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978-0-521-13532-0 - Curia and Cortes in Leon and Castile 1072-1295

Evelyn S. Procter

Excerpt

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Introduction

During the later Middle Ages representative assemblies were in being in most kingdoms of Western Europe: Parliament in England, the States General in France and the Cortes¹ in the various Christian kingdoms of the Iberian Peninsula. All these assemblies exhibited striking similarities, but also specific differences, and all evolved – mainly during the thirteenth century and by much the same process – from the curia. In the eleventh and twelfth centuries the work of government was carried on by the monarch with the aid of an assembly to which various names were given, but which in the twelfth century was generally called the *curia regis*. Differences were due to the varying social structures or local institutions, or to political considerations. England, France, Aragon and Catalonia were more feudalised than were León, Castile and Portugal, and this affected the composition of the curia. In no country, however, was feudalism so complete that tenure became the sole basis for membership of the curia; the feudal vassal owed suit at his lord's court, but this was an obligation rather than a right; if summoned by the king, the vassal must attend, but the king was not bound to summon all who held from him in chief, nor was he unable to summon those who were not his immediate vassals, if he had need of them. In its largest form the curia consisted of members of the royal family, the officials of the king's household and the lay and ecclesiastical magnates of the kingdom. A great assembly of magnates was cumbersome and, for practical reasons, could be summoned only at infrequent intervals. The business of government, however, required daily attention and this routine business was transacted by a much smaller body composed of officials and *familiars* together with those bishops and nobles who might be with the king. These two sorts of assembly were not separate institutions, but two forms of the same

¹ *Cortes* in Castile, León and Aragon; *Cortes* in Portugal; and *Corts* in Catalonia.

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institution. It was from the curia in its largest form that the representative assemblies evolved.

The representative assemblies, in their turn, also show differences in the different kingdoms. There is no exact parallel on the Continent to the English shire system and so the knights of the shire, elected in the shire court to represent the community of the shire and who joined with the burgesses to form the 'commons', have no exact counterpart elsewhere. The towns of León–Castile – particularly those of the Extremaduras – were unlike the towns of Northern France or England, although they bore some resemblance to the great towns of Southern France, such as Nîmes, Carcassonne or Toulouse, which dominated the surrounding countryside and controlled less powerful towns. The class of *caballeros de las villas* – knights of the towns of non-noble lineage – which grew up in León, Castile and Portugal during the reconquest, and which gave so military a character to town society and government in those kingdoms, is not found in other countries.

The purpose of this book is, firstly, to collect and examine the ascertainable facts concerning the composition, forms and functions of the *curia regis* in León–Castile during the period under review; secondly, to trace the early appearances of the town representatives in the curia in its largest form and to establish, as far as is possible from the available evidence, at which great assemblies they were present; and, thirdly, to analyse the composition of the cortes – as these representative assemblies were called from the mid-thirteenth century – and their functions in questions of policy, taxation and legislation, with particular reference to the part played therein by the representatives.

The primary sources for the study of institutions are documentary but, as is well known, the royal archives of León–Castile have not survived for the medieval period. There is nothing, therefore, comparable to the English *curia regis* rolls for the twelfth-century curia and, although chancery registers were certainly kept in Castile in the thirteenth century, they have disappeared, so that there is nothing to compare with the chancery registers of the kingdom of Aragon–Catalonia which begin from the mid-thirteenth century and are available in the Archivo de la Corona de Aragón in Barcelona. As far as Castile is concerned we have, therefore, to rely on royal charters kept by their recipients, in most cases cathedrals and monasteries which had better facilities for storing records than had the laity. Many documents from religious houses suppressed in the early nineteenth century and

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from the archives of the Spanish military Orders of Santiago and Calatrava are now housed in the Archivo Histórico Nacional in Madrid. Most of these documents are grants of lands, rights and privileges, but some information on the activities of the curia can be culled from them and the witness lists appended to twelfth-century solemn diplomas give information on composition. Of special importance are sentences in suits heard before the curia, which remained the highest court of justice for the kingdom until the fourteenth century. Many of these royal documents have been published, notably those of the kings of León and of Castile during the period of the separation of the two kingdoms from 1157 to 1230.² Others are printed in various collections, or are scattered in books, including some in eighteenth-century works, not always easily obtainable.

