## CORTES, CROWN OF ARAGÓN

Parliamentary institutions in the Crown of Aragón developed, as elsewhere, from festive and consultative courts occasionally convoked by the greater counts and kings in Catalonia and Aragón. It is not clear whether there was anything specifically "feudal" about this experience. The early *cortes* (*cors* in Catalan) were obligations laid upon knights in the Pyrenees for attendance on great lords rather than for counsel. Moreover, as elsewhere, the conceptual association of counsel and aid was an ecclesiastical as well as a military legacy. Great courts throughout Christian Spain were solemn celebrations of lord-kingship, more nearly public than feudal in character: they were occasions on which protector-rulers often threatened by the Muslims habitually dominated proceedings in which the mode of action was passive and deferential, responsive to the lord-king but not political.

This situation prevailed until the thirteenth century. The great assemblies of Aragón and Catalonia, often termed *curia*, met to ratify statutes of territorial security and dynastic decisions: they sometimes coincided with ecclesiastical councils. As early as 1162 a plenary assembly at Huesca prefigured the future *cortes* of the Crown of Aragón. But that tradition never

overcame the practice of convoking the magnates of one realm, as at Zaragoza (1164) for Aragón and at Fondarella (1173) for Catalonia. The latter assemblies, held in the early years of Alfonso II (r. 1162–1196), were both concerned with peace—that is, with sanctions against violators of what was then known as the "Peace and Truce" (*pax et treuga*). These were, so far as we can tell, characteristically celebratory occasions on which the lord-king's role as institutor of the peace was deferentially accepted.

However, the peace program in both lands, especially in Catalonia, was opposed by the barons, who saw it as threatening their habitually violent domination of peasants at a time when the lucrative Muslim wars had been interrupted. By the 1180s the program seems to have lapsed in both lands. Alfonso tried to reinstate it in great courts held at Huesca and Girona (1188), and whatever may have happened in Aragón, the reaction in Catalonia was explosive. At Girona the count-king was obliged to offer concessions to magnates who, in the end, refused to ratify the statutes. Then, in an assembly held at Barcelona (we do not know just when), the barons categorically rejected the whole peace program: that is, the king's prerogative to keep the peace. And in a series of assemblies from 1192 to 1205, Alfonso II and Pedro II (r. 1196–1213) struggled in vain to recover their lost initiative in consultation.

The Catalonian *corts* held from 1188 to 1205 mark the origins of parliamentary life in the Crown of Aragón. Here, for the first time, the barons can be seen to act politically—that is, to contest the ruler's prerogative in the ceremonial court or even to disrupt proceedings: here are the beginnings of debate between members of interested estates as distinct from passive deference to the lord-king. This politicized confrontation was the critical change, and it soon entailed another: the summons of towns and villages to be represented by their notables. Precedents for such enlarged summonses go back to the 1150s in the Pyrenees, but it was in the first quarter of the thirteenth century that they became common (if not yet quite customary) in Aragón and Catalonia. The people of both realms, including townsmen, were convoked at Lérida (in the borderland) to deal with the dynastic crisis in 1214. Great plenary assemblies met at Barcelona to prepare for the invasion of Mallorca in 1228 and at Monzón to prepare for that of Valencia in 1236.

By that time every significant attribute of the mature medieval *cortes* was in place. During the reign of Jaime I (1214–1276), the occasional summons of magnates was transformed into institutions of the estates, including that of the towns. And their experience in insisting on privilege was a cause of Jaime's reluctance in his later years to summon the *cort(e)s*. Moreover, an institutionalized procedure had already developed: the hortatory proposition by the king (or by a prelate speaking for him): responses by ad hoc delegates of clergy, barons, and towns, followed by discussion within the orders: and the public agreements and decisions: vote of taxes, setting of date of muster, promulgation of statutes. In 1264 at Zaragoza there was a demand for redress of grievances prior to deliberation on the king's request.

In 1283 King Pedro III's prolonged failure to confirm the privileges of Aragón and Catalonia, combined with his costly conquest of Sicily, resulted in tumultuous assemblies at Zaragoza and Barcelona. It is customary to date the *cortes* as a parliamentary institution in the Crown of Aragón from these meetings. This view is mistaken, for reasons that should be clear. With one exception, every element of these occasions, and indeed the combination of these elements, was traditional. Politicized confrontation over privilege, summons, representation of men from the several orders, procedure—none of this was new: and as for the demand in both assemblies that the *cortes* should henceforth be summoned periodically, this was so poorly observed thereafter that it must be disqualified as a test. It is true that Jaime II (r. 1291–1327) summoned *cortes* in his early years: by working through them before the estates were tempted to act on their own, this canny ruler defused political opposition.

