonomy necessary to mitigate the risks arising from their advanced position.

Thus, it did not take long for the need to record this law in writing, in order to ensure its knowledge and facilitate its application, to be felt in the different instances of power and spheres of action (the kings themselves, lords, council authorities, local practitioners) in the face of the growing and profuse normative production to which these circumstances gave rise.

This process of drafting rules in specific texts, commonly known as *customs* and *municipal charters* (and in others of territorial scope), which until then had not been expressly formulated and were generally known

through oral tradition, contributed decisively to their establishment and consolidation in each community by bringing them together, to a greater or lesser extent.

The abundance and variety of texts of this nature that have survived to the present day, mostly in late and flawed copies, and especially their appearance as texts produced at a specific moment as a result of the discretionary and coercive actions of the authority to which they are attributed, has hindered their study from the perspective of their progressive formation. This has justified the uncertainty of researchers when attempting to trace the general characteristics of the formation and drafting process of these medieval texts. Nevertheless, despite frequently exhibiting clear evidence of being the result of a compilation of documents and regulations from diverse origins and different periods.

Based on studies conducted on a large number of these documents from different dates and regions, it appears that this process of drafting local ordinances may have begun in the first third of the 12th century, in those areas where repopulation and the founding of new towns had been most intense. Consistent with the nascent development of municipal life, the texts produced during this century shared certain formal and content characteristics, such as the regulation of only specific aspects of community life, their formal adaptation to the chancery norms of the time, the widespread use of Latin (and occasionally Romance languages), and the use of a deficient legal technique typical of practitioners familiar with local or regional law, but ignorant of legal scholarship.

The political evolution of the kingdoms and the rise of municipal life within them, already noticeable in the first decades of the following century, together with the development of legal science as a consequence of the gradual reception in the Iberian Peninsula of the common European law, determined the formation of new local drafts that were increasingly broader and more technically perfect in the formulation of their rules and in their organization.

This activity continued for some time, mostly through private initiative, and with a purpose more of preserving and formally perfecting texts than developing their rules, which, being already fully consolidated, were soon overtaken by the demands of a society in continuous evaluation.

Whatever the procedure was for the formation of these legal texts by the local authorities, it was evident that in this they did not generally act independently of the higher authorities on which they directly depended, since the acceptance and express recognition by these authorities of their charter not only guaranteed its compliance for the people, but also gave it greater authority the older and more frequently this recognition was acknowledged.

Hence, most of the charters, as they have been preserved, sometimes appear attributed entirely to the authority and time when the town charter or the first privileges were granted, and others are presented as a joint work of the lord and the council, or are said to have been made with the consent of the former.

Moreover, the prestige of royal authority was paramount, so it is not surprising that in some charters of councils subject to ecclesiastical lordship or the military orders, the king's approval was recorded, and the towns repeatedly requested confirmation of their charters from them. The favorable disposition of some kings towards this type of recognition (as seems to have been the case with the Castilian kings Alfonso VI and his namesakes) represented for Alfonso X the Wise an incentive for the councils to undertake the task of establishing their rights in writing.

Thus, by the middle of the 12th century, a certain tendency towards legal uniformity could be detected, through the expansion to other places of certain charters considered "good" that were granted as a privilege by the kings or lords, sometimes on their own initiative, other times at the request of their inhabitants, without at any time seeming to have taken into account either the geographical proximity, or their belonging to one or another of the different kingdoms.

If one of the most striking features of the law of the early medieval kingdoms was the variety of its sources, no less so was the variety of systems that were formed in them as a result of the plurality of combinations born from the simultaneous or successive validity, but at some times coinciding, of all or some of them, their different valuation according to time and place, and the conditions imposed by the geographical, social and economic characteristics of the environment in which they had to develop independently of their political belonging to one or more other kingdoms.

Within this variety, some systems stood out because, due to common features across the different territories where they existed, they could be considered the most representative of the period. These included the survival of the Visigothic system among the Mozarabs of Christian territories and the continued use of the *Liber Iudiciorum*. This was due to their presence, sometimes having fled from Al-Andalus, other times because they constituted an important contingent of the population of the cities recovered by the Christians.

