Daughters of the Alcaldes: Women of Privilege in Medieval Burgos

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This thesis titled
Daughters of the Alcaldes: Women of Privilege in Medieval Burgos

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ABSTRACT

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Daughters of the Alcaldes: Women of Privilege in Medieval Burgos

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This thesis contributes to the historiography by locating active women of medieval Spain in sources that reveal the reality of women’s actions as opposed to their ideal behavior. Evidence for women’s activities comes from charters—legal documents that recorded property transfers—from various religious institutions in thirteenth-century Burgos, the historic capital of the Christian kingdom of Castile. Women participated in 60% of transactions. Empowering factors included connections to urban oligarchs, dense social networks, collective enterprise, and generous inheritances. Women were not inherently disenfranchised as property owners by virtue of sex, though their absence in the roles of witness and guarantor indicates efforts to exclude women from public space. Nonetheless, the valorization of private law and the commitment to patrimonial rights worked in women’s favor to counteract (in part) the legal disabilities they faced on account of perceived feminine weaknesses. Socioeconomic status more greatly affected one’s economic opportunities than did gender.
I dedicate this thesis to my parents, Paula Ruszkiewicz and Mario Guillén. They raised me to be such a strong and independent woman, it should be no surprise that I would be drawn to study none other than strong and independent women.
ACKNOWLEDGMENTS

Infinite thanks to my advisor, Dr. Miriam Shadis. How else would I have discovered Doña Lambra and the feisty Mayor Ordoñez in the first place were it not for her firmly steering me in the right direction? Not to mention the continued guidance, discussion, speculation, working, and reworking that the entire thesis process entailed. She played such an integral role in my Master’s education, I am beyond grateful. It was truly a pleasure.

I would also like to acknowledge Dr. Clouse and Dr. Jellison for their support and assistance as my committee members. I will think twice before every semicolon I use for the rest of my life; thank you.

Lastly, thank you to my dear friend Mary Farrell for that critical chat that evening in Chicago— for knowing me well enough to make me realize I would be forever disappointed if I didn’t write a thesis.
<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>3</td>
</tr>
<tr>
<td>Dedication</td>
<td>4</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>5</td>
</tr>
<tr>
<td>List of Tables</td>
<td>7</td>
</tr>
<tr>
<td>List of Abbreviations</td>
<td>8</td>
</tr>
<tr>
<td>Introduction</td>
<td>9</td>
</tr>
<tr>
<td>Chapter 1: <em>Con Otorgamiento</em>: Collective Enterprise as the Defining Factor of Female Agency</td>
<td>20</td>
</tr>
<tr>
<td>Chapter 2: Their Own Agents: Lambra, Elvira, Sancha, Mayor</td>
<td>50</td>
</tr>
<tr>
<td>Conclusion</td>
<td>76</td>
</tr>
<tr>
<td>Bibliography</td>
<td>79</td>
</tr>
<tr>
<td>Appendix A: Sample Charter</td>
<td>87</td>
</tr>
<tr>
<td>Appendix B: Diagram—13th-Century Social Network</td>
<td>88</td>
</tr>
</tbody>
</table>
LIST OF TABLES

Table 1: Participants in non-royal land transfers from 1200-1280 .................. 30
LIST OF ABBREVIATIONS


INTRODUCTION

By a bold stroke and deft maneuvering, the newly widowed Doña Lambra managed to buy her way out of her promise to join a convent when her husband passed away. In 1207, she and her husband Pedro Franco had made an agreement between themselves and with the monastery of Las Huelgas in Burgos, Spain, that the surviving spouse would take Holy Orders as well as transfer over the majority of their property to Las Huelgas. Three years later, Pedro died. Rather than passively comply with the original agreement, Lambra found a way to remain a lay woman and to preserve her family property for her own use.¹ Joining a convent upon a husband’s death was common recourse for a widow in the Middle Ages. Doña Lambra’s case stands out because not only did she choose an alternate fate but also she renegotiated the terms of an existing agreement in order to pursue her own preferred life path.

Lambra’s demonstrated agency signals considerable empowerment and marks her as one of several women in Burgos who represent the various opportunities and options that elite women in medieval Castile enjoyed. Her case raises a number of questions about women’s agency in thirteenth-century Castile. What circumstances empowered women and how did they use that power? At the same time, how far did that power extend, and what mitigating circumstances delineated how far it extended? I argue that elevated socioeconomic status empowered women to administer their property in ways that suited their interests. Their options were not limitless, as they were circumscribed by gendered legal disability and family prerogatives. Nonetheless, both the law itself and

¹ The original agreement is recorded in DMHB, #92 (1207). The second settlement was recorded in two separate documents, DMHB #102 (1210) and DMHB #103 (1210).
group involvement created space for women’s agency, out of conviction behind private rights and preservation of patrimony. The entitlements that law provided women were rooted in uniquely Spanish inheritance customs through which daughters inherited equally with sons.

To access women’s activities in medieval Spain, documents of practice provide the best source of information. One type is the charter, a legal document that recorded conveyance of rights, in this case rights over real estate. The diction and procedure conformed to legal formulae, with minimal variation. Most medieval charters came from ecclesiastical institutions, a result of standard patterns of production, preservation, and survival. Monasteries and cathedrals kept records of the sales and purchases they made and of the donations they received, and they were also repositories of other records, such as exchanges between lay people and proclamations by kings and popes. Generally speaking, the documents an institution kept related to it in some way, even if indirectly. For instance, the monastery of Las Huelgas held the record for the land Pedro Yanez purchased from Maria Alfonso in 1263 because eleven years later he donated that same land to Las Huelgas. Holding the initial charter was proof for the monastery against future disputes over the property. Perhaps a counterclaim over land in Sotopalacios by Rodrigo Malrique’s heirs was what prompted the Hospital del Rey—a hospice for pilgrims run by male clerics—to obtain a ratification of earlier transfers, conducted nearly twenty years earlier, from Rodrigo’s widow Sancha Perez. The records associated

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2 See Appendix A for a diagram of a sample charter that translates and explains the diplomatic formulae, for DMHB, #162 (1221). Chapter 1 describes the procedure of creating a charter.
3 DMHB, #535 (1263), #574 (1274).
4 Original transfers: DHR, #257 (1245), DHR #250 (1244). Ratification: DHR, #378 (1262).
with these individuals represent the main types of exchanges that charters documented—sales, purchases, donations, and ratifications—thereby providing insight into women’s economic activities.

Because monastic archives were naturally biased towards ecclesiastical interests, they did not contain a statistically random array of documents. There is some debate about the applicability of ecclesiastical charters in the study of the laity; yet, plenty of scholars consider them viable historical sources, especially since religious ideology did not inflect the creation of land charters. The preservation of Sancha’s, Rodrigo’s, and Pedro’s land transfers at a religious institution exemplifies how ecclesiastical archives provide valuable information about lay activities. Ecclesiastical charters are also useful historical sources because there is internal consistency within them. For example, one can compare the actions of women to the actions of men as they are found in the same source type; therefore, the major factors that influenced the documentation process were the same for both genders.

The Burgos charters studied here suffer some of the limitations associated with archival records more generally. For instance, the bulk of the records originally from the Archive of the Monastery of Las Huelgas (DMHB) was transferred for storage elsewhere in Spain in the beginning of the twentieth century. Not all records were moved; rather, only a fraction was preserved. Equally problematically, the criteria for which documents deserved to be saved remains unclear, even to the foremost scholars of the DMHB.

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5 Adam J. Kosto, “Laymen, Clerics, and Documentary Practices in the Early Middle Ages: The Example of Catalonia,” *Speculum* 80, no. 1 (Jan. 2005): 47-8. Kosto is among the historians who argue for charters as evidence of lay practice; his article also discusses and amply cites this debate about ecclesiastical charters.
The documents from the Hospital del Rey present another shortcoming as sources. The edited and published volume of the records draws greatly from the Libro Tumbo, which itself was essentially a catalogue of the original collection. As such, the Libro Tumbo contains brief synopses of the content of the charters, not the actual documents themselves. As a result, these synopses are what have survived and are what I have to work with. The glaring limitation is that the full text of the original charter cannot be examined, text that in its entirety might contain valuable details, revealing language, and so on. While not ideal, the Libro Tumbo is still a valid source because it communicates the raw data of the transactions—who sold what to whom and for how much.

Feminist scholars have recently challenged the putative objectivity of various historical sources, among them archival records. A fundamental problem is the overwhelming prevalence of men as both subjects and authors. Archives and the archiving process are inherently subjective; deliberate or subconscious value judgments determine what information merits recording, and later it is up to the discretion of the archivist which records are worth keeping—or in the case of the Libro Tumbo, which ones to summarize, and how. When women appeared in historical documents like trial proceedings and Inquisition interviews, their actions and words were usually filtered

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6 José Manuel Lizoain and Juan José García, El Monasterio de las Huelgas de Burgos: Historia de un Señorio Cisterciense Burgales (Siglos XII y XIII), (Burgos: Ediciones J.M. Garrido Garrido, 1988), 64-5. The authors also cite Amancio Rodríguez López on the fuzziness of the preservation and transfer of the charters to Madrid.
7 Nupur Chaudhuri, Sherry J. Katz, and Mary Elizabeth Perry, eds., introduction to Contesting Archives: Finding Women in the Sources (Urbana: University of Illinois Press, 2010), xiv-xv. The entire volume interrogates the problematic nature of sources formerly believed to be objective, with the objective of devising alternative methodology to find women and contextualize their agency and constraint.
through a male’s voice and possibly a male’s agenda. Contextualization and adjusting for biases, essential when working with any historical sources, become all the more critical when studying medieval women. Nonetheless, archival limitations are not insurmountable, as proven by historians of regions both in Spain and elsewhere.

Charters have formed the basis of inquiry for women’s history in regions throughout Europe. Amy Livingstone reconstructs the history of the women of the ruling family of Lavardin, France, through eleventh-century charters and art found in the parish church of Lavardin. Scrutinizing the precise wording of the documents, Livingstone argues that details such as the collective verb “donamus” (we give) indicate the active role of women in land management and justice, which is evidence that these women exercised lordship over their domain. Female agency also comes to light in Scottish charters from 1150-1350. Cynthia Neville argues that women avowed their legal personhood through their personal seals, and they asserted their rights and roles in the land-holding hierarchy by inserting themselves into the granting clauses accompanying land alienation. Both the methodology and the findings of such works as these inform the present study and testify to the utility of charters as sources for medieval women.

Closer to Castile yet still distinguished by some significant legal and customary differences, other regions of Spain have also been the subject of various studies on women in charters. For León, María del Carmen García Herrero interrogates the status of

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8 Perry provides a brief but good discussion of this issue as it pertains to Inquisition records, as an example. Mary Elizabeth Perry, “Finding Fatima, A Slave Woman of Early Modern Spain” in Contesting Archives, ed. Chaudhuri, et al., 4-5.


women in Zaragoza, observing that notarial documents offer both extraordinary cases of women as both protagonist and “patient sufferer,” but also, and more importantly, plenty of examples from daily life.¹¹ In his concentrated investigation of crown registers from Valencia in 1265-1270, Robert Burns found that women were a significant presence in the documents, and moreover they spanned the entire spectrum, from prisoners and prostitutes to wealthy landholders and business owners, and from among Christians, Muslims, and Jews alike.¹² Linda McMillin’s case study of a single family over the course of four generations explicates women’s vital role in property ownership and management in thirteenth-century Barcelona.¹³ These historians all illustrate how documents of practice offer an important corrective to the image conveyed by prescriptive sources.

Legal codes, literature, moral and theological treatises, and other genres that detailed the ideal behavior of women suggest that women were severely marginalized and possessed diminished capacity to act freely and publicly. This understanding of medieval Spanish women was perpetuated by the overstatement of the Mediterranean honor/shame paradigm. This construct, rooted in anthropology and in the work of Julian Pitt-Rivers and J.G. Peristiany, maintains that society was bound to a value system in which status depended upon the reputed sexual purity of the females in a family. For decades scholars overestimated its permeation in the everyday life of historical people, leading to the conclusion that women were appreciably hindered by the stringent expectations of the

honor system. More recently, however, a definite disconnect between the ideal and the real has come to light in terms of the experience of medieval women. Stephanie Fink de Backer propounds the more useful and comprehensive “practice theory,” which accepts both the strength of patriarchy and the ability of individuals to circumvent patriarchal constraints. I find that patriarchy itself left some loopholes that women could exploit to assert their rights and interests. A tension between the rules Alfonso X desired to enforce in the *Siete Partidas* and the exceptions he had to make to those rules accommodated the actual practices of the people. The Burgos charters show women capitalizing on the exceptions delineated by the law, for instance offering pledges for family members who could not do so themselves.

A necessary qualification to distinguish is that elite women in particular were the ones best equipped—with status and money—to use the law to their advantage. The term “elite” warrants definition. My subject group of women ranked among the emergent urban bourgeoisie of Burgos. They came from prominent families of oligarchs, clerics, and, to a lesser extent, some artisans. A significant commonality they shared was that they were all affiliated with men who held public positions, indicating that such a relationship was an enabling factor for women. Though a number of noble women, typically countesses or daughters of counts, not to mention royalty, appear in the charters, 

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I elected not to study their activities simply because they were exceptional (though very likely status and wealth facilitated women’s agency among noble and royal women as well.) Instead, I identified women like Doña Lambra who seemed moderately wealthy and well-positioned in society, yet lacked aristocratic titles. These women stand out in part due to the nature of the sources: The Burgos charters inherently favored people with enough means to be buying, selling, and donating land in the first place that would necessitate them leaving behind records of their activities.

