

Church Synods in the Province of Zaragoza under Archbishop García Fernández de Heredia (1387–1411)

After the death of Archbishop Lope Fernández de Luna on 15 February 1382, the see of Zaragoza was vacant for five years until the death of the Aragonese king Pedro IV *el Ceremonioso*, owing to the Great Western Schism and the corresponding problems with the Archdiocese. Only under Pedro's son and successor Juan I *el Cazador* could García Fernández de Heredia assume the office, to which he had been appointed already on 7 October 1383 by Pope Clement VII, of the Avignon obedience.¹

García Fernández de Heredia

The archbishop came from Munébrega (Teruel) and belonged to the Aragonese high nobility. His parents were Blasco Fernández de Heredia, the *Justicià Mayor* de Aragón, and Toda Ruiz de Castilblanque. The great and famous Master of the Order of St. John, Juan Fernández de Heredia (1310–1396), was his uncle on his father's side of the family. Juan enjoyed the trust of king Pedro IV as well as that of the Avignon popes.² His nephew owed him his ecclesiastical career. García studied at an unknown place and completed his *Baccalareus in legibus*³ after which he became canon in Mallorca and at another important collegiate church, San Feliu in Gerona; following this, he was appointed Bishop of Vich by Pope Gregory XI in 1377.⁴

1 Eubel 1913, p. 153. Fundamental for understanding the person of Fernández de Heredia is Pladevall-Font 1967. For previous research on de Heredia, see Villanueva 1821, pp. 70–71, in general dependent on Moncada 1894; the article 'Fernández de Heredia' in EEAm, 23, p. 787; Sánchez Usón 1980, and lastly a short piece by Rocafiguera i García 2000 are not very satisfying.

2 Vives 1967; de la Válgoma Díaz-Varela 1965 (a genealogical table of the family in p. 36).

3 Eubel 1913, p. 526.

4 He was the successor of Ramón de Bellería, OSB, who died on June 10 1377, a monk of the abbacy of San Miquel de Cuixa (Eubel 1913, p. 526). After taking possession of this diocese by way of a procurator, the beneficiary Juan Boneti from Gerona, Bishop

In the following ten years, García Fernández de Heredia proved to be a competent administrator of the diocese, and he was successful in consolidating the possessions of the *Mensa episcopalis*,⁵ acquiring jurisdiction over many smaller villages⁶ from the crown, which suffered from a chronic lack of funds. In a crucial discussion with his chapter – dealing with jurisdiction over canons who had committed crimes – he managed to achieve a sustainable compromise.⁷

Bishop García was closely tied to the successor of the throne, Juan, in questions of Church politics; in the end, he even supported him against the king. Pedro IV had proclaimed the so-called “indifference” regarding the rise of the great Western Schism in 1378 for Aragon and did not want to follow one of the two obediences, yet he was not successful in seeing this stance through to the end, so that García’s uncle Juan Fernández de Heredia professed his allegiance to Clemens VII very clearly, during a general chapter of St. John’s Knights in Valencia in 1382. As was the case with other orders with a central government, the Knights of St. John split into two obediences: Urban VI proclaimed Juan Fernández de Heredia relieved of his ministry, and appointed Riccardo Caracciolo as Grand Master for the members of the order who remained under Roman obedience.⁸ García was also pro-Avignon. Both Juan and García Fernández de Heredia stood close to the heir of the throne, Juan, who – unlike his father – sought a political alliance with France.

On 7 October 1383, Pope Clement VII wanted to transfer García Fernández de Heredia to the archiepiscopal see of Zaragoza, so that he could become the successor to Lope Fernández de Luna, who was titular patriarch of Jerusalem since 1380,⁹ and who had died on 15 February 1382.¹⁰ Fernando Pérez Calvillo, the current deacon of the Cathedral’s chapter of Tarazona, was designated the successor to García as bishop of Vich.¹¹ The implementation of this nomination, however, was forbidden

García arrived on 5 July 1378 in Vich. For his time as Bishop of Vich, see Moncada 1894, pp. 317–318.

5 Moncada 1894, p. 320.

6 Moncada 1894, pp. 321–323, 324.

7 Moncada 1894, pp. 320–321.

8 Cf. Luttrell 1986.

9 Eubel 1913, p.153.

10 Eubel 1913, pp. 153, 276; Aubert 1967 col. 1116. Moreover, Fernández de Luna was, previously, Bishop of Vich, see Eubel 1913, p. 526.

11 Pérez Calvillo was a *decretorum doctor* and *auditor* of the Avignonese Curia, see Eubel 1913, p. 526).

by the king,¹² so the appointment could only become a reality after the death of Pedro IV on 5 January 1387. Juan I then wished immediately to fill the vacant bishops' seats, and wrote on 25 January 1387, to the chapter of Vich; that is, even before the formal statement of obedience of the kingdom to Clement VII, which took place on February 4.¹³ Fernández de Heredia would later appear as the mediator in a struggle regarding jurisdiction between his successor in Vich and the Chapter.¹⁴

The Turmoil of the Throne of Aragon

As archbishop, García was not only entangled in the great Western Schism, but also – and in a tragic way – in the questions about the succession of the throne of Aragon.

In July of 1409, Martín *el Joven* (1374–1409), the son and successor to the throne of the king of Aragon, Martín *el Humano* (1356–1410), died in Sicily, without leaving a legitimate male heir. Soon after, in May of the following year, the king himself died, and with his death the male line of the house of Barcelona became extinct, the line that had reigned over the kingdom for over 275 years.¹⁵ Even during the life of the king, the debate concerning who was to be his successor ensued. There were five claimants for the crown: first, Jaime *de Urgel* (1380–1433), a great nephew of Pedro IV; then Luis *de Anjou* (also called *de Calabria*; 1377–1417), who was grandson to Juan I through his mother Violante, and whose great grandson was Pedro IV; then Alfonso *de Gandía el joven* (1362–1424), who was an heir of King Jaime II *el Justo* (1265–1336; his reign began in 1291); then, too, Fernando *de Trastámara* (called *de Antequera* after a significant victory during the Reconquista in 1410), who was (together with Catalina de Lancaster) regent of the crown of Castile for the under-aged Juan II, who on his mother's side was the grandson of Pedro IV, and, finally, Federico *de Luna*, the illegitimate son of Martín *el Joven*. Archbishop García was part of the affair, since he was Metropolitan of

12 Cf. Ordeig i Mata 1986, p. 135.

13 Ordeig i Mata 1986, p. 136. For the letter of the king addressed to the chapter of Vich, as well as a letter with a similar content from the nominated bishop, Fernando Pérez Calvillo, see Ordeig i Mata 1986, pp. 138–139. See also Tasis i Marca 1957, pp. 118–121, 170–173.

