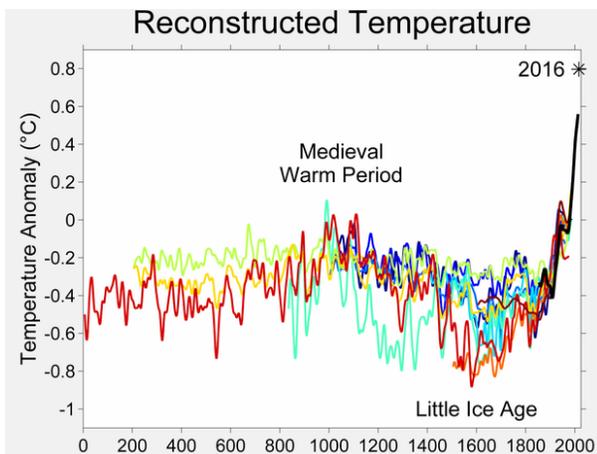


Chapter 6

The birth of new states in Europe

All politics is local



Europe awoke around the year 1000. Why? This fundamental question has not been researched well enough. One fact seems to be clear: the emergence of towns.¹ Towns can grow only if their surrounding region generate an agricultural surplus. Hence, the revival of Europe should be related to climatic change. Given the new methods of scientific investigation (which we have seen in previous chapters), and the pressing issue of climate change, new studies are appearing at a steady pace. They have indeed provided evidence of what has been called “the Medieval Warm Period.” Some results are illustrated by the next figure (taken from Wikipedia). These curves exhibit the “Little Ice Age” that took place

later and that is well documented by contemporary accounts (and that is related to the absence of black spots in the sun). There is of course not a one to one relation between climate and economic development. Economic development in Europe continued during the little ice age despite the famines because a more resistant infrastructure had been built before. Before the year 1000, there had been no such infrastructure and the it seems that the generation of an agricultural surplus was necessary for a take-off.

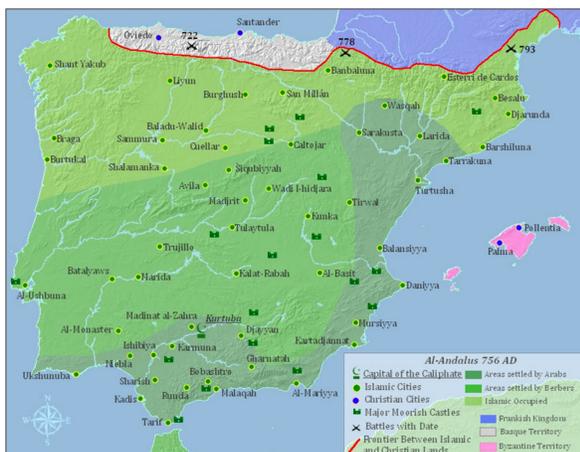
The emergence and growth of towns and cities is one of the most important features in the

¹**

economic and the political spheres in medieval Europe. In three main regions, in a process that took place in some other form perhaps in Mesopotamia and in the Roman Empire, the states gradually evolve to englobe the cities, Spain, England and France. In what is today Italy and Germany the conditions remained that of fragmented states (which may be better for the welfare of the people) much later until the 19th century.

One of the fascinating component in the millenial turn around is to see how constraints implanted the seeds of political representation.

6.2 Spain



Between 711 and the end of the century, a combined Arab-Berber force conquered all of the Iberian peninsula up to the Pyrenees, and a little beyond,² except for a small **sliver** in the northern mountains of Asturias. The conquest took place in a few years by a relatively small group with no mass population movement. The muslims focused on ruling, with a special tax on Christian and Jews and no forced conversion.

These mountains provided both a refuge against invasion and for potential conquerors, they did not provide attractive agricultural land. They may also have been

populated by tribes that provided a particularly strong resistance. John Adams, second US president, who travelled through Northern Spain in the winter of 1780, on his way from Boston to Paris, made interesting **remarks** about the relations between the geography of the region, the character of the people and their sense of freedom.