Concomitant with elite status, then, were ample resources, in the form of an extensive patrimony (*heredad*) that an elite woman was guaranteed by virtue of gender-blind partible inheritance. Through this practice, all children, regardless of sex, age, and birth order were mandatory, equal heirs. Both sons and daughters possessed virtually unchallengeable claims to their parents’ property that the law staunchly protected. As with men, the mere fact of property ownership was a tremendous advantage to women, for in fact land was the prevailing source of wealth, authority, and power throughout medieval Europe. Land could be sold or leased for profit, bequeathed to loved ones or religious institutions, exchanged for different property, or retained as a keystone to amassing an estate. Even just listing out the options shows that land ownership created opportunities for personal volition and enhancement for individuals, including women. Inheritance rights and the patrimonies themselves greatly empowered women.

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What did it mean for a thirteenth-century woman to be empowered by higher socioeconomic status? What benefits or privileges did women reap from their elite status and from their connection to well-placed men? I conceptualize empowerment as, firstly, more options to choose from, and secondly, greater latitude to assert their own will; empowerment meant women were not completely pigeonholed into a single life course determined by family members or others. Pedro Franco may have wished for his wife to become a nun when he died, but Lambra had the option and the ability to redirect her future; armed with wealth and status, she renegotiated her own desired outcome so as to live the rest of her life as she wished. Women’s options emerge through their enacted ability to choose them. Their choices became visible when they articulated their personal wishes with subjective voices that stand out from the legal formulae of the sources, and when they effected wishes that controverted the norm. Certainly expressing personal volition did not preclude following the norm either. Naturally, even these empowered women were nonetheless subject to constraints, as were all people of all genders and statuses. Even when they ostensibly acted more or less independently, it was not in a vacuum free of outside influences. As Penelope Johnson asserts, “medieval people certainly did not exercise freedom of choice as modern Western society knows it; family strategies and traditions as well as class and sex determined the latitude available for individual decision making.”

My analysis is in keeping with feminist scholarship that redefines the nature of power. One recent feminist approach has been to “[move] away from a limited and

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traditional view of public authority to a wider view which encompasses the ability to act effectively, to influence people or decisions, and to achieve goals."\(^{20}\) Also instrumental to my perspective is Miguel García-Fernández’ assertion that the key to studying urban oligarchy is to view it as a group of families rather than a group of disparate individuals. Reframing power in this way allows for the participation of women even if they did not hold the formal positions of authority themselves.\(^{21}\) The women studied here were not the judges or mayors of Burgos; they were, however, related to the men that filled these roles and as a result they were proximal to power.

The Burgos charters show that women participated in 60% of transactions. Proximity to power clearly translated to significant economic activity on the part of these women. In addition to connections to important public figures, women were empowered by dense social networks and by generous inheritances of land in the town or region of Burgos. Furthermore, the valorization of private law and the commitment to patrimonial rights worked in women’s favor to counteract (in part) the legal disabilities they faced on account of perceived feminine weaknesses. Chapter 1 explains the geographic and historical context of Burgos as the capital of Castile and summarizes the charters’ statistics. It then shifts to the importance of collective activity. Lastly it discusses the tension between women’s legal disabilities and rights. Chapter 2 explores the lives of four specific elite women, analyzing how they administered their real property and what factors enabled them to do so. Women were not inherently disenfranchised as property


owners. Rather, optimal conditions of relational status, family ties, group involvement, and patrimony could create opportunities for female agency.
CHAPTER 1: **CON OTORGAMIENTO**: COLLECTIVE ENTERPRISE AS THE
DEFINING FACTOR OF FEMALE AGENCY

The question of women’s agency has been a major theme in the scholarship of
medieval Europe, to the extent that is has been subject to criticism and revision. Rebecca
Lynn Winer, for instance, is “interested in the choices made by individual women,
understanding that they enjoyed only a small ‘margin for maneuvering’ among the
available options within a gender system.” Rather than polarizing women’s experiences
into victimization or agency, she proposes that “understanding women’s roles at a given
historical moment lies in recognizing when and why their agency was tolerated,
sponsored, or restricted.”

The historical moment she researches is 1250-1350 in
Perpignan, an Aragonese town on the French border. Critical to her analysis is her
continued attention to the relational dimensions of women’s lives, that is, how women’s
relationships to other people, particularly family members, shaped their opportunities,
limitations, and ultimately how they responded to both.

Interest in agency lends itself easily to a microhistorical approach. Microhistory
zeroes in on individuals then expands out, asking big questions of small subjects. “For
microhistorians, people who lived in the past are not merely puppets on the hands of great
underlying forces of history, but they are regarded as active individuals, conscious
actors.”

This thesis is a microhistory of a group of several women in thirteenth-century
Burgos, and the documents they left provide a glimpse of women’s agency in the form of

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active land management, control of resources, and expression of personal volition. All of these, of course, were inflected by the women’s particular geographic and historical environment.

**Burgos: Capital of Castile**

The character of medieval Burgos as a commercial and political center stemmed from both its status as capital of Castile as well as its geographic location. Situated in north-central Iberia, even in its inception Burgos prefigured the apex it would reach in later centuries. King Alfonso III of León established Burgos as a military outpost in 884, at the onset of the Reconquest, or the Christian push to reclaim Iberian territory previously taken by the Muslims. Founded at the beginning of the Reconquest, Burgos enjoyed relative insulation from attack, especially as the Christians succeeded in conquering land farther and farther south. Consequently, it flourished earlier than other towns in Castile, in no small part due to its preferential status among the Castilian kings, who made it their capital in the eleventh century.

Royal preference was manifest in many ways in Burgos that directly pertain to this study. Firstly, Burgos held the privileged position as seat of the *Merindad Mayor* de Castilla, or the center from which the royally-appointed *merino mayor* oversaw his jurisdictional, administrative, and military district. Also known as the *merino regis*, this official collected royal taxes, recruited troops, maintained public order, and generally represented royal interests. This arrangement solidified Burgos as a locus of regional power with access to the king. For the *merino* himself, this translated to elevated status

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and power. For the town, this meant that positions of authority within Burgos could take on additional weight or significance on a larger scale.  

In the late twelfth century, King Alfonso VIII and Queen Leonor also bestowed royal favor on Burgos by founding and generously endowing two preeminent institutions, Santa Maria la Real, known as Las Huelgas, a monastery for (elite) women, and the Hospital del Rey, a hospice for pilgrims. Both were significant as religious centers, but also (and as concerns this project) as major señoríos, or dominions. They were key players in the economy of Burgos, acquiring land by pious donations or through an active program of purchase or lease. Jesús Crespo Redondo argues that these religious institutions as “lords” were the single most important factor in urbanizing Burgos, preexisting even commerce and artisanry. Finally, the kings of Castile granted Burgos important privileges such as exemption from taxes, permission to hold (increasingly frequent) markets, and authorization of additional judges. In sum, royal favor greatly benefited Burgos, stimulating a dynamic economy and affording municipal leadership substantial power.

Also decisive in the town’s development was its location along the Camino de Santiago, an important Christian pilgrimage route that attracted pilgrims from throughout the Spains and even from across the Pyrenees. Stretching across northern Iberia to Santiago de Compostela in the northwestern corner of the peninsula, the Camino brought large numbers of people, including foreigners, through Burgos. Some of these people

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26 Crespo Redondo, Evolución del espacio urbano de Burgos durante la Edad Media, 64.
elected to stay and settle in Burgos. With them they brought both external income as well as material goods for trade and the international connections to support lucrative long-distance exchange. Each of these amplified and diversified the economy of Burgos and allowed it to urbanize at the pace and in the ways in which it did. Acknowledging the economic benefits this sector brought to Castile, royal and municipal authorities alike encouraged foreigners in their trade. Some municipal ordinances that outlined merchants’ rights, privileges, and obligations explicitly acknowledged and protected foreigners, affording them equal rights as citizens. For all of Castile, Alfonso X (r. 1252-1284) granted several concessions to foreign merchants, having already benefited from the increase in mercantile activity they had brought for over a hundred years. These privileges included guarantee of safe conduct, exemption from taxes on goods for personal or familial use, absolution from crimes incurred for prior contraband, and ability to export in quantities equal to amount imported. In sum, the kingdom of Castile and Burgos in particular readily welcomed foreigners, and by various privileges members of this migrant population successfully established a firm, even elevated, place in Spanish society.

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27 Crespo Redondo, Evolución del espacio urbano de Burgos durante la Edad Media, 59-61.
28 The fuero of Ledesma accounted for “derechos, e igualesa todos, tambien a los estranos, como a los de la Villa,” meaning rights and equality, as much to foreigners as to those of the town, quoted in María del Carmen Carlé, “Mercaderes en Castilla (1252-1515),” Cuadernos de historia de España XXI-XXII (1954), 175.
Public Officials

Facilitated by these privileges, foreign settlers generally integrated easily into Castilian society, often entering the ranks of the burgeoning urban oligarchy. The oligarchy consisted of “buenos hombres” (literally “good men”) who participated in the town council (concejo), the assembly of property owners who met to discuss and settle issues of justice, taxes, military service, and market standards. The council also elected various magistrates and administrative deputies. Within the town, the two primary positions of authority were the juez and the alcalde. The juez (mayor) was the head of the municipal government, usually elected to one-year terms; he summoned and presided over meetings of the council, as well as carried the town banner into battle alongside the militia. The alcaldes, or magistrates, were selected annually from the town parishes; they assisted the juez and served judicial roles, holding court (“corral de alcaldes”) once a week.

These positions conferred status and wealth, mandated by the king. In Alfonso X’s mid-thirteenth-century legal text, the Siete Partidas, he declared that

Judges deserve to receive liberal compensation when they perform their duties well and faithfully, and this is of two kinds. First, they obtain by this course great eminence and a good reputation, and kings and all the people love and honor them. Second, they are paid a good salary and are benefited in many other ways by persons trusting in them, and by their being appointed in their districts to dispense justice to the people.

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The additional benefits earned by judges were not spelled out, but perhaps this line alluded to, for instance, greater influence in the town council’s deliberations, since the judge had already proven his wisdom and trustworthiness in court. In any case, clearly the station of judge was an exalted one, and being related to a juez, merino, or alcalde fostered women’s agency as evidenced by their wives’, daughters’, and sisters’ increased economic activity.

Official positions and land ownership were intimately linked and mutually reinforcing. Wealthier individuals tended to win appointments or elections into municipal or royal positions, but at the same time holding those positions also gave those people opportunities to increase their wealth. For instance, landholding elites “were often able to dominate the municipal councils (frequently through purchased offices), where they could influence the making and enforcing of local laws. The result was that the large landowners were sometimes able to control the use of community property, for their own benefit.” Even more directly, royal appointees, like merinos, often received land from the king as an outright gift or reward for service, or land in tenancy, which also served as a tool for the king to exert royal power.

Royal favor translated to material gains and enhanced influence in the town, for both the position-holder and his female relatives, as illustrated by the example of Maria Remonth. Maria was connected to both a wealthy foreigner and to a man in public service.

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to the king. She was the sister of Ramon Bonifaz, the first Almirante (Admiral) of Castilla, who won great glory in Ferdinand III’s conquest of Sevilla in 1248. She was also the wife of Guiralt Almerich, whose name strongly suggests he was of foreign stock, likely German.\(^{35}\) From both familial and marital property, Maria built up an urban estate in the important barrio (neighborhood) of San Nicolas, located right by the Cathedral of Burgos, home of notable personages such as alcaldes, chaplains, and elite tradesmen—and our Maria Remonth.\(^{36}\) She held various houses in her own name prior to marriage, and she supplemented these through two arrangements with her husband. The first was her arras (dower), received upon marriage, and the second was a convenio (agreement) made after the couple had already been married for some time. In the convenio, Guiralt ceded Maria control over houses specified to be ones the couple had purchased together that were located adjacent to Maria’s own on the Calle Tenebregosa.\(^{37}\) The acquisition of valuable, adjoining houses that combined natal and conjugal property indicates intentional, strategic property management on the part of Maria. Her husband’s consent was a necessary factor, but so too was her personal agency, facilitated by substantial resources.

In the 1233 convenio with her husband Guiralt, Maria also articulated her personal interests and guaranteed herself access to their joint assets. Maria secured a hefty monetary sum (2000 maravedis) for disposal upon her death, assuring she would be

\(^{35}\) Amancio Rodríguez López, El Real Monasterio de las Huelgas de Burgos y el Hospital del Rey: apuntes para su historia y colección diplomática con ellos relacionada (Burgos: Imprenta y Librería del Centro Católico, 1907), 398, 437.

\(^{36}\) DMHB, #269 (1232).

\(^{37}\) DMHB, #271 (1233). This was the document of the convenio, but it also noted explicitly what Maria’s arras had been.
able to make last bequests according to her own wishes. Should she die without having specified the destinations for these funds, the charter stated, the money would defer to Constanza, daughter of the king and Lady of Las Huelgas. Furthermore, if Guiralt failed to turn the 2000 mrs. over to Constanza within 300 days of Maria’s death, he would then owe an additional one thousand mrs. in Maria’s name! In sum, Maria’s allotment would be distributed as she dictated or given in pious endowment to an institution she approved of, rather than revert to her husband.

Another term of the agreement awarded Maria a sizeable annual allowance of 200 maravedis derived from rents in Cabdalero. The contract stipulated that this sum included any gains those rents accrued, that Guiralt neither possessed nor should ever posses any part of them, and that Maria could do with that money as she wished. While this might not sound so novel—that Maria maintained control over what was already hers—it was in fact an important concession given the “marital property regime.” Though a wife officially retained personal ownership over the property she brought to the marriage, her husband governed the couple’s financial resources, including her original assets and all communal gains. In this settlement, however, Maria kept ownership and the freedom to

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38 As it turns out, one of Maria’s planned endowments was to Las Huelgas, for a month later she arranged with the abbess that certain of her houses would revert to the convent when she died. Her personal volition is discernible in her instructions for her burial: “Ego, domna Maria Remonth, do et prometo mio cuerpo a mi fin al Monasterio de Sancta Maria la Real que en otro logar non me pueda dar.” She promised her body to Las Huelgas and she can’t be put anywhere else. Requesting burial at a monastery was certainly common enough, but the language seems especially Maria’s.