For the history of the cortes the main sources are the *cuadernos* – documents containing both legislative acts promulgated in the cortes and answers to petitions, copies of which were given to the representatives and other participants, generally towards the end of the session, but which were sometimes sent out after the cortes had dispersed. The publication of the *cuadernos* of the medieval kingdom of León–Castile was undertaken by the Real Academia de la Historia in the nineteenth century and resulted in the collection known as *Cortes de los antiguos reinos de León y de Castilla*. The first volume, which reaches to 1349, and was published in 1861, includes the *cuadernos* for the cortes of 1258, 1268, 1286, 1288 and 1293, but not those of 1250, 1252–3, 1261 or 1264. These latter have been published separately at various dates, but in some cases their editors, and those who have made use of them, have not recognised that the documents in question were *cuadernos* of the cortes, but have treated them as privileges granted to individual towns. At many meetings of the cortes there was no legislation, and in such cases we have only chance references in documents to guide us. Alfonso X, for instance, held at least fifteen cortes during his reign of thirty-two years, but for only five of these are *cuadernos* known to exist. Narrative sources are of far less importance for institutional history, and for some periods there are no contemporary chronicles of any length. Those that have proved of use are dealt with in their appropriate place.

The most recent work devoted to the medieval Castilian–Leonese curia is the monograph by the Argentine scholar Nilda Guglielmi:

² Gonzalez, *Regesta de Fernando II; Alfonso IX; El reino de Castilla en la época de Alfonso VIII*.

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'La curia regia en León y Castilla'.³ As this was written shortly before Julio González had published the royal documents for the separate kingdom of Castile, it is based more on Leonese than Castilian sources.

In spite of the publication of the *cuadernos* over a century ago, surprisingly little has been written on the thirteenth-century cortes. Manuel Colmeiro made use of the *cuadernos* in his lengthy *Introducción* to the collection, but his views are out of date and need revision on questions of fact, as well as on interpretation.⁴ In 1897 a Russian scholar, Wladimir Piskorski, wrote a monograph on the cortes of Castile from 1188 to 1520 in Russian. The book was thus inaccessible to most Western European historians until 1930, when it was translated into Spanish by Claudio Sánchez-Albornoz. It has since remained the standard work on the subject and has recently been reissued.⁵ Piskorski's book does not deal with the period before 1188 and it is mostly based on the sources for the fourteenth and fifteenth centuries, with only rare references to the thirteenth century. Mention should also be made of the monumental study of Alfonso X's reign by Antonio Ballesteros, as this author gives considerable space to meetings of the cortes and quotes at length from the *cuadernos* of 1252/3, 1258 and 1268, though he makes no use of those of 1261 and 1264. This book must, however, be used critically. It was published many years after the author's death, without revision, and without the collection of documents which Ballesteros intended should accompany it. There are few references to the sources used, and none at all for the last two chapters, although in some cases the sources of the author's statements can be found in his earlier books and articles. The work is based on a mass of published and unpublished material, often uncritically handled. It is in its citations of, and quotations from, unpublished documents, many of them conserved in municipal archives, that its chief value for our subject lies. The footnotes to Chapters 6 and 7 of the present work show the use I have made of such citations.⁶ There are also two recent and valuable articles on the early cortes by Professor Joseph O'Callaghan.⁷ Although I have not been convinced by some of the latter's more conjectural conclusions, these two articles constitute an important contribution to our knowledge of the thirteenth-century cortes.

³ *CHE* xxxiii–xxxiv, 116–26; xxviii, 43–101.

⁴ Colmeiro, *Cortes de los antiguos reinos de León y de Castilla. Introducción*.

⁵ *Cortes de Castilla*.

⁶ Ballesteros, *Alfonso X el Sabio*.

⁷ 'The beginnings of the cortes of León–Castile', *AHR*, lxxiv, 1503–37; 'The cortes and royal taxation during the reign of Alfonso X', *Traditio*, xxvii, 379–98.

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I can make no claim that this book is a definitive study of the subject. Much remains to be done on some aspects of it. Many questions remain unanswered. One such question is, 'Which towns actually sent representatives to the thirteenth-century cortes?' The available evidence is insufficient for any definite conclusion and for this reason I have not attempted to answer it. What is urgently needed is a thorough search among medieval documents in Spanish municipal archives, many of which are uncatalogued and sometimes difficult to gain access to. Such searches might uncover hitherto unknown *cuadernos*, or other types of records, such as accounts noting payments to representatives, or mandates issued to them or royal writs of summons. This, however, is work which can best be carried out by Spanish scholars.