At the beginning of the 9th century, the ruler over this northern region, Alfonso II (791-842), kind Asturia, gained recognition from Charlemagne and the pope, who obviously saw him as the strong man they needed to contain the Muslims. Note, for a later discussion on this European issue, the label of legitimacy that was provided by the pope. Around that time, around 830, the relics of Saint James the Great (apostle) were claimed to be found in Santiago de Compostela. They set a goal for the most celebrated pilgrimage of the Middle Age, which was going to play some role below.³

The narrow band in the *picos de Europa* in Northern Spain set the basis for a slow and gradual push towards the South, the **Reconquista**, which eventually led to the final expulsion of

²Battle of Poitiers 732. During the retreat of Charlemagne, the rear guard was ambushed and annihilated near the pass of Roncevalles in the Pyrennees. This event is celebrated in the **Song of Roland** which, composed in the 11th century, is the oldest surviving major text in French literature.

³The route is still travelled today by numerous people, mainly by foot, for personal renewal.

Muslims with the fall of Alhambra in Grenada, January 2, 1492. In that same year, which may be the highest landmark in the history of the country, a unified Spain, after the expulsion of the Muslims and the Jews, started a new wave of expansion overseas. The length of that process, more than seven centuries, is proof that it was complex and not just unified drive to push the Muslims out. In this chapter, we deal only with the beginning of the process. This most interesting phase generated the first elementary forms of representative institutions as we know them today.



The process of the Reconquista started immediately after the muslim conquest. One can draw a sequence of borders gradually moving south during over the next centuries, but one should not think of settled borders. Raids took place in each direction, At the turn of the millenium, the “New Frontier” traced roughly a line from Porto to Soria, along the Duero river and then to Barcelona. As in the North American continent in the 19th century (to be discussed below), the “new territories” provided opportunities for settlements. The nobility and the cavalry could wield the sword but not the plough. The working of the

land remained dangerous, subject to raids by the southern enemy. The settlement of the territories would require people from the north of the Pyrennees. These people could be attracted only with guarantees for the rewards of their migration.

The particular case of Spain around the year 1000

James Powell (1988) wrote:

“ The tenth and eleventh centuries constituted an important seminal age of foundation building for European civilization. The sub-continent pursued the quest for institutional stability, striving to rebuild after the devastation wrought by the triple shock waves of Scandinavian, Magyar and Muslim invaders. This quest often took the form of institutionalized personal relationships known as feudalism, which offered primitive but pragmatic solutions to the problems of government and military defense on which the future could build. The Iberian kingdoms endured many of these same difficulties and drew upon similar experiences. Nonetheless, while influenced by their neighbors to the north and east, Iberia constituted in many other respects a unique case. Its transitional Germanic monarchy, the Visigothic kingdom, had been virtually obliterated by the Muslim invasion of the eighth century, and the nuclei of the Christian principalities which withstood this assault in the northern Cantabrian and Pyrenean mountains were sufficiently isolated from European and Muslim influence to pursue individualized programs of state-building born of local needs and traditions.

Iberian urban settlements, while lacking the strong commercial base and merchant classes that Pirenne would have required for status as towns, were sufficiently diversified agglomerations of peoples with assorted agrarian, pastoral and ecclesiastical functions to have been rather more than rural villages. Certainly Oviedo (the Asturian royal city), Catalan Barcelona and Santiago de Compostela in Galicia all merit consideration as towns, *per se*. As the Asturian monarchy encroached upon the central plateau to the south in the tenth century after consolidating its grip on Galicia to the west and Castile to the east, additional opportunities opened to both political and urban expansion. In this regard, the settlements which grew up to service the great pilgrimage route feeding travelers to Saint James's shrine at Compostela developed more rapidly than the other Leonese-Castilian towns as limited commercial enterprises. But to achieve this expansion against the great Muslim caliphate based at Córdoba and its successor Taifa Kingdoms of the eleventh century required special policies dictated by a frontier situation. The lightly populated zone north of the Duero river made walled settlements crucial to the populating and holding of lands still well within Muslim raiding and conquering capabilities. It was in this context that municipal militia service was formed.

