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**Ethnic and religious identity in the context of the late medieval legal system -
the periphery of the Latin West (13th-14th centuries)**

DISSERTATION ABSTRACT

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The dissertation contains an introduction, four chapters, each with its own internal thematic structure, a conclusion and a separate section on the bibliography and used primary sources. The total volume of the study is 239 pages.

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I. GENERAL CHARACTERISTICS OF THE DISSERTATION

Relevance of the research topic. Object and subject of the study

The topic of the dissertation was chosen because of the importance of ethnicity as a phenomenon with defining value for the development of humanity. In parallel, the phenomenon of ethnicity continues to play a significant role in shaping individual and group identities, recognizing the diversity of cultures, languages, traditions and historical experiences. Of particular interest to the author of this paper, which also defines the **subject** of the study, is to trace if the concept of ethnicity was applicable in the Middle Ages. In addition, it also looks into how far it was tied to religion, the principal form of shared identity in pre-modern societies, and how it was reflected in the legal sources of the era. This inherently determines the **relevance of the topic** in accordance with the traditionally held view in scholarship that ethnicity as we perceive it today did not exist in the Middle Ages and only began to play the role of a determining factor during the colonial era and the rise of nation-states in the modern period. In parallel, despite the conviction of early twentieth-century theorists that the forces of globalization and modernization would lead to the disappearance of ethnicity, as is evident in the twenty-first century, we as human beings continue to use our ethnicity to comprehend the world around us and to ascertain our identity.

Aims, research objectives and scope of the study

The main **aims** and **objectives** of the present study can be summarized as follows:

- 1) Exploring the concept of ethnicity and its application in a medieval context during the 13th and 14th centuries. It does so by analysing key ethnological terms, phenomena, and events to identify both similarities and differences to modern definitions. The objective is not to propose an entirely novel definition of ethnicity, but rather to enhance the theoretical comprehension of the concept.
- 2) Exploring the manner in which medieval societies located on the periphery of the Latin West (exemplified by Castile, Ireland and Hungary) identified themselves in the 13th-14th centuries in ethnic and religious contexts. Furthermore, it examines how these identifications influenced relationships between cultures, groups and individuals. The emphasis is placed on the processes that are inherent to ethnicity, as opposed to the identification of fixed characteristics that are typically associated with an ethnic group.
- 3) Examining the relationship between ethnic processes and law in the context of the late medieval legal system during the thirteenth to fourteenth centuries. The central question guiding this investigation is how law shaped the boundaries between different communities and how notions of ethnic and religious identity led to a reformulation of legal discourse.

In accordance with the aims and objectives of the study, its **chronological scope** encompasses the 13th and 14th centuries, a period that is widely regarded as a pivotal transformative era in the development of the Latin West. This period is characterised by the establishment of intricate legal systems, a flourishing of culture and the economy, the expansion of the Christian world, and social transformations that precipitated the dissolution of established social structures and the emergence of new ones. In terms of **geographical scope**, the study focuses

on three of the state structures located on the periphery of the Latin West – Castile, Ireland and Hungary.

Methodology of the dissertation

The following methods are employed:

- Historical method, analysis, synthesis, comparison and generalisation.
- The theoretical triangulation is conducted in two directions. The first step in this process is to introduce a selection of theories and then analyse them in order to identify their interrelationship, common themes, concepts and contributions. The second step is to integrate the individual theories and create a framework that combines their elements.
- The utilisation of the historical-comparative method facilitates the identification of commonalities and causal relationships in long-term social processes. This method is based on the use of analogies, which enables the establishment of broader and more common historical parallels.
- The case-study method is a research tool that can be used to describe, compare, evaluate and understand different aspects of a research problem.

The application of the methodology to the objectives of the study can be summarised as follows:

1. The primary objective of this study is to undertake a comprehensive selection and analysis of a range of theories and concepts pertaining to ethnicity. This will include an examination of the nature of ethnic and religious identity, with a particular focus on their relationship to law and legal systems. The combination of these elements is achieved through the utilisation of the theoretical triangulation method, with the objective of formulating an integrated approach. This approach treats ethnic and religious identity as a multidimensional phenomenon within the context of the late medieval legal system.
2. Secondly, a comprehensive presentation of the individual, spatially and chronologically delimited case-studies (Castile, Ireland, and Hungary in the 13th–14th centuries) and their analysis is to be provided. This analysis is to be conducted on the basis of the developed integrated approach in the direction of the study of ethnic and religious identity, and the relationship between ethnic processes and law in the context of the late medieval legal system. A content and contextual analysis of the legal sources is to be conducted.
3. Thirdly, a summary analysis of individual cases is to be conducted using the parallel and contrast-oriented combined type of comparative history method. The purpose of this analysis is to demonstrate the parallels and contrasts between cases in terms of the general applicability of the integrated approach.

Historiography and primary sources

The necessary basis for achieving the research objectives and the application of the selected methodology is available in sociological, anthropological and historical studies of the ethnic

phenomenon; historiographical literature on the development of medieval Western societies; corpora of legal sources; digital libraries, etc.

The research on the issues of ethnic and religious identity as conceptual categories created conditions for the accumulation of a rich **historiography**, which is the product of a kind of interdisciplinary dialogue and interaction between sociology, history, psychology and political science. It is evident that an evolutionary shift can be detected in them, from more essentialist perceptions to more constructed and profound understandings of the nature of these social phenomena. The study of identity as a social and psychological construct, with its interconnection to religion and ethnicity, has been significantly influenced by the contributions of several scholars. These include Emil Durkheim, Max Weber, Georg Simmel, Gordon Allport, Harold Isaacs, and David Riesman. From a conceptual point of view, the contribution of sociology in terms of the study of ethnicity as an identity-bound phenomenon can also be accounted for by the emergence of perspectives that consider ethnicity as a social construct. This approach is exemplified by the works of Vsevolod Isayev, Pierre van den Berge, Siniša Malešević and Thomas Eriksen. A close association exists between the study of ethnic identity and that of nationalism, particularly in the context of the formation of modern nation-states. A direct consequence of these studies has been the imposition of the so-called 'modernism' approach, according to which nationality is an essentially modern phenomenon that did not exist in the pre-modern era. The imposition of this paradigm is attributed to a number of key figures, including Benedict Anderson, Ernest Gellner and Eric Hobsbawm. In contrast to the vision promulgated by modernists, the works of Azar Gath, Alexander Jacobson, and John Hutchinson have enriched scholarly discussion on the subject. A commonality that these theorists share is the utilisation of examples drawn from ancient and medieval political structures to demonstrate the profound historical roots of ethnic consciousness.

A new stage was initiated in the second half of the twentieth century, building on the initial insights into collective identity and its relationship to ethnicity. The concept of primordial ties, introduced by Edward Shils, subsequently assumed a central role in the writings of Clifford Geertz. In 1969, Frederick Barth shifted the focus from the cultural content of ethnic identity to the social processes that define group boundaries. Barth's fundamental premise asserts that the persistence of ethnic groups is not attributable to the presence of a shared "self", but rather to the construction and maintenance of their boundaries through continuous interaction and differentiation. This theoretical framework subsequently gave rise to the constructivist paradigm in the study of ethnicity, and the ethnosymbolism approach emerged as a consequence. Consequently, the historiographical discourse on the subject is enriched by the perspectives of Anthony Smith and John Armstrong, who propose a more nuanced model in contrast to those of Gellner, Anderson, and Hobsbawm. This alternative model postulates the coexistence of ancient and modern, emotional and rational, symbolic and material dimensions. The intensification of the multiethnic character of societies in the second half of the twentieth century, coupled with the surge in interest in the study of ethnicity, gave rise to a new body of literature. This literature directly related to the study of the renegotiation and politicisation of ethnic identities, reflecting their constructivist nature. The works of Werner Sollors, Jan Nagel, Herbert Gans, Nathan Glaser, and Daniel Moynihan are also of particular pertinence in this context. Concurrently, the synthesis of primordialist and constructivist perspectives on ethnicity gave rise to a third approach to its study,

termed instrumentalism, which is associated with the names of Paul Brass and Abner Cohen. The three perspectives of primordialism, instrumentalism and constructivism complement and synthesise the essential characteristics of ethnic identity identified thus far, and critique the perception of ethnic identity as static. The views they develop contribute to the historiographical tradition on the issue by considering ethnicity as dynamic and contingent, mediated by historical memory, institutional conditions and ideological frameworks in different societies.