14 Ordeig i Mata, p. 136. The quarrel could not be resolved definitively, and in 1391 Clements VII transferred Pérez Calvillo to Tarazona, from whence he came, under pressure from the chapter. Cf. Eubel 1913, p. 526; Moncada 1894, pp. 332–336. Before his death he was raised to the rank of a cardinal.

15 Regarding this topic, see Sesma Muñoz 1980, especially pp. 163–171 (“La Introducción de la Dinastía Trastámara”).

the church province of Zaragoza. Acting as spokesperson for his family, he was, together with the noble lines Urrea and Gurrea, opposed to the candidacy of the pretender Jaime de Urgel, who was supported by the Luna, Alagón and Híjar families. The group supported, actively, a pro-French policy, and favored the candidate of Anjou. At a later point in time, they would change to the Castilian camp and support Fernando de Antequera, under the influence of Benedict XIII.

The situation was very tense, even before the death of Martin I; Jaime de Urgel had been nominated as *lugarteniente* for the kingdom of Aragon, but his presence was met with strong opposition; at Zaragoza, where Blasco Fernández de Heredia, a nephew of the archbishop, filled the position of *capitán general*, there was almost turmoil.¹⁶ The king was forced to take the nomination back.

In the month following the death of the king, there was an attempt to set up a commission by way of diplomacy, a commission which was to inquire about the entitlements of the various pretenders and claimants to the throne without their direct participation. Their work was constantly disrupted by supporters of Jaime de Urgel. In this situation, it was seen as a good sign when, in February 1411, the *parlamento* of Calatayud assembled to settle the differences between the parties of Jaime de Urgel (whose spokesperson was Antón de Luna) and the noble group of Fernández de Heredia, which was headed by the Archbishop of Zaragoza. In the course of the discussions, a suggestion was made by the legal scholar Berengar de Bardají, which led to the first agreement regarding the composition and procedure of the arbitration tribunal that would later become operative at the council of Caspe. However, immediately after the accord, Archbishop García Fernández de Heredia returned from Calatayud to Zaragoza and met with Antón de Luna, near La Almunia de Doña Godina. This meeting degenerated into a severe quarrel, which would culminate in the murder of the archbishop.¹⁷

This political murder had a great effect on contemporary opinion,¹⁸ shaping the further development of the negotiations strongly. The chances of the count of Urgel were brought to a halt, since his spokes-

16 Cf. de la Válgoma Díaz-Varela 1965. As successor of his nephew Blasco Fernández de Heredia, the Archbishop commanded the civil government of the region of Zaragoza in the year 1411, until his violent death as *capitán general*.

17 Details in: Borràs i Feliu 1986, pp. 389–402.

18 Benedict XIII was personally taken aback and issued the bull *Ad reprimendas* a couple of days later, in which he took all necessary steps to ensure the election of a successor in case of sudden death (see Milian i Boix 1986, p. 86). The Pope immediately insisted on the right of the Curia of his obedience to inherit the murdered bishop.

person Antón de Luna was excommunicated owing to the bloody murder. To guarantee public order Aragon called Castilian troops into the country,¹⁹ by which the candidacy of Fernando gained great sway.

The further developments of the negotiations are not important for us at this point. It should be mentioned, though, that by the year 1412, a council of arbitration with three commissioners for each part of the country, Aragón, Catalonia and Valencia, who then resolved in the famous *Compromiso de Caspe*, proclaimed on 28 June 1412, to give the crown to Fernando de Antequera. The new monarch immediately seized the murderers of the Archbishop of Zaragoza and put them to death. He tried first to achieve a peaceful agreement with the party of the Count of Urgel. As this proved to be impossible, he compelled the Count in 1413 to comply by force of arms. He would remain imprisoned until his death in 1433 in Jativa.

The Archiepiscopal See of Zaragoza would remain vacant until 1415, when Francesco Climent Sopera was nominated for it.²⁰

Not least because of his tragic death, the work of García Fernández de Heredia has been honored, especially from a political viewpoint, but he has been critically judged as a bishop.²¹ It should not, however, be forgotten that according to the standards of his time he could be counted among the more worthy and conscientious bishops. Even more than in Vich, where he had already proved himself as a competent bishop, he showed himself to be a zealous shepherd in Zaragoza, especially at the beginning of his term of office. He visited the archdiocese personally right after his installation, sometime in 1387–88,²² and held two diocesan synods as well as two provincial councils as the Metropolitan of his ecclesiastical province.²³

19 An appropriate request of the party members of Luis de Anjou to France was left unanswered; thus, for obvious reasons, the French candidate had to retire from the claim (see Sesma Muñoz 1980, p. 165).

20 During the vacancy Benedict XIII reserved the income of the cathedral for the Curia, and appointed vicars as administrators. Cf. Sarasa Sánchez 1986, pp. 234–235.

21 Pladevall-Font 1967, col. 1107.

22 Cf. Blasco Martínez 1972 (unprinted lic. diss.). Marco Lasheras 1976/77 presents the codex “Visita del Arzobispado y de las Iglesias de Zaragoza” dating from the end of the fourteenth century (in Archivo del Cabildo de Nuestra Señora del Pilar, Alm 2 Caj. 10. Lig. N°2) and takes special interest in the visitation of Daroca in the time between September 30 and October 6, 1387.