To what extent this situation could be considered general in the Christian kingdoms (as some authors believe), or on the contrary, only occurred in certain areas, specifically in León and Toledo, was not easy to resolve, since (except for these cases mentioned) the available evidence was scarce and not always significant enough.

However, Alfonso II's attempts to restore the Visigothic tradition to the Asturian-Leonese kingdom, and with it the validity of the *Liber*, did not begin to materialize until the early 10th century. This was due to the settlement of Andalusian Mozarabs fleeing persecution by the Cordoban caliphs. But by then, a fully established customary law already existed in the kingdom, which continued to develop independently of the *Liber*, only being consulted in cases of doubt.

In the 11th century, this was further augmented by general laws decreed by the kings and municipal charters, which were established in the towns and cities that were being rebuilt during this and the 12th centuries. However, unlike what occurred in Catalonia, the application of the *Liber*, first in the city and then throughout the kingdom, gradually gained increasing traction, eventually (in later periods) being identified as *the Charter of León*.

The fall of Toledo to the Christian troops did not legally bring about a significant change for the Mozarabs who had lived there with the invader, since Alfonso VI, equally respectful of the principle of personality (in addition to granting other privileges), confirmed the application of the *Liber* among them, just as he allowed the Castilians and Franks who accompanied him in the conquest to govern themselves by their own law.

However, because they constituted the majority of the population and there was no other more deeply rooted legal system here (as in León), this initial situation was soon overcome by the widespread validity of the *Liber* throughout the kingdom, without prejudice to the fact that the other population groups continued to maintain some of their legal specialities.

Already in the 13th century, when the reconquest of Andalusia was undertaken by Ferdinand III, the parallels between the situation of Toledo and some of the recovered cities (although not precisely in terms of the persistence of the Mozarabic population in them, which in any case must have been minimal), in addition to other political factors, must have inclined this king to address the repopulation of the Guadalquivir valley, on the basis of the granting as a municipal charter (along with other privileges) of the *Liber* (which was already circulating in its updated version and translated into the vernacular, the *Fuero Juzgo*), sometimes as such (as in Cordoba or Carmona), other times, as in Seville, as a charter of the city of Toledo.

The charters of Toledo were granted to various localities, some closer than others, initially based on the personal status of their inhabitants. However, from the mid-12th century onwards, due to the widespread use of the *Liber* and the consolidation of Toledo's charters and privileges, references to personal status in grants to other places became exceptional.

Likewise, in Old Castile, the original nucleus of its own peculiar law (as opposed to that of the Leonese kingdom) of customary and judicial origin, which already in the 10th century seemed to have reached a certain entity, since in later texts of different character they coincided in the reference to "the good laws in the times of Count Don Sancho", without prejudice to the formation of some short collections of judicial sentences or "fazañas" of local scope, such as those collected together with its law in Castrojeriz or independently of its own in Palenzuela.

The drafting of this law proceeded from a certain moment that tradition placed in some Courts of Nájera convened by a king Alfonso who (according to the most recent studies, would be the eighth of this name) would have taken place in 1184, or, as a result of the promise made by him after the victory of Las Navas to confirm their charters to the cities and nobles of the kingdom.

Whatever the occasion, this drafting process must have already reached a certain intensity in the first half of the 13th century, since the texts of this nature that have come down to us (which could be dated to the second half of the century and the first decades of the next) are known by its title as the *Devysas*, the *Pseudordenamientos de Nájera*, the *Fuero de León*, the *Libro de los fueros de Castilla* and the *Fuero Viejo de Castilla* revealed the use as models of several other earlier versions, now unknown.

Its rules came from some royal privileges and fundamentally from the deeds of both the royal court and local judges and customs that often dealt with matters relating to the relations of lords with their vassals, which has led some researchers to highlight (over the territorial character) the noble character of this law.