The military service requirement for villagers and townsmen was forged from the policies of southern expansion undertaken by the Asturian monarchs in the late ninth and early tenth centuries. Ordoño I (850-66) and Alfonso III (866-911) advanced upon the upper Meseta, pressing into the lightly populated lands north of the Duero River. The most important step in this process was the resettling and rebuilding of the town of León, which was to become the center of the Asturo-Leonese realm. The monarchy thus abandoned the comparative security of mountainous Asturias for a project of largescale territorial aggrandizement. By 920 the Navarrese state under Sancho Garcs I advanced into the upper Ebro basin to seize Najera, Calahorra and Viguera. [Spanish historians occasionally define this as the beginning of the Reconquest](#). Such activity could take the form of major battles, aiding rebellious segments of Muslim towns, or the individual resettlement of open or lightly-populated lands. In its most precise form, the Reconquest involved the forced seizure of populated territories and towns under Muslim control. The Umayyad caliphs in Cordoba, especially c Abd ar-Rahman III (912-61) responded with vigor to this challenge. As a result the lands north and just south of the Duero as well as the Rioja district of the upper Ebro became increasingly a battleground where villages and towns were taken and retaken by either side.

Both Muslim and Christian principalities also contended with separatist forces within their respective realms. The caliphs struggled with the ever troublesome division between nativist Muslims and North African Berbers as well as tribal and clannic consolidations. Meanwhile the Christian kingships competed with each other and could not prevent the development of a new principality, the independent County of Castile, between the Asturo-Leonese and Navarrese states. When the Caliphate of Crdoba slipped into the control of the general al-Mansur and his son c Abd al-Malik from 976 to 1008,

the Christian armies of Leon, Castile, Navarre and Catalonia suffered an unprecedented string of defeats at Córdoba's hands, climaxed by the sacking of Barcelona in 985, the sacking of Leon and the destruction of its walls in 988, the sacking of Santiago and the leveling of its basilica in 997, and the sacking of Pamplona in 999. These were merely the most spectacular assaults. When even the bells of Santiago's church were brought to Córdoba and upended to provide braziers for the mosque there, the Christian monarchs might well have pondered their future hopes of territorial expansion to the south.

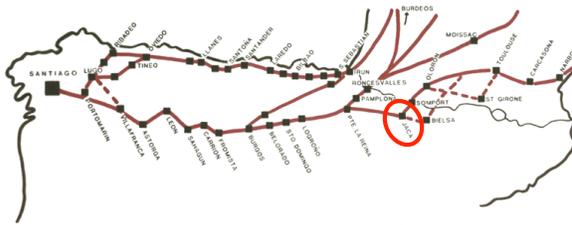
Fortunately for Christian Iberia, these disasters simply indicated a temporary superiority of Muslim armies and generalship which passed with the death of cAbd al-Malik. The Muslims did not possess the resources necessary to resettle Leon, Pamplona or Barcelona even at their crest of power. By 1031, the Caliphate itself ended, to be replaced by a number of petty Taifa states centered on the major cities of Muslim Spain. But this dramatic shift of power in the Muslim south could not have been envisioned by the Christian kings, who doubtless believed that they required new methods to strengthen their grip on the northern Meseta, the Duero and upper Ebro. Placing populations within walled towns was insufficient to the task at hand. These settlers had to take an active part by doubling both as populators and as warriors. In all likelihood the resettling of Leon provided the opportunity to achieve such an end.

