

## New perspectives on the creation of the Mercedarian Order

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Among the apsidal chapels of Barcelona's Cathedral of Santa Eulàlia and Santa Creu is one dedicated to Our Lady of Mercy. Its rococo retablo depicts what has become the official story of foundation for the Mercedarian Order, allegedly on August 10, 1218.<sup>1</sup> In the foreground there is an armored Pere Nolasc, kneeling before a very adult-looking King James I and Raymond of Penyafort, with Barcelona's bishop, Berenguer de Palou hovering in the background. At the time of its commission, the retablo sought to celebrate but also to validate the canonization of the Mercedarian patriarch, an event that had taken place only in 1628. The problem, of course, was that Nolasc's biography is an almost complete tabula rasa. We do not know when he was born, when he died, where he was from, to whom he was related, what his social status was or even where his body is buried. All we can say with certainty beyond the mere fact of his actual existence is that he acted as head of a confraternity of captives in Barcelona and elsewhere within the crown lands of Aragon during the 1230s and 1240s. Indeed, this very lack of a real biography caused much skepticism at Rome when the cause of Nolasc's canonization was first broached in the early seventeenth century. It seems that only through persistence and clever inventions were the Mercedarians able to prevail and gain the crown of sainthood for their founder.<sup>2</sup> But, surely the retablo of Barcelona's cathedral also reflects a lingering discomfort because the recently canonized founder in fact is portrayed in a position secondary to King James and St. Raymond.

One might ask why the Mercedarians would wish to diminish, at least iconographically, their founder by making him subordinate to James and Raymond. There was, of course, the now established tradition that the king in fact played a key role in the Order's establishment. Further, while hardly saintly, James was a towering figure in Catalan history in an era when Catalan identity was being challenged by an increasingly centralist Madrid and so this association between the king and Pere would give some validity to Mercedarian claims made on behalf of Nolasc's sanctity. Similarly, Raymond of Penyafort, himself only recently canonized in 1601, was arguably the most important figure produced by the Catalan Church in the thirteenth century and his participation in this event would also lend it stature. Indeed, so important were these associations to the Mercedarians that they

1. Entitled "La Fundació de l'ordre de la Mercè," this retablo is the work of Joan Roig and was installed in the Cathedral of Barcelona in 1688.

2. For an account of Pere Nolasc's canonization, see Bruce TAYLOR, *Structures of Reform: The Mercedarian Order in the Spanish Golden Age* (Leiden, 2000), 405-6.

were seemingly willing to risk the somewhat impish claims of seventeenth-century Dominicans that Raymond, and not Pere, was the actual founder of the Order.

When I first addressed this story of foundation and its various claims some thirty years ago, my goal was to deconstruct the story told by the Barcelona retablo and to demonstrate the implausibility of a ten-year old monarch undertaking any initiative for so major a project.<sup>3</sup> That Raymond would not have joined the Dominicans for another four years seemed only to discredit the Mercedarian tale even further. Indeed, the only significance of 1218 is that it marked the theoretical beginning of James' reign with the resignation of his uncle Sancho as royal procurator. But for James himself, the year had no particular significance since these supposed events went unrecorded in his own memoir, the *Libre dels feyts*.

In my *Ransoming Captives*, I then proceeded to reconstruct – insofar as the documents permitted – the sequence of events that led to the formation of the Mercedarian Order, citing a charter of 1230 as the first unquestioned appearance of Pere Nolasc as a practitioner of caritative redemptionism. In a general sense, I associated the beginnings of the Order with the military activities of the young count-king in the Balearic Islands and the Kingdom of Valencia but never explored the wider contexts that led to the formation of this particular religious order at this particular time.<sup>4</sup>

The phenomena of captivity and ransoming, of course, were nothing new, particularly for the residents of Catalunya. As I read through the Cartulary of San Cugat, for example, I am struck by the continuity of citation from the late tenth century onwards – of Catalans who are captured either in Catalunya itself or abroad, of Christians who hold Muslims as captives, and of individuals who bequeath legacies to be used as ransoms for captives. Indeed, the commerce in captives is something that will continue unabated in the Mediterranean until the nineteenth century and, in some parts of the world, continues today.<sup>5</sup>

Thus, the Mercedarians, whether we accept the dubious dating of 1218 or a more reasonable scenario that unfolds a decade later, responded to an old problem at a time when Iberia was not enmeshed in any serious military crisis. The Almohad Empire had been struck a debilitating blow in 1212 at Las Navas de Tolosa and peninsular Islam had once again fragmented into a series of weak taifa kingdoms. Turmoil, such as it was, was principally among Christians, among various aristocratic factions vying for influence during King James' long minority and between pro-Capetian and pro-Barcelona factions in Occitania. If Pere Nolasc was established enough in his work to attract outside financial support in 1230, furthermore, this activity likely began somewhat before King James' invasion of Majorca in 1229. How, then, can we explain the genesis of the Order of Merced and what, if anything, did the count-king of Barcelona contribute toward its establishment?