39 “Et demas desto, los CC mr. que tiene donna Maria en censo Cabdalero, otorga don Guiralt que son todos de donna Maria, con todas quantas ganancias dios y quisiere dar, et que el non y deve auer nada. Et ella que faga dellos lo que quisiere en uida et en muerte....” “Additionally, Guiralt concedes Maria total control of the 200 mrs. derived from rents in Cabdalero, with all gains that God bestows, and he [Guiralt] has nor should ever possess any part of it. And she [Maria] can do with them as she pleases in life and in death.”DMHB, #271 (1233).

spend her money however she pleased, independent of her husband’s authority. The language, the repetition, and the very exact stipulations of the charter convey Maria’sadamant intentions to protect her autonomy and her assets. After the standard closing(reigning king, date, list of witnesses) the charter tacks on an additional paragraphwitnessed by four male religious: Guiralt’s holy oath to uphold the terms containedtherein (“iuro et prometo uertad a dios que...atienda a todos istos paramientos supra
scriptos”). Maria thus secured an additional guarantee for her protection. Maria Remonthis one of a number of women whose voices and agency shine through in the charters.

Women by the Numbers

Maria Remonth’s convenio with her husband is just one of many extant charters from Burgos and its environs that survive from the thirteenth century. My time frame is1200 to 1280. Jesús Crespo Redondo maintains that Burgos did not truly becomeurbanized until the mid-twelfth, early thirteenth century. Additionally, around 1200 a radical transformation occurred in land purchases, so that year makes a good benchmark to begin this study. Beginning in 1200 also allows me to center my investigation on two major institutions, Las Huelgas and the Hospital del Rey. King Alfonso VIII and Queen Leonor founded the convent of Las Huelgas in 1187 and the Hospital del Rey shortly thereafter; the Hospital was placed under the jurisdiction of Las Huelgas in 1212. San Juan, founded in 1091, was the third of the trifecta of powerful ecclesiastical

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41 Crespo Redondo, Evolución del espacio urbano de Burgos durante la Edad Media, 59-60.
landholders. The charters of these three important religious institutions—the Hospital del Rey and the monasteries of Las Huelgas and San Juan—comprise the core source-base for my analysis of women’s land activities in medieval Burgos. I selected 1280 as an endpoint because the ascension of Sancho IV precipitated a new chapter in the economic climate of Castile.

Over one thousand charters survive from Las Huelgas, the Hospital del Rey, and San Juan from the period between 1200 and 1280. I counted and catalogued them all for quantitative analysis, my criteria based on who participated in the transaction: independent man, independent woman, spouses, men with others (with the man as the primary actor), women with others (with the woman as the primary actor), groups (with participants listed on equal terms of involvement). These data provide a window into broad trends of land exchange, with particular attention to gender. They also allow for microhistorical analysis of a few individuals.

The transactions surveyed primarily fall into three categories: “compraventas” (sale/purchases), “permutas” (exchanges), and donations, in which I also include the occasional wills. They were undertaken by and with individual persons, groups of individuals, and religious institutions. They could be initiated by the person him or herself, with his or her spouse, with one or more family members, or even with individuals of unstated affiliation. From these patterns of exchange, we can make

43 Crespo Redondo, *Evolución del espacio urbano de Burgos durante la Edad Media*, 180. The Hospital was populated by a small community of Cistercian clerics; Las Huelgas was a female Cistercian monastery; and San Juan was a Benedictine monastery for men.
observations and suppositions about both the similarities and the differences between men’s and women’s activities. The commonalities reveal what women were empowered to do, and close analysis gets at the particular circumstances enabling them. The disparities demonstrate limitations women faced. For both we may draw upon other historiography of the period to explain and understand what conditions created these opportunities or setbacks.

Numerical analysis of the charters yields the following results:

Table 1

*Participants in non-royal land transfers from 1200-1280*

<table>
<thead>
<tr>
<th></th>
<th>Las Huelgas</th>
<th>Hospital del Rey</th>
<th>San Juan de Burgos</th>
<th>Totals for all 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man (1)</td>
<td>121 (38%)</td>
<td>123 (41%)</td>
<td>13 (45%)</td>
<td>257 (39%)</td>
</tr>
<tr>
<td>Woman (1)</td>
<td>37 (12%)</td>
<td>37 (12%)</td>
<td>2 (7%)</td>
<td>76 (12%)</td>
</tr>
<tr>
<td>Man w/ groups</td>
<td>17 (5%)</td>
<td>24 (8%)</td>
<td>0</td>
<td>41 (6%)</td>
</tr>
<tr>
<td>Woman w/groups</td>
<td>16 (5%)</td>
<td>21 (7%)</td>
<td>1 (3%)</td>
<td>38 (6%)</td>
</tr>
<tr>
<td>Groups</td>
<td>19 (6%)</td>
<td>23 (8%)</td>
<td>1 (3%)</td>
<td>43 (7%)</td>
</tr>
<tr>
<td>Spouses</td>
<td>110 (34%)</td>
<td>75 (25%)</td>
<td>12 (41%)</td>
<td>197 (30%)</td>
</tr>
<tr>
<td>Total # documents</td>
<td>320</td>
<td>303</td>
<td>29</td>
<td>652</td>
</tr>
</tbody>
</table>
This table presents a breakdown of numbers in the charters between non-royal parties or between a non-royal party and a religious institution. \(^{45}\) “Man (1)” and “Woman (1)” indicates the charter was initiated by a single individual, either one man or one woman (not to be confused with single as a marital status). “Man/Woman w/ groups” means a single individual is listed first and then said to be accompanied by others. Groups, on the other hand, are names listed on equal terms, implying they all initiate the charter together as opposed to one person as the main protagonist of the land transfer. The category of spouses comprises specifically a single conjugal unit; where more than one marital couple participates they are included in the category of groups.

The table shows that the proportions remain consistent across the three institutions and for each compared to the total; the data are numerically significant and viable. The largest proportion of society participating in land transfers were individual men (39%), followed by spouses (30%), then groups (19%), and lastly women (12%). While seemingly disenfranchised on first glance, at 12% participation rate compared to men’s 39%, in fact, women participated in around 60% of transactions, which suggests a much more active role in society than expected. \(^{46}\) The higher rate of women’s participation when they were with a group or a spouse provides a basic answer to my research question of what conditions facilitated female agency. The numbers show that women could exercise power through collaborative ventures.

\(^{45}\) I deliberately omitted the other 379 miscellaneous documents from the archives: royal donations, papal bulls, lawsuits, and transfers between monasteries.

\(^{46}\) “Around 60%” because for the group categories I did not make precise note of whether both sexes were involved in the transaction, but most of them did include at least one woman, usually a wife or sister, but sometimes of unknown affiliation. Consequently, the percentage may be slightly lower, yet still substantial.
Collective Enterprise

Collective enterprise undoubtedly shaped society and the purview of individuals to act in thirteenth-century Burgos. The fact that standard procedure for legal agreements demanded the involvement of outside parties makes this clear. A scribe memorialized the agreement in a public instrument, then “good men” were enjoined to act as official witnesses. The law stipulated at least two witnesses, but almost always there were several; the more important the individuals involved, the greater number and higher status of witnesses, typically. The Siete Partidas instructed these witnesses to listen to the notary read aloud the terms of the agreement, verify that both parties orally agreed to the terms, and then sign their names (or have the notary write their names) in the document attesting that the agreement was sound and its terms faithfully transcribed.47 There was also space for a third ancillary role, that of guarantor. One or more persons could lend their weight to the promise the principal made, themselves promising to enforce the terms or to compensate the buyer should the seller be unable or unwilling to uphold his or her end. The unspoken but necessary qualification is that the guarantor have sufficient resources to provide this compensation should it come to that. While not required by law, guarantee clauses appear in many of the Burgos charters. These three ancillary roles—notary, witness, guarantor—gave a decidedly public character to land exchanges.

On a most basic level, the presence of these additional individuals legitimized the transaction by making it a public affair. The language used in the charters illustrates that publicity was paramount. The promulgation phrase at the beginning (“Let it be known to

47 Part. III, Tit. XVIII, law LIV. Burns, ed., Las Siete Partidas, vol. III, 717. “Good men” or “boni homnes” as it most often occurs in the documents connoted reputable male citizens of the town.
all”) enjoined that the act be made public knowledge, and the list of witnesses were introduced as “testigos que lo vieron y lo oyeron” (witnesses who saw and heard it), thus drawing attention to the acts of seeing and hearing that the witnesses performed. William Moore examines the language of royal Leonese diplomas and argues that elements like present-tense verbiage made a charter “more than just a record for posterity. The charter is a physical artifact of the act itself,” legitimized by the confirmation of witnesses.48 Ellen Kittell focuses on the significance of these ancillary parties in thirteenth-century Flanders and proposes that “presence at an event ceases to imply passivity and reaction; instead, it takes on a multidimensional role as actualizer and creator of the events that shaped medieval society.”49

Another feature of the charters that functioned in a similar way was the custom of the buyer providing seller an item of clothing alongside the actual monetary fee. The buyer physically gave the seller “un manto en robra,” “a cloak in confirmation”, or sometimes a capa (cape) or even a sombrero (hat). The garment signified symbolic currency to validate and make publicly visible the exchange.50 This concern for publicizing otherwise private exchanges—or, perhaps, the conflation between public and private—exemplifies the importance of community in the thirteenth century.

The inclusion of a lengthy list of witnesses could also serve a symbolic function of creating bonds between individuals and families. Gaining the approval of one’s peers,

48 William R. Moore, “Religious Language and the Construction of Royal Power: León, 1037-1126” (Ph.D. diss., Columbia University, 2009), 382.
and perhaps granting approval to those same peers later, establishes a connection; pragmatically because if a complication arises later, the actor might rely upon the testimony of his or her witnesses to help settle the dispute in his or her favor; symbolically because those individuals will be forever associated together due to their mutual inclusion on at least one document. Jesús Rodríguez-Velasco’s work explores how non-noble urban bourgeoisie utilized the principles of chivalry to assert their rights and their place in society during the fourteenth century. Key to their endeavor was presenting a united front against encroaching aristocratic and royal powers, through the creation of brotherhoods. Rodríguez-Velasco argues that the foundational documents of these organizations effected this cohesion by, among other strategies, the mere act of compiling members’ names together.51 These confraternities emerged in the late thirteenth century and greatly expanded in the fourteenth, just after the time period I investigate. Thus I suggest that witness lists in thirteenth-century land charters prefigure the more concrete political posturing found later among official confraternities. While witnesses also served practical functions, and though it can not be known definitively how intentional this bond-making was, the result was the same—witness lists created and reflected links between specific people.

The witness lists in the Burgos charters reveal concrete networks of elite individuals connected by mutual participation in land transfers. One group, diagrammed in Appendix B, included (at least) five individuals who owned houses in the neighborhood of Sanct Llorente, along the Camino de Santiago. This area, right by the

cathedral, was the commercial, religious, and political center of Burgos, and home of the town’s oligarchy. Sanct Llorente remained the residence of the town’s elite into the next century, and beyond. In 1338, Sanct Llorente boasted over half of the members of the Real Hermandad, a brotherhood founded by Alfonso XI to crystallize the town’s non-noble knights into their own social order. The continuity between this mid-thirteenth-century social cohort and the elite confraternity of the fourteenth supports the interpretation of witness lists as precursors to the formalized efforts of bond-making that Rodríguez-Velasco describes.

The Sanct Llorente network of individuals centered around the person of Teresa Fernandez. Teresa, daughter of Fernando Alvarez and wife of Pedro Gomez, was the nexus of several property exchanges that bring these shared connections and vested interests to light. In October, 1224, and May, 1225, Teresa and Pedro made two sales to Las Huelgas: first land in Villanueva de Rio d’Espuela (approximately 80 miles southwest of Burgos) for 200 maravedis, and then various towns in the region of Juarros (just 10 miles east of Burgos) for 400 maravedis. Interestingly, five of the same individuals witnessed both of the transactions: Pedro Fernandez de Ladron, Gutier Ruiz d’Olea, Marcos de Cozcorrita, Pere Elias de Essar, and Pedro Uaracon. Cozcorrita was one of the towns the couple ceded to Las Huelgas, so it makes sense Marcos de Cozcorrita witnessed the second sale, but he was certainly not necessary for the first in terms of proximity. Additionally, he witnessed no other charters. This means he was not

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53 DMHB, #194 (1224), #198 (1225).
simply a regular in the court, but that he was present for Teresa and Pedro’s transaction for a reason, which suggests a personal affiliation with the couple (or their land).

Four of these men who testified for them also appeared together in the witness list for a sale by Urraca Remondo (with the permission of her husband Martín Perez de Arcos) in April, 1224. The property Urraca sold consisted of her portion of the forno (oven) and casa (estate, often several edifices) that had belonged to Pedro Lambert, located next to the casa of Perronet, chaplain of the church of St. Nicholas. This same Perronet also witnessed the partition of goods between Doña Lambra and Las Huelgas; he was, after all, Lambra’s neighbor along the Camino in the Sant Yague neighborhood of Burgos. To this latter transaction, one of the witnesses was Pere Elias, who was present for both sales by Teresa and Pedro discussed initially. In addition to these, he also witnessed two separate sales of shares of a mill at the confluence of the Arlanzon and Cardeñadijo rivers, one of which was by Pedro Lambert. While this might give the impression that Pere Elias was just a highly active civil participant, frequently in attendance at court, in actuality these five transactions were the only ones he ever witnessed. What these documents show, then, are a number of individuals who repeatedly featured in transactions associated with specific people or property. From this robust example built around the woman Teresa Fernandez, I argue that witnesses were not random, but rather they reflect networks of neighbors, relatives, and individuals with overlapping interests.