In the period 1017-20, Alfonso V of Leon awarded a fuero to the town of Leon with the first clear statement of a military obligation. This charter included the obligation for residents to participate in the royal fossatum (a obligation to serve in the military) with the king or his representative, and for settlers in the general region of the town to gather in Leon in times of war so as to assist in the defense of its wall. They were, moreover, exempted from paying the fosataria, the tax paid when no military service was rendered to the king. This probably indicates that they were free of the military tax in times of peace, but were expected to render fossatum and wall defense in war without exception. While doubt has been cast upon the authenticity of some of the contents of the Fuero de Leon because of the possibility of interpolations in the thirteenth-century copy which we possess, the military provisions were not unknown for other eleventh-century towns awarded charters within a few years after Leon, and no question has been raised concerning their appropriateness for the time. Indeed, logic suggests that Leon with its political importance and strategic location would be the very place to lay down a policy containing such precedents. If the policy proved serviceable in Leon, it could be extended steadily as the Duero frontier came back into the control of the Leonese monarchy."

(James Powell, 1988)

Militias and Fueros

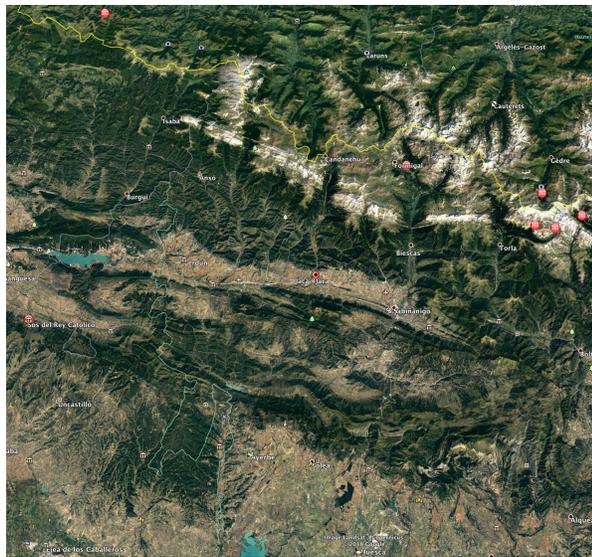
Agustin Ubieto Arteta (b. 1938) wrote:



Paths to Santiago de Compostela

“In the last third of the eleventh century, the site of the former county of Aragon had found peace, although not the rest of the Kingdom. The border had stabilized and the general resurgence of all of Europe had reached these regions. It is not strange, then, that in 1077 (1063 for several historians), Sancho Ramírez, encouraged by the boom that had acquired the economic, religious and cultural route that entered his kingdom through the Somport pass in the Pyrennees, transformed the primitive village of Jaca into a city

that he endowed with a charter to provide safety for the new settlers coming from the North.”



The town of Jaca

As often in this history, geography had an impact. The location of Jaca is the first place to rest for the travellers and the pilgrims on the way to Santiago,⁴ after crossing the Pyrennees through an important pass (the Somport).⁵ As an enclave tucked against the Pyrennees, it is in the middle of an East-West valley which is protected by the Pyrennees on the northern side and other mountains on its southern flank (see the previous figures).

To organize the life of the new city, which also became the first capital of the incipient

⁴See also the [details](#) of the paths to Santiago around Jaca.

⁵The significance of this route is stressed by the railways that was built in the 19th century. The train station on the Spanish side, high in the mountain immediately at the exit of the border tunnel, Canfranc (from French camp), had been one of the largest stations of Europe because of the gauge difference between Spain and the rest of Europe. There are still ghost buildings out of proportion with the surrounding area. During WW II, some of the nazi gold was carried south through that station.

This fostered a sense of community within the city walls. It was then natural to include a representation of these towns and cities in the discussions and decisions at the national level. It is in Northern Spain that we find the first records of assemblies that include such a representation. These assemblies started the process that evolved in modern parliaments.