Along with this, the *Libro de los fueros de Castilla* also contained a significant number of customary rules, originating from various places in the region of Burgos and La Rioja, which (as also evidenced by other documentary data) revealed the simultaneous validity in several of them, even in advanced times, of a charter of free will and the municipal one.

None of these drafts received official sanction. However, their authority and the interest in their knowledge at the time were well evidenced by the repeated revisions and recastings they gave rise to, and by the fact that some of their rules were included in a text as significant as the *Ordenamiento de Alcalá*.

## **VII. The System Of Sources In The Late Middle Ages**

At the beginning of 1250, a new era began to dawn on the horizon of the Christian kingdoms as their greatest territorial expansion coincided with a climate of internal peace conducive to the consolidation of their political organization, their economic development, and their cultural rebirth under the auspices of the newly

established universities. Their work in the field of law was to be of paramount importance, as they served as vehicles for the dissemination of a new legal system that (born in Italy following the discovery of the legislative work of Emperor Justinian) soon took root throughout Western Europe, becoming integrated, to a greater or lesser extent, into the legal systems of the future states of this part of the continent (see A. M. Barrero, 1993: 259-68).

The conceptions advocated by this common *European Law* concerning the political constitution of the kingdoms and the identification within the corresponding territorial scope of the imperial figure with that of the "prince" determined a change of attitude in the sovereigns in relation to the exercise of power, manifest in the legal order in the fact of taking for themselves, in accordance with the duty to keep the peoples in justice, the task of creating the law, counting for this with the effective help of new generations of university-educated jurists, imbued with these doctrines and provided with a high scientific and technical preparation.

The consequences of this on the legal systems in force in the Hispanic kingdoms were immediate and significant. Regarding the methods of producing legal norms, legislation regained the predominant role it had held in the Visigothic era, with custom and judicial decision-making taking a back seat, while legal scholarship gained particular importance, filling, to some extent, the numerous gaps in the legal systems through the work of jurists.

Because these laws sought to be comprehensive and cover all branches of law (only commercial law, due to its unique nature, would be subject to independent regulation), they necessarily had to refer, as subsidiary sources, to other sources, whether the traditional ones of the kingdoms, or other external ones such as "Laws" (civil and canon law), or the rules born from the power of interpretation of the Law which in some kingdoms was reserved by the king and in others was also entrusted to the good knowledge and understanding of the judges.

Furthermore, given the general scope of application of laws and the intense legislative activity of the kings both in the courts and by themselves by virtue of their own authority, a clear tendency towards legal unification could be observed in all the kingdoms, to the detriment of local and territorial rights, which (by not being renewed) gradually fell into disuse until they were reduced to the status of "singular" law for the regulation of some specific institutions and aspects that managed to endure.

The configuration of the new system in each kingdom presented its own peculiarities, as well as the pace and methods of its implementation were different, but, in any case, once this was achieved, its consolidation and development occurred without essential alterations until the end of the Old Regime.

The vast geographical area, the diversity of legal systems, and the deep roots of tradition explain the difficulties encountered in implementing the new system of legal sources in Castile. This was finally achieved, after a long period of conflict between the interests of the Crown and the Kingdom, in the Cortes convened by Alfonso XI in Alcalá in 1348.

The creation of a new system of sources to replace the traditional one of the kingdom was the work of Alfonso X, among whose extensive legacy there were three texts of special importance that were attributed to him (those usually designated as *Fuero Real*, *Espéculo* and *Partidas*), as well as a treatise of legal content and didactic character, the *Setenario*.

The increasingly profound knowledge (although not yet to the point that would be necessary of these legal texts and the abundant documentation preserved of the king) has allowed scholars to follow his legislative policy in its fundamental aspects, without prejudice to the fact that different hypotheses are considered when it comes to establishing certain data relating to his work (dates, immediate authors, sources used, etc.).

This also involves attempting to explain certain events, such as the creation of three texts of this magnitude within a relatively short period (approximately 12 years, according to the most commonly accepted dates among critics, as none of them provide sufficient evidence to establish them with absolute certainty), or to clarify the purpose and specific function of each one. Furthermore, it falls within the general objective of putting an end to the problems stemming from the diversity and inadequacy of the existing legal systems in the kingdom, a goal expressly declared by the king in the respective prologues that prefaced each text.