If captivity, liberation and charity were not novel concepts in the early thirteenth century, what was new was the way charity had recently come to be organized. The first notices that we have of Pere Nolasc describe him in 1226 as the “rector of the poor;” and in 1230 as a “collector and custodian of the alms for captives.”<sup>6</sup> He sought and utilized these alms, not as an individual person but as a reli-

3. See my “The Origins of the Mercedarian Order: A Reassessment,” *Studia monastica* 19 (1977): 353-60.

4. See *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier* (Philadelphia, 1986), 15-19.

5. For example, see José RiUS, ed., *Cartulario de « San Cugat » del Vallés* (Barcelona, 1945-50), 1: 142-44, no. 171 (985); 1: 158-59, no. 188 (986); 1: 214, no. 254 (990); 1: 263, no. 313 (996); 2: 22, no. 377 (1002); 2: 143, no. 493 (1024); 2: 213, no. 553 (1040); 2: 357, no. 694 (1078); 2: 368, no. 707 (1082).

6. Arxiu de la Corona d'Aragó (hereafter, ACA), Monacales, 2676: 56rv; 2679: 37r.

gious individual, with whom came to be associated a larger community of individuals bound together by religious vows, a Rule, and a set of constitutions that governed both their caritative activities and collective spiritual formation. Nolasc, in short, practiced his charity as a member of a religious order of a particular type, a caritative order.

The roots of the caritative movement in the twelfth century are diverse and diffuse. Like the mendicants, the military orders, and orders of scholarly canons, such as the Victorines, the charity movement has its roots in the Gregorian reform movement of the late eleventh century. Among the aspirations of reformers was the imposition of the regular life upon diocesan clergy and any other ecclesiastic who did not follow a Rule of life. In this vein, there were major efforts to impose the Rule of St. Augustine upon cathedral chapters across Europe; its use can be found in Catalunya as early as 1087 and it came to be practiced by cathedral chapters at Vic and Lleida. These reform initiatives, however, were by and large failures, with Lateran I's demand for clerical celibacy the only lasting legacy. At the same time, however, various associations of brothers and sisters which sprang up throughout Europe came to embrace this Rule, attracted by its antiquity and flexibility.

Among the bevy of new orders thus created in the twelfth century are the caritative ones.<sup>7</sup> In a general sense, the Rule of St. Augustine became a framework for a corporate practice of charity that ran a broad gamut of causes. There were hospices and hospitals that served travelers, pilgrims, the elderly and newborn, the chronically ill, and others. Alms assisted the hungry, the unemployed, and the victims of such catastrophes as captivity. While much of this charity was organized on the local level by individuals and corporate bodies that included municipal councils and laic confraternities, there were also efforts to establish wider networks of charity that would span regions and even all of Europe. The earliest of these were the pilgrim orders, of which the Order of St. John is the best known. This emerged in the years after the European conquest of Jerusalem in 1099 out of a need to provide shelter to the now considerable number of western Christians making a pilgrimage to the East. While its subsequently acquired military responsibilities eventually overshadowed its functions as a hospitaller order, nonetheless, the Order of St. John always maintained a large hospital at the seat of its master – whether in Jerusalem, Acre, Cyprus, Rhodes or Malta – as well as others along pilgrimage routes in western Europe. Other military orders that also followed the Rule of St. Augustine, including the Spanish Order of Santiago, the English Order of St. Thomas and the Germanic Teutonic Knights, emulated the Order of St. John's caritative works. Within Europe, a number of smaller pilgrimage orders that manifested less of a military aspect also emerged. Among these, we can include an assortment of Pyrenean congregations that served pilgrims traversing the Navarese and Aragonese passes of Roncesvalles and Somport en route to the great Iberian shrine of Santiago de Compostela: the Orders of Roncesvalles, Aubrac, and Somport. Similar congregations served pilgrims on their journey from the Alps southward toward Rome and Mediterranean ports from which they set sail for Jerusalem. These Italian orders include the Orders of Great St. Bernard, Mortara, and Altopascio.

