# “Absolutist” France and Castile: Variations in Representative Practice

## Introduction

“The division of classes was the crime of the old monarchy, and later became its excuse.”[[1]](#footnote-1) Tocqueville’s analysis of the ancien régime has left an indelible though often unacknowledged impact on our understanding of French political development; it is also remarkably fertile in identifying social science mechanisms as well, which show the power of institutional analysis.[[2]](#footnote-2) Curiously, however, his explanation of the most crucial problem in his study—why in the ancien régime society was so divided and individualism undermined collective action—was affected by a strain of moralism that has insinuated itself in most subsequent studies.

Taking a voluntarist stance, he ascribed the series of actions that led to French outcomes to purposive action: either a “*crime*” or an “*art*” practiced by “the majority of our kings to divide the people, so that they can govern them more absolutely.”[[3]](#footnote-3) The critical event, in his account, that led England and France to slowly but irrevocably diverge despite starting from neighboring points, was the levying of taxes without consent under Charles VII (1422-1461). This broke with the fourteenth century tradition, he claims, of “no taxation without consent.” The reason for this was that the people were “*tired* of the interminable disorders” and the nobles were “*cowardly* enough to allow the Third Estate to be taxed provided that it remained exempt.”[[4]](#footnote-4) He briefly admits the crown was constrained by a nobility that was a dangerous rival.[[5]](#footnote-5) However, voluntarism also shapes his analysis of the English: they simply managed to retain their political liberty and were driven by “*ambition*” to engage with other social classes, preventing the divisions that tore the French people apart and into revolution.[[6]](#footnote-6)

The book so far suggests that this diagnosis sidesteps the most critical factor: the power balance between the two main social competitors, the crown and the nobility. The English aristocracy did not intermingle with and govern the commoners out of “ambition,” at least not originally; it did so because it was compelled. And the French crown was not engaged in a crime or an art—it was compelled as well to choose the most feasible option, given the distribution of resources.

Although modern social science eschews moralism, similar assumptions of a crown succeeding to suppress representation in a “weak” society permeate major approaches.[[7]](#footnote-7) Much of the literature, despite great variation in explanatory models, sees France and other Continental countries through the prism of the later predisposition towards absolutism, which is identified with strong central power. Downing viewed the Capetian and Valois kings as stronger than English ones and balanced by the nobility.[[8]](#footnote-8) Ertman focused on structural conditions, particularly the “fragmented political landscape” dating to the Carolingian collapse. This elicited “attempts of ambitious rulers to maximize their own power,” favoring “the creation first of a top-down, non-participatory pattern of local government and then of structurally weak, corporately organized representative assemblies which proved unable to stand up to” those rulers.[[9]](#footnote-9) The critical “switch,” moreover, was the presence of Roman imperial ideas that “invested rulers with nearly unlimited powers,”[[10]](#footnote-10) an idea that goes back to Hintze but was also central to Perry Anderson’s account of the origins of the absolutist state.[[11]](#footnote-11)

This view ties in more smoothly with later accounts, such as that of Barrington Moore, who predicated his classic account on a French nobility that was “a decorative appanage of the king” and was eventually destroyed—an assessment shaped by prerevolutionary developments.[[12]](#footnote-12) Accordingly, the “French kings managed to establish ‘absolutist’ rule and govern without parliament” “by simply not convening it again, leading to the virtual impotence of the institution in the period between the 1570s and 1789.”[[13]](#footnote-13) The problem, therefore, was an overmighty ruler. It’s an assumption that permeates most contemporary works.[[14]](#footnote-14)

In this chapter, I examine France and another classic case of European “absolutism,” Castile, to show how both started from a position of initial royal weakness instead, especially vis-à-vis the nobility and their access to land. This weakness had two key consequences. The crown could not effectively tax the nobility, so it could not impose a representative framework in a binding way—even though the principle of *plena potestas* had been pioneered in these regions. As a result, the crown did not control the hinterland either, which remained under noble jurisdiction, preventing polity-wide reach.

But this left the towns as the key actors in representative practices, both in France and in Castile. Cities are considered models of proto-democratic practices and harbingers of political and economic change; their demands were often more radical, as communities refused to grant their representatives plenipotentiary powers and asked for a say in decision-making. But their lack of integration with the countryside—as opposed to England, where they were “small islands set in the royal sea of the shires”—generated a fragmentation that undercut representative practice at the polity level.[[15]](#footnote-15) It was not Roman law that undermined outcomes; it was the *weak enforcement* of Roman law, that of *plena potestas*, that did so. This highlights the point that the Roman legacy was not monolithic; it contained both “absolutist” and “constitutional” elements and both were appropriated by continental rulers. What determined the balance between them was the strength of the ruler—the greater it was, the less the need for “absolutist” royal measures.