These prologues also concurred in highlighting Alfonso X's firm conviction, both regarding the need for reform and his authority to carry it out, through the application of a legal code (each one of them), drafted with the advice of the Court and legal experts. The conditions of the kingdom demanded action with urgency, but also with extreme prudence, and this was reflected in the documentation of the time, which shows how (less than three years into his reign) the king already possessed a legal code of considerable length (the "*fuero del libro sellado con mio sello de plomo*").

Above all, anticipating possible resistance to its acceptance by the kingdom, given the deep roots of traditional law among the municipal and noble estates, he granted municipal charters to several towns in León, Castile and Extremadura between 1255 and 1265, considering that they did not have a charter by which they should be judged, and also as a general privilege to the gentry of the latter region in 1264.

In view of this documentary data and the granting to numerous towns of a charter contained in books authenticated with the royal seal, it seemed that it would be necessary to identify (as some authors have done in

recent times) said charter with the *Espéculo*, in whose prologue (when dealing with its application) it was warned of the sending to the towns of sealed copies, as well as its use in the Court for cases of appeal.

In contrast, the intense local manuscript tradition of the *Fuero Real*, the well-deserved reputation for originality of one of the preserved codes that included it, and other arguments such as the greater affinity of its content with traditional local rights (which would facilitate its implementation in this way), seemed to confirm the most commonly accepted hypothesis that King Alfonso X granted the *Fuero Real* to the towns of the kingdom, while the *Espéculo* was intended for application by the royal judges.

However, several scholars asserted that the application of the *Espéculo* never became effective, since an event such as the imperial succession, external to the kingdom but not to its sovereign (an aspirant to such a coveted title), interfered with the course of his legislative work. With the establishment of the "*fact of the Empire*" in 1256, when the *Espéculo*, according to some, had not long since been approved at court, or according to others, was still in progress (it should not be forgotten that it has been preserved incomplete), the king decided to undertake, in support of his hereditary rights to the Empire, the creation of a universal code of laws, unprecedented (as it would prove to be) in the Europe of his time, which would compile all the legal knowledge of the era: the *Siete Partidas*.

This encyclopedic and non-practical conception of the work was consistent with the eminently scientific character of its content, and justified that at the time it was not the object (since that was not its destiny) of promulgation, although other opinions found the explanation for this not in a prior intentional reason on the part of the king, but in the resistance of the kingdom to its acceptance.

Radically different from these theses that related to varying degrees the formation of the *Partidas* with the imperial aspirations of King Alfonso, and could correspond to a prior plan drawn up by the monarch to fulfill a pressing desire: the unification of the Law in two areas of action, one municipal that corresponded to the *Fuero Real*, and another more ambitious one that would cover his desires to become emperor of the Holy Roman Empire.

However, they in no way questioned its more or less direct authorship, nor its elaboration between the years 1256 and 1263 (or 1265), which was the one that since 1951 had been defended by another illustrious scholar of the Alfonsine work who, from a meticulous analysis of the texts, came to the conclusion that the *Partidas* were the product of several and successive reworkings of the *Espéculo*, carried out by jurists of the Court in the last years of the reign of Alfonso X and in that of his successors Sancho IV, Fernando IV and Alfonso XI himself.

This theory, which did not limit itself to the study of the drafting process of the famous code, but considered the entire legislative work attributed to King Alfonso X, has been widely challenged, especially in recent years, and has given way to an intense controversy of high scientific rigor, which could provide a critical edition that fully encompasses the very considerable manuscript tradition of the *Partidas*.

The deep roots of legal tradition and the diversity of existing laws in the various territories that comprised the Crown of Castile must have been factors considered when Alfonso X declined to promulgate the new legal order contained in the codes drafted at Court on a general basis. However, the solution devised—granting the *Fuero Real* as local law and applying the “king’s book” (the *Espéculo* or the *Fuero Real* itself?) by the mayors of the Court, but not by the local judges—was not going to prove viable either.