From a historiographical perspective, the theoretical models of symbolic interactionism, practice theory, and world-systems theory also provide a framework for understanding ethnic and religious identity. The theoretical underpinnings of symbolic interactionism, a field pioneered by George Herbert Mead, Herbert Bloomer, and Richard Jenkins, emphasise the notion that identity is forged through social interaction and the adoption of pre-existing roles. Pierre Bourdieu, conversely, developed a theoretical framework for understanding how identities are reproduced through the concepts of habitus and symbolic capital. The theoretical approach of sociologists Christopher Chase-Dunn and Thomas Hall lends further support to this argument. They demonstrate how ethnic identities are created and reproduced within unequal global orders and often perform functions of resistance and subordination to the established order. Collectively, these three theories contribute to the historiographical debate by encompassing the study of both the micro foundations of self-consciousness and practice, and the macrostructural conditions under which identities are formed and politicised.

Contemporary ethnic and religious identity theory has been dominated by the study of nationalism and the modern period. However, since the mid-twentieth century, the field of medieval studies has witnessed the emergence of scholarship that explores the functionality of ethnicity in pre-modern contexts. The debates that emerged from this field borrowed from and enriched broader sociological and anthropological frameworks, especially those that emphasised the nature of identity as constructed, contingent, and symbolic. The historiographical tradition is conventionally understood to have been developed by Reinhard Wenskus, who proposed a model of the so-called "core tradition" (Traditionskern). This model challenges the racial and primordial assumptions about ethnic continuity that are commonly made. This thesis has been built upon by the studies of Herwig Wolfram, Patrick Geary, Walter Paul, and Andrew Gillett, which problematise the historical narrative of ethnicity. The works of these medievalists represent a significant shift in the historical understanding of medieval ethnicity, moving from a biological or cultural determinism to a conceptual understanding grounded in power relations, discourse, and symbol systems. These insights serve to blur the boundaries between premodern, anthropological and historical, micro- and macroanalyses of ethnicity. The present study demonstrates that ethnic and religious identities should not be considered static entities; rather, they should be understood as dynamic and constantly evolving through the processes of symbolic interaction, institutional reinforcement and historical narrative.

The study of ethnicity as a social phenomenon is further enriched by the incorporation of so-called frontier studies into the historiographical debate. The concept of frontiers and frontier societies has been demonstrated to be congruent with preceding discourses on ethnic boundaries (Barth), social practice (Bourdieu) and identity construction (Paul, Jenkins, Geary). This

congruence is evidenced by the provision of a more grounded, territorial dimension to identity formation. In this regard, the work of Frederick Turner is of particular significance, as he conceptualised the formation of American identity as a result of the encounter between civilisation and barbarism. Turner's legacy has been applied to the way historians conceptualise mobility, hybridity, and identity formation across geographic and cultural margins. Building on and challenging Turner's thesis, Robert Bartlett and Angus Mackay draw attention to pre-modern European frontiers not as empty spaces to be conquered, but as zones of contact, exchange and transformation. These medieval frontiers were frequently sites at which ethnic, religious and national boundaries were negotiated and renegotiated. As Hans-Werner Goetz, Ronnie Ellenblum, Florin Curta and Ian Wood have demonstrated in their research, there is a consensus that borders do not merely function as a backdrop in the formation of identity; rather, they act as mechanisms of ethnic, religious and political identity itself.

The historiography concerning the historical development of Castile, Ireland and Hungary between the 13th and 14th centuries is also of significance for the present work. The study of Castilian state development is initiated through the comprehensive work of Americo Castro, which explores the concept of *convivencia*, signifying the coexistence of Christians, Muslims and Jews within a cultural and intellectual symbiosis. This interpretation has subsequently undergone a process of revision by Gregory Baker, Brian Catlos, Vivian Mann, Thomas Glick, Jerilyn Dodds, Jonathan Ray, and David Nirenberg. These scholars have challenged the view of "coexistence" as an equal or peaceful equilibrium among the three ethno-religious groups that has been imposed. The body of work on the Castilian legal system as a means of defining and differentiating ethno-religious identities is also significant. In this regard, the studies of Ana Echevarría, Teófilo Ruiz and Cristina Pérez-Alfaro are of particular significance. In order to comprehend the significance of Muslim and Jewish ethno-religious communities in Castile, it is essential to consult the seminal works of Robert Moore, John Tolan, Mark Cohen, and Norman Roth, among other esteemed scholars. Ireland's historiography is predominantly focused on Anglo-Irish relations and the establishment of ethnic boundaries between the two populations. A substantial corpus of academic literature has been dedicated to the analysis of the imposition of English common law as a marker of ethnicity. Geoffrey Hend, Raoul van Caenegem and Jocelyn Otway-Ruthven engage directly with this topic. The works of the following scholars are of particular importance for the study of identity for both English settlers and native Irish people: Stephen Ellis, Brendan Smith, Andrea Rudick, James Lydon, Thomas Finan and Amy Mulligan. This array can be complemented by other studies addressing various neuralgic points of ethnic confrontation between the English and the Irish, such as those by Maeve Cullen and James Watt. The study of the Hungarian case is also facilitated by the existence of a substantial body of literature examining Hungary as a frontier area of Christianity that includes various ethnic groups and religious minorities. The seminal works of Nora Berend, Ivan Jabloňka, Nicolas Jaspert, Jean-Philippe Schreiber and John Tolan provide a fundamental framework for understanding the flexible and often contradictory legal treatment of ethno-religious minorities in the Hungarian state. The studies of Karoly Szabo, Kira Ljubljanić, András Horváth and Natalie Kalnoky are also of particular significance in this regard.

Beyond the confines of historiography, this study shares the common deficiencies observed in all general history studies, namely the restriction to incomplete access to archival

documentation. However, the advent of digital technology has facilitated greater access to official documentation via the internet, thereby contributing to the development of the **source base** of the thesis. The most significant group of sources are the legal sources issued by the official central government of all three state administrations. With regard to the primary sources for the Castilla case, the key ones are *Los Fueros del Reino de Toledo y Castilla la Nueva*, compiled and analysed by Miguel Cantudo, which contain the so-called fueros that were granted to Jews and Muslims, thereby institutionalising the religious and ethnic divide. Other significant legal compilations include the *Fuero Juzgo o Libro de los Jueces. Liber Judiciorum* and *Las Siete Partidas*, edited and translated by Samuel Scott and Robert Burns. The *Cortes de los antiguos reinos de León y de Castilla*, primarily the first and second volumes, which reveal the workings of the consociational representative body or so-called Cortes, which possessed legislative initiative, also constitute an essential body of sources. The source base in relation to the Ireland case study includes a wide range of legal documents issued by the Westminster Office. As demonstrated in the *Calendar of Documents Relating to Ireland: 1171-1251* and the so-called Patent Rolls of the various English monarchs, there is clear evidence of the gradual formalisation of ethnic status categories. Conversely, the volumes of the *Calendar of the Justiciary Rolls* demonstrate significant variations in legal protections, fines, and pardons according to the ethnicity and religion of the subject. Furthermore, *Statutes, Ordinances and Acts of the Parliament of Ireland, King John to Henry V* demonstrate endeavours to legally legitimise matrimony and the utilisation of Irish nomenclature and traditions among English settlers. It is imperative to consider the seminal works *Select Charters and other Illustrations of English Constitutional History*, a compendium meticulously curated by William Stubbs, and *Calendar of the Judicial Rolls*, which elucidate the selective grant and frequent denial of customary law to the Irish populace. The relationship between law and ethnic processes in Hungary can be traced by examining several key source collections, including the *Decreta Regni Mediaevalis Hungariae*. The *Laws of the Medieval Kingdom of Hungary* comprise the decrees of the time of the Árpáds and Anjou. The detailed narrative and archival synthesis in István Gyárfás's multi-volume work *A jász-kunok* provides a comprehensive legal-historical account of the gradual incorporation of steppe peoples, such as the Jasi and the Cumans, into the legal system. Moreover, the *Monumenta Hungariae Judaica*. Tomus I. 1092-1539, compiled by Arminius Fris, provides primary documentation of the Jewish legal presence, including royal privileges, court cases, and ecclesiastical complaints. Muslims in Hungary appear less frequently in the legal corpora, but the entries in Augustin Teiner's *Decreta Regni and Vetera monumenta historica Hungariam sacram illustrantia* reveal information about their legal treatment. Stefan Ladislav Endlicher's *Rerum Hungaricarum Monumenta Arpadiana anno MDCCCXLIX* provides further insights into how legal discourse in royal charters referred to religion and ethnicity to delineate the boundaries between Hungarians and ethnoreligious 'others'.