23 The most important work that deals with the Synod of Zaragoza was written by Federico Rafael Aznar Gil in 1980 as a dissertation at the Universidad Pontificia de Salamanca (adviser Antonio García y García). The first part deals with an introduction about the synods and recognizes the synodal legislation. It was published in 1982 with the title *Concilios provinciales y sínodos de Zaragoza de 1215 a 1563* (hereafter Aznar Gil 1982). The second part with the edition of texts is hitherto unpublished (hereafter Aznar Gil

The archbishop exhibited a lively interest in building operations. Special mention should be made of the church and convent of San Francisco in Teruel (1392–1402), in the sanctuary of which the archbishop found his last repose.²⁴

The ecclesiastical province of Zaragoza was relatively young during the lifetime of García Fernández de Heredia. After the Reconquista of the city in 1118, and the re-organization of the ecclesiastical life in the whole region, the province was created in the year 1318 due to a cooperative initiative between the Aragonese King Jaime II and Pope John XXII.²⁵ The dioceses that made up this province were: Zaragoza as the Metropolitan See, Calahorra y La Calzada, Huesca, Pamplona, Tarazona and Segorbe-Albarracín.²⁶ This was essentially the same during the reign of Archbishop García Fernández de Heredia, except that Pamplona had reached independence from the Metropolitanate of Zaragoza by an act of Clement VII, a measure that was reversed by Martin V in 1420.²⁷

The first metropolitan, Pedro de Luna, together with his suffragan bishops, called a council for the newly erected church province in 1318. The council collected the statutes of the constitution of the church province Tarragona, the province to which the dioceses had belonged up to that point, from the years 1229–1318.²⁸ This collection would serve as the basis for the synodal legislation of the later synods and councils

1980; in the *Colección Sinodal "Lamberto Echeverría"* in Salamanca, there is a copy of the whole dissertation in two volumes, explained in Cantelar Rodríguez 2000, N° 3714). On pp. 448–509, texts can be found (or short notes where the text is lacking) of the synod of Cariñena (1393), the council of Zaragoza (1395), the council of Zaragoza (1407) and the synod of Belchite (1394–1411) without a date, all elaborated in N° 3723–3726 of the collection's catalogue.

24 The convent was founded in 1217 by two Italian Franciscans, Giovanni di Perugia and Pietro di Sassoferrato, who later suffered martyrdom. The crest of the Archbishop can be found at multiple spots of the edifice (presbytery and side chapels; entrance of the church on the cloister's side). The well-kept building was restored thoroughly for the jubilee, see <http://www.ofmval.org/7/ara/20ter/00menu.php> (10.09.2015); the homepage has a number of interesting historical accounts about the convent and church, as well as about the person of Archbishop García Fernández de Heredia.

25 Mansilla Reoyo 1965; Mansilla Reoyo 1982 (pp. 657–661 concerning Zaragoza); Mansilla Reoyo 1994, pp. 312–321.

26 Further projects of the king, in which he also hoped to incorporate Mallorca and Valencia into the new church province, were not carried out. Mallorca remained an exempt diocese, and Valencia remained in the metropolitan province of Tarragona (see Mansilla Reoyo 1982, pp. 657–661, and Mansilla Reoyo 1994, pp. 321–324), until the creation of the ecclesiastical province of Valencia, in the year 1492, by Alexander VI. Mallorca and Cartagena belonged to Valencia, cf. Mansilla Reoyo 1982, pp. 7–8, and Mansilla Reoyo 1994, pp. 421–423.

27 Mansilla Reoyo 1982, pp. 9–10; Mansilla Reoyo 1994, pp. 190–191.

28 *Collectio maxima Conciliorum*, p. 241; Hefele & Leclercq 1915, p. 788; Tulla 1967, p. 197. Aznar Gil 1982, pp. 55, 151–152. Cf. Martínez 1972, p. 576, who falsely questions the conciliar character of the assembly.

and was consulted time and time again. The archbishop held two further diocesan synods (1328 and 1338) as well as another council (1342).²⁹ Under the reign of the important Archbishop Lope Fernández de Luna, the archdiocese experienced four diocesan synods (1352, 1357, 1361, 1377) as well as a provincial council (1374).³⁰ The legislation of the synods dealt mostly with questions concerning the reform of clergy and the freedom of the Church lay office-holders; the constitutions of the provincial council have not been preserved.³¹

García Fernández de Heredia inherited a certain synodal tradition when he began his office, which was nevertheless not comparable to the Tarragonese tradition, since in the same time span, in Tarragona, twenty councils were held, whose character and number call for further research.

The diocesan synods under García Fernández de Heredia

As already noted, two synods were held under García Fernández de Heredia.

The first happened in 1393, in Cariñena, near Zaragoza.³² This synod assembled in June of the same year while its decrees were published on September 22.³³ The decrees are preserved in a manuscript and in two early prints.³⁴ They consist in a longer preface as well as five shorter constitutions, whose questions deal with the cult of the Eucharist as well as the life style and the remuneration of the clergy, and in which the results of the visitations in 1387 and 1388 were apparently received.³⁵

29 Aznar Gil 1982, p. 56.

30 Aznar Gil 1982, p. 43-44. On the councils of Zaragoza 1325, 1328, 1342, 1356, 1395, 1425 and 1429 see Martínez 1972, p. 576. Palazzini 1967, pp. 197-198, falsely presupposes that all assemblies of Zaragoza between 1328 and 1498 were diocesan synods: in other words, that the ecclesiastical province after the council of 1318 did not have a provincial synod until 1565, when Archbishop Fernando de Aragón called a council for the reception of the Tridentine council in Zaragoza.