Judging by the decreasing rate of the *Fuero Real* concessions reflected in the documentation, it seemed that the measure was not well received by the councils, and in some places, such as Miranda de Ebro, it had to be rectified even before the king, in 1265, pressured by the need to have their military help to face a new African invasion, definitively renounced its implementation by this means.

On the other hand, the climate of legal uncertainty derived from the possibility of applying different laws, depending on the status of judges or the level of the lawsuits, fostered a general discontent against the royal policy, openly manifested in 1270, and before which the sovereign was forced to yield in his endeavor by confirming the nobility and the cities their old charters and privileges, and reducing the application of royal law to the “cases of the Court”, as these were fixed by the Cortes of Zamora of 1274.

However, the failure of Alfonso X was not as resounding as one might expect from these events, because although he certainly had to renounce the desired achievement of the legal unification of his kingdom, the royal law would not cease to be applied beyond the "cases of the Court" in the future, nor would his works fall into oblivion.

Indeed, the *Ordinance* of Zamora itself left open a wider possibility for the application of royal law by entrusting the resolution of cases not regulated by municipal charters to the king (in León), and in Castile also to his appeals court, for which, obviously, both resorted to the new law.

Because of their value as precedents, both the decrees issued by the king to resolve each specific case and the sentences of the royal mayors applying *Fuero Real* (or based on the practice and style of the court) were compiled. The former were compiled in a collection known as the *Leyes Nuevas*, formed in Burgos around 1278, and later expanded with new provisions of this nature by Sancho IV. The latter were compiled around 1300 in another collection called, alluding to the nature of its content, *the Leyes de Estilo*.

Likewise, *Fuero Real* continued to be applied at the local level. If, after the events of 1270, its character as a municipal charter prevailed over its origin and content, and as such it was affected by the royal confirmation of these events, it was impossible to know whether it remained in force in those royal demesne places that did not have another text, but in this sense it could be significant that around this time it was adopted with some restrictions in some manorial towns.

In later times its application was expressly stated, since both Sancho IV and Alfonso XI granted it to several localities, sometimes "ex novo", since there was no news that such places were governed by this or other written law previously, others, such as Madrid, to which it had already been granted by Alfonso X, and they also had an extensive draft of their own charters.

Furthermore, in the process of compiling traditional rights that resulted from their confirmation in 1272, in the endeavor to create complete and perfect texts, their authors were obliged, as happened in Soria or Toledo, to turn as models or sources of inspiration to those that, like the *Fuero Real*, contained the common law.

Finally, also in this final phase of the mandate of King Alfonso X and in that of his successors, when the reception of common law had already been achieved in fact, his work aroused extraordinary interest among the cultivators of legal science close to the Court, being those to whom (according to some opinion referred to earlier) the formation of the *Partidas* should be attributed, but in the case that they were already formed, there was no doubt (judging by their extraordinary manuscript tradition) that in this stage they were the object of an intense work of study, commentary, dissemination and translation into other peninsular languages, to the point that (when the time came) it was deemed necessary to fix a definitive version to which an official character was given.

However, despite the growing and intense dissemination among broad sectors of the kingdom of the doctrines of Common Law favorable to the exercise of the legislative powers inherent to royal power, the successors of Alfonso X, for a period of almost 64 years, did not take any initiative to modify the order established in 1272, limiting themselves to promulgating in a general way the laws or *Ordenamientos* approved by the Kingdom assembled in Cortes.

It was Alfonso XI who, when addressing the judicial organization of the kingdom, in response to a widespread and manifest sentiment expressed in several meetings of the Cortes (in Burgos in 1338, Villarreal in 1346 and in Segovia in 1347), resolved this situation by presenting a broad draft of laws approved in the Cortes of Alcalá in 1348 (the *Ordenamiento de Alcalá*), in which, in addition to regulating different aspects of the administration of justice and several institutions of civil and criminal law and including an ordinance of the hidalgos, established an order of precedence in the application of sources, which highlighted and gave legal support to the indisputable supremacy of royal law, without ceasing to recognize the validity of traditional rights, with a clear sense of reality.