II. STRUCTURE AND CONTENT OF THE DISSERTATION

Structure of the dissertation

The dissertation is composed of three sections: an introduction, an exposition, and a conclusion. The introduction provides a comprehensive overview of the research's primary focus, objectives, central thesis, and scope. It also delineates the research methodology. In addition, a review of the sources and literature utilised is provided.

The exposition is divided into four main chapters - Chapter I. Theoretical approaches to the concept of ethnic and religious identity, Chapter II. The Kingdom of Castile, Chapter III. The Lordship of Ireland, Chapter IV. Kingdom of Hungary. Each of them has an internal hierarchical structure of thematic units and a summary. In view of the subject matter and objectives of the study, a tentative internal periodization has also been introduced in the chapters on Castile, Ireland and Hungary in their independent study:

- ❖ The study of the Iberian monarchy is set within the chronological boundaries between the battle of Las Navas de Tolosa in 1212 and the passage of the so-called *Ayllón* Laws in 1412. The dividing line between the two distinct periods in this time frame is the beginning of the reign of King Alfonso XI in 1312 and the legal unification he carried out, which put an end to the policy of *convivencia* and *coexistencia* pursued up to that point towards ethno-religious communities and ushered in a period of pogroms, conversions, persecutions and an overall crisis of identity.
- ❖ The analysis of the Lordship of Ireland is set within the chronological framework between the loss of the Anglo-Angevin dominions in Normandy in 1204 and the reaffirmation of the so-called Statute of Kilkenny in 1402. The close association of Irish lands with the English crown also necessitates direct engagement with the processes taking place within the English kingdom itself. The two distinct periods are conventionally separated by the beginning of the reign of King Edward II in 1307, which marked the transition from the success of the English colonial project in Ireland to a stage of crisis, conflict and disintegration in *communitas Hibernie*.
- ❖ The study of the Hungarian state is chronologically confined to the period between the coronation of King András II in 1205 and the death of Queen Marie of Anjou in 1395. The dynastic shift that followed the death of King András III in 1301 marks a turning point between the two distinguishable periods in the treatment of ethno-religious communities. This paved the way for the Anjou seizure of the Hungarian throne in 1308.

Content of the dissertation

The **first chapter** is dedicated to an examination of the theoretical approaches to the concept of ethnic and religious identity. Firstly, attention is given to the conceptualisation of ethnic and religious identity, recognising that one of the problematic aspects in the study of ethnicity concerns the definition of the term itself. The rationale for this phenomenon is multifaceted, encompassing not only the dichotomy between objective (ethical) and subjective (emic) perspectives in its definition, but also the absence of an integrative approach that acknowledges the heterogeneity of ethnicity as a multidimensional phenomenon. Concurrently, the notion of

"identity" is examined as a methodological instrument for the analysis of heterogeneous subjects pertaining to ethnic and religious identity. The interrelationship between the three concepts is centred on the need for communication and interaction between the individual, the group to which they belong, and an external group along the dichotomy of the self and the other. In addition, the conceptual relationship between 'ethnicity' and 'race', as well as 'ethnicity' and 'nationality', is examined through the juxtaposition of the different perspectives on their interconnectedness held by a number of scholars, including Berge, Eriksen, Hahn, Snowden, Bartlett, Anderson, Gelner, Hobsbawm, Smith and Gatt, amongst others. For the purposes of this study, the term "ethnicity" has been identified as the most appropriate, objective, and correct. It is posited that its use in place of "nation" or "race" assists in a more nuanced study of human identity and in taking into account the complex interconnectedness of culture, history, and social dynamics. A number of other arguments have been posited to support this choice:

- in contrast to the strict boundaries associated with race and nation, it assumes that individuals can possess a multidimensional ethnicity that can change over time;
- ethnicity focuses primarily on the cultural and social aspects of identity rather than biological or genetic factors;
- ethnicity recognizes the key role of shared traditions, language, and history in defining ethnic groups, while also acknowledging the role of power dynamics and historical contexts that shape the experiences of different ethnic groups;
- the term "ethnicity" challenges the essentialist notion that sees fixed and immutable characteristics as leading;

Secondly, chapter one focuses on classical sociological theory; Barth's theoretical model and the paradigms of primordialism, constructivism and instrumentalism. In the domain of classical sociological theory, the observations of Weber, Simmel and Durkheim are analysed, and their contributions are highlighted: Durkheim's perspective on ethnicity as a mechanism for maintaining social solidarity is characterised by the notion of collective consciousness, feelings, and ideas. Simmel's definition of ethnicity as a form of community and a means of social differentiation underscores the significance of social interaction in the construction of ethnic group unity. Weber's theory of ethnicity as a form of community and a means of social differentiation explores the relationship between cultural differences and ethnic groups. The present study draws upon the foundational judgments that have been identified as influential on Frederick Barth's theoretical model, which has undergone a shift in focus from the study of the cultural content of ethnic differences to the study of boundaries and social interaction. The subsequent discourse herein undertakes a critical reading and evaluation of the approaches of primordialism, constructivism, and instrumentalism, highlighting several gaps and shortcomings in the three paradigms:

- they focus only on one explanatory factor or dimension of ethnicity, which ignores other relevant aspects;
- limiting human behaviour to simple biology, social construct or simple pragmatism, ignores the possibility of human capacity to operate at a symbolic level, dismissing the importance of culture;

- the three approaches neglect the reciprocal relationship between individual choices and social structures, without taking into account the wider social context and the role of intersocial systems;

A critical evaluation of the approaches was conducted, and it was determined that an objective and balanced approach was necessary to address the existing gaps. This evaluation also identified the necessity to introduce three additional theoretical frameworks relevant to the study of the ethnic phenomenon: the so-called "theory of practice", symbolic interactionism and "world-systems theory". According to the 'theory of practice' developed by Bourdieu, ethnic categories are produced, reproduced and transformed through a systematic communication of cultural differences in relation to the cultural practices of 'ethnic others'. Symbolic interactionism is exemplified by Mead's thesis, which posits the notion that human beings transmit their culture through symbols, and that social life is manifested through action. The ideological legacy of Bloomer and Jenkins is acknowledged, with emphasis placed on the evolving nature of ethnicity, which is contingent on social interaction and is not immutable. The significance of ethnicity as a cultural phenomenon grounded in shared meanings is also recognised. The concept of "world systems theory" is elucidated through the contributions of prominent scholars such as Wallerstein, Chase-Dunn, and Hall. These scholars draw attention to the processes in world systems, namely annexation, expansion, boundary formation, and state building, that play a pivotal role in ethnic change and ethnogenesis. The researchers' findings delineate a framework for the study of ethnicity and the concomitant processes of creation, transformation and destruction of ethnic groups, with a particular emphasis on the significance of systems of interaction. The seminal contributions of practice theory and symbolic interactionism lie in their establishment of the significance of symbolic meanings and interpretations, which are inextricably linked to ethnic rituals and practices. In contrast, 'world systems' theory focuses on the interconnectedness and interdependence between different societies and regions, and also draws attention to how global processes influence ethnic identities.

The contribution of medieval studies to the study of the ethnic phenomenon is also discussed in Chapter One. Two principal debates have emerged in the course of discussions pertaining to ethnicity in the Middle Ages: the medieval 'ethnogenesis' of barbarian tribes and the relationship between ethnicity and borders. The medieval ethnogenesis debate is organised around the question of the nature of medieval ethnicity, with the key dispute primarily concerned with the question of the existence of cultural continuity. The Viennese school imposes a vision of ethnicity as a kind of "situational construct" dependent on cultural, social, and political context, while representatives of the Toronto school adopt the sociobiological model that social groups are malleable and adaptable, and that they cannot transform of their own volition. According to Wenskus, Wolfram, Geary and Paul, the Traditionskern (or 'core of tradition', a corpus of inheritable traditions and customs) is essential for the formation of ethnic identities. Murray, Gillett and Heather, on the other hand, reject this reasoning, insisting that medieval peoples changed entirely with the times — a view that completely invalidates the idea of cultural continuity. With regard to borders and frontier societies as a theoretical problem, it is noted that European and North American traditions in this field are united in their view that the frontier cannot be easily categorised. The main definitions of the frontier are examined, considering the recurring themes

of demarcation, colonisation, settlement, and cultural interaction. Beyond traditional understandings of the frontier, the conceptual views of Standen, Goodman, Bartlett, Kurta, Paul, Goetz, Wood and Harrison are also examined.