31 Aznar Gil 1982, pp. 42-43, 153-155; regarding the council, pp. 43 and 155.

32 Cf. Aznar Gil 1982, p. 43.

33 Aznar Gil 1982, p. 155.

34 Zaragoza, Biblioteca General Universitaria de Zaragoza, MS 14, fol. 70r-73r. In 1495, Archbishop Alonso de Aragón assembled a synod – his third diocesan synod – during which he ordered the printing of a *Breviarium*, a *Missale* and a collection of provincial constitutions. This last text was printed and circulated in 1498 by the archbishop and printed in 1500 as *Constitutiones synodales Archiepiscopatus Caesaraugustani, per Alfonso de Aragonia ordinatae*. This edition was followed by another, *Constitutionum synodalium omnium archiepiscopatus Caesaraugustani epilogus*, which was printed in 1542 and also included the intervening synod. For more information see Aznar Gil 1982, pp. 33-35.

35 The text of the synod in Aznar Gil 1980, pp. 449-456.

The preface states that the decrees of the synod will gain legal force within three months and that the clergy will be punished by fining if cooperation is denied.³⁶

The first constitution orders the main churches of the archdiocese of Zaragoza to implement the custom of ringing a bell during the celebration of Mass, at the moment of the elevation of the sacramental species. If the faithful kneel in adoration upon hearing the bell and pray a *Pater noster*, they will gain an indulgence of 40 days; the same indulgence is granted to those who, while listening to the Gospel in Church, bend their knee every time that the name Jesus is mentioned.³⁷ From Catalonia we know a similar tradition with regard to the Eucharistic cult, found in the *opusculum* of Mestre Felip de Malla († 1431), *Molt devota contemplació del precios cors de Jhesuchrist*,³⁸ in which Benedict XIII is said to have granted an indulgence of 25 years to those who say special prayers during the elevation of the Eucharistic species.³⁹

36 Aznar Gil 1980, p. 450: “[...] et ne rectores et curati ignorantie pretextu se ualeant excusare, uolumus et mandamus quod constitutiones easdem quilibet eorum infra tres menses easdem sibi faciant et in suis ecclesiis teneant et obseruent, penam xx solidorum, si contrarium fecerint, incursum [...]”. In the sources, the *solidus iaccensis* (*sueldo di Jaca*) and *Florin* are mentioned as currency. For an orientation the data of later times, see Ventura 1992, p. 513, who argues that one *Florin* can differ in value between the different territories of the crown of Aragón, between 15 and 23 *sueudos*; in the territory of the kingdom which interests us, it equals 16.

37 Aznar Gil 1980, p. 450: “[...] presenti constitutione sancimus quod in sancta ecclesia sedis nostre ac in ecclesiis Beatae Marie Maioris et Sancti Pauli Cesarauguste et in aliis principalibus et notabilioribus cuiuslibet ciuitatum, uillarum et locorum nostre diocesis et signanter Sancte Marie Turolii, Alcanici, Sancti Iacobi Montis Albi, Sancti Saluatoris de Exea et Sancte Marie Tahusti, dum in celebratione missarum maiorum eleuabitur Corpus Christi, fiat signum cum campana cuiuslibet dictarum ecclesiarum quiliendo siue battuendo in eleuatione quilibet uidelicet Eucharistie et Sanguinis Christi tribus distincte ictibus feriente; hoc tamen in ecclesia Sancti Petri Turolii de cetero fieri prohibemus non obstante prouisione inde dudum per nos facta et concessa, quam ex certa scientia reuocamus. Nos enim, de Omnipotentis Domini Nostri Iesuchristi misericordia beatorum quoque Petri et Pauli apostolorum eius acutoritate ac Valerii antistitis et patroni nostri confitentes omnibus et singulis christifidelibus uere penitentibus et confessis ad dictum signum campane genua flectentibus et deuote semel dicentibus ‘Pater noster’ quadraginta dies iniunctis sibi legitime penis per gratiam Sancti Spiritus misericorditer relaxamus in Domino. Ceterum, cum in nomine Iesu omne genu flectatur celestium (Phil 2,10), terrestrium et infernorum, omnibus illis et singulis qui dum in sancto euangelio Iesus nominabitur se cum deuotione in terram inclinauerint genu flexo, predictam indulgentiam uolumus similiter sufragari”. The revocation regarding the church of St. Peter in Teruel regulates a battle concerning the ranking of this church and St. Maria, as is stated in the variation of the text quoted by Aznar Gil: “[...] ecclesie Sancti Petri Turolii, que non est principalior in dicta ciuitate [...]”. The elevation of the sacramental species is based on the theological discussion regarding the real presence in the Middle Ages and the “piety of watching”, cf. Browe 1929.

38 Casas Homs 1952, p. 491. The indication regarding the *opusculum* “feta ... en lo pas de la sua mort” is directed towards the end of the life of Malla.

39 Casas Homs 1952, p. 491: “Papa Benet XIII, dona XXIIII anys de perdó a tota persona qui dirà la següent oració quan se leuara lo cors precios de Jhesuchrist: ‘Adoro te dulcissime domine Jesuchriste et benedico tibi, quem credo esse sub hac specie quam uideo. Aue salus mundi uerbum patris hostia uera deitas integra uiua caro’. Quant se leua

The second constitution, entitled *De honestate clericorum*, deals with clerical dress, because the archbishop, in visiting the clergy, had found priests, in choir and in procession, who were dressed unfittingly.⁴⁰ Under threat of a fine of 10 florins the clergy were urged in future to wear the *almutia nigra* in choir, during processions and during other liturgical celebrations. Similar regulations can be found in the constitutions of the ecclesiastical province of Tarragona, for example, the regulations of the 1330 Council of Tarragona under patriarch John of Aragon, and the 1424 Council of Tarragona under Archbishop Dalmau Mur, who stipulated that clergy should wear the *cappa nigra* during the *Divinum Officium* between All Saints and Easter, and the *almutia extensa super spatulas* during the rest of the year.⁴¹ García Fernández de Heredia obliged clergy additionally to wear simple clothing befitting their social status, as was the general and particular law.⁴²

The third and fourth synodal constitutions deal with the tithe for churches and are characterized by the situation of sheep farming and shifting cultivation among the peasantry of the archdiocese. The question was where the obligation to tithe should lie, in the domicile of the owner, the land where the herds grazed, or the place where the lambs were born. The synod decided that the tithe should be paid to the church where the owner of the herds lived and where he received the sacraments.⁴³ Unlawful tithe collection would need to be reimbursed.

lo calzer: ‘O iuste dei sanguis, mala destrue que parat anguis – Ablue hic sanguis quod in Adam calui[t] sanguis’” (however, the granted indulgences appear unusually high). The archbishop Pere de Clasquerí of Tarragona had granted in the council of 1367 an indulgence similar to that of Fernández de Heredia, i.e. of 40 days (see *Collectio maxima Conciliorum*, p. 303).