According to this, disputes should be resolved first by the laws of the *Ordenamiento* itself, and failing that, by municipal charters, although subject to their usage and the possibility of conflict with divine law, reason, and the norms contained in said Ordinance. Furthermore, with the provision for their amendment or improvement by the sovereign, and thirdly, by the *Siete Partidas*, according to the official version that the king had ordered to be made of them, insofar as it was not contrary to the laws of Alcalá and the charters.

Finally, the king, by virtue of his own authority, reserved the power to issue new provisions and to modify, interpret, and clarify those contained in the aforementioned sources. Except for the express recognition of the customary and discretionary law of the hidalgos (minor nobles), this legal system contained no reference to custom or judicial discretion, while with respect to common law, no other legal source than the *Partidas* was recognized, although its study was recommended in all the universities of the kingdom (see A. Palacios, 1991: XVI-XX).

If during the 9th century the predominant written register in the Iberian Peninsula was Classical Arabic, in the 12th century it was Medieval Latin, and in the 13th century Castilian Romance gradually gained ground, until it became established as the register in which the official documents of the Chancery, notaries, courts, Cortes, etc. were written.

Within Alfonso X's definitive commitment to the explicit standardization of Castilian, I. Fernández-Ordóñez (2004) raised the fundamental role of the royal initiative of Alfonso VIII, Fernando III, Alfonso X and Sancho IV. Until Castile and León joined their destinies in King Fernando III in 1230, the Leonese chancery (dependent on the archbishop of Santiago de Compostela) had issued its documents only in medieval Latin, while the Castilian chancery (linked to the archiepiscopal curia of Toledo) had been sporadically drafting documents in Castilian Romance.

After the union of the kingdoms, Juan de Soria (as chancellor for all the territories that depended on Ferdinand III) extended his functions to the kingdom of León, and maintained the use of Castilian as the preferred Romance language of the chancery, although the Leonese Romance language began to be used in private and local diplomas, until the end of the 13th century.

In the period between 1231 and 1240, the percentage of Castilian texts from the Castilian-Leonese chancery doubled, and from 1241 until the end of his reign (1252), Romance-language diplomas outnumbered

Latin ones. By the time Alfonso X ascended the Castilian-Leonese throne, the chancery of Ferdinand III had issued around 60% of its documents in Castilian over the previous decade.

From then on, the chancery of Alfonso X maintained this linguistic planning, and the use of Castilian Romance was widespread, unconditioned by document type or legal register, although documents intended for other kingdoms were written in Medieval Latin. With the decisive selection of Castilian Romance and the exclusion of Medieval Latin, the Castilian chancery was ahead of the other kingdoms of the Iberian Peninsula, as well as the English and French chanceries (see González Ollé, 1978; L. Rubio, 1981; F. Gimeno, 2016b, 2019: 255-71).

### VIII. Conclusions

1. Acculturation has been the empirical foundation of the anthropological history of humankind. The hypothesis of human history as a succession of acculturations is more appropriate to linguistic, social, and cultural facts, and to the very continuity of history. The anthropological history of medieval Castile raised the need for a new history that took as its starting point the positions adopted by the various cultures. Our specific working hypothesis assumed that the Castilian vowel system was a clear example of the confluence of several acculturations (Basque-Iberian, Roman, and Christian). With regard to Basque-Iberian acculturation in Hispanic Romance languages and mainly in La Rioja, the most important transfer was undoubtedly the substitution of the Latin-colloquial vowelism by the calque of the phonological variants of the penta-vocalic system, within the Basque-Romance bilingualism of the different Basque-speaking groups of their speech community, who did not know the oppositions of quantity.

