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THE SPANISH CORTES IN THE MAKING.
COUNSEL, CONSENT AND DELIBERATION AT ROYAL
ASSEMBLIES IN THE TWELFTH CENTURY¹

LAS CORTES HISPÁNICAS EN GESTACIÓN.
CONSEJO, CONSENTIMIENTO Y DELIBERACIÓN EN ASAMBLEAS
MONÁRQUICAS EN EL SIGLO XII

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ABSTRACT: Most studies concerning the origins of parliament in the Spanish kingdoms have focused on the social changes in the composition of these royal assemblies, especially from the thirteenth century. This paper will instead analyse consultation, assent and deliberation at large gatherings of kings and nobles in the twelfth century to suggest this phenomenon as a key process to understand the development of the *cortes* from the *curias plenas*.

KEYWORDS: royal assemblies; parliament; *cortes*; counsel; political deliberation.

RESUMEN: La mayoría de los estudios sobre los orígenes del parlamento en los reinos hispánicos se han enfocado en los cambios sociales de la composición de estas asambleas monárquicas, especialmente desde el siglo XIII. Este trabajo, en cambio, analiza el consejo, asentimiento y deliberación que se dio en estas grandes reuniones de reyes y nobles en el siglo XII, para sostener que este fenómeno comprende un proceso que es clave para entender el desarrollo de las cortes a partir de las curias plenas.

PALABRAS CLAVE: asambleas monárquicas; parlamento; cortes; consejo; deliberación política.

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1. Abreviaturas utilizadas: FII = González, 1943; AVIII = González, 1960; AII = Sánchez Casabón, 1995.

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1. INTRODUCTION

Approaches to the early history of parliament and the origins of parliamentary assemblies in Europe and the Spanish kingdoms have traditionally overlooked the importance of the institutional development of councils and courts throughout the twelfth century, mostly overshadowed by the attention given to “constitutional” phenomena that took place in the following century, such as the limits established by the nobility to monarchical action and the social widening in the composition of these gatherings. The history of parliament has been traditionally mingled with history of democracy, the rule of law, and political representation, and this has tended to torn medieval assemblies out of their contexts. These have become the conditions that sustain modern parliamentary democracy and the constitutional polity, but is misleading to search for them when understanding the medieval origins of parliamentary assemblies. As Jørgen Møller has recently pointed out, scholarship has often overlooked

that the assemblies that gradually turned into representative institutions were originally created in a top-down manner by monarchs [and] only later on did they evolve into the kinds of constraints on monarchs on which most of the recent literature focuses².

The following pages aim to shed some light over the evidence for royal consultation at assemblies in León, Castile and Aragón during the twelfth century to argue that the origins of the *cortes* is more properly approached when conceived not as a restriction to monarchical power or the teleological views of institutional progress, but as part of the proper dynamics of medieval kingship and the political bonds between rulers and the *communitas regni*. In doing so, I will not intend to demonstrate that twelfth-century *curias plenas* may be considered fully-fledged *cortes*, a conclusion that may only result from analysing other institutional aspects besides consultation such as terminology, composition functions, and frequency³, but to suggest that the origins of parliamentary assemblies can only be understood if these royal gatherings to obtain general counsel are given full consideration.

2. COUNSEL AT ROYAL ASSEMBLIES

Much of the relationship between kings and nobles in twelfth-century Europe was dictated by changing political circumstances as much as theories of kingship, lordship and governance, all of which shaped the early development of

2. Møller, 2017, p. 176.

3. Further information on the functions and business of the Spanish plenary court is provided in García Gallo, 1959, I, p. 178, and Guglielmi, 1955, pp. 54-56, 68-73. More recently, these aspects of the Spanish plenary courts have been considered in Cerda, 2011, pp. 61-77; Cerda, 2010, II, pp. 315-333; Cerda, 2019, pp. 50-69; 2020, pp. 179-199.

parliamentary assemblies. In the Spanish kingdoms of Aragón, Castile and León, rulers were expected to consult their powerful subjects on matters of importance or general concern, but the following study will suggest that institutional changes in the second half of the twelfth century deserve more historical attention. While general counsel was also taken by monarchs in the first half of the century, important decisions often resulted from private consultation and whenever policies were shaped by general counsel, the sources rarely associate such process to the meeting of particular assemblies and this is also the case for other European kingdoms⁴.

2.1. Kings, nobles and political deliberation

Antonio Marongiu has rightly explained,

what characterised the Middle Ages was not the monopoly of power and law by the sovereign, nor the assertion of the principle that 'what pleases the prince, has the force of law' (quidquid principi placuit, legis habet vigorem), but rather the priority of law and justice, with the king as a guarantor of all rights⁵.

Kings thus acted both arbitrarily and fairly at times, but the judgement of their actions is left to the political principles of the time, the contemporary expectations of kingship, and not the ideas forged by modern constitutionalism. John

4. Due to the length and scope intended for this study, the development of royal assemblies in the kingdoms of Portugal and Navarre is not considered, though they certainly deserve the same analysis. One of the main studies of early medieval consultation at assemblies is Barnwell and Mostert, 2003. The editors rightly claim that the study of early medieval assemblies remains a subject that *has not received the systematic treatment its importance warrants* (p. 2). One of the last publications about the Spanish medieval *cortes* is González Hernández and González Díez, 2018. Concerning the development of the *curia plena* and the origins of parliamentary assemblies, this collection of essays has not offered renewed readings at the phenomena, but follows the traditional views as suggested by its very title (see especially p. 114). Among the chapters of another book published in 2020, there is only one that refers to the origins the *cortes* (in León) for all the rest are spent on the late medieval *cortes* (14th and 15th centuries). Although its author Pascual Martínez Sopena (in representation of the late Carlos Estepa) is critical of the traditional view on the *curia* at León in 1188 as the first parliamentary assembly in Europe, it does not truly depart from the constitutional paradigm and approaches to the subject as the focus is still the social broadening of royal assemblies with urban representatives and the limits to monarchical power that followed in the thirteenth century (Martínez Sopena, 2020, pp. 245-264). José Manuel Nieto Soria also understands the origins of the *cortes* as a long process and not as the product of a single "constitutional" landmark (such as 1188), but his approach to twelfth-century *curias plenas* is still grounded in traditional historiography (Nieto Soria, 2019, pp. 121-138). The very latest book that deals with the subject is Francisco La Moneda Díaz, (2022), *Orígenes de la participación del pueblo en las Cortes de Europa: las Cortes de León de 1188*, Pamplona. But there is some plagiarism in this work. The main conclusion and several paragraphs of an article that I published in 2006 were copied and pasted into this book without explicit acknowledgement of authorship. The publication affected is José Manuel Cerda, (2006), "La presencia de caballeros y ciudadanos en la curia regia y el origen de las asambleas parlamentarias en Inglaterra y los Reinos Hispánicos. (S. XII - S. XIII)", in Jiménez Alcázar, Juan Francisco; Ortuño Molina, Jorge y Soler Milla, Juan Leonardo (eds.) *Actas II Simposio de Jóvenes Medievalistas*, Lorca, pp. 11-21.

5. Marongiu, 1968, p. 32. See also Kagay, 1994, p. 80 and Pother, 1818, I, 1:1 and 4:1; See González Antón, 1978, p. 23; Berki, 1977, pp. 108-109 and Tierney, 1995, p. 77.

of Salisbury's distinction between tyrants and rulers in the *Policraticus* would otherwise make little sense. The tyrant is not a king or a queen for his or her authority is not sanctioned by God and thus illegitimate since

*there is wholly or mainly this difference between the tyrant and the ruler: that the latter is obedient to law, and rules his people by a will that places itself at their service" and "the tyrant is, therefore, one who oppresses the people by violent domination, just as the ruler is one who rules by the laws*⁶.