40 Aznar Gil 1980, p. 451: “[...]reperimus tam in sancta sede nostra quam aliis ecclesiis nostre diocesis uisitacionis officium exercendo quod nonnulli presbiteri et alii perpetui beneficiati interessendo diuinis almutias diuersorum colorum et etiam aliquibus placet habitus laicalis, manicas ad modum tub[a]e et adeo etiam latas siue amplas quod redundat in dedecus honestatis habitus clericalis; capucia insuper in excessum parua portare necnon interesse in choro et processionibus, diuinis officiis cum superpellitiis indutis capuciis uel in capite positis contra eorum honestatem et totius cleri dedecus publice non uerentur”.

41 Cf. Grohe 1991, pp. 113 and 159. The *Almucia*, a shoulder-covering little coat known since the thirteenth century in France, was worn over the *Superpelliceum* and became widespread in the fifteenth century, cf. Braun 1907, pp. 356–357; Vavra 1980, col. 452. The Synod of Cariñena makes an exception for poor priests; they can assist in choir wearing just the *superpelliceum*.

42 Cf. CIC(L), vol. II, c. 15, X *De uita et honestate clericorum* III,1 (p. 453); c. 2 in *Clem.* III,1 (p. 1157). Additionally, the great council of the legate Guillaume Pierre Godin, O.P. Cardinal of Santa Sabina, held in 1323 in Valladolid, had the aim of enforcing the decisions of the council of Vienne and Spain, and its canons would be cited in the time thereafter, as seen in its canon VI, *De uita et honestate clericorum* (see *Collectio maxima Conciliorum*, p. 243). Cf. also Grohe 1991, p. 153; Sägmüller 1902, p. 194.

43 Aznar Gil 1980, p. 452: “Quia questiones, lites et iurgia super decimis agnorum qui

The fifth synodal constitution decrees that the *procurator fiscalis* of the metropolitan court of justice needs to be a cleric – that is, a priest – or at least *sacris ordinibus constitutus*, meaning at least a subdeacon; the same regulation is to be observed for the jurisdictional territories of Dacora, Teruel and Alcañiz.⁴⁴ If, due to negligence or a similar cause, a lay person is given one of these offices, the provision will be seen as null and the pretender to the office will not be justified in acting upon it.⁴⁵

The second synod took place in Belchite, also close to Zaragoza; neither the date, nor more detailed circumstances are known, nor were the constitutions even published. The only thing preserved is a remark in the decrees of a synod held in 1416 in the same location, by García Fernández de Heredia's successor, Francisco Climent Sopera.⁴⁶

The provincial councils

García Fernández de Heredia convoked two provincial councils for the ecclesiastical province, the first in 1395 and the second in 1407.

The preserved decrees of the council of 1395 consist of a preface and twelve constitutions.⁴⁷

In the preface the participants at the council are named. The first to be mentioned are the suffragan bishops or their procurators.⁴⁸ The only

nascuntur et pascunt in territoriis aliorum parrochianorum, uidelicet extra territorium locorum unde eorum domini sunt uicini et recipiunt ecclesiastica sacramenta, intra nostram diocesim sepe solent suscitari cum deducatur in dubium quibus dicte decime debeantur, idcirco nos, circa hec attendentes, approbante sancta sinodo decernimus et mandamus quod illis ecclesiis, rectoribus, uicariis, capitulis, capellanis siue collegiis decima agnorum totaliter persoluatur ubi domini ouium habitent seu uicinitatem faciunt et recipiunt ecclesiastica sacramenta, saluis tamen iuribus in precedenti proxima constitutione nostra positis". The regulation for the bond to a parish goes back to the Fourth Lateran Council, with its famous twenty-first canon, *Omnis utriusque sexus fidelis*, which commands every Christian who has reached the age of discernment to confess at least once a year to his respective parish priest – *proprio sacerdote* – and to go to Communion at least at Easter (see COD, p. 245). Cf. Hallermann 2004, pp. 44–46.

44 Aznar Gil 1980, p. 452: "[...] ad supplicationem totius sinodi in nostra presentia agregata perpetuis temporibus statuimus quod procurator fiscalis curie nostre archiepiscopalis et successorum nostrorum archiepiscoporum Cesarauguste et etiam cuiuslibet curiarum officialatum nostrorum Daroce, Turolii et Alcanici habeant esse semper sacerdos uel saltem in sacris ordinibus constitutus [...]".

45 Aznar Gil 1980, p. 452: "Si vero de dicto officio per inaduertentiam uel alias layco contigerit prouideri, talis prouisio habeatur penitus pro non facta et talis laycus de dicto officio prouisus ad ipsius exercitium nullatenus admittatur".

46 Aznar Gil 1980, pp. 156–157: "Dominus Garsias, predecesor noster, in ultima sinodo, quam celebravit in hoc loco de Belchito, ordinauit quod de cetero sanctorum Abdon et Sennen et Sanctae Susannae celebrentur festa IX lectionum, licet ordinario huiusmodi non fuerit in scriptis redacta", cf. p. 44.