The pilgrim orders, including those military orders that sheltered pilgrims, were of a hybrid nature in that their work was to both shelter and protect those placed in their charge. Indeed, the military aspects of the work of the Orders of St. John and Teutonic Knights quickly eclipsed their original

7. For an overview of the caritative orders, see my *Charity and Religion in Medieval Europe* (Washington, D.C., 2009), esp. chapters 3 and 4; and my "Medieval Caritative Orders," *International Encyclopaedia for the Middle Ages - Online*, ed. Patrick Geary, et al. University of California at Los Angeles Center for Medieval and Renaissance Studies and Brepols, <http://www.brepols.net> (2005).

hospitaller vocation. Nonetheless, several of the European pilgrim orders, notably Aubrac, Roncesvalles and Altopascio, also had knights as members.

Lacking the distraction of military duties are a group of new orders that also appeared at the end of the twelfth and the beginning of the thirteenth century. The two earliest have interesting ties to both Pope Innocent III and to the lands of the House of Barcelona. The first of these is the Order of the Holy Spirit. Founded by an otherwise obscure hospitaller named Guy in King James' birth city of Montpellier, the Order first becomes visible at the onset of Innocent III's pontificate in 1198. At this time, the pontiff extended his recognition and protection to Guy and his fellows, now scattered in ten distinct locales in southern France and central Italy, and granted the Order a rudimentary Rule. In 1204, the pontifical patronage became personal when Innocent assigned Guy a large pilgrim hospice located near to St. Peter's Basilica in Rome. With this expanded visibility and support, Guy's order then spread into Germany, eastern Europe, England, Scandinavia, and Iberia. Its first house within the peninsula may well have been the founding home at Lleida that the Order of the Holy Spirit was serving by 1214.<sup>8</sup> The second charity order to emerge during the early years of Innocent III's pontificate was that of the Holy Trinity, established by a French priest named Jean de Mathe. While details of Jean's biography are as sketchy as those of Guy, he also seems to have some roots in Occitania since, at least during the initial decades of the Order's existence, Marseilles seems to have been its principal house. The Rule, approved by Pope Innocent in 1198, required that the Trinitarians engage in traditional works of hospitality alongside a newer work to ransom Christians held captive by Muslims. Like the Order of the Holy Spirit, the Trinitarians spread widely, from England to the Holy Land.<sup>9</sup> In Iberia, they proved to be more popular in the Kingdom of Castile than elsewhere, but two of their earliest houses, founded as early as 1201 but certainly by 1216, were located in Lleida and its environs.

While the works of charity that each of these two order performed – such as caring for travelers, orphans, newborns, women in distress, captives – were not in themselves something new, structurally the Orders of the Holy Spirit and Holy Trinity represent two important innovations. The first is the creation of an infrastructure that facilitated the mobilization and organization of significant numbers of men and women, generally from the middling and lower social classes, in the service of charity. This became possible with the revival of the Rule of St. Augustine at the end of the eleventh century and its extension to a myriad of religious organizations in the twelfth century. This Rule, a century and a half older than that of Benedict, lent prestige and credibility to those movements that embraced it. Because Pope Gelasius II in 1118 permitted users to add anything to the Rule that their

8. The first two are reprinted by Paul BRUNE, *Histoire de l'Ordre Hospitalier du Saint-Esprit* (Paris, 1892), 419-20, no. 2; 420-22, no. 3; the second as well in *Die Register Innocenz' III*, ed. Othmar Hageneder and Anton Haidacher (Graz, 1964-2004), 1: 141-44, no. 97; the third can be found in *Patrologiae cursus completus: series latina. Sive, Bibliotheca universalis, integra, uniformis, commoda, oeconomica, omnium SS. patrum, doctorum scriptorumque ecclesiasticorum qui ab aevo apostolico ad usque Innocentii III tempora floruerunt*, ed. J. P. Migne (Paris: 1844-1902), 215: 376-80. The modern edition of Innocent III's register is being published under the auspices of the Historisches Institut beim Österreichischen Kulturinstitut in Rom. Ten volumes, published between 1964 and 2004, contain letters written through 1207.

9. Much of the modern historiography of the Trinitarian Order rests with the works of Giulio Cipollone, which include *Studi intorno a Cerfroid: prima casa dell'ordine trinitario 1198-1429* (Rome, 1978); *La casa della Santa Trinità di Marsiglia (1202-1547)* (Vatican City, 1981); *Il mosaico di S. Tommaso in Formis a Roma (ca. 1210): Contributo di iconografia e iconologia* (Rome, 1984); and *Cristianità-Islam: Cattività e liberazione in nome di dio* (Rome, 1992). A convenient summary of the events that surround the foundation and papal approval of the Trinitarian Order can be found in Melanie VASILESU, "Even More Special Sons?: The Importance of the Order of the Holy Trinity to Pope Innocent III," in *La liberazione dei 'cattivi' tra cristianità e islam. Oltre la crociata e il Gihad: Tolleranza e servizio umanitario*, ed. G. Cipollone (Vatican City, 2000), 721-33.