Furthermore, the fragile political context which surrounded Spanish monarchs in the second half of the twelfth century was far from the ideal setting for exercising autocratic kingship. As the Christian frontier advanced southwards, Spanish kings were forced to seek the cooperation of settlers and warriors in exchange for unprecedented concessions, mostly in the form of urban *fueros*. As Brian Tierney asserts, the monarchs of Europe in this period,

*summoned assemblies to serve their own ends; but they needed to do so because they lived in a complex society where rulers were powerful but not absolute, and where an idea of community participation in government had been nurtured by both Christian and Germanic traditions*⁷.

No absolute ruler, for example, would have consulted the nobles as much as twelfth-century kings are reported to have done. Custom dictated that kings were to consult with their powerful subjects on matters of general policy and obtain from them some form of assent⁸. Such unwritten convention certainly preceded the twelfth century, but it is only after the 1150s that general and public consultation supersedes private counsel and becomes institutionalised in the shape of general councils and plenary courts. Most Spanish historians have so located this transformation in the thirteenth century, mainly because twelfth-century consultation is often identified as one of the occasional display of ceremonial kingship, devoid of any political (and thus constitutional) significance⁹. It is also implied that politicised consultation of the parliamentary type was to remain an ephemeral baronial hope for as long as councils and courts were useful occasion of governance for the monarchy. Gavin Langmuir has assertively warned that

there is no doubt that consultations were a valuable political device for the monarchy; what is too often forgotten is that they were also the fulfillment of an ancient

6. Nederman and Langdon, 1993, pp. 30, 53 [John of Salisbury, *Policraticus*, 4, 1; 8, 17]. See also Monahan, 1987, pp. 57-70; Burns, 1988, p. 325; Swanson, 1999, p. 95. Although far from a clear formulation, the *ius resistendi* will provide theoretical grounds for opposing tyrannical rule in this period. See González Antón, 1997, p. 177, and Myers, 1975, p. 51.

7. Tierney, 1995, p. 88; Mundy, 1973, p. 404. Central to this view is Reynolds, 1997, p. 331.

8. David Nicholas has argued that even *territorial princes, not only kings, consulted with their subjects on matters of general concern throughout the Middle Ages* (Nicholas, 1992, p. 461) See also Clementi, 1999, p. 27; Carlyle, 1950; Kern, 1939.

9. See Iradiel, Moreta, and Sarasa, 1995, p. 372.

royal obligation which the magnates were interested in preserving"¹⁰. Indeed, "successful medieval kings acted on the general assumption that to take counsel was a source of strength and not of weakness"¹¹.

According to Joliffe, "*counsel, indeed, consilium, is of the essence of feudalism*"¹², a system that gave shape and form to the king's council, which in the words of James Baldwin found its origin

*in the prevailing theory and practice of the feudal world, according to which the king, like any other lord, was accustomed to receive the 'aid and counsel' of his vassals. It was vaguely the right and duty of the lord to demand this, as it was also the right and duty of a vassal to give it*¹³.

This position has been challenged by Bisson's work on the general court of Agenais in suggesting that *there is nothing exclusively feudal about such an obligation, the notion of which I regard as a worthless relic of a time when feudalism was credited with explanatory power*¹⁴.

The debate on the feudal or constitutional nature of consultation at assemblies –whatever those terms could mean in the twelfth century– should not lose sight of the fact that kings consulted the nobility at courts and that such political process was at the very heart of parliamentary origins. Gavin Langmuir's denunciation of French institutional historiography is perhaps also applicable to the parliamentary studies of Spain which have often neglected *one of the most obvious yet least examined characteristics of royal assemblies, that they were, for contemporaries, primarily occasions on which counsel was given and taken*¹⁵.

Early medieval assemblies in the Iberian peninsula and elsewhere in western Europe are difficult to define and identify in the sources, their names, functions, composition and purposes always changing according to political circumstances, but in the twelfth century it is possible to perceive important changes towards institutional definition¹⁶. Between 1157 and 1164, the accession of Fernando II of León, Alfonso VIII of Castile and Alfonso II of Aragón will significantly increase the meeting of general assemblies as well as consultative clauses in the official records such as *consilium*, *consensus* and *asensus*. What counsel and assent actually meant in the twelfth century offers a discussion that ventures far beyond the scope of this paper¹⁷, the main purpose of which is to observe how increasingly important it became in the records to establish that royal decisions were vested

10. Langmuir, 1958, p. 25.

11. Butt, 1989, p. 28.

12. Joliffe, 1955, p. 166. See also Maitland, 1961, p. 25, and Reuter, 2001, p. 433.

13. Baldwin, 1913, pp. 3, 10.

14. Bisson, 2000, p. 27.

15. Langmuir, 1958, p. 21. On private counsel, see also Reuter, 2001, p. 440 and Luis Corral, 2011. Luis Corral makes an interesting case for private counsel in the kingdom of León and the strengthening of royal power, but provides no connection the parliamentary origins.

16. Barnwell and Mostert, 2003, pp. 2-5.

17. This discussion is addressed in Monahan, 1987, pp. 8-9, 254-257.

with some form of approval. Understanding the meaning of these terms in the context of the meeting of the *curia regis* more than eight centuries ago provides a real challenge given the scarcity of chronicle sources for this period. Some vernacular texts also account for the unprecedented importance of regularity of general consultations at these *cortes* in the second half of the twelfth century. The proliferation of terms such as *consejo* are too numerous to be considered in this study, but they are testimonies to the widespread perception of the significance of royal consultation at assemblies¹⁸.

In order to understand the significance of those consultative phrases in chronicles and official documents, we ought to establish a distinction between the different forms of royal consultation. Early medieval kings had surrounded themselves with a few advisors, whom they consulted in private and on a regular basis, on matters concerning the governance of the realm and diplomacy. Although this form of consultation has remained to our days in a variety of forms, it was complemented perhaps from the eleventh century by general consultations, where kings gathered the powerful men of the realm outside the circle of regular advisors to discuss policies which required regional advice and general enforcement. The small group of private counselors developed into a regular organ of government with consultative, judicial and administrative faculties, usually known as the *curia regis* or king's court throughout the second half of the eleventh century. General consultations, on the other hand, became more regular in the twelfth century but did not develop into an institution, thus retaining their occasional character. It was only from the 1160s, that general consultations in the Spanish kingdoms appear to take the shape of regular assemblies, known as plenary courts and general councils. Bisson has rightly pointed out that *while plenary courts were extraordinary by definition, some of them were recorded from the later twelfth century in forms that point already to customary procedure*¹⁹.

2.2 Counsel, assent, and consent

The terms “counsel,” “assent” and “consent” are today expressions of distinctive political actions, but it is not unlikely that they were used alternatively in the twelfth-century chronicles, charters and diplomas in reference to same process being the approval or legitimisation of royal measures. We are reasonably inclined to believe the participation of the nobles to have been more active whenever policies were assented or consented to than when they simply resulted from consultation or advice. As pointed out, royal decisions affecting the entire kingdom were expected to be the outcome of general consultation, but if this was the case, why would monarchs choose to have only some of those policies consented to? In the second half of the twelfth century, most important decisions were probably made with the

18. For the use of the term “counsel” in Old Spanish (*conseio, conssejo*) within the context of an assembly, see *Cantar de Mio Cid*, I, v. 632; II vs. 1930, 1940; III, vs. 2557, 2987, 2996, 2999, 3218, 3220.