The ability of ethnicity to relate to other social systems also conditions attention to the relationship between law and ethnic identities. Considering law as a process and as an integral part of social practice acknowledges its key role as a factor in the formation and preservation of ethnicity. This interconnectedness also reveals multiple points of contact between law and ethnic processes: 1) it reveals the representation of particular ethnic groups in the legal system, acknowledging the existence of particular ethnic identities; 2) it is an instrument for maintaining barriers between different communities, engaging in the creation, control and maintenance of ethnic and confessional boundaries; 3) it serves to advance particular interests and promote particular ethnic identities; 4) it can be used to assimilate an ethnic group into a particular dominant culture. The relationship between law and ethnicity is also directly linked to the social order in pre-modern societies with its characteristic elements of hierarchy and marginality. It can be concluded that medieval society was characterised by a hierarchy of autonomous and semi-autonomous religious communities, with an element of marginality present within this structure. Tracing the relationship between ethnicity, marginality and hierarchy reveals key processes and phenomena in medieval societies, including social marginalisation and power dynamics between different ethnic and religious identities. In a medieval context, minority status reflects a condition that is not permanent and depends on the circumstances. In terms of integration, whether it denotes a process or a condition, the social and anthropological component consisting of the deliberate restriction and elimination of cultural, religious, and social otherness is of leading importance. The question of the ethnic dichotomy of "self" and "other" as an essential component of ethnic identity also occupies an essential place in the first chapter. The employment of the terms *ethnos*, *gens*, *populus* and *natio* serves to underscore the methods through which medieval individuals identified themselves, whilst concomitantly acknowledging the existence of other groups and individuals with which they were distinguished. However, it is important to note that the presence of a division between individuals and groups, as well as the concept of 'otherness' as an analytical category, is valid for any given situation. This observation suggests that the human self, in both contemporary and medieval contexts, is founded on the basis of reference to the Other.

Finally, chapter one details the development of an integrated approach that would combine the various research methods. In consideration of the objectives of the study, its overall structure consists of two main components. The first of these concerns the combination of a vision of ethnicity as a multidimensional phenomenon with the complementary theories of practice, symbolic interactionism, world systems theory and border theory. The relationship between these provides the necessary framework for the study of the concept of ethnicity and its application in medieval contexts, as well as for the study of how medieval Western societies identified themselves in ethnic and religious contexts. The second component builds on the theoretical propositions already brought together, but adds law and legal systems as a conceptual element so as to provide a basis for the study of the relationship between ethnic processes and law on the one hand, and the overall manifestation of ethnic and religious identities in the context of the late medieval legal

system on the other. The dichotomy of 'us' and 'others' occupies an essential place in both of these distinct components.

The following statements can be drawn as main conclusions from the first chapter in accordance with the subject and objectives of the thesis:

- ❖ It is important to note that one of the most challenging aspects of studying ethnicity is the difficulty in providing a precise definition. This is attributable not only to the clash between objective (ethical) and subjective (emic) perspectives in its definition, but also to the absence of an integrated approach that takes into account the specificity of ethnicity as a multidimensional phenomenon.
- ❖ The present study explores the interrelationship between ethnicity, religion and identity. The investigation focuses on the need for communication and interaction between the individual, the group to which they belong and an external group, along the dichotomy of self and other.
- ❖ In the context of human identity and the exploration thereof, the term 'ethnicity' is arguably more objective and accurate than 'nation' or 'race'. This is due to the fact that it facilitates a more nuanced examination of human identity and takes into account the complex interconnectedness of culture, history and social dynamics.
- ❖ The concept of ethnicity encompasses various dimensions, including social, individual and collective identities, as well as social relations and relational categories.
- ❖ The hypothesis that ethnic and religious identities become stable when there is communication between the group's collective identification and external identifications is one that merits further investigation. These phenomena do not emerge from a state of isolation; rather, they are the result of social interaction across boundaries that are malleable. Consequently, ethnicity is determined as a situational and subjective rather than a fixed phenomenon. It is evident that past cultures are not self-contained entities; rather, they are influenced by external interactions, both direct and indirect, which have a profound impact on the groups that are components of more extensive networks.
- ❖ In addition to its role in the social differentiation of societies, ethnic and religious identity also serves as a means of legal differentiation. The interrelationship between IT and law is manifest in the following ways: The following three aspects must be considered when examining the role of law in relation to ethnic groups: 1) The representation of ethnic groups within the legal system and the recognition of ethnic identities. 2) The function of law in the maintenance of boundaries between different communities, including the creation, control and maintenance of ethnic and confessional boundaries. 3) The use of law to advance certain interests, promote ethnic identities and assimilate ethnic groups to a dominant culture.
- ❖ Cultural traits, including language, customs, traditions and scars, are components of the so-called 'habitus' of each individual, within which they are raised and socialised within their ethnic community. Concurrently, there is identification with other individuals engaged in analogous practices, thereby creating a delineation between "us" and "others". Furthermore, the concept of a 'rhetoric of difference' is employed, whereby

the uniqueness of the in-group is juxtaposed with the negative portrayal of the out-group.

- ❖ It is important to note that borders do not act as barriers; rather, they function as conduits for cultural dialogue, communication and exchange. It can act as a contact zone where different ethnicities come into contact and renegotiate their identities, which in turn results in the formation of hybrid and transcultural identities.
- ❖ It is evident that there exists a correlation between ethnic and religious identities, as well as hierarchical structures, within pre-modern societies. The concept of ethnicity has the capacity to influence the determination of social status and power within a given society. It is evident that certain ethnic groups may assert themselves as dominant within the social order, whilst others may become marginalised. It is evident that ethnic groups with greater social and cultural capital effectively occupy positions of authority within social hierarchies.
- ❖ Ethnicity is a historical phenomenon that exists in the realm of social practice.

The **second chapter** is dedicated to an examination of the Kingdom of Castile. The present study examines the place of ethno-religious communities in the Castilian legal system and the attitude of the central government towards them. This examination is conducted within the framework of two distinct sub-periods, each of which is characterised by its own specificities. The initial period encompasses the time from the Battle of Las Navas de Tolosa in 1212 to the commencement of the reign of King Alfonso XI in 1312. The chapter commences with a critical examination and evaluation of the term *convivencia*, coined by the Spanish philologist and historian Americo Castro. This is followed by a consideration of the multifaceted criticism directed towards his concept, as well as the emergence of analogous categories such as *coexistencia*. When considering the contributions of Albornoz, Nirenberg, Gampel, Glick and Tolan, it becomes apparent that the relationship between Christians, Jews and Muslims cannot be viewed exclusively through the lens of peaceful coexistence. Rather, a multifaceted examination that encompasses both objective manifestations of tolerance and intolerance, as well as violence, is necessary to comprehensively understand the intricacies of this complex relationship. The presence of significant variations in the ethnic, cultural and religious characteristics of diverse identities and groups gives rise to the conditions that are necessary for the emergence of a 'rhetoric of otherness' and the assertion of rhetorical dichotomies, as outlined by Türkçelik and Delanty. These dichotomies represent an essential component in the context of interactions between Christians, Jews and Muslims. The role of the frontier as a strategic instrument in the policy of the Castilian monarchs towards ethno-religious communities is also acknowledged. The practice of distributing so-called *fueros* and establishing parallel structures of government for Muslims and Jews became a consequence of this policy. The *fueros* guarantee the rights and obligations of the various ethno-religious communities, delineate the elements of their autonomous status and define their internal structure. In pursuit of the objective of safeguarding the integrity of the frontier space, the Crown provided Muslims and Jews with a designated social and legal status, known as the *aljama*. This status entailed the establishment of their own administrative and fiscal institutions, in addition to a judicial apparatus. Consequently, Muslims and Jews established a parallel and symbiotic society that enjoyed relative functional stability. The contribution of King Ferdinand III (1217-1252) is also acknowledged, relating to the passage of the Toledo fuero of 1222 and the codification of local

law through the *Fuero Juzgo* of 1241, which finalized the process of gradual settlement of relations between Christians, Jews and Muslims. A pivotal element in the formation of the Castilian legal system was the reform programme initiated by King Alfonso X (1252-1284), which culminated in the codification of Castilian laws within the compendiums *El Espéculo*, *Fuero Real* and *Siete Partidas*. This period also witnessed the emergence of a distinct Castilian identity, one that functioned and existed in dynamic interaction with external influences. It is evident that at the conclusion of the period under review, there was a discernible shift in the prevailing ethno-religious policies towards the aforementioned communities during the reign of King Sancho IV (1284-1295) and his successor, King Ferdinand IV (1295-1312). It is important to note that the Cortes began to play an increasingly important role in state affairs, hence the growing importance of their decisions in relation to the organisation of particular ethnoreligious communities. The decrees enacted at the Cortes of Palencia (1286) and Valladolid (1293 and 1312) delineated a more assertive intervention in the internal affairs of individual communities, thereby establishing the temporal boundaries of the period under consideration.