54 DMHB, #191 (1224).
55 DMHB, #102, 103 (1210).
56 He was also a neighbor of Maria Remonth. DMHB, #269 (1232).
57 DMHB, #23 (1189). The other was DMHB, #26 (1189).
The land transfers enacted by Teresa’s two sisters provide further proof of the importance of social networks and how they could empower women. In 1238, her sister Urraca Fernandez, a nun at Las Huelgas, bequeathed to the monastery her inheritance in Villanueva de Rio de Esqueua, a routine *quinto* donation.\(^58\) Heading the list of witnesses were Enrique and Felipe, the sons of king Fernando III; this in and of itself indicates that the transaction was one of importance, either for the persons involved or for the land being exchanged.\(^59\) Also anomalous and of more concern to this study was the presence of two nuns who did not rank among the convent’s hierarchy: Teresa Martinez, daughter of Martin Perez de Arcos, and Urraca Muñoz, daughter of Muño Ruiz. Martin Perez de Arcos was part of the social cohort described above.\(^60\) His son Alfonso witnessed Teresa and Pedro’s first sale to Las Huelgas.\(^61\) And here, his daughter Teresa witnessed another. In 1228, a third sister, Helo, sold off patrimonial land to Las Huelgas, and a third member of the Martinez de Arcos family, Rui, witnessed it.\(^62\) A “Ruiz Martinez de Uilla Heles” (Villaheles, 70 miles west, in León) is listed as the father of Gutier Ruiz de Arcos, who

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\(^58\) By law (*Fuero Juzgo*), individuals were permitted to donate no more than one-fifth of their total assets to religious institutions, in order to protect heirs’ rights of inheritance. Ruiz, *From Heaven to Earth*, 62. However, as Lizoain and García note, at Las Huelgas this was rule was often disobeyed, and they reference in particular Urraca Fernandez’ donation as an example of this. Lizoain and García, *El Monasterio de las Huelgas de Burgos*, 369-70. The document in question is DMHB, #310 (1238).

\(^59\) At least in the surviving charters from Las Huelgas, Enrique and Felipe very rarely if ever witnessed documents not promulgated by the king.

\(^60\) When the monastery was involved in land transfers (especially alienations), there were always several nuns listed as witnesses but they were always the community leaders, such as the prioress, cellerer, cantor, sacristan, etc. The witnesses almost never came from outside the convent hierarchy.

\(^61\) DMHB, #194 (1224). Again, Alfonso Martinez de Arcos was not a frequent witness; the only other charter that bears his name is from the same month and year as the sale by his parents (April, 1224) and directly precedes the latter’s record. Therefore I conjecture that that was one instance in which someone stepped in as an arbitrary observer for a transfer that required more witnesses; he was available to do so because he had accompanied his parents. (DMHB, #190).

\(^62\) DMHB, #218 (1228).
witnessed a sale that included land in Villanueva de Rio. This locale was the same from which Teresa Fernandez and her sisters sold land. Also of note is that one of the other witnesses for this latter transfer was Muño Ruiz, the father of the second nun that witnessed Urraca Fernandez’ donation. The two non-titled nuns were therefore empowered to participate in a major transaction due to their family connections and obligations; they acted as representatives of their fathers and of their family interests—the males in the secular, public world, the females in the more (appropriate) private cloister.

The continued interaction between these three families, not to mention all of the parties named above, once again demonstrates that witnesses could be more than just passive bystanders. Witnesses formed a “network of relationships” in which “the power and social status of individuals was far more closely connected to the density and variety of their social relationships than to material resources over which they exercised individual rights only of a highly nebulous nature,” that is, of a more communal nature.

The transactions described in charters show how elite people used their wealth, while the witness lists indicate how they used their social status. Wealth and status were mutually reinforcing and in thirteenth-century Burgos these took on a communal character.

Besides serving as a touchstone for an extensive social network, Teresa Fernandez also stands out as one of very few non-royal lay women to have witnessed a charter. She was party to her sister Urraca’s bequest to Las Huelgas, listed in conjunction with her husband, who was Urraca’s guarantor. It is significant that Teresa was not able to provide

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63 DMHB, #287 (1235).
the surety to her sister directly, but that her husband had to be the one to do it. And yet, involving the guarantor’s wife as a fellow witness showed that she had a stake in the affair too. That is, Pedro was undertaking a debt obligation (the language of the law regarding sureties framed it in such terms, and charters always stipulated precise fines for defaults.) As Pedro’s wife, in the society of acquisitions that animated Castilian marriage custom, Teresa assumed both common ownership and common debts with her husband.65 This particular example embodies what Heath Dillard calls an “alliance of collaborators.” Based on Castilian law codes, Dillard concludes that a husband’s authority was not absolute—even when the laws stated that a wife was subject to her husband’s will. Instead, marriages were alliances of collaborators, and wives, rather than merely emissaries from one family to another, were active agents “who retained invaluable links with her own relatives through property and affection.”66 As prescriptive sources, law codes promulgated an ideal, rather than described what actually played out. Teresa Fernandez’ real-life activities confirmed what the law proposed. Pedro had to consult with her when undertaking a debt obligation. And Teresa needed Pedro’s sanction when she sold any of her property. In common formulaic language, the charter spelled this out: “con otorgamiento e con plazer de mio marido don Peydro Gomez...vendemos e robramos” (with the authorization and pleasure of my husband Pedro Gomez...we sell and confirm).67 Enabled by a substantial patrimony, Teresa Fernandez actively managed her resources, assisted her family members, and participated in an extensive social network.

65 Dillard, Daughters of the Reconquest, 69.
66 Dillard, Daughters of the Reconquest, 94.
67 DMHB, #198.
The importance of collective activity was manifest in property exchanges in yet another manner, if we conceptualize the roles of witnesses and guarantors as functions of a “community responsibility system.” In this system, honest transaction was (ideally) achieved by implicating the entire community. The entire community was liable for defaults and also the entire community benefited from the adherence of its individuals, for the entire community was liable for the actions of its members. In the most concrete sense, the principle and the guarantor certainly comprised a “community” because the guarantor was legally and materially accountable for the principle’s pledge. Extending the model further, the witnesses in conjunction with the principle and guarantor also comprised a community that compelled an individual to uphold his promise. While not at direct, personal risk of penalty, witnesses nonetheless stood to lose in the long run because economic activity in general would stagnate if too many defaults made people hesitant to continue exchanging money and goods. Consequently witnesses embodied underlying social pressure to uphold the agreement. Avner Greif has argued for the existence of the community responsibility system in twelfth-century England, Flanders, and Italy. He highlights, for one thing, laws dictating literal, physical confiscation or impounding of goods (as opposed to a more distant threat of confiscation, 40 days down the line). Medieval Spain had similar laws. Using this economic model allows us to comprehend more fully the truly communal nature of medieval society and trade.

70 Greif, “Institutions and Impersonal Exchange, 185.
The role of collaborative agency and consent is also manifest in the charters that document land alienation by a monastery. Transactions in which a monastery ceded (sold, leased, lent for usufruct) land or services to an outside party always required the authorization of some of the nuns, who acted on behalf of the entire convent in giving their consent. The formulaic language in the beginning of each of these charters reveals the group mentality: “yo, donna Ignes, por la gracia de Dios abbatisa del monesterio de Burgos qual dizen Sancta Maria la Real, con plazimiento e con otorgamiento de todo nuestro conuiento deste mismo logar, fazemos cambio con uos, don Pero Royz de Çelada, de una nuestra tierra d’Estepar que auemos...” The utterance begins with the singular subject pronoun “yo” (I), yet after stating that it is with the full consent and indulgence of the entire convent, it shifts to the plural verb “fazemos cambio” (we exchange), followed by qualifying the land as that which “we have.” Those consenting to the sale were members of the convent’s hierarchy: the prioress, cantor, sacristan, cellarist, and porter (priora, cantora, sacristana, çelleriza, portera). The presence of these women was essential to validate the sale because, as with sales transacted by the laity, convents were bound to the strict rules of property ownership, in that anyone who had or could potentially lay claim to the property had to consent to its sale. The nuns who witnessed or confirmed the exchange represented the will of the rest of the members of the monastic community to the effect that none of them would be able to dispute it in the future. The collective participation of the whole convent, represented by a few specified nuns, recalls the communal nature of property ownership inherent in the charters of medieval Burgos.

I, Doña Inez, by the grace of God abbess of the monastery of Santa Marial la Real of Burgos, with the pleasure and authorization of our entire convent in this same place, we exchange with you, Pedro Ruiz de Celada, our land in Estepar that we have...” DMHB, #339 (1243), emphasis added.
Equally importantly, it was an outgrowth of monastic ideals of community and poverty (no private property allowed.)\textsuperscript{72}

The practice of involving an entire chapter of monks or nuns was not isolated to Castile alone. In England, the bishop Hugh of Lincoln ordered that “no documents should be sealed without the knowledge of the entire chapter of nuns, or at least of its wiser part.”\textsuperscript{73} But at Las Huelgas, obtaining the consent of the community was especially crucial because of special privileges its members enjoyed. Namely, it was the mechanism by which nuns were able to maintain control over their property and alienate land for themselves. Rather than turning over their land to the convent upon joining the order, as was the rule at most monasteries, nuns at Las Huelgas received express permission from Pope Gregory IX in 1234 to be able to transfer patrimonial land, so long as it was done with the authorization of the abbess.\textsuperscript{74} Obtaining appropriate authorization to transfer property took on especial significance at Las Huelgas because of its unique privileges. These privileges empowered women who belonged to the convent because they retained control of property they brought with them and because they had some say in the business of Las Huelgas’ community property.

\textsuperscript{72} Constance Brittain Bouchard argues that “throughout the twelfth century the Cistercians continued to be considered with the ear of the saints, even while they also became accomplished financial managers.” Holy Entrepreneurs: Cistercians, Knights, and Economic Exchange in Twelfth-Century Burgundy (Ithaca, NY: Cornell University Press, 1991), 4. Las Huelgas, a major feudal lordship, embodied the same paradox, evident in these transactions that simultaneously acknowledge the importance of community and betray their vast property ownership.

\textsuperscript{73} Quoted in Constance H. Berman, Women and Monasticism in Medieval Europe: Sisters and Patrons of the Cistercian Reform (Kalamazoo, MI: Board of the Medieval Institute, Western Michigan University, 2002), 119. The document is dated as between 1209-35.

\textsuperscript{74} Lizoain and García, El Monasterio de las Huelgas de Burgos, 371.
Fama and the Absence of Female Witnesses

Land management by a monastery was a context in which women (religious) were permitted to witness charters. It stands in stark contrast to the situation for secular women. Though we see women buying and selling land in significant numbers, a striking gender disparity that the sources reveal is that non-royal lay women almost never acted as witnesses or guarantors. Teresa Fernandez, discussed above, was exceptional when she witnessed her sister’s donation to Las Huelgas. Teresa’s membership in a complex social cohort, her command of substantial resources, and her ongoing relationship with Las Huelgas enabled her to take up the public role of witness. While she conformed to the ideal society of common goods in which a wife had a stake in all of her husband’s financial undertakings (and expressed it by witnessing one of them), the reality is that non-noble Castilian women only occasionally provided sureties for property exchanges and even less frequently witnessed them.75 I argue that medieval ideas of reputation, public space, and gender-appropriate behavior discouraged women from witnessing and guaranteeing charters.

The absence of female witnesses and guarantors can in part be explained by gendered conceptions of *fama* (reputation) and the weight of words. Medieval society valued the word of women less than the word of men, and this is the reason women so infrequently appear as witnesses in the Burgos charters. Fama referred to reputation or

75 Isabel Torrente Fernández observes this same phenomenon in Asturias, with the exception of foundational charters of hospitals for pilgrims and the poor; so she speculates that women witnessed these charters because women personally performed the labor associated with these institutions. Isabel Torrente Fernández, “Algunas Consideraciones Sobre la Mujer en el Medievo Asturiano” in Estudios Históricos y Literarios Sobre la Mujer Medieval, ed. María Eugenia Lacarra (Málaga: Servicio de Publicaciones, Diputación Provincial de Málaga, 1990), 46.
honor, and amounted tangibly to eligibility to serve as a witness. Inherent in fama’s formulation and overall significance was the power of words. Public talk among the community about a person, based on that person’s own public words and actions, accumulated to fashion his or her reputation. While women’s informal speculation and discussion about a person’s character counted toward his or her general reputation, when it came to formal, official matters such as litigation only men’s testimony was deemed legitimate, or at least was considered more trustworthy than women’s. For medieval Florence, Thomas Kuehn describes “a sort of legal transubstantiation” by which male functionaries replaced women as official witnesses because men’s words outranked women’s. Similarly, Madeline Caviness and Charles Nelson argue that in medieval Germany there was strong hostility to women’s public speech. Men’s aural hearsay outweighed women’s eyewitness testimony. A man could swear an oath to exonerate himself or another man of an accusation, whereas a woman’s oaths automatically carried an implicit dubiousness.