19. Bisson, 1982, p. 188.

counsel of the bishops and nobles of the land, but according to the sources only a few of them were formally approved by baronial assent or consent. Was there really any political distinction between the terms *consilium*, *assensus* and *consensus*, or were they simply alternative forms of describing the approval of policies?

While a decision is preceded by consultation it is subsequently sanctioned by consent or passively accepted by assent. Consent and assent represent different levels or degrees of approval, for whereas the former implies a requirement of legitimisation, the latter is a complement or an addition to it. In other words, if royal decisions are consented to, this is an indication that the approval of the nobles was necessary, while if those measures are assented, legitimisation emanates from the king's will and not from the approval of the nobles, which only provides a contingent supplement. But if the distinction between these terms is pivotal for modern democratic structures, were such political subtleties really significant in the twelfth century? Were the governance of the realm and the exercise of medieval kingship more legitimate whether they were counseled, assented or consented? The evidence is far from conclusive in this regard, for chroniclers and royal scribes were not concerned with the constitutional implications that parliamentary historians have so enthusiastically attributed to such terminology.

Peréz-Prendes has rightly pointed out that on the subject of medieval kingship a historiographical divide has emerged between those who suggest *that the legitimacy of political power emanates from consent* otherwise known as *consensualists*, and the *absolutists* who argue that *'such legitimacy proceeds directly from God to the ruler'*²⁰. Such polarisation can hardly represent the political cosmology of the twelfth century, for the exercise of kingship was not always dictated by a crystallised set of theoretical premises. Nor were absolutism or constitutionalism in the menu of twelfth-century governance. In this period, all earthly authority was sanctioned by God simply because it emanated from divine authority. But the condemnation of tyrannical or arbitrary rule and the consequent invalidation of the exercise of power is a clear indication that royal authority was also the subject of communal evaluation.

Therefore, monarchs were expected to consult the powerful subjects of the land concerning general business but, as Pérez-Prendes shows, the ruler in this period was not necessarily bound to follow the advice received from the nobles. This view has been contradicted by the study of García de Cortazar which suggests that the monarchy was so weak in this period that the king was rarely in a position to decide against the counsel of his court²¹. It is important, however, to remind ourselves of Kantorowicz words in reference to the doctrine of Henry de Bracton, which suggests that

even the fact that legislation itself was to emanate from the council of magnates, at their advice and counsel, should again not be interpreted exclusively in the sense

20. Pérez-Prendes, 1974, p. 10. See also Ladero, 2000, p. 449.

21. Pérez-Prendes, 1974, p. 54. Refer also to Guglielmi, 1955, p. 151.

of royal restriction, since it was after all “by the authorisation of the king” (rege auctoritatem praestante) that a law became Law²².

One way or the other, monarchs were never faced by such pristine and distinctive options of government. The distinction between *consilium* and *consensus* is thus a fundamental aspect of this debate. Some sources appear to use both terms interchangeably, but there are also several reasons to believe that there was some distinction between them just as there was between *consilium* and *concilium*. In the first section of this study, we concluded that the twelfth century is a period when institutional nomenclature becomes more specific, and when terms are distinctively employed by the sources. In this linguistic context, it is difficult to believe that words such as *consensus*, *assensus*, and *consilium* were interchangeable. At the same time, words to identify baronial approval such as *approbatione* and *roboratione* occasionally appear in the documents, thus signaling alternative forms of expressing consent and assent, and definitely escaping from its equivalence with *consilium*²³. More importantly, the terms *consilium* and *consensus* or *assensus* often appear together in the same document and sometimes even next to each other. The will of Queen Petronila of Aragón drafted in June 1164 resulted from the counsel and consent of the magnates, *cum consilio et consensu... aliorumque magnatorum tam Aragonensium quam barchinonensium*²⁴. Why would a chronicler or a scribe choose to employ two different words to describe one single action?

Finally, the specific significance of the term *consensus* is embodied in those documents which register monastic consent, or more generally, the collective will of religious houses, cathedral chapters and later in the century, the communal agreement of urban centres and city councils. Thus only by summoning the abbot, the prior, and perhaps a few other monks to an assembly, were kings able to bind an entire monastic community to the decisions of the council. By obtaining a letter of common consent they were also informed of the will and petitions of the whole group.

Similarly, chapters of cathedral or important churches were often represented at assemblies by the bishop, a delegation of canons or by letters of communal consent. At the plenary Curia of San Esteban de Gormáz in May 1187, the King Alfonso VIII and the bishop of Calahorra granted *fueros* or special privileges to the village of Santo Domingo de la Calzada *cum consensu tocius capituli ecclesie Sancti Dominici de Calzada et cum consilio et assensu tocius capituli Calagurritane ecclesie*²⁵, with the consent of the entire chapter of the church of Santo Domingo de la Calzada, and with the counsel and assent of the entire chapter of the church of Calahorra. Letters of communal consent and delegates voicing

22. Kantorowicz, 1957, pp. 154-155. For an interesting discussion about this, see also Mundy, 1973, p. 408; Álvarez Borge, 2003, p. 267; Mackay, 1977, p. 101; Lema Pueyo, 1997, pp. 99, 101.

23. Some examples are found in FII, pp. 294, 306, AII, p. 70.

24. Miquel Rosell, 1945-1946, pp. 23-24.

25. AVIII, II, pp. 802-804. For consent and assent of Spanish cathedral and church chapters, see Martín López, 1995, pp. 117, 132, 167; Ledesma, 1989, pp. 285, 287, 289.

collective petitions were factors essential to the transformation of royal assemblies in the second half of the twelfth century, and to development of procuratorial powers. In the thirteenth century, not only monasteries and chapters will be represented by procurators at the gatherings of the realm, but also some civil corporations, most prominently the city councils. As Gaines Post asserts, towards the end of the twelfth century *the great revival of Roman and Canon law began to affect the expression of consent not only in relation to joint and common rights but also in relation to corporate and community rights*²⁶. The influence of clerical practice in the development of royal assemblies is most evidently manifested by the emergence of procuratorial representation, which voiced corporate interests and bound entire communities to the decisions and policies taken at assemblies. Empowered by a more sophisticated structure and a more efficient organisation, the church was a constant source of innovation for secular institutions²⁷. The political and institutional implications of these developments will receive further treatment when we analyse the composition of assemblies in the next chapter, but for the moment it is important to note that the use of *consensus* and *assensus* in this period was not a manifestation of terminological ambiguity, but represented distinctive and tangible realities.

Nevertheless, in establishing a distinction between *consilium* and *consensus* in the sources we fall short of demonstrating that both were actually part and parcel of the discussion at assemblies. Diplomas, charters and chronicles affirm that most royal decisions of certain importance were consulted with and consented by the nobles. But was this actually the case? Were the nobles consulted on these matters and royal policies assented to or are the sources using a template to describe a process entirely conducted and dominated by the monarchs? It is most unlikely that the use of *consilium*, *assensus* and *consensus* in the sources was purely rhetorical or simply a diplomatic convention befitting the political culture of the time. Firstly, if consultative and consensual clauses are frequently present in the chronicles and the official records, most royal donations in the twelfth century were conceded *libenti animo et spontanea voluntate*, that is by the king's and spontaneous will. The opposite of baronial consultation can hardly be expressed more appropriately than by using phrases such as this, which plague the Spanish diplomas and English charters. If royal grants were supposed to result from the counsel of the nobles, and the scribes were familiarised with the rhetoric of consultative clauses, why would the records admit to the absence of consultation? With terms like *consilium* and *consensus* at hand, what kind of chancery official would dare to upset the prevailing political expectations of kingship?