The second period, the focus of the chapter, encompasses the time from the commencement of the reign of King Alfonso XI in 1312 to the promulgation of the so-named Ayllón Laws in 1412. The legal unification that took place within the Castilian legal system is regarded as the starting point for this period. The shift in attitudes towards ethno-religious communities was precipitated by two key factors. Firstly, there was a reformulation of legal discourse, and secondly, there was an increasingly articulated 'discourse of exclusion' in the Latin West. It is evident that a significant aspect of this phenomenon pertains to the extensive array of measures and restrictions that have been implemented in conjunction with the introduction of distinctive signs on clothing, the prohibition of the wearing of Christian names, the curtailment of judicial prerogatives, and the comprehensive reformation of economic relations. The present policy has also been maintained consistently throughout the reign of King Pedro I (1350-1369). During this period, a series of measures were implemented, the consequences of which were to isolate both Jews and Muslims, and to redefine their position within Castilian Christian society. The conditions for the exacerbation of ethnic and religious tensions were created during this period. These tensions became far more acute under the first two representatives of the Trastámara dynasty, Enrique II (1369-1379) and Juan I (1379-1390). A series of legal decrees resulted in a shift in the prevailing conduct, thereby establishing the foundations for a novel policy of social control and the limitation of interactions among diverse ethno-religious groups. Over the course of two decades, from the Cortes of Burgos in 1367 to the decisions of the Cortes of Briviesca in 1387, ethnic and religious 'others' underwent a gradual loss of the benefits of their hitherto marginal position. The central government's initiatives to build a homogeneous Castilian Christian society were reflected in ordinances to regulate social interaction in everyday life, the prohibition of bearing Christian names and restrictions on legal autonomy, and gradually redefined the role and place of Jewish and Muslim communities. A specific section is allocated at the conclusion of the sub-period and chapter to the manifestations of the identity crisis in Castilian society. Its manifestations are inextricably linked to the tendency towards the creation of cultural homogeneity, thus delineating the increasingly evident entry of elements of discrimination, isolation, exclusion and crisis into the nature of relations between Christians, Jews and Muslims. The crisis also had an impact on the legal system, which underwent significant changes with the passage of the so-called Ayllón laws of 1412. The

significance of this legal act lies in the destruction of the long-held foundations around which Jewish and Muslim ethno-religious communities are organised and function. The legal sanctioning of distinctive ethnic markers, alongside social and spatial segregation, and the destruction of legal autonomy, resulted in a definitive alteration to the status of Jews and Muslims within Christian caste society. The significance of this event as chronological end of the study of the Castilian case is attributed to its role in marking the onset of ethnoreligious antagonism on a scale that had previously been unparalleled. This, in turn, led to the termination of *convivencia/coexistencia* in relations between disparate ethnoreligious groups.

The following statements may be deduced from Chapter Two, in accordance with the subject and objectives of the thesis:

- ❖ Irrespective of the potential replacement of the concept of "coexistence" with an analytical category such as "*coexistencia*", a significant element in the relationships between ethno-religious groups is the presence of communication and social interaction across borders. The region's significance is attributable to its maintenance of a relatively high degree of religious, cultural, linguistic and ethnic diversity. This diversity is directly linked to the development of the Castilian state and the policies of its monarchs towards ethno-religious communities.
- ❖ It is generally accepted that the period from the Battle of Las Navas de Tolosa in 1212 until the death of Ferdinand IV in 1312 can be defined as a time of relatively peaceful coexistence between the various ethno-religious communities.
- ❖ In the field of legal studies, the three legal corpora *El Espéculo*, *Fuero Real* and *Siete Partidas* are of particular interest. These texts regulate the place of ethno-religious communities, thereby guaranteeing their rights, privileges and obligations as subjects with legal autonomy. Consequently, in addition to acknowledging the presence of distinctive Jewish and Muslim ethnoreligious identities, they recognise the dichotomy of difference and acknowledge the porous and fluid nature of the boundaries between different groups.
- ❖ The Castilian monarchs transformed the frontier into a strategic instrument, and in the context of its expansion, the Crown established parallel governance structures for Jews and Muslims. The structure and functionality of these communities were regulated and affirmed through the provision of the so-called *fuero*, which became a legal tool for controlling, regulating and renegotiating interactions between different ethnic and religious groups on the border. The *aljamas*, as established organisational nuclei of Jews and Muslims, formed a specific *habitus* within which both groups received recognition from the central authority through the rights and obligations granted.
- ❖ In the content of the *Siete Partidas*, ethnic categories such as "Castilian language" and "*patria*" are evident, and there is a reaffirmation of the distinctive status of Jews and Muslims. The Castilian legal system has been shown to manifest itself as a means of marginalising and discriminating against certain groups, as well as maintaining the existing hierarchical structure in Castilian society based on ethnicity and religion.
- ❖ The period spanning from the ascension of Alfonso XI in 1312 to the promulgation of the Ayllón Laws in 1412 is characterised as a period of reconfiguration and redefinition of the policy pursued by the central government towards ethnoreligious groups up to

- that point. This change is directly reflected in the legal system: from the first half of the 14th century, the Castilian legal system began to become more and more clearly an instrument of control, regulation and renegotiation of the interaction between ethno-religious groups, reinforcing the sense of otherness between Castilians and 'others'.
- ❖ In the period spanning the reigns of Pedro I, Enrique II and Juan I, the central government initiated the articulation of a 'discourse of exclusion'. The *Ordenamiento de Alcalá* of 1348, the legal sanctions for the separation of ethno-religious quarters adopted at the Cortes of Burgos in 1367, together with the barriers to social interaction erected by the decrees of the Cortes of Toro in 1371 and the Cortes of Soria in 1380, led to a modification of the internal attitudes and cultural perceptions of the different ethno-religious groups acquired in the process of socialisation.
 - ❖ The Jewish pogrom of 1391 and the ordinances enacted at the Cortes in Valladolid in 1415 resulted in the destruction of the established *modus vivendi*. The line, which had been pursued by the Crown for some time with a view to maintaining a relative level of integration of Jews and Muslims into Castilian society, was brought to an end. Instead, increasingly restrictive measures were introduced with the aim of discriminating against, isolating and excluding them.
 - ❖ The Ayllón Laws of 1412 represented a significant departure from the prevailing pre-existing hierarchy, which was based on ethnicity and religion. This new legal framework served to limit the rights and legal protections available to minority groups within the legal system. The provisions concerning spatial and social segregation, restriction of social mobility and economic initiatives, and regulation of external ethnic markers dealt a serious blow to the status of individual ethno-religious communities, thus bringing to an end a century of legal pluralism. These events are widely regarded as the final collapse of long-held *convivencia/coexistencia*.