Much of the historiography of fama pertains to criminal litigation, as opposed to sanctioned land transactions. Consequently, the discussion therein is more directed to witnesses to the character of an accused or accusing party, rather than witnesses present

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77 Madeline H. Caviness and Charles G. Nelson, “Silent Witnesses, Absent Women, and the Law Courts in Medieval Germany,” in Fama, ed. Fenster and Smail, 63, 71-2. One piece of evidence the authors give for the implicit dubiousness of women’s words is the need for the “hue and cry”: for a woman to report rape, she needed to do so immediately, basically so that her cry would summon pursuers, or more importantly, witnesses, because her word alone was insufficient accusation.

at the time of a legitimate property transfer. However, the fundamental ideas about credibility and eligibility to testify still apply if one remembers the practical purpose of a witness. In addition to legitimizing exchanges, witnesses were also necessary so that they could be called upon in the future to attest to what they had seen, heard, and understood of the event in question. In short, a witness might have to speak and act in a public space, and the most effective person to do this would be the one most likely to be believed.

Caviness and Nelson go as far as to say, “women’s words held almost no truth value.”

As a result, a woman would have been a less advantageous witness to the principal’s cause. The potential for future public speech could have made people less inclined to have female witnesses because official duties and spaces were considered the domain of men.

As a foil to these informal (though still significant) ideas about fama, the Siete Partidas took an official stance on women in public roles. The explanations behind the prohibitions on female guarantors and judges articulated medieval gender expectations. Women were not allowed to provide sureties because “it would not be proper for women to go into court, on account of suretyship which they have given, and be compelled to resort to places where many men are assembled, and to do things which might be

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80 For a more polemic view of women’s limited ambit of public activity, see María del Mar Graña Cid, Angela Muñoz Fernández, and Cristina Segura Graiño, “Mujeres y no ciudadanía. La relación de las mujeres con los espacios públicos en el bajo medievo castellano.” Arenal 1, no. 2 (1995), 41-52. The authors argue that only exceptional cases brought women into the public, and only in patriarchy-reinforcing ways; despite important contributions to the community, women were denied citizenship. I do not fully agree that women were wholesale denied acknowledgement as citizens, but the piece forcefully articulates how public space was the domain of men.
contrary to chastity, or opposed to the good customs which women should observe.”81

Similarly for representation in court, “No woman, however learned she may be, can act as an advocate for others in court...because it is neither proper nor honorable for a woman to assume masculine duties, mingling publicly with men in order to argue cases for others.”82 Women were barred from serving as judges for essentially the same reason: “for it would not be becoming for her to be present in a crowd of men deciding lawsuits.”83 All of these sentiments conveyed a wariness of women mixing with men in the public sphere, and of women taking on traditionally male roles.

Women’s Legal Entitlements

Despite this pervasive rationale, exceptions to these prescriptions indicate that there was a more complex tension between women’s legal disability and their rights. Convention found it undesirable for women to act as attorneys. However, it was permissible in extenuating circumstances, if a close relative were ill or otherwise impaired and had no one else to defend him or her.84 This provision allowing women to act as attorneys showed a keen appreciation for private rights, because more pressing than keeping women out of public space was assuring that the rights of the person in need of a suitable defense received it. Similarly, in the area of advocacy, the law only restricted women to a point; women were not allowed to advocate for others, but “they can certainly appear for themselves if they desire to do so, by either claiming or defending

their rights.” 85 Once again, abhorrent though it may have been for women to interact with
men in a public space, respect for private rights won out and thus women could advocate
for themselves. The law even stated outright that women were permitted to act as judges.
The qualification was that she be a “queen or countess, or some other lady who has
inherited the government of a kingdom, or a country.” 86 Naming a woman’s inheritance
(of a lord’s duties) as the salient factor intones that her rights were, again, what enabled
her to assume this important role.

It thus emerges that the valorization of private law in medieval Castile worked in
women’s favor to counteract (in part) the legal disabilities they faced on account of
perceived feminine weaknesses. 87 While medieval mentality maintained the inferiority of
women to men, more compelling was the conviction behind personal rights. The same
compunction that drove individuals and institutions to accommodate all pertinent parties’
rights when alienating property—that is, by acquiring the consent of all potential
claimants in order to forestall disputes—also created conditions in which women could
exercise public voice and authority.

One contingency for women’s agency, supported by the law, was the absence of a
suitable (male) alternative, which often occurred during widowhood. 88 For instance,

87 What must be noted is that some legal disenfranchisements were framed as “rights” that generously took
female nature into consideration even as they restricted women’s purview. “The right which women enjoy
with regard to suretyship was not granted them for purposes of fraud, but on account of their artlessness
88 I formulated this idea from Gabriela Bjarne Larsson’s analysis of women’s patrimonial administration in
fourteenth- and fifteenth-century Scandinavia. She argues that what determined a woman’s eligibility to
execute land transfers independently was origin of the land in question, and if the family with claims to that
land could offer a male representative. When there was no male representative available, the woman was
Doña Sancha Diaz stepped in as guarantor for her grandson Gomez Perez because he was not of age; meanwhile, his relatives (presumably aunts and uncles), accompanied by their respective spouses, were able to assure the sale for themselves.89 Another widow, Doña Urraca Perez, provided surety, along with two of her five children, Mencia and Pedro Gonzalez.90 Very likely, Urraca, like Sancha Diaz, was representing her underaged children—Garcia Gonzalez, Anderquina, and Esterena—who in turn confirmed the sale. Acting as guardians, these two women were two of the few women who guaranteed sales for others and separate from a husband.

While granted some latitude due to widowed status and absence of a male alternate, Urraca Perez, Sancha Diaz, and indeed most women still could only provide surety when accompanied by men. Most frequently this occurred when a husband and wife guaranteed their own sale. Or, a woman sometimes provided surety when acting in concert with her siblings and her siblings’ spouses—therefore usually including at least one man. Sancha Diaz’s and Urraca Perez’s examples show this: their daughters were guarantors—but there were also men present to underwrite their pledges. By contrast, when two sisters, Urraca Garcia and Fronhilde Garcia de Olmos, sold land in Susinos for thirty maravedis, they needed to bring in a man from outside the family to vouch for them, the alcalde de Villadiego, Fernando Caballero.91 And when Lambra Gonzalez acted completely independently, earning 300 maravedis for her land, she too needed a

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89 DHR, #131 (1228). Each of the participants (or, rather, one per pair of spouses) had the surname Perez (except for one woman “Enduelca”), but only the last seller, Gomez Perez, is identified as “son of Gomez Perez,” so presumably the land being sold was of the deceased Gomez Perez, senior, by those with claims to it: his siblings and his son.
90 DHR, #136 (1229).
91 DHR, #142 (1229).
prominent personage to validate her sale: the alcalde of the king Alfonso Fernandez de Quintana.92 Thus one distinct gender bias that the proceedings of land transfers illuminate is that women were deterred from providing surety for themselves or others. The absence of male relatives was one arena of greater independent agency for women. However, the benefits only went so far, since they still needed a male relative or a man of prominent stature to support their rights to alienate land as they wished.

Within the law codes that governed thirteenth-century Burgos, there was a clear tension between disenfranchising women because of gender-biased beliefs, and empowering women in order to preserve private rights. The law explicitly barred women from certain activities (such as acting as advocate or judge), and the explanations make plain the sexist ideology behind the proscriptions. At the same time, the laws contained sufficient exceptions to those same rules, and the justifications for these were rooted in conviction for private rights. Therefore, for the sake of protecting rights, claims, and patrimony, the law empowered women to act in public under certain circumstances, and documents of practice bore these out. Intrinsic in both legal and practical motivations was a concern for and emphasis on collective activity and family interests. The theoretical underpinnings explicated in the prescriptive sources translated into practice, opening opportunities for women to exercise public influence and power, and it is to those moments of visible agency we now turn.

92 DMHB, #522 (1262).
CHAPTER 2: THEIR OWN AGENTS: LAMBRA, ELVIRA, SANCHA, MAYOR

If law and circumstance could come together to expand women’s sphere of influence, it was property that empowered them in the first place. Intrinsic to that property ownership was law itself. Castilian law granted women considerable rights throughout all major phases or roles of life—as children and unmarried women, as wives, and as widows. Numerous laws protected the rights of heirs; unmarried women (and married women for that matter) could act for themselves when their rights were encroached upon; wives maintained their legal personhood, rather than being subsumed by their husbands, as in the rest of Europe; widows were provided for by their husbands’ estates.93

With especial attention to proprietary and relational statuses, this chapter analyzes and aggregates the lives of four thirteenth-century Burgos women to formulate a picture of an elite woman in a medieval Spanish town. Chapter one discussed how law and custom protected daughters’ and wives’ inheritances and rights, but this chapter develops those concepts and shows what women actually did with their inheritances and rights. Lambra employed her grandfather’s material legacy as leverage to renegotiate her contract with Las Huelgas. Elvira marshaled her widow’s inheritance to consolidate real estate and set in motion for her family a lucrative arrangement with a powerful monastery. In her final testament, Mayor Ordoñez left forceful instructions regarding the distribution of her significant resources. Each of these women had a familial or marital tie to a public official, by virtue of which they represent a more or less homogenous elite

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group. Finally, Sancha García, with no such known connection to a public official, demonstrates how wealth alone could empower women to act independently even separate from identifiable social status.

**Lambra’s Dexterous Compromise**

The introduction brought to light an unusual case in which a woman who, following the death of her husband, faced the prospect of life in a religious community—and essentially bought her way out of it. Why would Doña Lambra pay such a high sum (three-fourths of her property holdings) to do so? What sort of life did she anticipate in the convent, and why did she seek to avoid it? Conversely, what incentives persuaded her that the secular world was worth such expense? Most importantly, what special privileges did Lambra enjoy that allowed her to break an otherwise binding contract in order to follow her own chosen path, and what did it cost her? I argue that Lambra’s agnatic lineage empowered her to come to a compromise with Las Huelgas, which she sought because the urban, commercial milieu had much to offer a woman of means.

Though we have only sparse information about Doña Lambra herself—from the arrangement and settlement with Las Huelgas—various documents indicate that she was of elevated social status. She was closely connected to two alcaldes, her grandfather and her husband. The charter of partition of goods with the convent named one Pedro Lambert as Lambra’s grandfather when it specified the property Lambra received. Pedro Lambert counted among the ranks of foreign citizens in Burgos, served as alcalde, and
was a notable enough individual to have witnessed royal diplomas. \textsuperscript{94} Pedro Franco, Lambra’s husband, also served as alcalde, and indeed his name continued to be used in the documentation to demarcate pieces of property (those that passed from Lambra to Las Huelgas) until at least as late as 1312. \textsuperscript{95} This suggests he truly was an important individual in the community because his name was recognized and remembered for over a century after his death. Pedro and Lambra’s connections also figured into the charters pertaining to them: the initial compact with Las Huelgas was witnessed by, among others, one infante, two sons of counts, the mayordomo and the chaplain of the queen; and the settlement between Lambra and Las Huelgas bore the seals of three prelates. \textsuperscript{96}

Lambra’s relationships to these two important men bore heavily on her high degree of maneuverability within the system. Lambra and Pedro Franco’s stipulation for after the first spouse’s death was not unusual. For instance, in 1188 Juan de Palacio and his wife Marina arranged to live and work in a hacienda owned by Las Huelgas for the remainder of their lives; once one of the pair passed away, the surviving spouse would take Holy Orders, pledging obedience to the abbess and adhering to the rule of St. Benedict. \textsuperscript{97} There is also a record after the fact (una remembranza) of an earlier donation by Martin de Baltanas and his wife Illana when they both together had joined the


\textsuperscript{95} \textit{DMHB} (1307-1321), doc. #242, (1312). In a royal investigation into Las Huelgas rights and holdings, the charter refers to \textit{casas} (houses) and \textit{tiendas} (shops) “que fueron de don Franco.”

\textsuperscript{96} Respectively, Infante Fernando de Leon; Gonzalo Gomez, son of Count Gomez de Galicia; Fernando Nuñez, son of count Fernando; Alvarus Petri, majordomo of the queen, and Don Pedro, chaplain of the queen. The seals belonged to Martin, bishop of Burgos; Remont, abbad of Sagramena; Garcia, cathedral cantor.

\textsuperscript{97} \textit{DMHB}, doc. #20.
monastery and bequeathed the entirety of their property to Las Huelgas. However, Lambra’s is the only known case in which the newly widowed wife reconfigured the terms of the agreement with Las Huelgas, ostensibly to suit her personal preference. This personal preference appeared to be life as a lay widow, dwelling in the center of Burgos and maintaining her shops along one of the main streets of the town.

Lambra’s connection to her grandfather Pedro Lambert was vital for her. Her inheritance from him was what enabled her to remain independent of the convent, because that in particular was the portion she reserved; it became her livelihood. The settlement she made with Las Huelgas over the distribution of her belongings entitled her to one fourth of her property. She got to keep that which she inherited from her grandfather: the “old houses” along the street along with all of their attached shops; the charter specifically stated she did not receive the houses or shops she had owned in common with her husband. Of the property she and Pedro Franco shared, all she received was their timberland in Arlanzon. Las Huelgas, entitled to three fourths of Lambra’s property, received their houses, vineyards, wine press, the butcher, the oven, and one part of the mill.

Had Lambra taken the veil as planned, all of her property would have reverted to the control of the convent. The abbess, in consenting to the compromise with Lambra, was accepting a bit of a loss, for instead of everything the convent received just three fourths of Lambra’s property. This was still a significant gain, but the convent surely had high expectations for its bequest. If Lambra and her husband had not been of sufficiently

98 DMHB, #258. (The document dates from 1213, though it is unknown what year the donation was actually made.)
high status and wealth they would not have been welcome to join the prestigious monastic community in the first place. Had Lambra’s joint property with her husband not been substantial enough, the abbess might not have settled for three-fourths; she might have held Lambra to her promise and made her enter the convent. And had Lambra’s inheritance from her grandfather not been substantial enough to provide for her, remaining a widowed townswoman might not have have been a viable option for her. In these ways, Lambra’s status and wealth, both assets tied closely to two important men in her family, opened up opportunities for her and afforded her a greater latitude to negotiate her preferred life path.