Had royal donations originated both from baronial consultation and the king's spontaneous will, it would be reasonable to attribute some degree of rhetoric of licence to the use of *consilium* and *consensus*. But interestingly, such terms only rarely coincide with non-consultative clauses in the same document. Out of all the

26. Post, Gaines, 1946, p. 211; O'Callaghan, 1989, p. 15; Monahan, 1987, pp. 81-105.

27. See Möller, 2018, pp. 1075-1084; Tunmore, 1941, pp. 479-488; Marongiu, 1968, p. 41; Tierney, 1995, pp. 66, 88; Myers, 1955, p. 98, and Post, 1943, pp. 96-99.

royal donations given after consultation and/or consent during the reigns of Alfonso II of Aragón and Alfonso VIII of Castile, a mere five have both consultative and non-consultative clauses, while practically none of the grants of Fernando II was conceded both *cum consilio nobilium* and at the same time *libenti animo et voluntate spontanea*²⁸. The pattern is equally relevant to those royal grants given during the first half of the twelfth century.

Bisson has suggested that the plenary court at Gerona in 1188

*must have been a tumultuous session that satisfied no one, and it was followed by a yet stormier assembly (later termed *celebris curia*) at Barcelona where King Alfons was compelled to give up his Peace and Truce entirely*²⁹.

There are no Spanish chronicles that provide ground for our claims, but the royal diplomas hint that most plenary courts staged general, and sometimes heated, discussions. As Bisson asserts, *the very assemblies whose exterior record seems most ceremoniously placid were in reality the scenes of acrimonious debate; of debate that can be properly interpreted as political*³⁰.

Similarly, the very few studies devoted to the institutional evolution of the Spanish royal *curia* have tended to agree that before the 1150s it was only a consultative body. Thomas Bisson had qualified the royal assemblies of Catalonia prior to 1175 as *politically and ritually and socially representative, even when they were not “deliberative”*; and they remained so, in changing ways³¹. Subsequently, during the second half of the twelfth century, royal assemblies ceased to be simply the king’s consultative body and became the public forum for politicised debate, the administration of justice, and the discussion of financial, legislative and diplomatic measures and policies. Spanish courts are no longer an *ad hoc* enlargement of the *curia regis*, but the publicly recognised and constituted assembly of the realm.

3. CHANGES IN CONSULTATION AT ASSEMBLIES DURING THE TWELFTH CENTURY

During the second half of the twelfth century, royal assemblies turned into important means for the governance of the realm, thus staging important political discussions and witnessing the resolution of significant conflicts and disputes, while bringing the powerful and influential men of the land together gathered

28. For the diplomas bearing contradictory clauses see *All*, nos. 72, 339; Durán Gudiol, 1965-1969, p. 301; *AVIII*, II, n° 305.

29. Bisson, 1997, p. 38. See also Fita, 1896, I, pp. 63-68.

30. Bisson, 1997, p. 39.

31. Bisson, 1982, p. 199. Bisson elsewhere argues that “*counsel and (especially) consent were not political functions but devices for ensuring and imposing the lord’s will*” (Bisson, 1996, p. 247). See also Martínez, 2020, p. 130; García de Valdeavellano, 1977, pp. 456-457.

in one place. Again, such meetings are by no means unprecedented, but the evidence overwhelmingly suggests that before the 1150s general consultations were no match to private counsel in the shaping of royal policies and decisions. Kings before this period were also expected to consult their subjects on important issues, and so they did, but the advice more often came from the royal entourage, the king's courtiers, his private counselors and the close *familiares*. Mackay has rightly indicated that *during the tenth and eleventh centuries the Castilian kings turned for advice to those who accompanied the court or curia regis*³². The widening of royal consultation in the twelfth century is one of the most fundamental aspects of the parliamentary phenomenon. But monarchs such as Fernando II, Alfonso VIII and Alfonso I would all see in the general gatherings of the realm a very useful institutional instrument in dealing with the new set of political circumstances which affected royal policies requiring general counsel and assent. As Bisson has argued in reference to the general court of Agenais, these assemblies treated *issues no lord-prince could retain in his arbitrary discretion after about 1175*³³. If monarchs before this period were faced with similar matters the evidence reports that they often opted for private consultation, if counsel was considered at all.

3.1. The reigns of Urraca, Alfonso VII, Alfonso I, and Ramiro II

These political and institutional changes become truly significant for the study of parliamentary origins when compared to the features that characterised assemblies and royal consultation in the first half of the twelfth century. Not a single of the 149 surviving charters of Queen Urraca (1109-1126) explicitly reveals baronial consultation at a general assembly³⁴. In July 1113, the queen gave some villages to the hospital of Saint John of Jerusalem *cum voluntate et consensu militum meorum et civium de Salamanca et Arevalo* that by will and consent of the knights and citizens of Salamanca and Arévalo³⁵. The document is also accompanied by an important witness list and in so far as royal consultation is concerned it is perhaps Urraca's most revealing diploma, but the approval of these knights and citizens is certainly not a match for the counsel and assent of the bishops, counts and barons of the realm, so prominent an element among the diplomatic records after the 1150s. It is very likely that the queen consulted her nobles when she confirmed in

32. Mackay, 1977, p. 100.

33. Bisson, 2000, p. 29. Marongiu, 1968, p. 55.

34. See the queen's documents in Ruiz Albi, 2003. The prominence of private consultation during Urraca's reign is illustrated in Ubieto Arteta, 1987, pp. 60-61.

35. Ruiz Albi, 2003, pp. 434-435. The opening clause of this document proclaims: *Ego, Urraca regina... bono animo et voluntate gratuita..., pro remissione anime mee et parentum meorum.* (p. 434). In n° 67, pp. 460-462, these city councils confirmed another charter ratifying charter n° 49. See also n° 80, pp. 480-482 in which the village of Fresno el Viejo is given to the Hospital of St John of Jerusalem, again having the citizens approval: *cum voluntate et rogatu omnium comitum et militum meorum et civium de Medina et de Salamanca, pro remissione...* p. 481. Another document of some importance is n° 84, pp. 485-487. Goods are given to Peter, prior of San Pedro de Cluny and to the church of Santa María of Nájera. This was done *ut intercessione uestra et aliorum bonorum hominum ab eis et hic in futuro remuneretur.*

1109 the privileges granted by her ancestors Fernando I and Alfonso VI, when her divorce with Alfonso I of Aragón was discussed in 1113 and 1117, when proclaiming constitutions of peace and order in 1113, 1114 and 1115, when she achieved settlements with her son Alfonso in 1116 and 1125³⁶. All of these matters of general concern constituted the business of assemblies but if general consultation was taken and assent for policies and resolutions obtained, this can only be implied for the sources –both narrative and diplomatic– are not indicative of such process. Similarly, the royal donations and sentences of Urraca’s contemporary and sometime husband, Alfonso I of Aragón (1104-1134), are deprived of general consultative clauses. Again, out of a total number of 306 extant records, several of which reveal important lists of witness or *confirmantes*, only three report royal donations to have resulted from general consultation or have received assent beyond that of the royal family or the king’s immediate officials³⁷. At an assembly that took place in Osorno (1116), Alfonso I confirmed his scribe Sancho in his possession of the church of San Martín de Perarrúa with the counsel of some prelates *et aliorum bonorum hominum*³⁸. This revealing document is also accompanied by an important witness list composed of seventeen nobles, the archbishop, a royal official, but only two bishops. But in the context of general consultations, perhaps the most significant document of Alfonso I’s reign is concerned with a grant to the inhabitants of Tudela *cum consilio et providence variorum meorum nobilium et curie mee*³⁹. Unfortunately, according to Lema Pueyo, this document was either severely manipulated if it is not a complete forgery, possibly written two or three decades later, a time when general discussion and approval was becoming an expected process for the legitimation of important royal decisions.