## France

According to the Tocquevillian logic, the lapse of representative institutions and practice in France were the result of deliberate and successful ruler policy over weak societal interests, an effective tactic of control. This alternative employs a logic with a venerable pedigree, that of “divide and rule.”[[16]](#footnote-16) It posits that division and fragmentation is a deliberate strategy of any tyrannical ruler who aims to weaken resistance by preventing collective action. After all, it informs the design of republican institutions as well, as Madison explained: “Divide et impera, the reprobated axiom of tyranny, is, under some qualifications, the only policy by which a republic can be administered on just principles.”[[17]](#footnote-17)

Undoubtedly, such incentives are strong and evidence can be found across cases where rulers *chose* to forego the calling of assemblies, as this would entail a concentration of social forces. The claim here is that this is the dominant strategy for rulers only when in a position of weakness, when they are faced with social forces that are capable of mounting resistance to any central demands.

This perspective is first presented by a simple extensive-form game tree that specifies ex ante the costs and payoffs of different strategies adopted by the nobility and the king. I then show that empirically French kings were hampered in their ability to summon representatives with full powers and that representative activity, as well as effective governance, was also impeded accordingly.

### Divide et Impera: “The Cunning Plan of the Romans”[[18]](#footnote-18) (Or the Strategy of Weak Rulers)

The intuitive prediction for the interaction between king and nobility, or social groups in general is that the king would prefer to enter multiple negotiations and deal with each of his subjects separately per Roman cunning, as the thirteenth century chronicler Matthew Paris noted.[[19]](#footnote-19) This assumes divide-and-rule would allow him to coerce them individually and to extract maximum resources. But the historical reality was different: a memorandum from 1439 listed the king’s choices and presented negotiations as the preferred “route.”[[20]](#footnote-20) The king would economize on cost if he collected them all at the center, though only if he could prevail over them as a group, i.e. when he was strong. Historical experience supported this: in 1319, the king had to arrange seven separate assemblies for nobles, because those of Champagne abstained from voting.[[21]](#footnote-21) Conversely, the nobility would prefer local negotiations, as at the center they would be isolated from their social network and would be faced with the king in all his strength.

Only if they could all cooperate *at the center* would the balance change, but as we’ve seen, this only happened when the king solved their collective action problem by compelling attendance, i.e. where he was strong. So a king would only summon a collectively strong nobility, originally, if he still retained the balance of power (the early English outcome), which would leave the nobility worse off compared to squaring with his agents locally. Conversely, if the king was relatively weak, he couldn’t compel them to the center and the nobility’s first preference, local negotiations, would prevail. Negotiating at the center would thus be off the equilibrium path for the nobility. To show this I compare the two paths that are most costly for the nobility: the worst case when negotiating at the center and the worst case when negotiating in the localities (Figure 1).

From the king’s perspective, the issue is whether the cost of coercing at the center (Cc) is higher or lower than the cost of negotiating and coercing in the provinces. In the provinces, varying numbers of nobles face a small number of royal agents. As these negotiations have to be replicated throughout an extensive territory, their cost is high and compliance was lower, as Edward I discovered when he reverted to this system in 1282.[[22]](#footnote-22)

From the perspective of the nobility, however, the preferred strategy is always to defect and remain in the provinces, even if the king is able to exercise coercion, as the historian Fawtier also noted empirically.[[23]](#footnote-23) Faced with a summons, nobles can either comply and attend or defect and remain in the provinces.

*Incentives at the Center.* If they comply and attend, four possibilities exist. The least costly is where they attend but succeed in defecting; they save the tax, but have still paid the costs of attending. But if they can resist the tax, why attend? Assuming that at the center they can resist better because they unite assumes that they have solved their collective action problem, which I showed empirically does not happen absent compelling powers by the crown. The second least costly option is if the king does not coerce and they simply comply, in which case they have disbursed both the tax and the costs of attending. Once again, if they are going to comply, why attend rather than pay in the provinces and save the costs?