particular apostolate required and subtract anything that hindered that work, the Rule had enormous flexibility. As a consequence, it was adopted by a wide variety of devotional, educational, evangelistic and charitable associations during the twelfth century, among them the Orders of the Holy Spirit and Holy Trinity. The second innovation represented an attempt to change the method by which charity was to be delivered. Heretofore, the focus of charity was almost entirely local. Single institutions, such as hospitals, confraternities or local congregations, collected resources from particular communities and then distributed them to a clientele that generally was also from the same region. The new charity orders, on the other hand, represented an effort to globalize charity. Though wide scale alms collections, revenues could be collected from a broad area and then be targeted to individuals and regions most in need. What forces gave rise to these changes? They are certainly varied. The growth of pilgrimage and travel of all sorts, the particular needs of captives held in distant lands, the urbanization of Europe all combined to delocalize the focus of charity. That Europe experienced serious economic upheavals in the last decade of the twelfth century and first decade of the thirteenth – precisely during the same years in which the charity orders first arose – is also suggestive. Giulio Cippollone, the contemporary Trinitarian historian, argues that the consequences of the loss of Jerusalem to Saladin, the failures of the Third Crusade and perhaps victories by Almohads within Iberia all gave added impetus to the problem of Christian captivity during these same decades.<sup>10</sup> Finally, there is the intellectual legacy of Peter the Chanter and his circle at the University of Paris, with which Innocent III was associated during his student years, that argued for society's and the Church's obligations toward the involuntary needy. In any case, it was through a convergence of all of these forces that around 1200 a new variety of religious order emerged, the charity order.<sup>11</sup>

The Mercedarian Order was an early offshoot of this new movement. Its region of birth, the Catalan counties that straddled the Pyrenees, was geographically proximate to Montpellier and Marseilles, principal bases for the movements begun by Guy and Jean de Mathe. But, in order to ascertain the particular influences that came to bear upon the formation of the Mercedarians, let us chart out what we know about Pere Nolasc and his associates from the earliest reference to the moment in 1235 when Pope Gregory IX gave official recognition to the Mercedarians and assigned to them the Rule of St. Augustine.

The earliest reference to Pere Nolasc that I have found is in a grant of land in 1226 at Perpignan by Count Pere of Salses. Here Brother Pere is not described as a ransomier, but as the rector of the poor, and the lands given were to benefit the poor. A second reference is from August, 1230. This is a bequest of 100 *solidi* to Pere Nolasc for use in the ransoming of captives.<sup>12</sup> In October, 1231, in a document preserved in the Archive of the Cathedral of Barcelona, Pere Nolasc, self described as the collector and custodian of the alms for captives, acknowledges that the manumissors of the 1230 testament have in fact handed over to him one half of this legacy.<sup>13</sup> Thus, to this point, Brother Pere, at first a worker on behalf of the poor, is seeking specifically to assist captives. The fourth reference comes almost a year later, in July 1232. Here Bishop Guillem of Girona donated to an unknown colleague of Brother Pere a farmstead on Majorca.<sup>14</sup> Soon thereafter, in August 1232, a woman of Barce-

10. See his *Cristianità-Islam*, 449-53.

11. John W. BALDWIN, *Masters, Princes and Merchants: The Social Views of Peter the Chanter and His Circle* (Princeton, 1970), 1: 156, 237, 343.