The *fuero* of Marañon, granted by the king sometime between 1124 and 1127, is said to have been drafted *cum consensus, potestatibus et uiribus meis facio hanc cartam homines de Maraione*⁴⁰. This clause is certainly one of its kind in this period, a consideration that prompts some reasonable suspicion of a document that, moreover, bears no witness list. But if consultation was expected of kings

36. Falque Rey, 1988, I, pp. 143, 151-152, 161-162, 169; II, 369-370, 378; Ruiz Albi, 2003, nos. 67-68, 70, 80, 84, 86; Ubieto Arteta, 1987, p. 26; Colmeiro, 1861-1884), pp. 29-36.

37. Most donations in this period were given *placuit mihi libenti animo et uoluntate spontanea* or *remedium anime mee et anima patris mei uel matris mee et omnium parentum meorum*, phrases which explicit the king’s will and are exclusive of clauses of general consultation. Documents with the clause or similar (*placuit nobis*, when granting with his queen, Urraca) *placuit mihi libenti animo et uoluntate spontanea* are Ruiz Albi, 2003, nos. 2, 4, 10, 13, 15, 17, 18, 19, 20, 21, 23, 24, 25, 28, 31, 33, 37, 39, 41, 43, 44, 45, 49, 52, 60, 61, 62, 64, 65, 66, 67, 68, 69, 71, 72, 74, 79, 80, 81, 83, 87, 94, 95, 107, 109, 110-113, 117-119, 125, 130, 131, 133-135, 140, 142, 144, 148, 151-156, 158, 160-162, 165, 167-169, 170-202, 206-207, 211, 214-220, 222-224, 226-227, 232, 234-239, 241, 243, 248-251, 253, 258-261, 263-264, 267-268, 270-275, 278, 280-281, 284, 286, 297, 300, 303. Documents with the clause or similar are nos. 3, 5, 9, 11, 12, 27, 32, 40, 46, 58, 67, 68, 74, 75, 78, 85, 93, 108, 115, 116, 124, 132, 145, 153, 157, 172, 173, 201, 205, 212, 218, 226, 229, 234-235, 241, 244, 247, 252, 279-280, 284, 287, 289-290, 300.

38. Lema Pueyo, 1990, pp. 109-111.

39. Lema Pueyo, 1990, pp. 125, 128.

40. Lema Pueyo, 1990, p. 278.

when discussing important matters, such as the granting of special urban privileges or *fueros*, why is there no reference to general consultation when discussing Alfonso's marriage to Urraca in 1117? Why were important *fueros* granted to the cities of Sobrarbe and Zaragoza in 1117 and 1119 without the counsel of the nobles? Why were Alfonso's numerous campaigns, which earned him the nickname "the Conqueror", never subjected to the advice of his powerful men? All evidence available points to the fact that general consultations were either rare instances during the initial decades of the twelfth century, or quite simply that more assertive clauses of baronial consultation were foreign to chancery practice.

From the 1130s, some changes are perceived. General consultations clearly increased from the accession of Alfonso VII of Castile-León in 1126 and Ramiro II of Aragón in 1134. Alfonso VII was crowned in the royal city of León *ipsum regem ibi coronaret et consilium de administratione et reconciliatione et dispositione regni ad honorem et utilitatem Sancte Ecclesie ei conferret [...] consilio et auxilio civium et principum terre adquisierat*⁴¹. This passage from the *Historia Compostellana*, unmistakably identifies general counseling for the administration and appeasement of the kingdom, and for the benefit of the church at Alfonso's first plenary court. It is, however, a rather extraordinary description not only because of the institutional and political significance of its content, but also because, contrary to reasonable expectations, such consultative phrases were very rarely used by chronicles thereafter. It is only at the plenary curia of León in 1135 that general consultation is reported by the *Chronica Adefonsi Imperatoris*, and even then the clauses employed are not nearly as assertive and significant as those in the diplomas of Fernando II, Alfonso II or Alfonso VIII⁴². Just as their English counterparts, Spanish chronicles in the early decades of the twelfth century use the word *consilium* frequently, but it is often associated with diplomatic conferences (*colloquia*) or with ecclesiastical or legatine councils⁴³. Having looked at a substantial number of Alfonso VII's diplomas, only a handful employ consultative phrases that can match the importance of later royal documents and even a cursory look through Bernard Reilly's diplomatic register, shows that the diplomas are unlikely to reveal much where the chronicles are absolutely silent⁴⁴. How important and general can the meeting of a royal court be if it fails to attract the attention of chroniclers? More importantly, how much was general consultation employed by a king who is reported to have granted *fueros* to important cities, privileges to important men and institutions without the assistance of his nobles?

41. Falque Rey, 1988, II, p. 383.

42. Recuero, González; Romero, 1998, nos. 22, 23, 25.

43. Maya, 1990, I, p. 191. See also Rassow, 1928-1929, p. 439. Álvarez, 1997, pp. 247-249. Other similar examples are exhibited in Álvarez, 1997, pp. 261-263 (06/06/1141); n° 103 (Alba de Tormes, 01/07/1140), pp. 258-261, (09/04/1150), pp. 267-269 (Salamanca, 13/02/1147). Other diplomas have important witness lists, but the lack of consultative clauses makes it difficult to establish any connections with plenary courts. See Fernández Flores, 1990, V, pp. 213-216, 134-137; and Rassow, 1928-1929, pp. 67, 107, 131-132.

44. Recuero; González; Romero, 1998. See also Reilly, 1982, pp. 323-398.

Alfonso's contemporary, King Ramiro II (1134-1137), is reported to have consulted his nobles at assemblies with surprising consistency during his very short reign. At the curia of Huesca in December, the monk king gave some property to the church of Huesca *sequente consilio baronum terre mee*⁴⁵, then in August 1137 he confirmed Count Ramón Berenguer IV in the succession to the kingdom of Aragón and his daughter's hand *consilio et voluntate suorum nobelium*⁴⁶. At the curia of Jaca two months later, the king confirmed recent donations to the Church of Roda, also with the counsel of his *proceres* and *primates*⁴⁷. As significant as all these clauses may appear, the 115 total documents of the reign of Ramiro II reveal not a great deal about general consultation. The *Chronica Adefonsi Imperatoris* reports that when Alfonso VII was on his way to Zaragoza with an army, the king of Aragón avoided a military confrontation by granting the emperor lordship over the city with the counsel of his nobles, *consilio accepto cum episcopis et cum omnibus principibus sui regni*⁴⁸. Unlike the reigns of Alfonso I, Urraca, and Alfonso VII, the deeds of the count of Barcelona are badly served by the narrative sources recounted insignificantly by the *Gesta Comitum Barchionensis*. It is more than likely, however, that Count Ramón Berenguer IV summoned several courts to discuss matters of general importance and seek wider consultation from his Aragonese and Catalanian subjects. This must have been the case at his final accession at Bearn in the year 1154, and at his *plena et generalis curia* in 1159 or at Huesca in October 1162 just before his death. In any case, the frequency and importance of his territorial courts will be no match to the general consultations at the assemblies of his son and successor, Alfonso II.