Finally, it is hoped that this book may be of use not only to Hispanists but also to those with a general interest in medieval and constitutional studies, or in comparative institutions, especially to those working on the English medieval parliament.

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I

The *curia regis* in the kingdom of
León–Castile under Alfonso VI, Urraca
and Alfonso VII

Organisation

During the two centuries between the recognition of Alfonso VI as king of Castile as well as of León in 1072, and the death of Sancho IV in 1295, the *curia regis*¹ under that name or, towards the end of the period, under the vernacular substitute *corte*, was the main governmental institution. Its activities are not always easy to trace, especially during the twelfth century, when sources are comparatively meagre. But institutions are not static and the Leonese–Castilian *curia regis* changed and developed throughout the two centuries. Thus, if we collect together evidence from the whole period, our resulting analysis will give a composite picture which will not be true for any given reign, although it will approximate more to conditions in the thirteenth than in the twelfth century, while, on the other hand, the evidence available for some of the earlier reigns is too meagre to provide more than bare outlines. The two centuries can, however, be conveniently subdivided into three shorter periods: from 1072 to 1157, during which time the two kingdoms of León and Castile were united and there was one curia for both kingdoms; the period of the separation of the kingdoms from 1157 to 1230, during which some divergence in their institutions was apparent, and when the representatives of the towns first began to attend great assemblies; and, finally, the period after 1230, when the two kingdoms were again united and when the differentiation of the cortes from the *corte* became definitive and a distinct judicial tribunal within the *corte* also appeared for a short time. Yet even within these periods it is necessary to pay considerable attention to chronology. There is also some overlapping, as the cortes, which will be our main concern during the last period, had its origins in the second period,

¹ Modern Spanish historians usually use the term *curia regia*, but in medieval documents *curia regis* is used.

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while the *corte* continued to exercise most of the functions of the curia up to the end of the thirteenth century, and was not superseded by the cortes. However, this division of the two centuries, although it inevitably necessitates repetitions, gives a clearer view of the development of the curia than would an analytical account of its membership and functions based on evidence from the two centuries as a whole.

The main sources for the first period can be briefly enumerated. Royal documents form the most important of our sources and many are available in print. Strictly contemporary narrative sources are few and often meagre. The most important are the *Historia compostelana* and the *Chronica Adefonsi Imperatoris*. The *Historia*, which deals mainly with the see of Compostela under Diego Gelmírez (bishop from 1100, archbishop from 1120) until his death in 1140, is a combination of a narrative with a register of documents. It was compiled by three, possibly four, authors, two of whom were undoubtedly French, at various dates during the first half of the twelfth century.² The *Chronica*, if, as has been suggested by its editor, its author was Bishop Arnolfo of Astorga, must have been written between 1144 and 1152.³ Other chronicles have little importance for our subject. The *Crónica* of Bishop Don Pelayo and the *Historia silense*, both written in the first quarter of the twelfth century, each give a few pages only on Alfonso VI.⁴

The *curia regis* was not a new institution at the end of the eleventh century, although it acquired a new name. During the tenth century the kings of León, like their predecessors the kings of Asturias, were aided in the work of government by a number of persons, lay and ecclesiastical, who formed their immediate entourage and who subscribed their diplomas. The variations in these lists of witnesses show that we are not dealing with a body of fixed composition, but the use of such terms as *aula regia*, *toga palatii*, *conventus* and *concilium* in the royal documents of the tenth century suggests that they represented something more than a chance collection of individuals. In the eleventh century the terms used included *magnati palatii*, *primates palatii*, *optimates regis* and *schola regis*, terms which suggest an integrated

² On this chronicle, see Galindo Romeo, *La diplomática en la 'Historia compostelana'*; Biggs, *Diego Gelmírez*, xiii–xl; and Reilly, 'The *Historia Compostelana*: the genesis and composition of a twelfth-century Spanish *gesta*', *Speculum*, XLIV, 75–85.

³ See pp. ix–xxi of Sánchez Belda's edition on authorship.

⁴ On the above chronicles, see Sánchez Alonso, *Historiografía española*, I, 113–17, 122–4, 152–4.