That the settlement granted Lambra her grandfather’s patrimony suggests an interesting strategy. In effect, she treated herself as her own heir as a way to maintain ownership of that particular property. Lambra and Pedro Franco had established two separate contingencies, one for if they had children and one for if they did not. In the first, their children would receive their requisite inheritance from their parents, and Las Huelgas would receive the sum of 500 aureos (gold pieces). In the event they had no children, Las Huelgas would receive all of their property. This is what happened. At the time of Pedro Franco’s death in 1210, three years after the plan was made, he and Lambra remained childless. But again, rather than transfer all of their property to the convent, Lambra renegotiated the terms and successfully kept what might have gone to her heirs had she borne any children. The language in the charter does not explicitly indicate this intentionality, but the strategy to exert her will resembles that used by the widow Saurina of Catalonia in Barcelona, in the nearby realm of Aragon.
Lady Saurina entered the Benedictine monastery of Sant Pere de les Puelles in Barcelona after the death of her husband Ferrer Suau. In her 1256 will she made clear her express desire to endow Sant Pere upon her death. In addition to a pious donation for the celebration of masses for her soul, Saurina also wished to leave one-quarter of her patrimony to the convent. The wording is unique and revealing: “I give to Guillema and Berengaria, nun of the monastery of Sant Pere, and Geralda, my daughters, and to the said monastery, as if it were one of my legitimate children, equally between them and this monastery, shares in this 1100 morabatins....”99 As a backup plan in case this directive was not obeyed, Saurina ordered that the remainder of her estate, after debts were paid off, would go to her daughter who was also a nun at Sant Pere. Ultimately the property would revert to the convent, through that daughter. As Linda McMillin observes, Saurina used Latin legal discourse to devise an alternate way to express her personal objectives in her final testament.100 Though the language of Lambra’s charter did not state her maneuverings so explicitly, she, too, found an alternate way to achieve her personal wishes.

It is quite feasible that Lambra’s aim and the reason behind her strategy of dividing the property was that she hoped to remarry. Pedro Franco died just three years after making an agreement with his wife about what would happen when one of them died; that agreement also stated that the couple had no children at that point, in 1207. These details strongly suggest that Pedro Franco died prematurely and left a young

widow interested in remarriage. It seems that the settlement with Las Huelgas reverted
Lambra back to square one, as if the marriage had never taken place, since she
relinquished the property she ought to have enjoyed as the widow of the wealthy alcalde
and retained the assets accrued from her patrilineage. Her inheritance would have made
her an eligible and likely desirable bride. In Galicia, in northwestern Spain, because
women tended to marry younger than men, second and third marriages were common;
however, widows had to compete with single women who often brought greater
dowries.101 Though Lambra had to give up Pedro Franco’s estate, her arrangement with
Las Huelgas in a way positioned her for easy or uncomplicated remarriage, an option that
Las Huelgas did not oppose. The land transfer between Las Huelgas and Maria Ibanez
and her husband Domingo demonstrates that the convent had no practical qualms with
remarriages: in 1262 the abbess sold the couple various houses and pastures that Maria’s
first husband had previously bequeathed to the convent.102 Remarriage was a viable
option and incentive for Lambra to opt out of joining Las Huelgas, and the convenencia
charter’s spirit of goodwill and understanding suggests the abbess and convent were
happy to help her.103

102 DMHB, #523 (1262). “Vendemos a uos, don Domingo, e a uuestra mugier donna Mari Iohan toda
quanta manda mando don Domingo Caro al monasterio de Burgos, marido primero que ouo donna Mari
Iohan, nombradamientre.”
103 “La abbadesa donna Sancha e el conuiento, quando uieron que de su voluntad non podia complir la
promission, ouieron piedad della e fizieron conuenencia con ella assi, no soltando la obediencia de so
cuerpo, que non podia la abbadesa soltar, e fizieron esta conuenencia la abbadesa e el conuiento con donna
Llambla.” (The abbess doña Sancha and the convent, when they saw that she could not of her own will
uphold her promise, they heard her piety and made a compromise with her like so, not releasing her from
her obligations, which the abbess could not do, and the abbess and the convent made the [following]
compromise with Lambra.” DMHB, #103 (1210).
We have no concrete answers as to why Lambra did not wish to enter the convent, solely the intimation that, though pious, she could not of her own free will uphold her promise to become a nun. Nonetheless, probing the factors Lambra would have weighed in her decision-making offers a window into the options that women like her with substantial property and room to negotiate encountered in the thirteenth century.

The vow professed by a nun upon entering the convent of Sant Pere de les Puelles in 1201 hints at the vows and life Lambra might have undertaken if she had joined Las Huelgas. After first affirming she was of sound mind and acting of her own volition, Ermessenda de Palamors conferred to the convent her body, soul, paternal inheritance, and a large monetary sum. Next she swore, “I, Ermessenda, pledge to obey my Lady Abbess and all your sisters in the rule of St. Benedict. ... Furthermore, I give up all secular vanities.” Beyond these Ermessenda made two more weighty promises. First, she agreed never to move away from the convent (“change residences”). Secondly, and even more significantly, she renounced all claims to her patrimonial land or its profits, attesting she no longer possessed and would never again control that property.¹⁰⁴ In sum, Ermessenda swore vows of obedience, modesty, and poverty. These were the typical vows that both men and women took in the Middle Ages when joining a religious community and thus what Lambra too would have professed to Las Huelgas.¹⁰⁵

As standard and sweeping as the oaths sound, they left room, probably intentionally, for some freedoms or opportunities for the nuns. When Ermessenda promised never to change residences, the fundamental significance was that her

¹⁰⁵ Ermessenda promised modesty, which correlates to the more common formulation “chastity.”
membership in the order was permanent; as a result, she literally would dwell at the convent of Sant Pere for the rest of life. However, this oath did not preclude her leaving the cloister for short-term, non-permanent excursions within the scope of her activities as a nun. The underlying implication too was that she was not entirely cut off from the public, secular world, despite habitation in the cloister and formal renunciation of worldly goods. That she had to give up her immoveable property had more to do with endowing her new community and contributing resources that would provide for her upkeep, than with monastic moral ideals. Furthermore, the vow of poverty did not necessarily translate to a life of complete austerity, least of all at the wealthy Las Huelgas. There, nuns enjoyed a higher standard of living than most monasteries, were granted papal license to wear finer garments, and were even served by as many as forty servants.106

In addition to the possibility of a fairly comfortable, even luxurious lifestyle, convents afforded women avenues to power and influence both within and without the cloister. Joining a religious order was a viable means of active participation in political and economic life, even if only at the local level.107 The chance to associate with aristocratic women behind monastery doors offered social mobility to women of the bourgeois and lower knightly class.108 These opportunities were especially pronounced for an elite institution like Las Huelgas, sponsored by royal patrons as it was.

Despite these positive aspects, Lambra must have perceived greater or more desirable options in the secular world, very likely as a shopkeeper. The portion of property that the settlement allotted Lambra was the “casas viejas de la calle con todas

106 Lizoain and García, El Monasterio de las Huelgas de Burgos, 370.
108 Johnson, Equal in Monastic Profession, 28.
sus tiendas del camino y con todas sus tiendas que son de cuesta y con todas sus tiendas que son detras y con la tabla y con sus fueros,” or the old houses of the street with all
their shops along the Camino de Santiago and with all the shops in front and behind, with
their board and their rights. Lambra intended to (and then quite likely did) maintain those
houses and shops, for there is sufficient evidence of other women homeowners and
shopkeepers in her time.109

The Burgos documents reveal that women participated in numerous trades and
occupations. There was Yllana the molinera (miller) and Maria Perez the pellejera
(tanner). Women had a virtual monopoly on breadmaking, and Doña Beliarda and her
daughters even ran their own butchershop in the neighborhood of San Esteban.110
Women were certainly a presence in the commercial environs of Burgos, and yet we must
remember that they operated in a male-dominated urban arena and consequently even as
artisans and craftswomen they dwelt on the margins of economic power.111

The possibility of a woman keeping a shop or practicing a trade is evident. One
one must ask then how or why this way of life would have appealed to women like
Lambra. Significantly, Lambra was also a widow, and taking over a husband’s
occupation was a major strategy for widows to attain public stature.112 At the same time,
Judith Bennett asserts that “located awkwardly on the public spectrum between the

109 For homeowners and renters, Ruiz, From Heaven to Earth, 91.
110 DHR, #175 (1235). García, El Hospital del Rey de Burgos, 228. Teofilo Ruiz, “Notas Para el Estudio de
la Mujer en el Area del Burgos Medieval,” in El pasado histórico de Castilla y León, vol. I (Burgos, 1983),
424. Reprinted in Teofilo Ruiz, The City and the Realm: Burgos and Castile 1080-1492 (Brookfield, VT:
111 Teofilo Ruiz, “Women, Work and Daily Life in Late Medieval Castile,” in Women at Work in Spain:
From the Middle Ages to Early Modern Times, ed. Marilyn Stone and Carmen Benito-Vessels (New York:
112 Louise Mirrer, “Introduction,” in Upon My Husband’s Death: Widows in the Literature and Histories of
extensive authority of male householders and the dependency of wives and children, widows took over many of the functions once undertaken by their husbands. Yet they acquired more responsibilities than privileges.\textsuperscript{113} They were able to conduct business as before (and likely were familiar with the tasks, having assisted their husbands throughout their marriage). They had greater access to public space and activity. And they enjoyed the power that came with the commanding of resources. Nonetheless, women were still barred from positions of formal power and often from guilds, a detriment that increasingly hindered them as the Middle Ages progressed.\textsuperscript{114} Lambra’s case is slightly unique because she does not take over for her husband, overseeing instead the shops inherited from her grandfather. But since she could not take over Pedro Franco’s public position of \textit{alcalde}, keeping shop represented a viable alternative to becoming a nun. Perhaps this access to a degree of public visibility, influence, and potential profit appealed more to Lambra than the more contained role in the cloister.

Lambra’s wealth and status granted her desirable options from which to choose how to spend her widowhood. The initial prescribed route was that she join the monastery of Las Huelgas, an option available only to elites like her and her \textit{alcalde} husband Pedro Franco. There, Lambra would have enjoyed a luxurious life with the potential to exercise influence in the greater community of Burgos, albeit sacrificing

\footnote{114} Louis Haas, “Women and Politics in the Urban Milieu,” in \textit{Women in Medieval Western European Culture}, ed. Linda E. Mitchell (New York: Garland Publishing Inc., 1999). Haas asks how and why women were blocked from participating in public political life in medieval cities. The underlying causes, he concludes, were the gendered public/private dichotomy and the elemental military character of town councils. As for guilds, he argues that they increasingly disqualified and refused women membership as the medieval period progressed due to economic protectionism.
mobility outside of the cloister and the chance at remarriage. On the other hand, she could also operate in the secular world as a shopkeeper with prime real estate in the commercial district of Burgos, either remaining single or remarrying. Ultimately she chose the latter path, and her tie to her *alcalde* grandfather Pedro Lambert—and, most importantly, her inheritance from him—enabled her to negotiate this alternative.

**Elvira’s Landed Alliances**

In the case of another widow, Doña Elvira, it was very much her husband’s legacy that mobilized her economically, as the records of her various land transfer reveal. However, the leverage her widow’s inheritance afforded her does not diminish the role personal force of will played. Unlikely to “emerge as a matriarch,” a widow was “unlikely to improve [her circumstances] over the years unless she were rich to begin with, highly competent to manage her property and capable of earning her own living, preferably and most advantageously in partnership with cooperative children.”¹¹⁵ By the rules of the society of acquisitions, a widow was entitled to half of the assets accrued by her and her husband jointly over the course of their marriage. The other half was distributed among his heirs, and this partition of resources could potentially disadvantage the widow, and yet Elvira deftly managed her husband’s legacy in ways that benefited both her and her heirs.

The wife then widow of Don Moriel, Doña Elvira left more substantial records of her economic activities than did Doña Lambra. Elvira first appeared in the documentation in August of 1227 when she and her husband sold their property named “La Cabana” to

¹¹⁵ Dillard, Daughters of the Reconquest, 114.
the Hospital del Rey for 200 maravedis. Like Lambra, Elvira too was married to a man in a prominent position: her husband Don Moriel Rodriguez de Rojas served as merino from 1235 to 1239 and was a member of the elite family of Rodrigo Diaz de Rojas. He acted as witness as early as 1216, later working his way up to merino maior of the royal court, confirming even royal diplomas. Of Elvira’s own background we know nothing else save that she had at least one son. But from her various documented activities we can learn something about her strategies of land ownership, particularly as a widow.

Quite soon after the death of her husband (less than a year), Elvira picked up the reins to her estate and began to consolidate her holdings. During her husband’s lifetime, the only transactions either of them conducted (either Moriel alone or Elvira and Moriel together) were sales of land. However, in March of 1240, in two separate purchases she acquired the rights to 8 1/8 parts of a mill in Albillos. To the numerous individuals from whom she purchased the rights, she provided 32 1/2 maravedis and land in the estate of Juan Donath. Martinez Garcia, restating ideas from Reyna Pastor, posits that by holding rights to mills proprietors could carve out a lordship, for individuals needed to pay each time they used the mill, which provided an essential service. By this pattern of purchasing, Elvira crafted a specific type of señorío over which she was the lord, for the administration of a mill generated various quasi-feudal dependencies.