3.2. The reigns of Fernando II, Alfonso VIII and Alfonso II

With surprising consistency, reports of aristocratic consultation in the diplomas are almost invariably accompanied by long witness lists, a combination which persuasively indicates the meeting of a royal assembly of some political and territorial importance. From theory to practice, the examples are abundant and worth considering together as an important –and perhaps primary– phase in the development of parliamentary assemblies in the Spanish kingdoms. At Atienza in January of 1163, Fernando II of León together with Alfonso VIII of Castile gave the cathedral of Palencia some minting rights *comunicato prius consilio, cum archiepiscopis, episcopis et comitibus et principibus utriusque regni nostri* in the presence of the archbishops of Toledo and Compostela, and no less than fifteen Leonese and Castilian bishops, undoubtedly gathered at a large court⁴⁹.

45. Ubieto Arteta, 1988, p. 103.

46. Ubieto Arteta, 1988, p. 137 (Ayerbe, 27/08/1137); Canellas López, 1967, I, pp. 188-189; Maya, 1990, I, 62, 178-179; Charlo Brea, 1997, p. 31. See also Nelson, 1986, p. 51.

47. Ubieto Arteta, 1988, p. 143.

48. Maya, 1990, I, pp. 179-180.

49. Abajo Martín, 1986, pp. 132-134. See also Fernández Flores, 1991, IV, nº 1346.

Equally revealing of baronial consent at plenary courts are the Leonese diplomas in this period. In July 1167, Fernando II granted some land to the church of Lugo *rogatu ac famulatu fidelissimo dilecti nostri domini Johannis lucensis episcopi cum consilio et deliberatione episcoporum, comitum et baronum nostrorum*⁵⁰. The text of the diploma does not specify who were these bishops, counts and barons, but the witness list is composed of seven prelates and twelve nobles and officials, figures which can only attest for the meeting of a plenary court. In 1175, Pope Alexander III confirmed the establishment of the southern Leonese town of Ciudad Rodrigo as an episcopal see⁵¹. Fernando II assembled his nobles at the new episcopate the following year, and granted some possessions to the Monastery of San Julián del Pereiro *consensu maiorum nobilium curie mee* with the consent of his court and approved by ten bishops and ten nobles and officials. A similar number of the kingdom's prelates and princes was to gather in Salamanca in December of the year 1180. At the meeting, the king gave the castle of Cotobad and the fortress [*burgo*] of Pontevedra to the church of Santiago de Compostela, *cum deliberatione et asensu maiorum curie mee*⁵². The vacant see of the episcopate of Coria explains the only prelatric absence in a list of witnesses which is otherwise indicative of general consultation and the meeting of a plenary court. Four months later, an important assembly convened at Castrotoraf was attended by the same number of bishops, but enlarged by another ten nobles and officials, thus totaling twenty. A royal donation of privileges and lands to the Order of Santiago not only resulted from baronial consultation but was also corroborated by the Leonese nobles, *robore quam nobilium meorum subscriptionibus comunio*. Fernando II met in Salamanca in October 1176 with more than twenty nobles and bishops and "*cum consilio maiorum curie nostre*"⁵³, granted some donations to the cathedrals of Salamanca and Santiago and to the monasteries of Sobrado and Santa María de Melón. Similar clauses of general consultation are found in diplomas granted to San Julián del Pereiro in 1176, Carracedo in 1178. It was also with the counsel of the curia that the cathedrals of Oviedo, Santiago and Orense receive royal grants in 1177, 1180 and 1181⁵⁴. As a result of the "court's pledge" or *de rogatu curie*, Santa María of Villanueva was conceded privileges at Mayorga in 1180, as well as Moreruela at Ciudad Rodrigo in September of the same year, Gutierre Bacon at Mansilla in January 1181, San Isidoro five months later, the church of Oviedo at an assembly gathered in Cáceres in 1184, and Ribas de Silos, Samos and San Felices in 1183-1184⁵⁵. An indication that the word *curia* is used here in reference to a general assembly and not to the king's administrative body is revealed by the extraordinary number of bishops and lay nobles witnessing these royal concessions. A royal protection conferred in 1187 over the monastery of Nogales at

50. FII, p. 295.

51. See Fernández Flores, 1991, n° 1382, pp. 351-352.

52. FII, p. 444, 473.

53. FII, pp. 306, 449-450.

54. FII, pp. 444, 450-451, 456, 468, and nos. 41, 43, 44, 49, 55; Martín López, 1995, nos. 125, 127.

55. FII, pp. 466-467, 494-495, and nos. 38, 39, 44, 49, 55; Porres Martín-Cleto, 1993, p. 153.

Fernando II's last plenary court in León was likewise approved by eleven bishops and thirteen nobles and officials⁵⁶.

The records for royal consultation in the kingdom of Aragón are equally significant for this period. Alfonso II assembled with some twenty of his most important nobles in Barcelona to celebrate his *prima curia* or the first general court of his reign. In the absence of narrative accounts, we can only rely on a judicial settlement with the citizens of Barcelona approved by the counsel of the nobles and the royal court:

*Ego Ildefonsus [...] in prima curia quam post obitum patris mei Barchinone tenui, cum consilio et providentia totius mee curie scilicet, domni [the names of the main prelates and nobles present] et aliorumque nobilium magnatum meorum, confirmo, laudo atque concede [...] cum consilio et providentia totius predictae mee curie [...] ego Ildefonsus [...], cum consilio supradictorum procerum, confirmo et convenio*⁵⁷.

Cum consilio et consensus [the archbishop of Tarragona, the bishops and some nobles mentioned] *aliorumque magnatorum tam Aragonensium quam barchinonensium*⁵⁸, the king of Aragon managed to enforce his mother's inheritance and his claim to the throne with the counsel and consent of no less than seventeen nobles at a court in Barcelona gathered in June 1164. The same year, the king summoned another assembly at Zaragoza to seek counsel and punish some rebels so to establish peace and order in Aragón, measure that found support not only by the nobility there present but also by some fifty-eight citizens (*adelantados*) from Zaragoza, Jaca, Tarazona, Huesca, Calatayud and Daroca, *consilio baronum meorum regni mei Aragonis, et consilio civitatum videlicet*. The same year, the knights Templar and the abbot of La Oliva were granted privileges at courts gathered in Zaragoza and Jaca, as well as the nobles of Lérida in 1168, the bishop of Huesca in 1174, and the Monastery of Santes Creus in 1181, all after consulting with his nobles at important assemblies. Such is also the case for peace and truce ordinances discussed with the bishops, counts and barons of the realm in 1173 and 1188⁵⁹. By the judgement of his plenary court and *cum consilio et laudamento nobilium curie mee* the king ordered the Zamoran provinces sold to the Moors to maintain the payment of the *diezmo*, or the "tenth" to the cathedral of Zamora⁶⁰. In April 1171, Alfonso II gave to the Order of San Juan the village of Ratera, a plantation in Lérida, and the castles of Cervera and Cullera after consulting and deliberating with his nobles in

56. FII, p. 339: *Et ut hoc semper sit firmum presens scriptum facio quod regio meo robore et meorum nobilium subscriptionibus communitio.*

57. AII, p. 43, n° 9.

58. De Bofarull y Mascaró, 1847-1910), IV, p. 391.

59. For all of these courts, refer to AII, nos. 17, 22, 23, 55, 59, 149, 315, 472; Caruana, 1962, pp. 85, 244; Valdeavellano, 1977, p. 472; Bisson, 1991, pp. 49, 49-50, 54, 56-57; Durán Gudiol, 1965-1969, n° 302; Gonzalvo i Bou, 1994, pp. 68-82, 72-73, 92-98; Mansilla, 1955, p. 125; Martín López, 1995, n° 75; Bisson, 1989, p. 149; Mackay, 1977, p. 113; Kennelly, 1975, pp. 49-50; Iradiel, Paulino *et al.*, 1989, p. 373; García Gallo, 1959, p. 181; Møller, 2017, pp. 183-186; Møller, 2018, p. 180.