The critical step is the participation of the commoners as a group. Commoners were not included for the consideration of “human rights”, but because they contributed to the revenues of the sovereign⁸. The representation of what can be called the merchant class is a breakthrough⁹ in the organization of government. The *Cortes* of León in 1188 is the first assembly where the participation of representatives from the cities is documented¹⁰. It is remarkable but not surprising that burghers and merchants were on an equal footing with the nobility¹¹. They were the most needed for the growth of the town.

The following text is extracted from O’Callaghan :

There were three principal reasons why the kings of León and Castile summoned representatives of the towns to the royal court. First, by virtue of their control of vast expanses of territory equivalent in size to the counties of France or the shires of England, the towns were major elements in the administrative structure. Second, the king had need of the urban militias for the conquest and defense of lands beyond the Tagus river in the twelfth century and beyond the Guadalquivir in the thirteenth. Once the frontier was stabilized, these contingents were still needed to guard against the threat of Granada and Morocco in the late thirteenth and fourteenth centuries. Third, as ordinary royal revenues no longer sufficed to meet the needs of both war and civil administration, the crown discovered that the growing wealth of the towns, derived in part from booty taken in war, was a valuable resource that could be tapped.

Roman law provided a theoretical justification for the convocation of the municipalities and the practical means to bring such a convocation about. The Reception of Roman law in the Iberian peninsula effected profound changes in the concepts of the state and justice, in the manner in which justice was administered, and in the very substance of the law. Roman law became a subject of study in the universities of Palencia and Salamanca, established respectively

⁸In many 19th century countries, including many states in the US, voting rights depended on personal wealth, that is the capacity to contribute to revenues.

⁹Nothing comparable existed before. In Athens, the “direct democracy” included 6000 citizens but excluded all others and merchants were despised.

In the Roman empire, the senate played a minor role.

¹⁰See O’Callaghan, Joseph F. *The Cortes of Castile-León*

¹¹Lalinde Abadia (1978).

by Alfonso VIII of Castile and Alfonso IX of Len. At first, Italian scholars familiarized peninsular students with the principles of Roman law, but later the Spaniards also made significant scholarly contributions.

References in twelfth- and early thirteenth-century charters to the "status regni" or utilitas regni" reflect the influence of Roman law on the development of the concept of the state as an abstract entity distinct from the king and the territory of the kingdom. In the late thirteenth and early fourteenth centuries, these terms appear as "estado de la tierra," "pro de la tierra," "buen paramiento de la tierra," and "fecho de la tierra." Ulpian's classic definition of justice as a "constant and perpetual desire to render to each man his due" (Digest, 1.1.10) was cited in twelfth-century charters, while Roman legal procedures such as inquests and appeals became an integral part of the judicial system.

The principle of Roman private law, *quod omnes tangit, ab omnibus debet approbari* (what touches all must be approved by all), when applied to public law, encouraged the crown to take counsel with all those who might be affected by any major decision, but how to consult with the thousands living in the municipalities who might be so affected was a serious problem. The solution was the idea of a corporation, a body of individuals who by reason of their common interests could be treated as a single juridical entity. The corporation could act as a legal person in the marketplace, in courts of law, and in public assemblies. It did so through a duly appointed representative or procurator, who received letters of procuration conferring upon him plena potestas, or full power, whereby his constituents agreed in advance to be bound by the decisions that he might make.

Turning now to the participation of bishops, nobles, and townsmen in the extraordinary curia or cortes, we must establish at what point the townsmen were clearly present, which towns they represented, what powers they bore, and what business they transacted.