12. ACA, Monacales, 2676: 56rv; 2679: 37r.

13. ACB, DC(d) 1246, cap. 14.

14. ACA, Monacales, 2676: 469r.

lona bequeathed 30 *solidi* for the redemption of captives, to be handed over to Brother Pere.<sup>15</sup> A few weeks later, Ramon de Plegamans, gave to Nolasc (now entitled as the procurator of the alms for captives) a piece of the beach on Barcelona's waterfront that would become the site of the Order's principal convent until the dissolution of 1835.<sup>16</sup> Pere then disappears from the documented record until January, 1234. At that time, Pere's "lieutenant on Majorca", Brother Joan de Laes received one Domenec Dolit as a brother *in fratrem*. This document tells us that Brother Pere is now commander of the hospital of captives that Ramon de Plegamans built and that the work of the brothers was to collect alms for the redemption of captives *de Hispania*.<sup>17</sup> During the same month, Beatrix, the widow of a butcher named Berenguer Rubio, whose name appears in the *repartiment* of Majorca, gave to the "charity of captives" a piece of regalian land on Majorca to the same Brother Joan de Laes for the purpose of constructing a residence.<sup>18</sup> The ninth reference is from Girona and dated October 25, 1234. Here Ferrer de Portell and his wife became confraters or associates of Brother Pere's movement. The couple granted to Brother Pere title to all of their goods, in return for the life long use of their property, the reservation of some 300 *solidi* of the estate *pro anima*, and support in their old age. In this document Pere continues to be entitled rector of alms and rector of Ramon de Plegamans' hospital. This charter, moreover, indicates that Nolasc's movement was now assuming some sort of permanent institutional form. Not only is this type of contract typical of those negotiated by monasteries and other religious corporations but it also suggests some confidence by the donors in the permanence of what Nolasc had created.<sup>19</sup> Finally, the tenth reference is a brief letter from Pope Gregory IX, dated January 17, 1235. It is addressed to the master and brothers of the house of Santa Eulàlia of Barcelona. Brother Pere had written the pontiff, presumably during 1234, asking for recognition and a Rule. Pope Gregory responded by granting to the new Order of Santa Eulàlia the Rule of St. Augustine.<sup>20</sup>

What does this fragmentary record tell us about the foundation of the Mercedarian Order?

In this narrative, four dates stand out. The first, 1226, marks the first appearance of Pere Nolasc in the documentary record. It is, of course, likely that he had begun his works of charity earlier, and created the sort of reputation that Count Pere would want to reward with a grant of property. We do not know, however, anything about Brother Pere's charitable enterprises until 1230, when he appears in a will that bequeaths money to him specifically for use in the ransom of captives. Pere, however, seemingly had no fixed abode until the summer of 1232, when gifts of property on Majorca and in Barcelona appear. The Barcelona house, called a hospital of captives, for the first time provided a name for Brother Pere's enterprise, one that will be used until papal approbation two and a half years later. In 1234, an independent branch of the movement is operating on Majorca, receiving at least one new member and the gift of property for the construction of a permanent residence. At the end of 1234, Nolasc's movement is sufficiently formed for it to begin accepting confraters and promising some form of long-term care. It is at this moment when his activities had crystallized into an embryonic institution that Brother Pere asked for and received papal recognition.

15. ACB, DB, ½ escala, no. 602.

16. ACA, Monacales, 2676: 37v-38r.

17. ACA, Monacales, 2676: 264r.

18. ACA, Monacales, 2676: 470r. For Berenguer, see *Còdex català del Llibre del repartiment de Mallorca*, ed. Ricard Soto Company (Barcelona, 1984), fol. 23v, p. 88.

19. ACA, Monacales, 2676: 143rv.

20. *Bullarium coelestis ac regalis ordinis B. Mariae Virginis de Mercede Redemptionis Captivorum*, ed. José Linás y Aznor (Barcelona, 1696), 2.

It seems to me that two significant facts emerge from this reconstruction. The first is that the Mercedarian Order, like most movements of its kind, was the product of an evolution, not a creation. Pere Nolasc did not, I believe, decide to create a redemptionist order; neither did King James, Bishop Berenguer or Ramon of Penyafort. The religious landscape of twelfth and thirteenth century Europe was crowded with many individuals who pursued caritative agendas. The efforts of most never transcended the personal to become institutionalized. Only the most successful of these charity workers eventually became founders of religious orders. Brother Pere just as easily could have remained an obscure almoner in the environs of Perpignan as the individual now memorialized in the paintings of Zurbarán. Thus, it is more accurate to speak of the emergence of the Mercedarians than it is of its creation.

The second important fact derived from the early documents is the central importance of Majorca to the story of the Mercedarians. The island, of course, was conquered by King James I in a series of military campaigns between 1229 and 1235. It was precisely during this conflict that Pere's role as a ransomer of captives first emerges and several of his early benefactors had ties to the Majorcan campaign, including the bishop of Girona and Ramon de Plegamans. Palma, along with Barcelona, was an early center of Mercedarian activity. The Balearic war, if it was not responsible for creating the Mercedarians, certainly propelled Brother Pere and his associates to some prominence and lent the new movement the resources that it needed to become permanent.