Having consolidated mill rights from numerous sources, Elvira then sold to Las Huelgas 19 1/2 shares, of 28 shares total, for which she received a lump sum of 200

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116 DHR, #117 (1227).
117 Álvarez Borge, Monarquía feudal y organización territorial, 171-2, appendix cuadro III.
118 DMHB, #125 (1216).
119 DMHB, #316, #317 (1240).
120 Martínez García, El Hospital del Rey de Burgos, 206-7.
maravedis from the convent. On that same day but in a separate transaction, Elvira also ceded the tenancy of land in Albillos (near the mill) she and Moriel had owned jointly, for 400 maravedis. She conceded Las Huelgas the right to first refusal, yet retained ownership of the land. By this agreement, if Elvira or her heirs did eventually want to sell, they would first offer it to Las Huelgas. This arrangement was of obvious advantage to the monastery, for they could progress from tenants to outright owners of the land, but it could also benefit Elvira’s heirs because it set a guaranteed price for the land. Furthermore, between this arrangement and the sale of the mill rights, Elvira established an ongoing relationship between herself and her heirs and Las Huelgas, the most powerful señor in Burgos. Such relationships between individuals and monasteries were mutually beneficial; they gave the institution a tie to elite members of the laity, and for the individual they afforded security and the potential for upward social mobility. In her widowhood, Elvira used the resources she had earned and owned with her husband to create a fruitful alliance with a powerful institution that her heirs would continue to enjoy after her.

Like many widows, and indeed many medieval people in general, Elvira also attended to the spiritual needs of her family in two ways we can see formally documented. In the first instance, Elvira and Moriel had donated 1000 maravedis to Las

\begin{footnotesize}
\begin{enumerate}
\item DMHB, #321 (1240). She had recently purchased 8 1/8 shares, so selling 19 1/2 meant she already owned around 10 herself, so the acquisition was a strategic consolidation.
\item DMHB, #320 (1240). “Si de mi deuiniere e uos lo uendieren esta misma heredat mios filios por istos quatrocientos maravedis e uos la fizieren sana” (If in the future my children sell that same property it will go to you for 400 maravedis and you will do this soundly.)
\end{enumerate}
\end{footnotesize}
Huelgas so that two priests would sing perpetual Masses for the repose of their souls; the extant charter shows that the abbess allotted the incomes from four houses, yielding a total of 30 mrs. yearly, toward this cause.124 In 1245, Elvira also conceded to her son Gonzalo Moriel the rights to the assets he would be inheriting upon her death. Having received early access to this property, Gonzalo was able to make his own pious endowment. He dedicated himself to the monastery and left directions for Las Huelgas to bury his body and distribute his wealth as he would instruct them in a later testament. He also pledged one-fifth of his patrimony to the community.125

Through several savvy exchanges, Elvira established an advantageous relationship with a prominent monastery. Leasing her land in tenancy to the monastery while selling some of the rights to a mill located nearby created an ongoing bond. Donating money ensured that she and her husband and thus their descendents would be remembered in perpetuity by the nuns at Las Huelgas. Elvira’s son Gonzalo continued in his mother’s footsteps by pledging himself and his wealth to the monastery in a pious arrangement. Therefore, Elvira used her widow’s lot to solidify a legacy of affiliation with Las Huelgas.

**Sancha’s Assiduous Annexations**

Lambra and Elvira exercised agency as widows and on account of elevated social status. In contrast, Sancha Garcia was a highly active land investor prior to reaching widowhood, and without known elite status. Her agency, then, stemmed from her

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124 DMHB, #355 (date unknown).
125 DMHB, #354 (1245).
patrimonial wealth. Sancha left an unusually high number of records—twelve extant charters—more than what was left by most individuals of either sex. Sancha emerges as both an anomaly and a signifier of the opportunities that thirteenth-century women could enjoy given the right conditions and, presumably, the right ambition.

Sancha García’s latitude to buy and sell land was undoubtedly empowered by her natal family, as was the case for most women of privilege in thirteenth-century Burgos. In 1234, she came into significant wealth from two sources. The first was the division of her immediate family’s holdings in Villarmero, with her mother Teresa and her siblings Fernando Alfonso, Elvira Alfonso, and Teresa García.¹²⁶ Three decades later and through a number of transactions Sancha expanded her estate in Villarmero, likely drawing the funds with which to purchase the lands from her patrimony.¹²⁷ Sancha’s annexation of property holdings in a confined area reveals a deliberate augmentation of real resources and active, personal land management that mark her as an empowered woman.

Also in 1234, Sancha’s aunt Ines endowed Sancha with all of her land in Valdecañas, for reasons unknown.¹²⁸ What is apparent, however, is that this donation afforded Sancha tremendous opportunity, not least of which was the financial boon itself. The endowment may also have been Sancha’s gateway to an advantageous marriage. Surely not coincidentally, Sancha married Alfonso Gil de Valdecañas. Perhaps her holdings in that area, bestowed by her aunt, made her an appealing match for him. In 1242, Sancha, identified as “Sancha de Villalonga,” recorded in writing a formal survey of her holdings in Valdecañas. This was also the first instance in which she was identified

¹²⁶ DHR, #166 (1234).
¹²⁷ DHR, #363, 364, 373, 375, in the years 1259-61.
¹²⁸ DHR, #165 (1234).
by her marital status, as the wife of Alfonso Gil.\textsuperscript{129} It is plausible that the occasion to record her landed property was that she had just recently married Alfonso, so she wanted official documentation attesting to the property that she herself had brought to the marriage. Her later actions show how Sancha administered her estate independently, so it makes sense that she would wish to document her present holdings. The act of talking publicly about (in the presence of a notary) and then storing in writing her property also served as a strategy to establish, exercise, and reify her rights to that property.\textsuperscript{130} This act alone of drawing up a record of her real estate bespeaks a woman asserting her rights as an independent landholder, free to purchase land at will, unimpeded by her husband.

Nonetheless, Sancha’s union with Alfonso Gil also gave her special opportunities she may not have had without that marital connection. Just a of couple years later, she entered into three separate transactions in which she purchased land in Villarmero from her in-laws: Teresa Gil and her husband Garcia Gonzalez, Toda the widow of Garcia Gil, and Ordon Gil.\textsuperscript{131} As in the \textit{apeo} (survey), each of these charters specifically named Sancha as the wife of Alfonso Gil. Implicit in this detail is that Sancha’s marriage to Alfonso was directly pertinent to the purchase, that it permitted the exchange to take place. Throughout Europe in the medieval period it was common practice for families or individuals to make sorts of alliances through land exchange. One element of this was giving family members the first chance to buy a given piece of land before making it

\textsuperscript{129} DHR, #235 (1242). The first time in the surviving documentation from the Hospital del Rey.
\textsuperscript{130} Chris Wickham, “\textit{Fama} and the Law in Twelfth-Century Tuscany,” in \textit{Fama}, ed. Fenster and Smail, 19-20.
\textsuperscript{131} DHR, #244, 255, 258 (years 1244-45).
available to anyone else, and some towns even required this by law.¹³² Sancha married into the Gil family, and that union enabled her to expand and consolidate her real estate.

Sancha concentrated her investments in the area of Villarmero, in a strategy of land consolidation consonant with broader trends in Castile. Teofilo Ruiz has observed a push to consolidate property proceeding from the late twelfth to mid-thirteenth centuries. During this time, both the wealthy and the smaller landholders made concerted efforts to purchase contiguous lands, for the practicality of efficient agricultural productivity as well as for the creation of undivided estates that would later become entailments.¹³³ Both of those objectives indicate a savvy businesswoman looking out for the welfare of herself and her legacy and heirs.

Later in life, Sancha’s son Juan Fernandez entered the scene. In 1253, Sancha and Juan sold land in Villalonga, Arroyal, and Quintandueñas to the Hospital del Rey.¹³⁴ Eight years later, Juan bought land in Villarmero, and three years after that he exchanged land with the Hospital.¹³⁵ It appears that Sancha had established something of a precedent for her family in the way of lucrative land transfers. Especially interesting is that Juan Fernandez was identified as “the son of Sancha Garcia.” Traditional Castilian naming practice favored the patronymic, so the last name of an individual was taken from the first name of his or her father; hence Sancha Garcia, named for her father Garcia Fernandez. Sancha’s son Juan Fernandez was most likely named for his father, a Fernando to whom his mother was married before or after her marriage to Alfonso Gil; less likely was that

¹³² Dillard, Daughters of the Reconquest, 33.
¹³³ Ruiz, From Heaven to Earth, 75-7. Notably, peasants practiced the opposite—continual fragmentation of land—thereby suggesting Sancha’s status as an elite woman.
¹³⁴ DHR, #303. 383.
¹³⁵ DHR, #374.
Fernandez was homage to his grandfather. Either way, Juan continued to be associated with his mother, showing her influence in his life and her importance in the community. There are plenty of other similar references sprinkled throughout the Burgos charters in which men are identified by their mothers, rather than their fathers. In one transaction, two of the three witnesses identified by their parentage (as opposed to their position, like cleric or judge) were associated with their mothers rather than their fathers: Martin, son of doña Dominga and Juan Perez, son of Maria Esteban. A witness a standard land transfer in 1214 were don Martin, son of doña Eliarda, and don Domingo Perez, son of “la Griega” (the Greek), a titillating reference to Greek immigration in Burgos. A final example will suffice: one Don Marcos is listed in one charter as an adjacent landholder, identified as “the son of Maria Marchos.” Two years later, the same property was referenced to demarcate the land being transferred, only this time he was renamed “don Marcos, el alcalde,” showing that even the highest elites of urban society could derive high esteem and status from their mothers.

**Mayor’s Vehement Last Wishes**

Moving forward in the life cycle and shifting to a different type of archival document than a land charter, Mayor Ordoñez’ final testament sheds light on medieval women from another perspective. Wills are a different branch of diplomatics and, therefore, conform to different generic conventions and limitations that warrant due

136 DMHB, #327, (1241.)
137 DHR, #61.
138 DMHB, #416.
139 DMHB, #448.
critical reading. For instance, they may not accurately represent the genuine piety of the testator: eloquent iterations of devotion might be the work of the scribe, or on the other hand the final will might elide pious acts performed throughout the testator’s lifetime. Furthermore, wills were not necessarily binding documents in that heirs could challenge them later in court, and the ultimate dispersal of property might have concluded differently than intended by the testator.\textsuperscript{140} In Castile, the number of wills increased as the thirteenth century progressed, as individuals became more and more attuned to the relationship between their financial and spiritual well-being. In particular, they came to understand that possessing property and wealth was acceptable and not avaricious, for in fact it served a religious purpose—namely, it could ultimately be donated to the Church. Implicit in thirteenth-century wills, Teofilo Ruiz finds, were also justifications of wealth and negotiations of salvation by way of that wealth.\textsuperscript{141}

The testament of Mayor Ordoñez offers a prime window through which to explore elite women's—or at least one elite woman's—final wishes. On February 26, 1243, doña Mayor Ordoñez lay gravely ill and requested clerics come give her the sacrament of holy orders and record her final testament.\textsuperscript{142} The abbess of Las Huelgas gladly obliged, and sent six brothers to perform the task: Domingo Gonzalez, Pelayo, Juan Perez, Pedro de Ecclesiacomas, Fructos, Esteban. Along with her body, Mayor pledged her entire inheritance in the villa de Cabia over to the power of the abbess Agnes and the queen Berenguela. By this stroke she named the two powerful women her “universal heir(s),” or

\textsuperscript{140} Shona Kelly Wray and Roisin Cossar, “Wills as Primary Sources” in \textit{Understanding Medieval Primary Sources: Using Historical Sources to Discover Medieval Europe}, ed. Joel T. Rosenthal (New York: Routledge, 2012), 64, 70.
\textsuperscript{141} Ruiz, From Heaven to Earth, 25-8.
\textsuperscript{142} DMHB, #337.
the party who assumed both assets and liabilities of the testator, which was in fact the primary purpose of the testamentum per Roman legal tradition.

Beyond this, Mayor also called for the distribution of varying sums to ten individuals (four of which were women) and five groups (religious confraternities and orders), amounting to over three hundred maravedis among all of the recipients. Though she did not designate them as such, these donations to religious individuals and institutions were likely pro anima bequests (for her soul). Such a wide disbursement of pious bequests was the norm for the thirteenth century, as donors wished to reap the spiritual benefits of as many diverse prayers as possible.

Mayor’s testament also detailed the estate she left behind: Las Grayeras, Bovada, Valcarcel, Villaerrando, Melgosa, Quintanilla de la Presa, Fontceuil, El Cedo, Sandoval, Villa Ramiel, Villaud. The point of enumerating these sites here is simply to illustrate the expanse of Mayor’s holdings. She was a wealthy woman who by all indications controlled her property independent of a husband, as there is no mention of a spouse, children, or land she acquired as dower. She was also an active woman, who conducted transactions of borrowing and lending, and she was vehement about paying and being repaid all of her debts.