47 Aznar Gil 1980, p. 156.

48 Aznar Gil 1980, p. 458: "[...] nos in ciuitate Cesarauguste prouinciale concilium de exemptis et non exemptis auctoritate apostolica celebrantes, presentibus reuerendo

one personally present was the Bishop of Huesca, Jean Bauffès.⁴⁹ The remaining suffragan bishops – Fernando Pérez Calvillo of Tarazona,⁵⁰ Diego (Pérez) de Heredia of Segorbe-Albarracín⁵¹ and Juan Ramírez de Guzmán of Calahorra y La Calzada⁵² – were represented by procurators. Cardinal Martín de Zalba, administrator of the diocese of Pamplona, is mentioned *pro forma*: *presidente siue administrante in ecclesia Pampilonensis, dicte prouincie nostre*, but Clement had made Pamplona exempt from the metropolitan association of Zaragoza in 1385.⁵³

Apart from the Bishop of Huesca and the procurators of the absent suffragans, the representatives of the Orders were present, abbots of abbeys and procurators of the cathedral chapters.⁵⁴ Among them were

fratri nostro Iohanne Oscensis episcopo et uenerabilibus procuratoribus aliorum suffraganeorum nostrorum uidelicet Tirasonensis, Segorbricensis et Albaracinensis et Calagurritanensis et Calciatensis episcoporum, presidente siue administrante in ecclesia Pampilonensis, dicte prouincie nostre, reuerendissimo in Christo patri domino Martino, miseratione diuina sancte Romane ecclesie cardinali”.

49 The *doctor utriusque iuris* Jean Bauffès, born in Evreux, was called to be *cantor* after his studies in Paris at the cathedral of Évreux, a suffragan diocese of Rouen, before he was appointed Bishop of Dax, in the southwest of France, in the ecclesiastical province of Auch, by Gregory XI (1375–1391). From there he was transferred to Vich (1391–1393) where he succeeded the luckless successor of Fernández de Heredia, Pérez Calvillo. After his short reign in Vich, he was bishop of Huesca 1393–1403. In August 1403 he was supposed to be transferred to Lérida, but he died in October of the same year in Marseille, cf. Moncada 1894, pp. 338–340; Eubel I, pp. 97, 283 and 526; Degert 1932.

50 Bishop of Tarazona in the years 1391–1404. He was supposed to be succeeded by Fernández de Heredia as bishop of Vich (1383–1391). Benedict XIII created him a cardinal presbyter with the titular church *SS. XII Apostolorum*; in the meantime, he remained administrator of the diocese of Tarazona. Before his nomination as Bishop of Vich, he was a *decretorum doctor* and dean at the cathedral of Tarazona, and worked at the Curia of Clemens VII as *capellanus* and *auditor*, cf. Moncada 1894, pp. 329–337; Eubel 1913, pp. 29, 39, 486 and 526; Gilles 1955, p. 325. At the time of the council, he was probably in the Curia of Avignon, where he received an order from Benedict XIII in the spring to lead a delegation to Rome, cf. Ehrle 1892, pp. 172–185. A short biography of the cardinal, see Sanz Artibucilla 1930.

51 Bishop of Segorbe-Albarracín in the years 1383–1400, *licentiatus in legibus*, and commendatory Abbot of the abbacy San Feliu in Gerona. He became bishop of Vich in 1400, and died in the year 1410 (Noticias de Seborgue y su obispado, por un sacerdote de la diocesis, cf. Aguilar y Lercat 1890, pp. 160–164; Eubel 1913, pp. 443, 526; Ordeig i Mata, p. 136).

52 Bishop of Calahorra y La Calzada in the years 1394–1403. Before this, while he was Archdeacon *de Valdenis*, he administered the diocese of Tuy from 1384–1394, in the diocese of León Ramírez de Guzmán, at the time of his appointment. In 1403, he was transferred from Calahorra y La Calzada to Ávila, where he died in 1424, cf. Eubel 1913, pp. 67, 156, 501).

53 Martín de Zalba held the office in the diocese of Pamplona for what was – at that time – an uncommonly long period of time: 26 years (1377–1403). At the time of his appointment, he was *decretorum doctor* and Dean of the chapter S. Maria de Tudela in the diocese of Tarazona. He was created 1390 as Cardinal Presbyter by Clemens VII with the titular church *S. Laurentii in Lucina*. At the time of the provincial Council, he stayed in Avignon at the side of Benedict XIII, cf. Eubel I, pp. 28, 43, 387; Goñi Gaztambide 1979, pp. 266–382. In Zaragoza, they were not happy with the exemption of Pamplona, as would become evident.

54 Aznar Gil 1980, p. 458: “Presentibus etiam uenerabilibus in Christo patribus dominis

Juan Martínez de Murillo, abbot of the important Augustinian collegiate church, Jesús Nazareno de Montaragón in the diocese of Huesca,⁵⁵ Miguel, abbot of the Cistercian abbey of Santa Fé, and Pedro de Varidaury, abbot of the abbey San Prudencio de Monte Laturce.⁵⁶ Considering that the preface does not give a precise number of participants, it seems to have been a well visited synod.

Habitis deliberatione et diligenti tractu the archbishop decreed *sacro approbante concilio* the following constitutions *ad reformationem status dicte provincie ecclesiarum et personarum ecclesiasticarum*, and published them during the council. It was the task of the suffragans to make known the constitutions in their jurisdictional territories within six months.⁵⁷

The first constitution renews the regulation of the above-mentioned council under Metropolitan Pedro de Luna of 1318, against the corruption of the ordinaries, and threatens them with an excommunication *latae sententiae* in the case of any violation against the decree *Quoniam gratis* of the archbishop. In order to be absolved the culprit must repay double of what he had tried to gain by illegal means.⁵⁸

The following very detailed constitution contains a regulation with regard to notaries of diocesan curiae; it constitutes an acceptance of the regulation of *Fueros de Aragón* for civil notaries.