Pope Gregory's short letter is also interesting, less for what it says than for what it does not say. First of all, there is no papal confirmation of property of the kind contained in the earliest confirmations of the Trinitarians and the Order of the Holy Spirit. Mercedarians will not receive such papal protection of property until 1245.<sup>21</sup> The reason undoubtedly was that in 1234, when Brother Pere likely wrote to Rome, there was so little property to confirm. A decade later, particularly after the acquisition of a rich patrimony in the Kingdom of Valencia, such a papal confirmation would have made more sense. Gregory's letter of 1235, then, suggests that the Mercedarians were still in a very early stage of development. The second omission -- how the Rule of St. Augustine would be applied to the Mercedarians -- also suggests an institution only just beginning to crystallize. Typically, Augustinian congregations supplemented the very general provisions of the Rule with a set of constitutions appropriate to local needs.

The tradition that Bishop Berenguer of Barcelona and the Dominican Raymond de Penyafort were associated with the Mercedarian foundation might bear on this question. It was quite common, particularly in the first half of the thirteenth century, for bishops, particularly in France and the Low Countries, to write such constitutions for hospitaller foundations since these emerging congregations would fall under the bishop's authority. Bishop Berenguer, in office from 1212-41, might well have fulfilled this role as legislator. Unlike most of his predecessors, Berenguer was an important patron of charity, in 1226 establishing at his cathedral a new alms house and endowing it from his own personal funds.<sup>22</sup> Raymond of Penyafort, named a canon of Barcelona's cathedral in 1218 by Bishop Berenguer, in 1222 took the Dominican habit. He would likewise be a candidate to advise Brother Pere on the governance of his new enterprise, as Raymond was the author of the constitutions for the Dominican Order and a noted jurist in the court of Pope Gregory IX. There is, however,

21. *Bullarium*, 2.

22. Sebastián PUIG Y PUIG, *Episcopologio de la sede barcinonense* (Barcelona, 1929), 438-40, no. 93 (May 8, 1226); James William BRODMAN, *Charity and Welfare: Hospitals and the Poor in Medieval Catalonia* (Philadelphia, 1998), 9-10.

no evidence that either cleric provided such advice. Bishop Berenguer, unlike his colleagues north of the Pyrenees, did not assemble a congregation of religious to operate his new cathedral charity but instead placed it under the governance of the chapter and its hired employees. With regard to Raymond, there is evidence that Mercedarian usages were in fact influenced by the Dominican Constitutions, but this is not apparent until the promulgation of the Albertine constitutions in 1327, a half century after Raymond's death. Indeed, we know nothing of the particular usages adopted by the early Mercedarians. No legislation is extant before 1272. These constitutions deliberately replaced earlier customs that were evidently ineffective or, as the prologue to the 1272 document put it: "We do this to punish, check and correct the falsity and disloyalty of those who have been negligent or who have done evil in the Order."<sup>23</sup> Consequently, one would have to assume that, if Bishop Berenguer or Brother Raymond had advised Brother Pere on how to structure the new order, their advice was ill-founded.

What role did King James play in the appearance and evolution of the Mercedarians? A series of charters from the 1230s and 1250s demonstrate a measure of patronage, particularly within the Kingdom of Valencia, conquered by King James between 1232 and 1245. The earliest, dated July 14, 1238, grants to Pere Nolasc and to the Order of Santa Eulàlia of Barcelona, various properties in the suburbs of Valencia City. Another of September 16 cedes additional property to Joan Verdera, presumably an associate of Brother Pere.<sup>24</sup> On July 26, 1240, the king gave to Arnau of Carcassonne, the Mercedarian leader in Valencia, and to the House of Santa Eulàlia a church dedicated to the Virgin Mary and additional property at Puig, located some ten miles north of the city. This site had some significance to James, as the site of an early military victory in 1237. Furthermore, despite its secluded locale, it would in later decades become the principal seat of the Order in Valencia.<sup>25</sup> In 1242, there followed a gift of saltworks and agricultural land to a hospital that the Mercedarians operated in the Aragonese town of Sarrión.<sup>26</sup> Immediately after his conquest of Denia in 1245, the king granted to the Order of Captives land and a fonduk, or merchants' hospice, presumably to serve as an advanced base for the ransoming of captives from this port city.<sup>27</sup> In 1248, small grants of property were also given the Order in the Valencian towns of Xàtiva and Segorbe.<sup>28</sup> The final royal gift within crown lands was also the most ephemeral, the shrine of Sant Vicent in Valencia along with a hospital from which the king had ejected the monks of San Victorián; when the monks regained possession of the shrine in 1259, King James permitted the Mercedarians to keep whatever property they were able to carry off.<sup>29</sup>

In addition to grants of property, the king also bestowed upon the Mercedarians a number of privileges. The first of these, issued on June 13, 1251, granted a royal *guidaticum* or safeconduct, clearly for the purpose of privileging and protecting the brothers while traveling for the purpose of ransoming captives.<sup>30</sup> The second, dated March 12, 1254, permitted Mercedarians to accept gifts of

23. "Constitutions of the Ancient Fathers of the Order of the Virgin Mary of the Ransom of Captives That Were Enacted in the Year 1272," in BRODMAN, *Ransoming Captives*, 128.