The **third chapter** is devoted to an examination of the Lordship of Ireland as a theatre of ethnic confrontation between the English and Irish, in which the English legal system played a pivotal role. The Irish case is presented in accordance with the Castilian paradigm, whereby it is divided into two sub-periods, each of which is characterised by its own distinctive attributes. The initial period is situated chronologically between the loss of the Anglo-Anglo dominions in Normandy in 1204 and the conclusion of the reign of King Edward I in 1307. This phase can be characterised as the period in which the English colonial endeavour in Ireland met with success. The reign of King John (1199-1216), during whose reign the main structural features and basic governing institutions of *Communitas Hibernie* were established, serves as a starting point. It is in this preliminary phase that the 'rhetoric of difference' and the ethnic dichotomy of 'self' and 'other' – a consequence of the gradual imposition of the English model of governance in an Irish context – emerged, delineating the primary vectors of development in the relationship between the two communities. The study emphasises the pivotal role of the English legal system in imposing itself upon the prevailing customary law, which, as outlined in the 1210 Charter, underwent a transformation into a marker of ethnicity, thus giving rise to an enduring ethnic divide. In addition to the legal sphere, a clash between the English and the Irish is also recorded in relation to the church. This became an arena of ethnic conflict and clash, most clearly manifested in the so-called 'conspiracy of Mellifont' (1216-1231). The imposition of the English legal model in the colony,

coupled with the contentious endeavours to curtail Irish access to administration, emerged as a pivotal factor contributing to the gradual unravelling of the *modus vivendi* that had initially been established. Its decline is associated with the reign of Edward I (1272-1307), thus establishing the rationale for his election as the chronological end of the initial period. The following factors contributed to the escalation of the controversy: 1) The movement of the Archbishop of Cashel, David McCarwell, and the expedient practice of granting English law to the Irish can be considered as key factors. In addition, 2) the Anglicisation of ecclesiastical dioceses, 3) the establishment of the native place as a normative criterion of English ethnicity, and the 4) introduction of legal regulations aimed at preserving the ethnic identity of English settlers in Ireland, which drive mechanisms of ethnic and legal exclusion, are also significant.

These trends also condition the formation of a second period, which covers the time from the end of the reign of Edward I to the reaffirmation of the so-called Statutes of Kilkenny in 1402. The initial indications of societal disintegration manifested during the reign of King Edward II (1307-1327), a period characterised by the exacerbation of ethnic dichotomy, as evidenced by the emergence of terms such as '*merus hibernicus*' and 'land of peace'. Concurrently, the advanced process of blurring ethnic boundaries as a result of daily contacts between them also marked the emergence of the group of so-called 'English born in Ireland' or *medie nacionis*, first mentioned in the Remonstrance to Pope John XXII of 1317. Furthermore, Edward Bruce's campaign of 1315-1318 emerges as a significant event in this context, during which the growing ethnic sentiment among the Irish was reinforced, along with their conviction of their distinctiveness from the English. The Irish, who were definitively defined as the ethnic 'other' and not fitting into notions of what it was to be part of *la nacioun des Engleis*, were further marginalised. This sequence of events ultimately resulted in the definitive disintegration of *Communitas Hibernie* along ethnic lines by the mid-fourteenth century. The demands of the Counter-Remonstrance of 1328 and the crisis of 1341-1342 played a significant role in this process. At this time, the distinctive Anglo-Irish ethnic identity also began to assume political dimensions, as evidenced by *Les Engleis Néés en Irlande*. This development gave rise to concerns regarding an escalating process of ethnic amalgamation and the erosion of the distinctively English ethnic identity that had been meticulously preserved by the English Crown within the colony. In light of this, the Kilkenny Statutes of 1366, which sought to address the social, cultural and political 'degeneration' (or so-called '*gaelicization*') of the Anglo-Irish community, particularly among those residing on the periphery of English rule, are accorded a significant place in the exposition. The composition of the work was driven by two key motivations: an aversion to 'mixing' and the concept of homogeneity as a form of purity. Ultimately, the statutes were not fully implemented, thus indicating a failure of the conquest in ethnic terms. The reign of Richard II (1377-1399), with whose name is associated the only, albeit unsuccessful, attempt to unite the two communities in the ethnically diverse colony, serves as the logical conclusion of the second period. The notion is linked to the so-called *De Instrumentis Tangentibus Hiberniam*, a legal document through which the monarch sought to redefine the relationship between the monarchy and its Irish subjects in terms of sovereignty. This attempt aimed to unify the two communities despite the clear and fiercely defended ethnic identities that characterised them. It was within this paradigm that the practice of distributing denizenship letters emerged, thereby conferring upon foreigners and the ethnic other the option of either 'becoming English' or being expelled. The Irish ethnic element

was integrated into English institutions in the colony and granted rights and privileges associated with legal English ethnicity. However, this period of success proved to be brief, and in 1402, the Statutes of Kilkenny were reaffirmed, leading to a reduction in English spatial identity to the so-called *Inglishe Pale*. This development served to impose a chronological end on the study of the Irish case.

The following statements may be deduced from Chapter Three, in accordance with the subject and objectives of the thesis:

- ❖ The period from the loss of English possessions in Normandy in 1204 to the death of King Edward I in 1307 can be provisionally defined as a time in which the English colonial project in Ireland achieved considerable success.
- ❖ Consequently, owing to the processes of internal self-identification among the English and Irish, *Communitas Hibernie* possessed the character of a frontier society from its inception. As a consequence of the process of socialisation and the influence of the dynamics of intersocial systems, a specific habitus was formed within which the processes of construction, renegotiation and legal regulation of English and Irish ethnic identity took place.
- ❖ As early as King John's charter of 1210, ethnicity was imposed as a denominator of ethnicity, and the English legal system and codes themselves were tied to and shaped by ethnicity. During the reign of Edward I (1272-1307), the prevailing legal paradigm concerning lordship was established, serving as a mechanism for the regulation, control and renegotiation of the interaction between the two ethnic groups. A series of legal documents, including patent letters and justiciary rolls, reveal the ways in which ethnicity functioned locally and how English law became an integral part of the hallmarks of so-called Englishness.
- ❖ The 1317 Remonstrance is significant in the context of the emergence of the hybrid identity of the so-called 'English born in Ireland' or *media nacionis*. This coincided with the stereotyping of the Irish as *gentes indomitas* and *gentes bestiales*. By the mid-fourteenth century, the formation of a distinctive ethnic identity among the 'English born in Ireland' (*Les Engleys Née en Irlande*) had reached a stage where it can be accounted for as key elements of a differentiated form of English political identity. Its formation can be attributed to the influence of the dynamics of intersocial systems in the colony, as well as the willingness of English power structures to engage in dialogue with it. The ethnic and cultural cohesion of Anglo-Irish families, who began to display a primordial attachment to Ireland, viewing it as their *patria*, played no small part in this.
- ❖ The prohibition of intermarriage in 1351, along with the statutory sanctions of the widespread implementation of English law from 1357, were measures implemented with the aim of affirming English ethnic identity and preserving ethnic and cultural homogeneity in Ireland. This concept is in alignment with the discourse surrounding exclusion, particularly in the context of the '*Gaelicization*' of the Anglo-Irish.
- ❖ The chronic weakness of royal power, coupled with a series of internal and external political difficulties experienced during the fourteenth century, served to define the period from 1307 to 1402 as a time of heightened ethnic confrontation and tension

- between the two ethnic groups within *Communitas Hibernie*. The reaffirmation of the Statutes of Kilkenny in 1402 represented the culmination of a century of crisis, conflict and disintegration in the Lordship of Ireland.
- ❖ In the context of Edward the Bruce's military campaign of 1315-1318, it is evident that both English and Irish ethnic identities became increasingly entrenched, thereby serving as a means of social distinction and legal differentiation. Concepts such as *merus hibernicus*, *la nacioun des Engleis*, *gentes Hibernie nationis*, *inimici* and 'land of peace' emerged and were imposed, creating barriers to the integration of the two groups.
 - ❖ The Statutes of Kilkenny of 1366 were promulgated in a period of heightened acculturation among the Anglo-Irish population, reflecting the metropolitan desire to enforce ethnic and cultural homogeneity. The ordinances, which addressed various aspects of social interaction between the English and Irish, erected social barriers and reinforced the dichotomy between 'us' and 'others'. The concept of an identifiable enemy, in the form of the ethnic other, was created to halt the process of 'Celticisation' and to preserve the English ethnic identity of the settlers in the colony. As the aforementioned measures did not yield the desired outcome, the conquest was also deemed to have failed.
 - ❖ The sole endeavour to modify policy and attain reconciliation between the English and Irish peoples is linked to the reign of Richard II (1377-1399). During this period, the concept of an English spatial identity or geographical space to be inhabited by a homogeneous group came to the fore. In this particular context, foreigners were presented with a binary option: either to depart the country or to meet certain criteria, that is to say, to become denizens.
 - ❖ The significance of the *De Instrumentis Tangentibus Hiberniam*, which was advanced by Edward II during his 1394-1395 campaign, signifies the inaugural and solitary endeavour of its nature to incorporate a distinctly defined Irish ethnic component into a governing structure whose 'English' character had been meticulously preserved since the reign of King John. The initiative was unsuccessful, however, due to the reaffirmation of the Statutes of Kilkenny in 1402, which retrospectively confirmed the state of permanent ethnic confrontation in the relationship between the two ethnic groups.