In fact, as elsewhere, the *cortes* of the later medieval Crown of Aragón had a fitful history influenced by fiscal and political necessity. During his Castilian wars Pedro IV (r. 1336–1387) became so dependent on taxes voted by his *cortes* as to lose the initiative in policy and finance. The *diputació* of the Catalonian *corts* functioned from 1359 as a permanently standing commission of the assembly. Similar institutions developed in other realms (including Valencia): everywhere the *cortes* expressed the privileged aspirations of the powerful, being (in that sense) politically regressive. In Catalonia the exclusion of the lesser knights consolidated a formidable alliance of landed magnates and urban oligarchs through which a "pactist" program hostile to fiscal and agrarian reform was confirmed. The *cortes* of Aragón, constituted in four estates (that of the nobility being divided), supported Alfonso V (r. 1416–1458) in his Mediterranean ambitions better than the earlier *cortes*, but their interminable proceedings revealed the hollowness of their claim to represent power fairly.

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## CORTES, LEÓN, CASTILE, AND PORTUGAL

By the mid-thirteenth century the *corte* (plural, *cortes*), an example of the European parliamentary tradition, emerged in Castile, León, and Portugal. This reflected the growing importance of towns that controlled extensive territories and supplied substantial militia forces for the reconquest. The *corte* was a natural expansion of the royal council as kings summoned townsmen to assemble with bishops and magnates. The three estates gathered with the king constituted the fullness of the kingdom acting as one legal person. The king's need to ask consent before imposing new taxes or to alter the laws was the principal reason for summoning the *cortes*. The assembly gave the participants an opportunity to present their grievances to the king and to urge governmental reform.

Alfonso IX of León first summoned urban representatives to his council at León in 1188. The Castilian kings likely did so from the second quarter of the century. After the union of Castile and León in 1230, the *cortes* were convened jointly, though occasionally separate meetings were held in order to thwart opposition to royal policy. From the mid-fourteenth century the *cortes* were a joint assembly for both realms. Afonso III of Portugal convened the first *corte* at Leiria in 1254.

The *corte* consisted of three estates (later called *brazos*): prelates, nobles, and townsmen. Archbishops and bishops (about twenty) customarily attended, but abbots, priors, masters of military orders, and proctors of cathedral chapters were sometimes summoned. About twenty magnates (*ricos hombres*) and as many knights (*caballeros*) also participated. Prelates and nobles attended the Castilian *cortes* irregularly in the fifteenth century and not at all after 1538.

All towns directly subject to the crown were summoned, but not all of those summoned always sent representatives. Perhaps the largest assembly were the *corte* of Burgos in 1315, when 100 towns sent 201 representatives. The number of Castilian towns represented steadily decreased to a mere seventeen in 1480. Many towns were no longer summoned because they were held in lordship by bishops and magnates. Attendance was viewed as a burden. Whole regions had no representation at all, and representatives in attendance acted solely on behalf of the urban oligarchy.

Representatives, first described as *omnes bonos*, *los de la tierra*, or *personeros*, were by the early fourteenth century identified as procurators. This Roman legal term designated one empowered to represent an individual or a corporation in court. Urban procurators received letters giving them full power (*plena potestas*) to act in the name of the town and to bind it in advance by their actions. Royal insistence that representatives have full powers was intended to prevent a town from later repudiating its procurator. Representatives were probably elected in the same manner as other municipal officials. From the late fourteenth century they were designated by the town council, chosen by lot, or municipal officials who served in rotation. Despite protests by the *cortes*, in the fifteenth century Juan II and Enrique IV named procurators to represent Castilian towns. The Castilian *cortes* of 1430 prohibited persons of humble condition from serving as representatives. The number of representatives was usually two, who were remunerated by the towns, though in the fifteenth century they were paid by the crown. They were assured of royal protection when traveling to and from the *cortes*, and during the sessions.

Only the king or his regents could summon the *cortes*. His presence was essential to the legality of the assembly. Letters of summons indicated the purpose, place, and day of the meeting. The Castilian cortes met frequently in the late thirteenth and early fourteenth centuries, sometimes as often as every three or four years. Alfonso XI, however, convened the *cortes* at irregular intervals, and then usually in regional rather than plenary sessions. The Portuguese *cortes* of 1385 asked João I to hold annual parliaments, but these were found to be too burdensome. The Portuguese *cortes* met twenty-eight times between 1385 and 1491. Meetings, usually lasting a few weeks, were held in palaces or cathedral or monastic cloisters in centrally located towns such as Burgos, Valladolid, Madrid, Lisbon, Coimbra, and Santarém.

The king opened the assembly by declaring the reasons for convocation and perhaps requested a subsidy. Each estate then responded (in Castile and León, the archbishop of Toledo, the lord of Lara, and the representative of Burgos). Toledo persistently challenged Burgos's claims to speak for the Castilian towns, but in 1348 Alfonso XI declared that Burgos should speak for Toledo. Little is known of the deliber-

ations of the estates as they met separately to consider the king's requests and to draw up petitions. Once the petitions were approved by the royal council and a subsidy was voted, the *corte* were dissolved. Texts (*cuadernos*) containing petitions and royal responses were given to the procurators as a record of the principal actions taken.