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body based on service in the king's household, and also the generic *concilium*. To these, also in the course of the eleventh century, was added the term *curia regis*, a name which was to supersede the earlier names and to remain in use until the vernacular took the place of Latin as the official language of Castile-León in the middle of the thirteenth century. It is generally held that the word *curia* was introduced from north of the Pyrenees in the reign of Fernando I (1035-65), the first king of the Navarrese dynasty to rule over León and Castile.⁵ This is possible, but definite evidence of its use under Fernando I is lacking.⁶ Although the word does occur in documents of the last quarter of the eleventh century,⁷ it was still only used sparingly in the time of his son, Alfonso VI, and it is not found with any frequency until well into the twelfth century. French influence was strong under Alfonso VI, so that its introduction from France may have occurred during his reign, and not during that of his father. In the narrative sources, *curia* made a tardy and uncertain appearance. It was not used in Bishop Pelayo's *Crónica*, nor in the *Historia silense*. The *Chronica Adefonsi Imperatoris* used it only of the court of the Almorávide king Ali, in the sense of the place where he resided.⁸ The chronicle in which it was used most frequently is the *Historia compostelana*, where its appearance reflects French influence.⁹ During this period the older terms continued in use alongside *curia*. *Magnati palatii* and *de aula regis* were used in documents of the first two decades of Alfonso VI's reign, but died out thereafter.¹⁰ *Schola regis* also continued in use during the reign of Alfonso VI.¹¹ The conservative author of the *Chronica Adefonsi Imperatoris* used both *magnati palatii* and *schola regis*.¹² *Concilium* continued to be used at times for judicial sessions and also for some of the great assemblies to which all the ecclesiastical and lay magnates were summoned, such as the assembly in 1135, at which Alfonso VII was crowned as

⁵ Cf. G[arcía] de Valdeavellano, *Historia de España*, I, 573; Guglielmi, 'La curia regia en León y Castilla', *CHE*, xxiii-xxiv, 117-18.

⁶ *ES*, xxxviii, ap. xvii (?1056), which uses *curia*, is suspect.

⁷ E.g. Menéndez Pidal, *España del Cid*, II, 850 (26 March 1075); *Cartulario de S. Millán*, no. 234 (1077); *ES*, xvi, ap. xxi (25 May 1087), etc.

⁸ *CAI*, § 104, 105 (p. 82).

⁹ *HC*, 126, 127, 156, 349, 434, 452, 456, etc.

¹⁰ Escalona, *Sahagún*, ap. III, *escs.* cvii (1073), cxviii (25 Nov. 1085), cxix (14 May 1087); García Villada, *Paleografía española*, I: *Texto*, 247 (1080); Menéndez Pidal, *España del Cid*, II, 849 (26 March 1075); *ES*, xxxviii, ap. xx (13 Aug. 1083); xvi, ap. xxi (25 April 1087).

¹¹ *DHILC*, no. xxv (31 March 1091); *CD Oña*, I, nos. 116 (23 March 1103), 121 (12 Dec. 1105); Serrano, *Obispado de Burgos*, III, no. 62 (22 Sept. 1105).

¹² *CAI*, § 91 (p. 70), § 187 (p. 147).

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Emperor, and that held at Palencia in 1156.¹³ In spite of this use of *concilium* for some extraordinary assemblies, the documents of Alfonso VI's reign show that *curia regis* was equated both with the *magnati palatii* and also with specially summoned assemblies. In a document of 26 March 1075 the phrases 'in presentia regis et magnatorum palatii' and 'in presentia regis et omnium nobilium ejus curie' are both used, as are 'omnes magnati nostri palatii' and 'omnes magnati curie regis' in one of 25 April 1087.¹⁴ On the other hand, in a document of 24 September 1089 sentence is said to have been given 'per iudicium et consilium comitum, baronum suorum et maiorum de sua escola et meliorum de sua terra, cunctis uocatis ad suam curiam'.¹⁵ In the first two instances the 'magnati curie regis' are clearly the equivalent of the *magnati palatii* but, in the third example, the 'curia' embraces not only the king's immediate entourage but also others, specially summoned to attend.