2. The Basque presence in the *Glosas Emilianenses* (through the glosses GEmil [31] *izioqui dugu* and GEmil [42] *guez ajutuezdugu*) allowed support for the hypothesis of a greater prominence of the Basque language, and clearly indicative of the mother tongue of the only glossator. The *Emilian Glosses* (950) and *Silos Glosses* (second half of the 10th century, although Emilian in origin) stood out for their historical, cultural, social, and linguistic relevance. However, within the remarkable production of anthropological history of the monastery of San Millán de la Cogolla, the community text of the folio 72r of *Em 60* occupied the center of attention and study of proto-Ibero-Romance.

3. To analyze the exceptional role played by the scriptorium of the San Millán de la Cogolla monastery, C. García Turza (2003b) presented the following paleographic edition of the first written text: “Cono alutorio. <de> nustr<o> / dueno. dueno *christo*. dueno / salbatore. qual dueno / get ena honore. equal / duenno tienet, ela / mandatjone. cono / patre cono *spiritu sancto* / enos sieculos. delosiecu / los. facanos *deus omnipotens* / tal serbitjo fere. ke / denante ela sua face / gaudioso segamus. Amem”. It was a community text for everyday use in the monastery, and it was, therefore, the first testimony in which a determined intention was shown to reveal the three basic components of the language (syntactic, semantic and phonological of the oral Romance register), completely independent of Visigoth Latin. Our specific working hypothesis is thus confirmed.

4. Visigothic Spain was one of the last and most valuable manifestations of ancient culture. The Visigoths experienced a gradual Romanization of their law, and from the religious unification under Catholicism at the Third Council of Toledo (589), Hispania achieved unity in canon law. Likewise, in legal matters, this legacy owed much to the dissemination of the work of Isidore of Seville. His *Etymologiae* constituted the most important encyclopedic compilation of ancient and medieval knowledge. By around 800, copies could be found in all the cultural centers of Western Europe. Furthermore, the transcendental legacy of Jerome (347-420) should be highlighted. On the threshold of the Middle Ages, his figure as a philologist and historian (as well as a hermit and cenobite) came to summarize what would be the history of Christian acculturation for the next thousand years: a history of monasteries and codices, texts and copyists, who translated, revised and built a universe in which written standardization permanently maintained a leading role.

5. The profound impact of Roman acculturation was well known, as it shaped the Italic group (within the Indo-European family) and formed the basis of the Romance languages. While the model was not Classical Latin and the written register, but rather the oral register, this influence manifested itself in both vocabulary and surface structure (morphological and phonological). The term “*Romance language*” was the literal translation of the Latin term *lingua Romana*, which appeared in the second paragraph of Canon 17 of the Council of Tours (813). This canon recommended that priests preach in the oral register (the vernacular Romance language) so that they could be understood by the faithful. However, this was not the “birth certificate” of the Romance languages. Rather, the Church became bilingual, and it was the bearer of literary Latin as well as the vernacular Romance languages. The clergy who committed their sermons to writing in the vernacular gave these vernacular languages their first standardization.

6. Regarding R. Menéndez Pidal's 1913 edition of the *Poema de Mio Cid*, there was no acknowledgment of the process of standardization of written Castilian epic poetry during its early period, and the interpretation of the *Poem*'s syntactic and semantic basis by minstrels was deemed sociologically and culturally unacceptable. The author was a multilingual monk from Burgos (Per Abbat), with a profound knowledge of the relevant poetics, and the *Poema* was written in the monastery of Saints Peter and Paul of Cardeña at the beginning of the 13th century (1207). In the second half of the 12th century, the temporal, geographical, and social context of the written standardization of Hispanic Romance languages determined their general consolidation in the *Fuero de Avilés* (1155), by an Occitan author, and the *Poema de Mio Cid* could never have been written in the first half of the 12th century. R. Lapesa (1948) analyzed the hybridity of Asturian and Occitan in the *Fuero de Avilés*, although without completely detaching itself from Visigothic Latin, and concluded that the language of the fuero largely reflected general characteristics of Asturian Romance.