Though brief and terse in tone, Mayor’s testament reveals a feisty woman who must have experienced a considerable degree of tension with family members that resulted in her marked favoritism for certain relatives over others. Her nephew Ordoño Perez had an outstanding debt with her that she promised not to forget, even in death: she

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143 Wray and Cossar, “Wills as Primary Sources,” 66.
144 Ruiz, From Heaven to Earth, 2.
left Las Huelgas "una mula de L maravedis," or a mule worth fifty maravedis; but this was only collateral until her nephew paid her the fifty mrs. he owed her, a debt for which she had proof. Mayor also apparently felt remorse over having neglected her other nephew Diego Lopez, for she left him a generous legacy, 500 mrs.; her justification was that she had never shared any of her grand estate with him previously. And she privileged Diego over not only Ordoño, but also over multiple other nephews.¹⁴⁵

Mayor’s final statement of wariness toward her family appeared at the end when she invoked the Queen Berenguela to oversee and insure the correct distribution of her estate according to her will: “E pido merced a mi senora la reyna que non consienta a ningun omme nin a mios parientes que contraria ninguna fagan ha esos cabecales sobredichos, fasa que todas mis debdas e todas mis mandas sean pagadas....” (I request of my lady the queen that she not consent to any man nor to any of my relatives that contradict any of my above stated orders.) Documenting in writing her particular wishes for the distribution of her property did not suffice; Mayor was so adamant that her instructions be heeded that she turned to a royal personage to guarantee it. Skepticism about the potentially unscrupulous actions of one’s relatives was not limited to Mayor’s will though. For instance, Pedro Pascual, the archdeacon of Burgos, threatened to disinherit anyone who contested the distribution of Pedro’s property, ordering to redirect

¹⁴⁵ One of the witnesses to the will was Domingo Perez, merino de los filios de Pedro Ordoñez; Pedro Ordoñez being the brother of Mayor and father of her nephew Ordoño Perez, emphasis added to show the plural. Also, Álvarez Borge’s prosopography finds that Diego Lopez, too, had at least two brothers, Ruy Lopez and Ordoño Lopez. Ignacio Álvarez Borge, “Parentesco y patrimonio en la baja y media nobleza castellana en la plena edad media (c. 1200-c. 1250),” Anuario de Estudios Medievales 39 (2009), 645.
their forfeited inheritance to the cathedral chapter instead. What is unique about Mayor is that she addressed a personage as high as the queen, which was more than just an empty gesture.

The fact that Mayor was able to call upon a queen’s intervention attests to her privileged position as daughter of an alcalde and member of a (non-titled) noble family. Thus it would appear that Mayor, like the women discussed above, achieved the leverage necessary to enact her plans through her high social stature. Her patronage, in turn, perhaps contributed to the upward mobility of that heir that she favored, Diego Lopez. Mayor’s will is a useful source because it discloses what she actually owned as well as what she perceived to be reasonable options of distribution in light of her own situation. It also hints at familial relationships and personal preferences. Overall, Mayor’s will points to a woman of substantial means and status, staunch in her rights and prerogatives.

Mayor’s final testament gives a unique perspective into women’s wills, unique in that far fewer women’s wills have survived than men’s. Nonetheless, one finds women

146 DCB, #142 (1277). The text reads “Et mando que si algunos de mis parientes otros qualesquier quisieren venir contra este mi ordenamiento en alguna manera, que pierdan quanto yo les dexo en el mi testamento, e que lo aya el cabildo;”
148 Mayor’s family is the subject of a prosopography, which names the family as “lesser nobility.” Ignacio Álvarez Borge, “Parentesco y patrimonio en la baja y media nobleza castellana en la plena edad media,” 631-666. Janna Bianchini identifies Mayor’s father Ordoño Perez as an alcalde, though raises the possibility that the alcalde Ordoño Perez named in a contemporaneous charter could also have been her nephew instead; but either way, she was certainly part of an elite family. Janna Bianchini, The Queen’s Hand: Power and Authority in the Reign of Berenguela of Castile (Philadelphia: University of Pennsylvania Press, 2012), 228-29.
149 Thirty years later, a 1271 charter cast Alvaro Diego, son of Diego Lopez de Grageras (the region of Mayor’s residence) in a light of prestige.
even in men’s wills and thus can glean information about women’s lives from those sources too. To begin, women appeared right alongside men as beneficiaries in wills, sometimes listed as *primas, sobrinas, or hermanas* (cousins, nieces, sisters), sometimes without a designated relationship to the testator, just as was the case with men mentioned in wills. Considering wills in general, one cannot detect a particular gender bias (such as tendency to endow men over women), for testators’ choices really seemed to depend upon personal ties, familial or otherwise. Notwithstanding, cathedral canon Esteban Perez de Cuellar exhibited clear favoritism to two women, Sancha Lopez and Maria Esteban, both identified by their husbands yet of unknown relation to him. Not only were they his primary heirs, receiving the bulk of his Beimbre patrimony, but also Esteban’s stipulation against grasping relatives favored them. He expressly stated that anyone who contradicted the terms of the will would surrender their endowment to those two women specifically.\textsuperscript{150} About Sancha Lopez the will provides another intriguing detail: Esteban left her the houses that were previously owned by Andres, the miller, for her to live in until she rebuilt hers that had burned down. Here then was an instance of very practical concerns being accounted for in a will (as opposed to loftier concerns for the soul). Esteban knew Sancha had lost her home and so he sought to provide for her; perhaps that is also why he favored her in general with his largesse.

Another testator, Pedro Pascual, archdeacon of the Burgos cathedral, also took into consideration the particular needs of his female family members. In Pascual’s case, he left a sizeable legacy to his niece—multiple houses, land in Fuentenillas, vineyard in Sotiello, pasture in San Paulo—which he stipulated were to be used as dowry, such that

\textsuperscript{150} DCB, #154, (1278).
neither she nor her father could sell or lease the property until she married. Finally, men’s wills also demonstrate that women participated in fiscal exchanges, possibly moneyleft even, such that would result in outstanding debts at the time of the borrower’s death. Mateo Sanz recorded in his will all of his debts; interestingly, more than half of his nine creditors are women. These few examples illustrate some of the ways in which women appear in final testaments, and represent possible avenues for further research.

As Wray and Cossar profess, wills are “‘rhetorically complicated compositions,’” one component in the “‘meta-drama’ of the management of property, protection of social status, and control of women.” Consequently, historians must analyze “medieval wills in conversation with other records to create a fuller picture of piety, social ties, inheritance strategies, and indeed of the historical record itself.” The brief consideration of this one woman’s final testament, analyzed alongside numerous land charters associated with other women, contributes to this fuller picture Wray and Cossar envision. It is a picture of active elite women administering substantial patrimonies, advancing family interests, and asserting their wills.

Each of these women—Lamba, Elvira, Sancha, and Mayor—represents the opportunities enjoyed by women of privilege in medieval Burgos. The two greatest determinants in a woman’s degree of maneuverability were her relational status and her economic resources, accumulated either through natal or marital inheritance. Even more

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151 DCB, #142, (1277).
152 DCB, #104, (1272).
than representing options, however, these women leave hard evidence of female volition, strategy, and negotiation within a patriarchal framework. While circumscribed by familial and communal prerogatives, female agency was certainly tolerated and in many cases sponsored.¹⁵⁴

¹⁵⁴ See n. 22, discussion p. 20.
CONCLUSION

Was it the ambitions of a would-be entrepreneur or the desire for remarriage of a prematurely widowed young woman that motivated Lambra to seek a way out of her arrangement with Las Huelgas after her husband’s death? For that matter, what happened to her once she did reach a compromise with Las Huelgas? Did she go on to become a successful shopkeeper, and if so, was she aided by a husband or did she manage her business on her own? Or what other of the endless possibilities came to pass in our protagonist’s lifetime?

Much to our chagrin, we have no way of knowing the answers definitively. That indeed is the biggest limitation this project faces, a symptom of the relative scarcity and brevity of sources. Nonetheless, Lambra’s case provokes a host of meaningful questions, and by examining her story in conjunction with the stories of a few others of her contemporaries we are able to learn much about the options, opportunities, setbacks, and concerns that medieval women encountered. Women were first and foremost empowered by wealth and status, even more precisely by generous heredad (patrimony) and by connection to public officials. Their purview to act in public roles was expanded in the absence of suitable male alternatives, often occurring when they reached widowhood. In the charters we see women actively administering their resources to the benefit of them and their family. We also hear women’s voices emanating from the sources, articulating their personal wishes and making provisions to see them heeded, as with the persistent Maria Remonth and the resolute Mayor Ordoñez.
Stitching together the vignettes of Lambra, Teresa Fernandez, Maria Remonth, Elvira, Mayor Ordoñez, Mayor Gilez, Sancha Garcia, and others, we arrive at a prosopography of the upper echelon of Burgos society. The network of relationships surrounding Teresa Fernandez, consisting of siblings, heirs, in-laws, and neighbors, shows that some of these women, though ostensibly disparate individuals, in fact shared social contacts; some were very likely neighbors, even.\(^{155}\) Thus we get an image of the elite, non-noble sector of society and of the advantages that women derived from that privileged position. And that image is fundamentally community-based. The importance of family and community cannot be overestimated for this time and place, and we see this borne out most significantly in witness and guarantee protocols. Ultimately, association with a group, and especially with a man or men, empowered women and opened up options for female agency.

The supremacy of the family manifests itself in the charters as commitment to patrimony—the desire to protect heirs’ rights and keep property in the hands of the family. This in turn translated to assiduous attention to private rights; and the desire to preserve an individual’s rights empowered women under the right conditions. Namely, women were empowered to act in public to represent their own or their family members’ rights when a suitable male alternative was unavailable. Implicit in this empowerment, however, was the biggest disadvantage women faced: prevailing attitudes about perceived feminine weakness that rendered them inferior to men and less fit for public or

\(^{155}\) I’m thinking in particular of Lambra and Maria Remonth, for we know Maria lived in the same neighborhood, San Lorente, as Lambra a mere twenty years after Lambra’s settlement with Las Huelgas, so it is very feasible they simultaneously resided in the barrio de San Nicolas.
Similarly, there was a bias against women’s honesty and reputation that discredited their word and made them less likely to be employed as witnesses or guarantors. In theory, as indicated by the law code, the wide range of exceptions that empowered women to act as legal functionaries suggests that protecting rights trumped keeping women out of the public sphere. And yet in practice, the discrepancy between male and female witnesses and guarantors is striking. Considered in tandem, this disconnect between theory and practice intimates a tension between women’s disability and ability.

The search for women’s agency fundamentally animates this thesis. It is more productive to highlight activity over passivity and opportunity over disadvantage. I view women as conscious actors, not victims, and I perceive their actions more in terms of negotiation than the extremes of either resistance to or complicity with the patriarchy. The charters reveal that women bought, sold, rented, exchanged, and donated land—basically, the same things men were doing with their property. In terms of land transfers, at least, women were not inherently disenfranchised. This basic conclusion paints a picture that is likely very different than what people might expect of medieval Europe. As a result, this thesis contributes to a revisionary understanding of women’s history, with Burgos as its window into the past.

156 Though I argue that women’s permission to adjudicate is a boon to them, the law behind it nonetheless echoes medieval attitudes about female inferiority: A woman may hold the position of judge, “with, however, the advice of learned men, for the reason that, if she errs in anything, they may be able to counsel and correct her.” (Part. III, Tit. IV, Law IV) Implicit in the paternalistic language was the presumption that women were prone to err in the first place. Burns, ed., Las Siete Partidas, vol. III, 565.
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APPENDIX A: SAMPLE CHARTER

Appendix A

SAMPLE CHARTER: AMHB #221
(NOVEMBER 1221)

Invocation of God.
Promulgation—made it a public act

In dei nomine. Notum sit omnibus hominibus tam presentibus quam futuris quod ego, Garcia Gonzalez, de mi buena voluntad, dò en arras a dona Mayor Gílès, mi mujer, quanta heredad he en Henestrosa, lo mio e lo que compré de don Munio, mio ermano; dogelo e otorgelo lo que fo de mi usuela miensa, dona Andrequina, con prados e con montes e con fuentes e con salles, con entrada e con exía, todo a fondos tierra, por lo que quel uendi de Tamara e por lo que auie en Castilla Vieja que dimos a Tera Garciaes, nuestra fiia.

Text: Disposition—transfer, legal formulae for land fastidiously covered all appearances

E si fios o filias vel aliquid homo vel femina quiserent esta carta contradecir o crebantar, sit maledictus et excomunicatus cum Judas traditore, e pece en coto al rey que regnare M morabisís.

Regnante el rey don Fernado con su madre, la reyna dona Berenquina, e con su mujer, la reyna dona Beatriz, en Castilla e en Toledo; alferet del rey, Lop Díaz; maiordomo del rey Gonzalo Royz; [...] [Done] during the reign of King Don Fernando, with his mother, Queen Berenquina, and his wife Queen Beatriz, in Castile and in Toledo; alferet of the king, Lope Diaz; mayordomo of the king Gonzalo Ruiz; [...] These are the witnesses, of hidalgos: Rui Gonzalez de Cobas [...] Of the laborers: Pedro de la Nuez [...] Eschatocoi: dating

Facta carta in mense noviembre, era Ma Ca LVI II. Conseilo de Elgiuisalua, visores et auditores et confirmadores.

Don Pelay Peydrez scriptit.

Written by Don Pelayo Perez.

Subscriptions: Scribe and witnesses, listed in order of importance

Not featured here is the usual guarantee clause, by which an individual pledged surety on behalf of the seller in case complications arose over the alienated land; appeared in sales valued over 40 mrs. or so.

Protocol (introduction): Inscribing the addressee

In the name of God. Let it be known to all present and future that I, Garcia Gonzalez, of my own free will gave in arras (dower) to Dona Mayor Gílès, my wife, the property I possess in Henestrosa, mine and that which I bought from Don Munio, my brother. I give and grant that which was my grandmother’s, Dona Andrequina, with pastures, mountains, springs, and valleys, with entrances and exits, across all the grounds, for that which I sold in Tamaron and for what I had in Castilla Vieja that we gave to Teresa Garciaes, our daughter.

Warning/curse: Penalty for breaking the terms; strengthening message

And if sons or daughters or any man or woman wants to contradict or violate this charter, let him be cursed and excommunicated with Judas the traitor, and pay to the reigning King 1000 monobatis.

*Lists of office-holders and sibbesses are useful in identifying elite men
APPENDIX B: DIAGRAM—13TH-CENTURY SOCIAL NETWORK

Appendix B
SAMPLE 13TH-CENTURY BURGOS SOCIAL NETWORK

Adjacent circles: first-degree blood relations.
Pentagons: individuals with houses in neighborhood of Santiago.
Lines: connection through mutual participation in a charter.