24. ACA, Canc. Reg. 5: 47v.

25. ACA, Monacales, 2676: 440rv.

26. ACA, Monacales, 2663: 177.

27. AHN, Carp. 3193: 4.

28. ACA, Monacales, 2663: 2-3; Reg. Canc. 6:89.

29. Manuel Mariano RIBERA, *Centuria primera del real y militar instituto de la ínclita religión de Nuestra Señora de la Merced redempción de cautivos* (Barcelona, 1726), 172-73; ACA, Reg. Canc. 10: 143r.

30. ACA, Monacales, 2676:530rv.



regalian lands, whose transfer to tax-exempt persons such as aristocrats and churchmen – *exceptis militibus et sanctis* – was normally prohibited.<sup>31</sup>

What do these grants and privileges say about King James' relationship to the Mercedarian Order and does it in any way justify the later claims that the king was its true founder? The idea is not preposterous given the precedents set by his royal ancestors. Alfonso I of Aragon, for example, established military-religious confraternities at Belchite and Monreal del Campo, was a cofounder, with the bishop of Pamplona, of the pilgrimage order of Roncesvalles, and granted privileges to the pilgrimage order of Somport. Alfonso II in 1188 attempted to turn the Order of Mountjoy to a redemptionist purpose through his concession of a royally-established ransoming hospital in Teruel. King James' father, Peter the Catholic, established in 1201 the military order of Alfama. Finally, King James' grandson and namesake, James II, was founder of the Order of Montesa in 1317.<sup>32</sup> There is little in the record, however, to suggest that James I played such a direct role in the foundation of the Mercedarians. At least a decade had passed, for example, between the first stirrings of Brother Pere's apostolate and the first recorded instance of royal patronage. Many of the grants to the Order during the subsequent ten years, furthermore, were typical of the post-conquest distributions that King James made to myriads of individuals and corporate groups. One characteristic that does stand out in these early grants is a concern for ransoming, but this is only apparent in the grants at Sarrión and Denia. Perhaps the only sign of favor is the concession of the church at Puig de Santa Maria.

More direct signs of royal patronage emerge during the 1250s. This was a time of relative peace and consolidation, between the eras of conquest and of revolt. Thus, King James' interventions in Mercedarian affairs at this time were due less to any upsurge in captivity and more to a desire to organize and regularize what had already been created. Thus, to facilitate the work of the Mercedarians, King James extended to them a formal protection, a *guidaticum*, that might shield them from the depredations of others. Furthermore, in order to encourage settlers, or those wishing to dispose of their land grants to aid this ransoming order, he waived for the Mercedarians the usual prohibition against transferring regalian lands to religious corporations.<sup>33</sup>

In addition, on October 21, 1255, the king bestowed the monastery of Sant Vicent in Valencia, which Robert Burns has called the great religious shrine of the new kingdom.<sup>34</sup> This act provides the most direct documentary evidence that we have of King James' role in the foundation of the Mercedarians. The king tells us: "We who are its patron and founder, wishing to bestow on it benefits and honor, that it may go from good to better through the conduct and praise-worthy life of its brothers and the pious work they do for the redemption of captives." Indeed, in the following century, Kings James II and Peter the Ceremonious would cite this tradition of patronage to justify their own claims over the Mercedarians.<sup>35</sup> The 1255 document, however, is somewhat suspect. While there is no doubt

31. ACA, Monacales, 2676: 486rv. For a discussion of legal restrictions against the transfer of real property to ecclesiastical corporations, see my "*Exceptis militibus et sanctis*: Restrictions upon Ecclesiastical Ownership of Land in the Foral Legislation of Medieval Castile and Valencia," *En la España medieval* 15 (1992): 63-75.

32. A. J. FOREY, "The Order of Mountjoy," *Speculum* 46 (1971): 251-59; *ÍDEM*, *The Templars in the Corona de Aragón* (London, 1973), 104, 384; Regina SÁINZ DE LA MAZA LASOLI, *La Orden de San Jorge de Alfama: Aproximación a su historia* (Barcelona, 1990), 199-200, no. 1 (September 24, 1201).

33. ACA, Monacales, 2676: 530rv (June 13, 1251), 486rv (March 12, 1254).

34. RIBERA, *Centuria primera*, 172-73; Robert I. BURNS, S. J., *The Crusader Kingdom of Valencia: Reconstruction on a Thirteenth Century Frontier* (Cambridge, Mass., 1967), 1: 251, 282ff.