The **fourth chapter** is dedicated to an examination of the Kingdom of Hungary. As with the two aforementioned analogous cases, the exposition is divided into two distinct sub-periods, within which specific manifestations of the interrelationship between ethnic and religious identity and the legal system of the kingdom can be taken into account. The initial period encompasses the time from the commencement of the reign of King András II in 1205 until the fall of the Árpád's dynasty in 1301. The significance of the reign of András II (1205-1235) as the inception of the period under consideration is predicated on the final formation of Hungarian ethnic and religious identity, which was compelled to redefine its relationship to the ethnic and religious 'other'. By the beginning of the 13th century, both Jews and Muslims had established their position within the structure of hierarchised Christian society, with their own legal models serving to preserve their religious and ethnic identities. The consolidation of papal authority in Hungary, predominantly

influenced by the peripheral status of the kingdom, necessitates a restructuring of its relations with non-Christian ethnic groups. It is evident that the legal provisions stipulated in the Golden Bulls of 1222 and 1231, in conjunction with the "Oath of Bereg" in 1233, were designed to impose limitations on their involvement in administrative functions. Concurrently, these stipulations served to distinguish Jews and Muslims from Christians, thereby imposing restrictions on their social interactions. The status of the Saxons was distinctly different, as their presence in the kingdom was regulated by the *Diploma Andreanum* of 1224. Recognising their usefulness, the central authority granted them the privileges of being governed according to 'Saxon custom' in this legal document, thereby enabling them to function as a distinct ethnic and religious group with its own autonomy. The process of integration of the Transylvanian Saxons is understood to be inextricably linked to the development of the Arpad ideology of the frontier. The final formulation of the concept coincided with the reign of King Béla IV (1235-1270) and the Tatar-Mongolian invasion. In this period, Hungary definitively assumed the role of 'gateway to Christendom' or '*hostium ad alias fidei catholices regiones*'. Consequently, the ideology of the frontier functioned as a tool for establishing stable ethno-religious boundaries and safeguarding Hungarian identity. A significant development in this regard was the legal regulation of the status of the Cumans under the reign of King László IV (1272-1290) through the so-called Cumans Laws (*Articuli Cumanorum*) in 1279. The Cuman ethnic group is characterised by a unique position in that they are associated with the royal court, a circumstance which has both positive and negative implications for the preservation of their ethnic identity. On the one hand, this association ensures the maintenance of cultural heritage and the continuation of traditional practices; however, it also leads to a process of acculturation that can be seen as a form of cultural erosion. The latter half of the thirteenth century is also characterised by a discernible shift in the perception of royal authority with regard to the Jewish population. In accordance with the model established by the privilege of 1251, their integration within society was predicated on their political affiliation, that is to say, their loyalty to the crown. The Szeklers community, which enjoyed a distinctive legal status concentrated in the so-called *Terra Siculorum*, also underwent a process of legal integration. The institutionalisation of this territory coincided with the establishment of *Terra Saxonum* for the Saxons, whose rights and privileges were reaffirmed by the decrees of András III in 1291 and 1292. The reign of the last Árpáds is also regarded as a culmination in the delineation of the Socio-legal status of ethno-religious groups. In this context, the dynastic change of 1301 is considered the chronological end of the first period.

The occurrence of a discernible shift in the aftermath of the Árpáds' decline necessitates the delineation of a subsequent period that is concomitant with the reign of the Anjou dynasty. This period is characterised by a combination of both continuity and discontinuity in the policy towards ethno-religious communities. Consequently, this period is chronologically isolated between the seizure of the throne by the Anjou in 1308 and their removal in 1395. The policy of the new Anjou dynasty, most vividly represented by Charles Robert (1308-1342) and Louis I the Great (1342-1382) towards the Szeklers, the Saxons and the Jassy, is a clear example of the existence of continuity in the treatment of the ethnic 'other'. The Szeklers and Saxons continued to enjoy autonomy within *Terra Siculorum* and *Terra Saxonum*, structured around so-called 'thrones'. The consolidation of their ethno-legal status during this period is also linked to the emergence of a general assembly among the Szeklers and the assertion of the Saxons' commercial privileges as

hospites. A parallel can be drawn between the development of the so-called Jassy, who from 1323 also acquired their own internal autonomy and social space in which the consolidation of their ethnic identity continued. It is possible to attribute this change to either the Jewish or Muslim population. The former were subjected to persecution in 1360, but were permitted to return in 1364 in view of the ongoing processes within the kingdom and their need for royal power. Consequently, in 1371, the Jews were granted the position of "judge of all Jews living in Hungary" (*iudicis iudeorum nostrorum*), which resulted in their acquisition of a distinct socio-economic position within the kingdom's structure and the opportunity to exist as a minority within the prevailing Hungarian society. Conversely, Muslims were marginalised, isolated and assimilated. The following factors may be posited as explanations for this phenomenon: 1) the community is too diminutive and insular to withstand the Mongol invasion and the combined impact of ecclesiastical pressure; 2) they do not occupy a distinctive niche in the socio-economic and political milieu of the kingdom, but are regarded as external, superfluous and anomalous entities. 3) The Hungarian context is distinct from other regions within the Latin West in that minority communities are perceived as immigrants with no historical entitlement to exist as a community. Consequently, they were initially pressured to convert to and embrace the Christian faith. The various initiatives undertaken by the Anjou were instrumental in shaping the transformation of Hungary into a homogeneous kingdom. This process of homogenisation coincided with the emergence of the Ottoman Turks. This event signalled the commencement of a qualitatively novel era in the relationship between the ethno-religious 'other' and Christian Hungary, thus providing a rationale for the selection of King Sigismund of Luxembourg's accession to power as the chronological end in the study of the Hungarian case.

The following conclusions can be drawn with regard to the subject matter and objectives of the thesis, as set out in chapter four:

- ❖ The Hungarian kings of the Arpad dynasty undertook a series of measures between 1205 and 1301 to delineate the socio-legal status of ethno-religious groups within their dominions. A direct consequence of this policy was the establishment of specific mechanisms and ideology to ensure the preservation of Hungarian identity.
- ❖ Muslims and Jews in Hungary have their own stable communities, similar to their situation in other Western kingdoms. However, inter-social dynamics and the intensification of papal politics create the conditions for their marginalisation. The regulations set out in the Golden Bulls of 1222 and 1231, as well as the 'Oath of Bereg' of 1233, introduced a number of restrictions and marked the beginning of a gradual process of limiting legal protection for minority groups within the Hungarian legal system.
- ❖ The attraction and permanent establishment of German settlers as guests from the second half of the twelfth century, combined with their position as ethnic 'other' in relation to the self-perception of the Hungarians, paved the way for the issuance of the *Diploma Andreanum* in 1224. This royal charter was inextricably linked to and influenced by Saxon ethnic identity, thereby becoming a fundamental cornerstone of the community's functioning within the kingdom.
- ❖ The prevailing notion of the eastern border as a site of cultural and ethnic interaction has been shaped by the historical and geographical context of the region. The notion of

the border as a contact zone, where different ethnic groups come into contact and renegotiate their identities, is a persistent feature of the region's ideological landscape. King Béla IV's conceptualisation of Hungary as the 'gateway to the Christian world' is a contributing factor to the establishment of the dynamic between 'us' and 'them', and from a historical perspective, this dichotomy has been proven to facilitate the strengthening of Hungarian identity.