The lists of *confirmantes* which appear at the foot of documents of Alfonso VI, Urraca and Alfonso VII give us some information about the composition of the curia. The numbers vary greatly. In the documents of Alfonso VI the number of those confirming varies from five to over fifty, although numbers smaller than fifteen or larger than thirty are rare. Under Queen Urraca the numbers, generally speaking, are smaller than in the preceding reign, and are often under ten and rarely over twenty. This may be partly accounted for by the political conditions of the reign, when many of the nobles were disaffected. The numbers increase again during the reign of her son Alfonso VII, but there are fewer instances of numbers over thirty than under Alfonso VI.¹⁶ An examination of these lists of *confirmantes* shows that while some names occur often, others appear much less frequently. The core of the court was formed by members of the royal family, a handful of great officials and the king's immediate retinue, who accompanied him on his endless journeyings through his dominions. To these would be added a fluctuating number of prelates and nobles who might, for some reason or other, have business with the king, or through whose dioceses or magistracies the king might be passing. These together made up the

¹³ *Cartulario de S. Vicente*, no. 79 (1078); *ES*, xl, ap. xxviii (28 Feb. 1078); López Ferreiro, *Iglesia de Santiago*, iv, ap. v (13 Nov. 1127); *CAI*, § 71 (pp. 54–6) (1135); *ES*, xviii, ap. xxiii (9 Nov. 1156).

¹⁴ Menéndez Pidal, *España del Cid*, II, 847–51; *ES*, xvi, ap. xxi.

¹⁵ Sánchez-Albornoz, *Estudios*, 307–8, no. vi.

¹⁶ For the numbers of *confirmantes* under Alfonso VII, see Rassow, 'Die Urkunden Kaisers Alfons VII, von Spanien', *AFUF*, x, 392, 402–3, 411.

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normal personnel of the court. But from time to time much larger numbers were assembled, including all or most of the bishops and the most powerful of the nobles.

Among the royal *confirmantes* in Alfonso VI's documents were included his successive queens: Inés, Constanca, Berta, Isabel and Beatriz; his sisters Urraca and Elvira; his only son the Infante Don Sancho, who was killed at the battle of Ucles in 1108; his eldest daughter and ultimate successor Doña Urraca and her husband Raymond of Burgundy, Count of Galicia, as well as his illegitimate daughter Doña Teresa and her husband Henry of Burgundy, Count of Portugal. In Queen Urraca's documents her sisters Elvira and Sancha, her son Alfonso, who from 1116 ruled jointly with his mother, and her daughter Sancha all appear as *confirmantes*. Under Alfonso VII his sons Sancho and Fernando confirm from 1139 and 1144 respectively, his two wives Berenguela and Rica are noted in the Emperor's superscription but rarely appear among the *confirmantes*; his sister Sancha and some of his younger children confirm from time to time. How far the women of the royal family took an active part in the proceedings of the curia it is impossible to say, but their inclusion among the *confirmantes* was not a mere formality. Alfonso VI's sister Urraca, on whose advice the king largely relied, intervened, for example, in the law suit between him and the *infanzones* of Valle de Langreo.¹⁷ The author of the *Chronica Adefonsi Imperatoris* thought highly of the prudence and wisdom of Alfonso VII's first wife Queen Berenguela, and of his sister Doña Sancha,¹⁸ while his second wife Rica was named, together with his sister, among the counsellors who advised him on the grant of revised *fuegos* to Sahagún.¹⁹

The principal officials of the court were the *armiger*, the *maiordomus* and, from the twelfth century, the chancellor, the heads respectively of the army, the household and the chancery. The offices of *armiger* and *maiordomus* both date from the tenth century.²⁰ The *armiger* who, besides leading the army in the absence of the king, carried the royal standard in battle, was also called *signifer*. After 1133 these titles gave place to that of *alférez*. The title *dispensator regis* appears to be merely an alternative for that *maiordomus*, as Pelayo Vellídez was entitled *dispensator regis*, *maiordomus in palatium regis* and *maior in domum*

¹⁷ *DHILC*, no. XIX (27 March 1075).

¹⁸ *CAI*, § 12 (p. 14), § 45 (p. 38).

¹⁹ Escalona, *Sahagún*, *ap.* III, *esc.* CLXVIII (18 Dec. 1152).

²⁰ *Barrau-Dihigo*, 'Chartes royales léonaises', *Revue Hispanique*, x, nos. XI, XIV, XV, XX, XXIV, XLI; *ES*, xvi, *ap.* VII; xxxiv, *ap.* xxiv; xxxvii, *ap.* v.