Few rules defined the competence of the *cortes*, but it could intervene in matters relating to the succession, the recognition of a new king or the heir to the throne or the regulation of a minority: legislation: taxation: and other aspects of foreign and domestic policy. The Portuguese estates assembled in 1385 elected João I as king, and in 1438 the *cortes* of Torres Novas declared that only the three estates could determine the regency for a minor heir. The Castilian *cortes* confirmed the authority of regents during several minorities and also recognized the rights of royal heirs.

The *cortes* participated in legislation chiefly by submitting petitions concerning most areas of government. Petitions were usually presented by the townsmen, but occasionally by nobles and prelates. The towns constantly demanded that the king guard their charters and privileges, guarantee justice to all, punish corrupt officials, curb the lending activities of Jews, control prices or wages, and restrict the alienation of the royal domain. Prelates petitioned the king to uphold ecclesiastical jurisdiction and immunities, and the nobles usually asked for confirmation of their traditional usages. Once the royal response was given, ordinances enacted these decisions into law. The king, with the counsel and consent of the *cortes*, also promulgated ordinances regulating the administration of justice, the chancery, military obligations, and the like.

More systematic legislation prepared by royal legists was also enacted in the *cortes*, such as the Ordinance of Alcalá, promulgated by Alfonso XI in the *cortes* of 1348. In 1305 and 1313 the principle was asserted that laws promulgated in the *cortes* could be repealed only by the *cortes*, but this was never strictly observed. Since the crown tended to issue charters contradicting enactments of the *cortes*, the *cortes* of 1379 protested, and in 1387 Juan I pledged that such charters were not legally binding. Nevertheless, in 1427 Juan II declared that his charter was to be obeyed as law "just as if it had been enacted in *cortes*." While acknowledging the legality of ordinances enacted in the *cortes*, he clearly believed that he could legislate without those bodies. The Portuguese *cortes* also protested against the derogation of ordinances enacted in them, but Afonso V declared in 1451 that he would alter the laws made in the *cortes* "whenever the case required it."

The most important function of the *cortes* and the principal reason for the frequency of their meetings was to consent to taxation. Requiring extraordinary funds to meet his increasing financial needs, the king had to ask his people for subsidies: he could not levy taxes arbitrarily. Since the clergy and nobility were exempt, his request was usually made to the townsmen. Prelates and magnates were sometimes asked to consent to the imposition of taxes on their dependents. Extraordinary taxes or *servicios* were often expressed in terms of *moneda forera*, a tribute paid in return for the king's pledge not to alter the coinage for seven years. Alfonso IX levied such a tribute in 1202, and Afonso III did so in the *cortes* of Leiria in 1254. The obligation to seek the consent of the *cortes* before levying taxes was affirmed in the Castilian *cortes* of 1307, 1315, 1329, and 1391. Taxes were usually imposed for a fixed term of a year or two, but there were exceptions. A specific purpose was often stated, as in 1407, when the Castilian *corte* asked that the subsidy would be expended only on the war against the Moors. Although the *cortes* often haggled over the amount requested, some kind of grant was always forthcoming. In 1308, 1315, 1317, 1386, and 1387 the Castilian *cortes* asked for an accounting of the king's revenues before giving consent. The *cortes* often demanded that taxes should be collected only by incorruptible citizens of towns and not by Jews, Muslims, nobles, churchmen, or high officials. The *cortes* of Segovia in 1386 appointed officials to receive and expend the subsidy voted to the crown, but this effort to control royal finance never developed further. Neither Juan II nor Enrique IV hesitated to collect taxes without consent or to spend money for purposes other than those stipulated by the *cortes*.

From the early thirteenth century until the middle of the fourteenth, the *cortes* passed through a time of vigorous growth and development. In times of crisis they could have a determining influence on public affairs and could effectively limit the power of the crown. At the same time it could be manipulated by the king to his own advantage. In the fifteenth century the *cortes* declined in importance, although Fernando and Isabel at first used them to bolster their reforms: from 1482 to 1498, however, they did not summon the *cortes* because they were not dependent on their subsidies. Thereafter they convoked *cortes* to obtain money for the conquest of Granada and the Italian wars. All told, they summoned *cortes* only nine times. João II of Portugal also used the *cortes* to undercut noble opposition, but he convened them only four times between 1481 and 1495: Manuel I summoned them four times between 1495 and 1521, and did not hesitate to levy taxes without consent. Thus, at the

close of the Middle Ages, by infrequent convocation and careful manipulation, the *cortes* were subordinated to royal power.

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