In three assemblies convened by Alfonso IX of León in 1188, 1202, and 1208, the presence of townsmen was explicitly recorded. Faced with the problem of establishing his authority on a firm basis and correcting his father's prodigality, he convoked a curia at León in April 1188. Together with the archbishop of Compostela and other bishops and magnates, the "elected citizens of each city" were in attendance. This is the earliest unequivocal attestation of the participation of townsmen in an extraordinary meeting of the royal court. Several years later, in March 1202, the king convened a plena curia at Benavente, attended by bishops, royal vassals, "and many men from each town of my kingdom." In February 1208, he summoned to an assembly at León bishops, barons, the chief men of the realm, and a multitude of citizens from each city." For the rest of his reign the evidence is uncertain, but it is possible that townsmen attended a

plena curia held at Zamora in 1221 and the curia of Benavente in 1228.

New territories in the US

The propensity of new territories for some self-determination by the settlers has also been observed in the US. Engerman and Sokoloff (2005) write

“Also striking is that of the states formed of the originally settled areas, it was those that were sparsely settled and on the fringe (Vermont, New Hampshire, and Georgia) that seem to have taken the lead in doing away with all economic-based qualifications for the franchise.”

APPENDIX

Translation of the main part of the the fuero de Jaca (1077 or 1063)

First, I forgive you for the bad privileges that you have had until today, when I have decided to make Jaca a city. And, therefore, since I want it to be properly populated, I grant to all the inhabitants of Jaca, my city, all the good fueros that you ask me, so that my city is conveniently populated and that each enclose his goods according to their possibilities.

Should any of you happen to fight and hit another person, in front of or inside my palace, in my presence, he will pay a thousand sueldos or lose a hand. And, if someone, be caballero, citizen or farmer, hits another, but not in front of me, or inside my palace, although I find myself in Jaca, he will not be subject to an accusation, except under the jurisdiction that you have when I am not in the villa. And, should a controversy arise because someone kills someone committing a theft within Jaca or its limits, he will not be charged with homicide.

I also grant to you and your successors, with good will, that you do not go against the enemy if it is not with bread for three days and this must be the case in a field battle or if I or my successors are surrounded by our enemies. And if the housemaster does not want to go to fight, he will send in his place an armed infantry.

Wherever you can buy or earn something, whether inside or outside Jaca, the inheritance of whomever should free and frank, without any evil cut (taxation- malo cisso). And after having it for one year and one day without being disturbed, the one who would like to trouble or rob you, will give me 60 sólidos and, in addition, he will confirm the inheritance.

You can use the pastures and woods within a radius of one day round trip just as men in this circuit have within their limits.

Do not make war nor duels between you, unless both agree to it. Neither against outside men, unless it is the wish of the men of Jaca. No one of you should be detained, once captured, giving bail from you.

If one of you commits fornication with a woman not married, with her consent, do not make an accusation. And, if she has been coerced, he will be given to her as husband or he he will take her as a wife. And if a woman complains that she has been coerced, the first day or the second, her claim will have to be supported by reliable witnesses of Jaca After three days, no complaint will be receivable.

If anyone of you takes in anger arms against a fellow: lance, sword, mallet or machete, he will pay a thousand sólidos or he will loose a hand. And if he hits someone with his fist or pulls his hair, he will pay 25 sólidos. And if he throws him to the ground he will pay 250 sólidos. And if someone enters the house of his neighbor in a state of anger and takes away objects, he will pay 25 sólidos to the housemaster.

None of my officials should not be accused by anyone in Jaca unless he is endorsed by six of the better fellows of Jaca.

No one from Jaca, with no exception, should be prosecuted in a tribunal in any place out of the Jaca.

Anyone who gives a false measure or weight will be fined 60 sólidos.

All men may use any mill they want except the Jews and those who produce bread to be sold.

You should not give or sell property to the Church or to someone under guardianship (*infanzón*).

Any one who wants another person to be arrested for unpaid debt has to proceed with the assistance of one of my officials. The detention has to be in my palace under the guard of my gaoler and for the three days of detention, he has to bring each day one obolata of bread. Failing to do, the detainee will be freed.

If any man detains as hostage a sarracen, man or woman, of his house, he has to send him or her to my palace and the housemaster has to give him bread and water because he is a human being and does not have to fasten like an animal.

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