- ❖ The border thus becomes an instrument of monarchical power, playing a role in defining the place of ethno-religious communities. The Cumans obtained a collective legal status based on the so-called Cumans Laws (1279), which, however, served as a catalyst for their assimilation by the Hungarians. The Saxons and Szeklers acquired their own territories, *Terra Saxonum* and *Terra Siculorum*, around which the functioning of their communities was organised and their ethno-cultural specificity was preserved.
- ❖ The seizure of the Hungarian throne by the Angevin dynasty in 1308 signified the commencement of a qualitatively novel era for the Hungarian state. During the period of this dynasty's rule, which continued until 1395, there were observable manifestations of both continuity with the Arpad model and a deviation from the prevailing conduct towards ethnoreligious 'others'. The prevailing tendencies observed throughout the century ultimately led to the gradual imposition of the "discourse of exclusion", which culminated in the establishment of a homogeneous Christian kingdom.
- ❖ The case of the Szeklers, Saxons and Jassy serves as a compelling illustration of the capacity to assimilate ethno-religious groups within the host society through the instrument of legal differentiation. The close incorporation of *Terra Siculorum* and *Terra Saxonum*, constituted around the so-called "thrones", into the Hungarian state organism stimulated the consolidation of their group identities. The institutionalisation of the distinctive legal status of the Jassy with the privilege of 1323 and its subsequent strengthening promoted their social cohesion and contributed to the formation of the so-called Jászság as a reserved ethnic space for their community.
- ❖ The status and position of Jews and Muslims in the Hungarian *habitus* underwent a progressive weakening during the 14th century. In contradistinction to the Arpad 'model', under the Angevin kings there was a certain rupture and a tendency to limit legal protection for these minority groups. The expulsion of the Jews in 1360 and their subsequent return in 1364 are indicative of the exacerbated ethnoreligious dichotomization between them and the Hungarians. The Muslim presence was progressively eliminated as a result of the processes of acculturation and assimilation that entered an extreme phase, driven by religious differences between *Böszörmények* and Hungarians.

In the **conclusion**, the primary arguments concerning the subjects of ethnic and religious identity, and its link to the legal system during the late medieval period, are presented. In conjunction with the aims of the thesis, a summary analysis of the individual cases is made through the method of parallel and contrast-oriented combined type of comparative history. The application of this framework is achieved by utilising the primary theme and pertinent concepts as a structural foundation for elucidating the parallels and distinctions between the pertinent cases.

Demonstrating the parallels and contrasts between the cases in terms of the general applicability of the integrated approach serves as a means of reaching deeper insights into ethnic and religious identity as a complex historical phenomenon with defining significance for the development of premodern societies. In pursuit of the stated aims of the dissertation, the following generalisations and conclusions can be drawn:

- ❖ The historical development that Castile, Ireland and Hungary underwent in the 13th-14th centuries clearly demonstrates the significance of ethnicity as a means of maintaining a distinct identity and engendering a sense of belonging to a community. A common feature of the three state structures (Castile, Ireland and Hungary) located on the periphery of the Latin West is the multicultural nature of their societies. This determines the importance of ethnic and religious identity as a factor in their historical development, the basis of which is the individual level of identification with a certain culturally defined collective.
- ❖ The study of the self-identification of pre-modern medieval societies located on the periphery of the Latin West clearly reveals the nature of ethnicity as a relational concept and a multidimensional phenomenon whose manifestation cannot be limited to a single stage of historical development. Examples of this phenomenon can be found in legal sources that reflect the processes of internal and external identification, the creation and maintenance of ethnic boundaries, acculturation and assimilation inherent in ethnicity. An examination of the interplay between ethnic processes and legal frameworks within the late medieval judicial system (13th-14th centuries) reveals that the medieval mind, characterised by an inherent predisposition towards differentiating between 'self' and 'other', mirrors the modern mind. This serves to refute the myth of the homogeneous nature of medieval society, thus providing substantial evidence that ethno-religious identity was a primary factor in the processes of self-realisation and socialisation long before the modern era of colonialism and the rise of nation-states.
- ❖ The concept of ethno-religious identities in Castile, Ireland and Hungary is not the result of living in isolation, but rather exists on the basis of social interaction across borders. In all three peripheral state structures, the border is fundamental to processes of ethno-religious identification and self-realization. In essence, it functions as a strategic instrument for central authority, resulting in the shaping of all three border societies as zones of interaction, acculturation and assimilation between peoples of quite divergent cultures.
- ❖ The legal systems in Castile, Ireland and Hungary in the 13th-14th centuries were largely shaped by ethnicity and contributed actively to the construction of ethnic and religious identities. The commonality between these two approaches is their distinct role in the treatment, shaping and regulation of the rights and obligations of particular ethnic and religious groups. In consideration of the aforementioned points, two principal trends may be identified in relation to ethnic and religious identity within the context of the late medieval legal system. Firstly, the provision of legal protection to ethnic 'others' and their integration within the host society was a means to ensure the stability of the prevailing social hierarchy. Secondly, the utilisation of law as a

mechanism for marginalisation, the construction of social barriers and the reinforcement of boundaries between different ethno-religious communities.

- ❖ In the three peripheral state structures, two periods can be distinguished in the treatment of ethno-religious 'others' in legal relations. In the thirteenth century, there are a number of examples of guaranteeing and extending legal protection, while in the fourteenth a shift in legal discourse can be observed. The religious, ethnic and legal diversity that had been respected up to that point was replaced by the idea of homogenisation, combined with its inherent components such as a 'discourse of exclusion' and a 'rhetoric of difference'.

III. REFERENCE TO THE CONTRIBUTION OF THE DISSERTATION

1. The dissertation introduces a hitherto unexplored topic within the context of Bulgarian historiography, thereby offering a novel historical perspective on contemporary issues. The present study is of particular interest as it addresses a gap in the existing historiography by focusing on the intersections of law, religion and ethnicity, which are often treated separately.
2. The present study introduces research and primary sources heretofore unknown to Bulgarian historiography, thereby providing a new reading of legal documents through the prism of identity formation. This provides new empirical data for insight into the nature of ethnic and religious identity in late medieval legal culture, thus enriching the source base for future research.
3. The analysis produced is methodologically innovative, with an interdisciplinary approach that brings together theoretical frameworks from sociology, anthropology, psychology, political science and history. The author presents a conceptual overview that clearly delineates the contributions of individual theories and the ways in which they complement each other in the analysis.
4. A two-component integrated approach is developed. The initial component synthesises a conception of ethnicity as a multidimensional phenomenon, incorporating complementary theoretical frameworks such as theory of practice, symbolic interactionism, world systems theory and border theory. The subsequent component incorporates law and legal systems as a conceptual element. The present method is interdisciplinary in nature and may be utilised to explore the interrelationship between ethnic and religious identity and law in other historical periods or geographical contexts.
5. It uses the case study research approach, which allows, on the basis of a few specially selected cases, to formulate generalizations and conclusions that create a more complete picture of the ethnic phenomenon in pre-modern societies.
6. This text seeks to provide answers to the ongoing scholarly debate regarding the application of categories such as ethnicity, nationality and race to the medieval period. The debate centres on whether these categories represent primarily modern constructs, whose emergence can only be traced back to the era of colonialism and the rise of nation-states in the eighteenth and nineteenth centuries, or whether they can be applied to the medieval period. The study provides a framework that respects the historical specificity of medieval identities whilst acknowledging their role as building blocks or precursors of modern conceptions of ethnicity and nationhood.
7. The present study challenges the application of modern notions of ethnicity, nationality, and race to the study of medieval societies. It does so by considering identity as it was understood within the specific cultural, legal, and social frameworks of the Latin West in the thirteenth and fourteenth centuries. Concurrently, it furnishes historical perspicacity into contemporary discourses concerning legal discrimination, the status of religious minorities, and the processes of ethnic categorization.

IV. LIST OF PUBLICATIONS ON THE TOPIC OF THE DISSERTATION

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2. **Карагъзов, Тенчо.** *modo et consuetudine Armenorum* – арменската етно-религиозна общност и привилегиите предоставени ѝ от полския крал Казимир III (1333-1370). – Терени, бр. 9, 2023, стр.: 5–18.
3. **Карагъзов, Тенчо.** Зараждане на концепцията за ирландска нация в контекста на англо-ирландските отношения (XIV–XV в.). – В: В дълбините на историята. София: Издателство „Изток-Запад“, 2025, с. 126–139.
4. **Карагъзов, Тенчо.** Проекции на ирландската и английската етническа идентичност в контекста на успеха на английския колониален проект в Ирландия в периода 1204–1272 г. – *Scripta Manent* Vol. II, 2024, стр.: 45–55.