Constitution 3 demands – as the archbishop had done already during the diocesan synod, but now on the level of an ecclesiastical province

Iohanne Montis Aragonensis ordinis sancti Augustini, Oscensis diocesis; Michaele Sante Sedis Cisterciensis ordinis, Calagurritanensis, Cesarauguste diocesis; et Petro Sancti Prudentii, eiusdem Cisterciensis ordinis, Calagurritanensis diocesis, abbatibus et multis aliis venerabilibus religiosis et prouidis uiris prioribus, archidiaconis, archipresbiteris, canonicis, procuratoribus capitulorum, tam ecclesie nostre metropolitane quam aliarum ecclesiarum cathedralium, et aliis personis ecclesiasticis, regularibus et secularibus, exemptis et non exemptis, dicte nostre prouincie Cesarauguste in prouinciali concilio existantibus”. Instead of “[...] Sante Sedis Cisterciensis ordinis ... Cesarauguste diocesis” it should be called “Sancte Fidei Cisterciensis ordinis”, since it is the abbacy of Santa Fé, close to Zaragoza, cf. Moral 1973.

55 Cf. San Martín 1973. The Canons had elected Miguel de Gurrea as abbot, in agreement with the king. Benedict had nominated Juan Martínez de Murillo. The Canons did not want to accept this decision; the dispute would only end in 1398, in favor of Martínez de Murillo. He would remain abbot of Montaragón until his death in 1420. Benedict XIII elevated him in 1408 to the rank of Cardinal Presbyter with the title *S. Laurentii in Damaso*, but he was called, in *vulgo*, the Cardinal of Montaragón (*Cardinalis Montis Aragonum*). Cf. Bauer 1964; Eubel 1913, pp. 30, 43.

56 Cf. Marín 1973; Ibáñez de Echavarrí 1754, p. 404.

57 Cf. Aznar Gil 1980, p. 459.

58 Aznar Gil 1980, p. 459: “Statuimus quod ordinarii, qui in recipienda pecunia contra tenorem constitutionis recolende memorie domini Petri, predecessoris nostri, incipientis ‘Quoniam gratis’ ... fraudem adhibuerint, sint eo ipso excommunicationis sententie irretiti, a qua non absoluantur nisi in duplo eius, quod receperint, primitus restituto”.

– that a *procurator fiscalis* is in holy orders for the continuation of his office.⁵⁹ Otherwise, it is notable that the council had no further regulations regarding the classic theme of *De vita et honestate clericorum*.

By naming and stressing the older legislation and its own diocesan synod, constitutions 4 and 5 enforce regulations against those who demand illegal tithing and demand of First Fruits, even if it be under the pretext of charity and piety. The council also abolishes the practice of mortgaging the tithe to prevent its alienation from ecclesiastical use. The culprits are threatened with excommunication *ipso iure*.⁶⁰

The following two constitutions dealt with the protection of church immunity, while *Constitutio* 8 insists that the *procuratores fisci* proceed with circumspection in the hearing of evidence and avoid taking up thoughtless charges.

The ninth constitution, with the title *De iudeis et sarracenis*, deals with a problem of great importance in Spain in the Late Middle Ages. The question of the Jewish people was especially virulent in the Spanish kingdoms at the end of the fourteenth and the beginning of the fifteenth century. Half a century before, during the Great Plague, many Jewish pogroms took place in the Iberian peninsula, as in other countries. A few years before, in 1391, in Castile and Aragon, a wave of especially gruesome Jewish pogroms took place. In Seville, Toledo, Valencia and Barcelona, many Jews were subjected to mass baptisms. The constitution of the council of Zaragoza is very brief, and puts no new norm into place. It evokes thoughts of the regulations of Archbishop Pedro de Luna and his Council of 1318, namely the constitution *Canonum instituta*, which incorporates a decree of the Council of Vienne obliging the Christian princes not to openly tolerate Muslim cults in their territories.⁶¹ Archbishop Pedro de Luna extended this to *Judei* and *Sarraceni*. Interestingly, the Council of Zaragoza has a document entitled *iudeis et sarracenis*, but which deals

59 Aznar Gil 1980, p. 462: “Nullus de cetero procurator fisci admittatur, nisi in sacris sit ordinibus constitutus, suffraganeis nostris et eorum et nostris officialibus contrarium faciendi potestatem omnimodo adimentes”.

60 Aznar Gil 1980, p. 462: “Sacro approbante concilio addicimus constitutionem . . . per bone memorie dominum Petrum predecessorem nostrum editam, et penas et sententias in ea contentas locum habere contra illos qui predicta in dicta constitutione uetita aut eorum aliquid petunt uel exhigunt aut recipiunt, etiam pretextu charitatis et pietatis, cum sub specie boni ius alienum ledere notissime uideantur. – Ipso iure irrita sit primitiarum concessio per quempiam prelatum diocesis aut prouincie Cesarauguste facta in posterum cuiuscumque ecclesiastice aut seculari persone cuiusuis status, conditionis, dignitatis aut preminencie existat, cum eas ad usus canonicos conuerti precipiamus et expendi concedimus; contra uero facientes sint ipso iure excommunicationis uinculo innodati”.

61 Cf. COD, ‘The Council of Vienne’, can. 25, p. 380. The instruction was assumed by the Clementines (CIC(L), vol. II, cap. Un., in *Clem. De iudaeis et saracenis* V, 2, pp. 1180–1181).

only with the *Sarraceni*, perhaps because after the gruesome bloodshed of the time of pogroms the Jewish communities were not seen as threat anymore.⁶² The Constitution threatens those who do not observe it with the punishment of excommunication.⁶³

The regulations of the long twelfth constitution reveal themselves to be a summary of the past synodal legislation on the provincial and diocesan level regarding measures in defense of ecclesiastical rights and liberties. The rightfulness and inviolability of ecclesiastical jurisdiction is asserted, over people as well as over goods and the tithe. Whatever is done under oath is under ecclesiastical jurisdiction, since the oath is seen as something sacred. The secular authorities are called upon to respect the *privilegium fori* and to execute the church's sentences with the aid of the temporal legal branch. To avoid the possibility that somebody enters the clerical status in order to escape a temporal judgment – a perennial topic during the councils of the later Middle Ages as well as the *cortes* of the kingdoms – the judgment for criminal clerics had to be severe and just. Therefore, ecclesiastical sentences are introduced against *raptores, inuasores et depredatores hominum, ecclesiarum, rerum ecclesiasticarum et locorum religiosorum*, meaning that the legislation that was in act from 1318 was reinforced.