60. AII, pp. 108.

Gerona⁶¹. Although this donation coincided with the homage of the viscountess of Bearn at Jaca, it is unlikely to have resulted from a conciliar discussion for the diploma is only signed by one bishop and nine nobles⁶². We are confronted by different circumstances when analysing a royal grant to the cathedral of Tortosa in November 1178. The diploma was conceded by the will and assent of the king, the venerable Berenguer, archbishop of Tarragona, and *voluntate et assensu Sancie nobilis regine omnium episcoporum et principum antiquos limites episcopatus ecclesie Dertusensis reformavit et confirmavit*⁶³. If this document is altogether more promising and perhaps indicative of the meeting of an important court in Tortosa, a royal concession to the bishop of Huesca in February 1182 is even more significant, and the undeniable footprint of a general assembly. Witnessed and approved by the archbishop, four bishops and more than ten nobles and officials, this royal diploma most certainly resulted from the meeting of a plenary court in Huesca and is, at the same time, a very fine example of baronial assent:

[...] *Ego Aldefonsus [...] consilio etiam dopni Berengarii venerabilis Terrachonensis archiepiscopi et multorum nobilium virorum assensu, divino succensus amore feci hanc cartam donacionis et concessionis vobis Stephano venerabili Ocsensis episcopo [...]*⁶⁴.

Even more explicitly is general consultation and consent revealed in a text which describes the decisions adopted at a general court in Gerona and Villafranca in August 1188. A general edict of peace and truce was discussed, approved and enforced for the entire kingdom, after the nobles deliberated

*habito super hoc tractatu et deliberacione apud Gerundam, cum Berengario, venerabili Terrachonensi archiepiscopo, et quibusdam suffraganeis suis, omnibusque magnatibus sive baronibus terre nostre, quibus unanimiter iustum et equum visum est [...] cum predictorum omnium assensu et voluntate*⁶⁵.

The study of Catalanian and Aragonese assemblies from the tenth to the twelfth centuries by Adam Kosto has suggested these gatherings should be studied in their own terms and not as survivals or precedents of other type of institution but recognises, however, that peace and truce assemblies during the reign of Alfonso II *are the ones that shade most easily in the earliest meetings of the Corts*⁶⁶.

61. AII, p. 166: "Quoniam ad maiorem sue dignitatis honorem quorumque virorum nobilium statua firma decet esset et stabilia, nec vetustate possint aboleri, nec malignacium protervia perturbari, consulta deliberacione sancitum est ea scripto confirmari".

62. A description of the viscountess' homage is in Canellas López, 1967, I, pp. 254-255.

63. Durán Gudiol, 1965-1969, pp. 337-341. See also Caruana, Jaime, 1962, p. 181.

64. Durán Gudiol, 1965-1969, n° 364, p. 360.

65. AII, pp. 622-626, n° 472. A copy of the original document was published also by Gonzalvo i Bou, 1994, pp. 73, 92-98. Ana Sánchez Casabón associates the text with the Peace and Truce assembly of Villafranca, but the text itself reports deliberation at Gerona (*apud Gerundam*). See also AII, nos. 472-473, Caruana, 1962, p. 244, Bisson, 1991, cit., p. 56; Bisson, 1989, p. 148; Bisson, 1997, p. 38.

66. Kosto, 2003, p. 147.

Castilian records are less revealing in this regard. Evelyn Procter's study of the *curia* concludes that while baronial consent was the norm during Fernando II's later years, this was not the case with Alfonso VIII, perhaps with the exception of his minority during the 1160s when the political circumstances obliged him to be more reliant on the advice of the nobles. Furthermore, she maintains that important royal privileges like the *fueros* were rarely subjected to general consent at assemblies⁶⁷. While Procter's views are generally appropriate, the diplomatic evidence for a number of Castilian assemblies warns that such conclusions should not be overemphasised. Towards the end of 1169, Alfonso VIII granted the monastic community at San Zoilo some rights over a market *consilio prelatorum sancta ecclesie et principum regni nostril*, and the same year, he gathered with his nobles to discuss some privileges to Santa María of Montesalud *consilio et voluntate varonum meorum*⁶⁸. Also in 1169, a diploma drafted in Zorita for a grant to the Order of Calatrava reveals some form of consultation with a witness list of seven bishops and fifteen nobles and officials, a trace for the gathering a large curia⁶⁹. Another record for the following year sets in writing the granting of some privileges to the cathedral of Osma by the king *consilio cum baronibus meis et nobilibus curie*. Alfonso attained his regal majority in that momentous year when he assembled the nobility of Castile at a very important meeting in Burgos, the kingdom's head city, attended by no less than seven bishops and more than twenty nobles and officials of Castile⁷⁰. During the siege of the Moorish town of Cuenca in 1177, Alfonso VIII confirmed the privileges of the clergy of Valladolid and granted benefits to the Order of Santiago after consulting a similar number of men, and with Alfonso II struck an alliance with the "common counsel and consent of the princes and barons" of Castile and Aragón:

*ad maiorem firmitatem presenti scripto roboramus et confirmamus, communi consilio et consensu principum et baronum nostrorum, illas conveniencias seu divisiones quas olim ex beneplacito nostro et consilio baronum nostrorum inter nos fecimus*⁷¹.

In August of 1178 at a plenary court at Carrión de los Condes, an important group of eight bishops and eighteen nobles and officials assented to and authorised a royal confirmation to the church of Santa María of Husillos *consilio et auctoritate comitum et principum regni mei*. Two weeks later, another curia plena assembled in Burgos conceded a diploma to the monastery of San Juan, *consilio pariter et uoluntate principum*⁷².

67. Evelyn Procter has also argued that there is practically no evidence for baronial consultation from the 1190s, and little appears to have changed in this regard during the reigns of Enrique I and Fernando III (Procter, 1980, pp. 84-86).

68. AVIII, II, p. 200, 211-213.

69. AVIII, II, pp. 201-202. Alfonso VIII gives to the Order of Calatrava a vineyard in the territory of Toledo (Zorita, 14/05/1169).

70. AVIII, II, pp. 211-213, 253-254. See also II, nos. 124-126.

71. Canellas López, 1967, I, pp. 268, XXXV, pp. 275-276; AVIII, II, pp. 453-455, 473-474.

72. AVIII, II, pp. 501, 503.

These are but only the most explicit mentions of general consultation sought and provided not by the king's private court and entourage, but at large assemblies of the realm during these decades, a very significant moment for the study of institutional change and parliamentary origins. The absence of the word *consilium* in the records is not always and indication of the lack of general counseling. At the curia of Benavente, which gathered all the bishops of León and fourteen nobles and officials, Fernando II conceded the archbishop of Santiago a permit to build an oven in Villafranca del Bierzo *rogatu nobilium totius curie*, and in the same meeting confirmed his jurisdictional rights *de consilio procerum et totius curie mee consilio*⁷³. There is no reason to suggest that these clauses refer to entirely different procedures or that one was necessarily more consultative than the other. Like in the kingdom of León, Aragonese chanceries often described royal consultation at assemblies as the "counsel of the curia" instead of the "counsel of the nobles"; although the latter was just as recurrent. The general assemblies at Barcelona in 1163 and 1168, Villafranca 1169, Jaca 1169, Zaragoza 1172 and Huesca 1182 all produced diplomatic donations approved *consilio curie*⁷⁴. Unlike the Leonese documents, however, the clause *rogatu curie* is never seen among Aragonese royal diplomas. These phrases are rarely seen among English royal charters, which resemble Castilian usage when identifying royal consultation at general councils.