35. For a discussion of the evolution of this tradition in the fourteenth century, see my "Fable and Royal Power: The Origins of the Mercedarian Foundation Story," *Journal of Medieval History* 25 (1999): 229-41.

about its substance, namely that the king attempted to transfer the monastery of Sant Vicent from the monks of San Victorián, the particular phraseology used for the Mercedarians —the Order of Mercy— is precocious and not found elsewhere in this era. Indeed, the 1255 document does not survive in the original and is not included in the collection of Mercedarian documents made in the eighteenth century. It appears only in the work of Manuel Ribera, an eighteenth-century Mercedarian historian, who has not provided us with its provenance. Certainly authentic, however, is a second document of September 11, 1259 that records the Order's exodus from Sant Vicent. This entry in the royal register informs us that the previously ejected monks had successfully sued in the episcopal court of Valencia for their restoration but that the departing Mercedarians were free to keep whatever they could carry away from the shrine. This document is addressed to the "master of Santa Eulàlia of Barcelona of the Ransom of Captives and the Order of St. Augustine," a form of address typical of other charters known from this era.<sup>36</sup>

In the fourteenth century, whenever Kings James II and Peter the Ceremonious asserted their ancestor's role in founding the Mercedarians, they did so to justify their own interventions into Order's affairs or to claim its resources. It is significant, I think, that King James I is never known to have involved himself in the governance of the Order, and this despite the evidence of considerable turmoil among Mercedarians during the 1250s and 1260s. In particular, there is no evidence that he played any part in the election of Pere d'Amer as master in 1271 or the promulgation of the reform constitutions of 1272.

Thus, I have always doubted that King James could in any sense be called a founder or co-founder of the Mercedarians. This is not to say, however, that there was not a relationship between king and Order. Besides, the affirmative acts of patronage that have already been outlined above, there is also this consideration. If war in the Balearics was the catalyst for the institutionalization of Brother Pere's movement and its adoption of the work of ransoming captives, one has to ask why Brother Jean de Mathe's Trinitarian Order, now some three decades old, was not also active in this arena. Indeed, it is strange that they are so conspicuously absent. Trinitarians had been in Catalunya since 1201, with a base near Lleida. Despite Lleida's inland location, nonetheless, its citizens participated in the invasion of Majorca and figured prominently in the post-conquest *repartiment*. Furthermore, Trinitarians were also well established in Marseilles and Montpellier, two cities that contributed substantial resources to King James' invasion of the island.<sup>37</sup> The Trinitarians, themselves, were well acquainted with Majorca, having sent ransoms there in 1201 when it was still under Muslim rule.<sup>38</sup> So there seems to be some significance to the seeming exclusion of the Trinitarians from the Balearics and the concomitant favoring of Brother Pere's enterprise. In the second major military arena of King James' reign, Valencia, Mercedarians and Trinitarians were both physically present. Yet, only Mercedarians benefited from any royal largesse and only Mercedarians are seen as ransomers of captives; in Valencia, Trinitarian patronage was private and led them to become operators of a hospital for paupers.<sup>39</sup>

36. ACA, Reg. Canc, 10: 143r.

37. Montpellier supplied a number of ships and granted King James the sum of 100,000 solidi, while the merchant community of Marseilles sent six ships. See Archibald LEWIS, "James the Conqueror: Montpellier and Southern France," in *The Worlds of Alfonso the Learned and James the Conqueror: Intellect and Force in the Middle Ages*, ed. Robert I. Burns (Princeton, N. J., 1985), 133-34.

38. Eusebio PASCUAL, "Redención y ostentación de cautivos, siglos XII y XV," *Boletín de la Sociedad Arqueológica Luliana*, 6 (1895-1896), 126.

39. BURNS, *Crusader Kingdom*, 1: 238-41.

What are we then to conclude about King James's relationship to the Order of Santa Eulàlia for the Redemption of Captives? The circumstances of the Order's crystallization and evolution suggest little possibility of a direct royal role in its foundation or future governance. Yet, a royal patronage is apparent from its earliest years in the Balearics and becomes evident during the Valencian wars and afterwards. Such patronage, in the context of the histories of Aragon and Catalunya, is not unprecedented, as King James' ancestors had established ties of their own with emerging religious orders. Perhaps the most telling sign of this affirmative royal support is the failure of the Trinitarians to pursue the ransoming of captives in the crown lands of Aragon, while continuing to do this work both to the east and west of King James' realms. Thus, if we are to give the king a title, it would not be that of founder, but rather that of facilitator or patron.