At the end of the canons one finds in some manuscripts a confirmation bull of Benedict XIII regarding some of the constitutions.⁶⁴

Finally, for the Council of 1407 the constitutions are missing. All that is preserved is the Bull of Benedict XIII, of 13 July 1407, in which he agrees with the convocation of the council and the bull of December 21 of the same year, in which a decision of the council to reduce the amount of

62 In the subsequent two decades, the tone would become sharper again. In 1413–14 Benedict XIII would, with the support of Fernando I, convoke the great Disputation of Tortosa. Under the influence of apocalyptic ideas, the Pope was convinced of the possibility of bringing about the last great conversion of the Jewish people with this disputation between Christians and Jews. The result of the disputation was on the one hand a wave of baptisms, but on the other hand the bull of Benedict XIII, *Etsi doctoris Gentium* of 11 May 1415, which was followed by an edict of Fernando I on July 23 with numerous restrictions, an edict which would make the lives of the Jewish communities much more difficult – hence the dynamic which Vienne and Pedro de Luna had envisioned in 1318, and which Fernández had not applied to the Jews. The dissolution of the obedience of Benedict in 1416 and a changed policy for the Jewish people under Alfons V led to a certain relaxation of the situation for Jews under the crown of Aragon. Cf. Suárez Fernández 1980, pp. 226–230.

63 Aznar Gil 1980, pp. 463–464: “Addicientes statuimus quod principes, barones et alii domini, sub quorum dominio sarraceni infra diocesim et prouinciam Cesarauguste comorantur, qui per presentes prelatos aut curatos suos uel eorum nuntios moniti, constitutionem recolende memorie domini Petri predecessoris nostri incipientem ‘Canonum instituta’ sub titulo ‘De iudeis et sarracenis’ complete et cum effectu non seruauerint infra mensem a die monitionis, ex tunc ipso facto sint excommunicationis sententia innodati”.

64 In Aznar Gil 1980, pp. 492–508.

some ecclesiastical tithes was approved. It seems that Domingo Ram,⁶⁵ appointed by the archbishop and prior of the chapter of the regular canons of the cathedral church of Zaragoza, presided over the assembly.

Conclusion

Archbishop García Fernández de Heredia of Zaragoza was a very important man, due to his tragic involvement as *homo politicus* in the turbulence of the throne of Aragon after the death of king Martín *el Humano* in the year 1410, during which time he was murdered. The present article aims at inquiring into his role as bishop. In this, he proved to be a shepherd who fulfilled the requirements of his office, and, in so far as the sources give details – as regards his synodal legislation – he did so with diligence. The visitation and the four synods (two diocesan synods and two provincial councils) give proof of this. Their constitutions are not original; often, they are receptions or reiterations of a prior legislation from the church's province, whereas the Council of 1318 under Pedro de Luna had a foundational importance. This is understandable, because the Council of 1318 was the first in the newly founded ecclesiastical province of Zaragoza. The personal experience of García Fernández de Heredia shines out in the way he, based on his experiences of the visitations and of the life of the peasantry, reordered the church's tithe in the diocesan synod of 1393 in Cariñena (constitutions 3 and 4) and then reiterated this legislation in the provincial council of 1395. It is a small example, without great transcendent appeal, but it shows, at least, the classical way of reform, from the visitation to the diocesan council, to the provincial council.

Sammanfattning:

Synoder i kyrkoprovinzen Zaragoza under ärkebiskop García Fernández de Heredia (1387–1411)

Ärkebiskop García Fernández de Heredia (1387–1411) har blivit känd som det mest framstående offret i bråken om den aragonesiska tronen före Kompromissen i Caspe 1412, som skänkte kronan åt Fernando de Antequera. Tack vare att biskop García företrädde familjen Fernández de Heredia, som eftersträvade en maktposition i riket, blev han mördad av en medlem av ett konkurrerande parti. Han har sedan beskrivits hu-

⁶⁵ Ram would later play an important role as Archbishop of Tarragona and Cardinal under Martin V, cf. J. Grohe 2000.

vudsakligen i politiska och negativa termer. Genom att i stället betrakta hans aktivitet som biskop är det möjligt att formulera ett mer positivt omdöme.

I fråga om obediens under den västliga schismen lutade han åt Avignon, i samförstånd med kronprinsen Juan som, olikt sin fader Pedro IV, sökte en politisk allians med Frankrike medan kungen förblev angelägen att hålla Aragón neutralt till de båda obedienserna.

Under sin tid som biskop av Vich (1377–1383) och ärkebiskop av Zaragoza (utsedd 1383, de facto 1387–1411) visade han sig som en ivrig herde för de stift han fått i sin vård. Medan han i Vich snarast framträdde som en god administratör, demonstrerade han sin syn på ämbetet genom att visitera ärkestiftet Zaragoza 1387–1388, omedelbart efter att ha tagit det i besittning. Resultaten av visitationen behandlades vid stiftssynoden i Carineña nära Zaragoza 1393. En annan synod ägde rum i Belchite.

För kyrkoprovinns Zaragoza höll ärkebiskop García två koncilier, år 1395 och 1407. De frågor som behandlades vid dessa möten överensstämmer med vad de flesta synoder vid denna tid tog upp. Anmärkningsvärt är den fullständiga frånvaron av problem relaterade till den västliga schismen; det påminner oss om att kyrkolivet i länder som klart höll sig till en av obedienserna i stort sett följde sina normala banor.

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COD = *Conciliorum oecumenicorum decreta*, ed. Giuseppe Alberigo, 3 ed. Bologna: Istituto per le scienze religiose, 1973.

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