Likewise, not all counsel and consent provided by the nobility at large gatherings necessarily meant a royal court but could also point to the meeting of a diplomatic conference, usually identified in the sources as *colloquia*. A royal court at Sahagún in June 1170 extended a protection to the Order of the Hospital *cum assensu comitum et principum et baronum nostrorum*⁷⁵, and a treaty was signed at the same time between Castile and Aragón at Sahagún with the counsel of the nobles of both kingdoms⁷⁶. Seven years later, the military circumstances of the reconquest frontier saw both monarchs according another alliance, this time against the Moors during the siege of Cuenca. The kings not only received counsel from their nobles but the pact is said to have been approved by baronial consent⁷⁷. Furthermore, the conference of Fresno-Lavandera in June 1183 witnessed an alliance between Alfonso VIII and his uncle Fernando II of León, achieved by common consent of the kings. Although some of these meetings were diplomatic conferences and not assemblies of the realm, it is likely that baronial consent was a common feature of important royal courts in this period, and that the term *consensus* was by no means foreign to the Castilian chancery. Yet if the presence of consultative and consensual phrases among the Spanish diplomas is recurrent, counsel, assent and consent were not the terminological variations of the same reality, nor

73. FII, p. 471 and Flórez *et al.* 1747-1879, IV, pp. 165-169.

74. AII, nos. 9, 10, 52, 53, 60, 72, 74, 116, 128, 339; Durán Gudiol, 1965-1969, n° 364.

75. AVIII, II, p. 238.

76. AVIII, II, p. 239: *ego Aldefonsus [...] consilio Cerebruni Toletani archiepiscopi, Palentini episcopi, comitum, aliorumque procerum curie mee.*

77. AVIII, II, nos. 275, 288; Canellas López, 1967, I, pp. 275-276.

did they venture as far as suggesting the kingdom's approval of royal decisions. But this general approval, traditionally identified by constitutional historians as the proper outcome of any politicised debate or discussion, is similarly hinted at by the terms *deliberatione* and *roboratione*, both of which appear several times specially among the Leonese sources⁷⁸.

This is not to say that an assembly was always a peaceful gathering, where animosities were put aside and understanding among foes suddenly flourished. Nor were they occasions when opposing views were invariably reconciled. Violence and conflict at assemblies are prominent subjects we have previously considered, but the enmity reported by the chronicles and letters and implied in charters and diplomas, did not always emanate from the king towards the nobles or vice versa. It is only within the constitutional paradigm that nobles are seen in this period as a cohesive group –perhaps even as a political party– sharing the same views, most of which are politically progressive and opposed to the unrestricted exercise of royal prerogatives, seen as the coercive tools of arbitrary lordship. Thomas Bisson, in his study on the origins of the Catalonian *corts*, argues that towards the end of the twelfth century the discussions at assemblies became truly political because *men confronted each other committed associatively to opposed positions bearing deeply on their interests*⁷⁹. If these confrontations were motivated by constitutional issues, as Bisson suggests, they were not always directed against the monarchs. This situation is best described perhaps by what Bisson has termed “ceremonial consensus,” that is a resolution typical of *a society in which issues were habitually resolved not through open debate and compromise but through recognition of a transcendent consensus as defined by the ruler, his prelates, and his baronial advisers*⁸⁰.

The political settings were particularly relevant in Aragón, where the development of feudalism had created a very powerful nobility and a monarchy that responded more to the characteristics of a *primus inter pares*, the ruler being the first feudal lord among equals. Angus Mackay explains that in the Crown of Aragón, *when fiefs and immunities became hereditary, political authority was fragmented to an extraordinary extent*⁸¹. The accession of Alfonso II, however, was to revert this situation, for he was favoured by the political circumstances and by the rapid territorial expansion southwards and beyond the Pyrenees and by a number of reforms assisting the centralisation of governance. Nevertheless, these kingdoms were equally affected by anarchy, during the reign of Urraca, and while the Crown of Aragón saw the development of what historians have called “pactism”, such feature is not much less applicable to the political relationship between the monarchs and the nobles of Castile and León. Moreover, with the accession of the Burgundian dynasty in the early twelfth century, the adoption of French ideas and terminology encouraged the development of some

78. See FII, pp. 289, 295, 306, 473; Martín López, 1995, p. 114.

79. Bisson, 1997, p. 39. See also Bisson, 1989, pp. 223-224, 227-229.

80. Bisson, 1982, p. 189; Reynolds, 1997, p. 318.

81. Mackay, 1977, p. 107.

form of feudalism in Castile-León, however restricted was this model to economic control⁸². Thus, while it might be appropriate to suggest that the political setting in Castile and León *was not specifically based on feudal relationships of a vassalitical-contractual nature, but on the general relationships between the king and his subjects*⁸³, the monarchs of these kingdoms were just as well expected to consult their powerful subjects on matters of importance. Furthermore, if the *strength of royal authority in the Castilian-Leonese realms was partly due to a long tradition*⁸⁴, the royal authority of Alfonso II of Aragón was not for this any less asserted.

4. CONCLUSION

In sum, twelfth-century rulers in the Spanish kingdoms consulted the nobility at large assemblies regularly and consistently where important matters were treated and deliberated upon. The gathering of the powerful around the king revealed the centripetal and centrifugal dynamics of medieval politics, whereby the monarch could gather information from all the kingdom at once and in one place, and then delivered consented measures from his court to the entire realm. Counsel and consent at large gatherings thus brought the kingdom to the king and the king to the kingdom in the most effective and efficient way possible in a world dominated by fragmented power and local jurisdiction.

For the past two centuries, the *curia plena* summoned in July 1188 by a young Alfonso IX in León has been interpreted as the first parliament because it may have included urban representation⁸⁵. But rather than fixing the beginnings of a new institution from a particular event and with debatable criteria, the changes experienced by the *curia plena* between 1160 and 1190 –and particularly those concerning political counsel and deliberation– seem crucial to understand the origins of parliamentary assemblies in the Spanish kingdoms. After three decades, the small, local and infrequent courts summoned in the first half of the century had become assemblies of the realm, more similar to the *cortes* of the thirteenth century than to their institutional predecessors⁸⁶. An alternative reading of these

82. Payne, 1973, p. 69. According to Payne, *the major political distinction of medieval Catalonia was that it developed the most effective parliament of any realm in western Europe* (p. 105). See also Mackay, 1977, pp. 97-98. O'Callaghan, 1975, p. 263.

83. Mackay, 1977, p. 98.

84. Mackay, 1977, p. 96. Mackay further states that *there is no evidence...that prior to the thirteenth century the Aragonese kings were ceremoniously anointed or crowned. Moreover in Catalonia, which not even a kingdom, the feudal structure of the polity made it almost impossible for such theocratic concepts to be accepted* (p. 111).

85. This is the view first coined by constitutional historians in the nineteenth century and generally accepted to this day as revealed by a collection of essays published on the subject in 2018 and that identifies León as the “cradle of parliamentarism” (see n. 3). Refer also to Martínez Sopena, 2020, pp. 247-248.

86. Cerda, 2006, pp. 1-17.

changes is that fully-fledged parliaments in the Spanish kingdoms and elsewhere will not emerge until the second half of the thirteenth century and that previous assemblies belonged to a pre-parliamentary era in the best case, a view challenged when the study concentrates not only on composition and representation, but also on counsel. The purpose of this paper, therefore, has been to address political consultation at royal assemblies as fundamental to identify parliamentary symptoms in the Spanish kingdoms and elsewhere in medieval Europe.

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