7. Regarding the contribution of R. Menéndez Pidal's *Orígenes de español* (1926/1950), concerning the existence of phonetic laws based on perfectly individualized historical events, the introduction of anthropology (and medieval history) into historical sociolinguistics at the end of the last century should be considered. The autonomous version of linguistic change advocated by the Neogrammarians was inadmissible today, and the phonetic laws of historical-comparative linguistics were simplifications of the sociocultural fragmentation of linguistic change. This is especially true when we consider the geographical and social differentiation of language within its own "structured heterogeneity," and variability as part of the communicative competence of the various generational and social groups that coexisted in the speech community. Moreover, both the linguistic change and the ongoing change were neither mechanical nor solely phonologically determined.

9. Based on studies of numerous texts from different dates and regions, it appears that this process of local drafting may have begun in the first third of the 12th century, in those areas where repopulation and the founding of new towns had been most intense. Consistent with the nascent development of municipal life, the texts produced during this century shared certain formal and content characteristics, such as the regulation of only specific aspects of community life, their formal adaptation to the chancery norms of the time, the widespread use of Latin (and occasionally Romance languages), and the use of a deficient legal technique typical of practitioners familiar with the local or regional law. The political evolution of the kingdoms and the rise of municipal life within them, already noticeable in the first decades of the following century, together with the development of legal science as a consequence of the gradual reception in the Iberian Peninsula of the common European law, determined the formation of new local drafts that were increasingly broader and more technically perfect in the formulation of their rules and in their organization.

10. In the 13th century, with Ferdinand III undertaking the reconquest of Andalusia, the parallels between the situation in Toledo and some of the recovered cities, along with other political factors, must have led this king to address the repopulation of the Guadalquivir Valley by granting municipal charters (along with other privileges) based on the *Liber* (which was already circulating in its updated version translated into the vernacular, the *Fuero Juzgo*), sometimes as such (as in Córdoba and Carmona), and other times, as in Seville, as the charter of the city of Toledo. The charters of Toledo were granted to various towns, more or less close together, initially according to the personal status of their inhabitants. This drafting process must have been quite intense in the first half of the 13th century, since the surviving texts of this type, which could be dated to the second half of the century and the first decades of the next, revealed the use of several earlier, now lost, versions as models.

11. The creation of a new system of legal sources to replace the kingdom's traditional one was the work of Alfonso X, whose extensive legacy included three particularly important texts attributed to him (usually known as the *Fuero Real*, *Espéculo*, and *Partidas*), as well as a legal treatise of a didactic nature, the *Setenario*. Their prologues all emphasized Alfonso X's firm conviction regarding both the need for reform and his authority to implement it through the application of a legal code (each of them) drafted with the advice of the Court and legal experts. The conditions of the kingdom demanded action with urgency, but also with extreme prudence, and this was reflected in the documentation of the time, which shows how the king already had a legal body of some extent that, in anticipation of possible resistance to its acceptance by the kingdom, he granted as municipal charters to several towns in León, Castile and Extremadura between 1255 and 1265.

12. Within Alfonso X's definitive commitment to the explicit standardization of Castilian, the fundamental role of the royal initiatives of Alfonso VIII, Ferdinand III, Alfonso X, and Sancho IV should be highlighted. Until Castile and León united under King Ferdinand III in 1230, the Leonese chancery had issued its documents only in Medieval Latin, while the Castilian chancery had sporadically drafted documents in Castilian Romance. After the union of the kingdoms, Juan de Soria extended his functions to the Kingdom of León and maintained the use

of Castilian as the preferred Romance language of the chancery, although Leonese Romance began to be used in private and local charters until the end of the 13th century. In the period between 1231 and 1240, the percentage of Castilian texts from the Castilian-Leonese chancery doubled, and from 1241 until the end of his reign, Romance-language documents outnumbered Latin ones. By the time Alfonso X ascended the Castilian-Leonese throne, the chancery of Ferdinand III had issued around 60% of its documents in Castilian over the previous decade. From then on, the chancery of Alfonso X maintained this linguistic planning, and the use of Castilian Romance became widespread, unconstrained by document type or legal register. With its deliberate selection of Castilian Romance and exclusion of Medieval Latin, the Castilian chancery was ahead of the other kingdoms of the Iberian Peninsula, as well as England and France.

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