If they attend and the king exercises coercion, there are two possibilities. One is that they succeed in resisting the crown, in which case they are burdened with the costs of attendance and the costs of resisting, though they keep the tax. But if they are able to resist the king at the center, they have no reason to attend the center; they can stay in the provinces and save the costs of attendance, only paying the (lesser) costs of local resistance. The final option is the worst, where they attend, resist, and lose, and they pay all costs: of attendance, resistance, and the tax itself. Clearly that is the worst option, costlier than the worst option in the provinces.

*Incentives at the Provinces.* If nobles defect and remain locally, in two instances out of five they simply keep the amount of the tax: either the king does not follow up at all or he negotiates but does not use coercion (I assume that negotiations in situ don’t carry real extra costs). If the king coerces, the nobles suffer costs whether they prevail or not. Even if they thwart the king, they need to face the costs of resisting coercion; if they resist the king but lose, they carry not only the cost of resistance, but also the tax. This is the worst option in the provinces.

So the nobility should prefer the center and, conversely, the crown prefer the provinces only when the worst outcome in the provinces is worse than the worst outcome at the center. The worse outcome at the center costs the nobility the cost of attending and resistance and the tax itself. So, nobles should prefer the center and the king should prefer the divide and rule strategy in the provinces when the cost of losing in the provinces is greater than the cost of losing at the center.

This is obvious, but when is it the case? In the provinces, all local nobles face few royal agents, but at the center, some of these nobles (or their representatives) face many royal agents *and* the king, this semi-divine figure who cured the sick and was “anointed with the holy oil of Reims,” “in all his glory and majesty.”[[24]](#footnote-24) For the latter situation to be less costly, nobles must be able to resist the king’s party. But for this to happen, the nobles must have solved their collective action problem—they must have overcome territorial, political, social, linguistic, and jurisdictional divisions. Empirically, however, this only happens after the king has subjected them to a common frame of obligations, as the analysis has established so far. Moreover, in that case, the coercive powers of the crown are so strong that the costs of resisting it could be higher than paying the tax itself. In that case, the best strategy for both players is noble attendance at the center. So, absent royal strength to enable collective action among the nobility, noble incentives are to negotiate separately and avoid the center. Divide and rule is, therefore, the path chosen when the ruler is weak.[[25]](#footnote-25)

Notation

T: taxes paid to the king

n: number of nobles

ti: tax paid by each noble

T= t1+t2,+t3+…+tn

Kp: cost of king going to the provinces

Pk: [change in diagram] cost of provincial nobles going to the king

Cc: cost of king exercising coercion at the center

Cp: cost of king exercising coercion in the provinces

wp: cost of nobles winning at the provinces

lp: cost of nobles losing in the provinces

wc: cost of nobles winning at the center

lc: cost of nobles losing at the center

Figure : Decision Tree for Crown-Nobility Interaction



As Tocqueville noted, moreover, the long-term effects of such a strategy are self-reinforcing. The more divided society is, the more effective rule is hampered. This was the predicament of the ancien régime: “It was no small undertaking to bring together citizens who have lived for centuries as strangers or enemies and teach them to take joint responsibility for their own affairs. It was easier to divide them than it is to unite them. We have provided the world with a memorable example...Indeed, their jealousies and hatreds survive to this day.”[[26]](#footnote-26)

### Plena Potestas: Where the Ruler’s Dominant Strategy Failed

This fragmentation was the original problem, I argue, since, although the king should always prefer negotiations at the center, compliance was out of reach. Securing representatives with the power to commit the communities that sent them to any decisions there, as was the case in England, however, was too difficult for French kings.[[27]](#footnote-27) Plenipotentiary powers were as known by the French crown as they were by the English. Procurations were particularly prominent in the municipalities of the south, where Roman law was widely known and practiced.[[28]](#footnote-28) Southern French cities, such as Toulouse, had advanced forms of self-government already from the 1190s.[[29]](#footnote-29) Towns were major political actors, with a highly developed legal practice of representation that was widely used for different kinds of business, especially with local actors and ecclesiastical powers. Proctorial powers were also granted in assemblies convoked for specific business, for instance coinage.[[30]](#footnote-30)

But before 1322, the crown had only asked for representatives with plenipotentiary powers three times and they were either for moral support of a royal cause (the conflict with Boniface VIII) or not actually exercised.[[31]](#footnote-31) Local communities were far more adept and flexible at withholding such powers, especially due to their experience with ecclesiastical negotiations. For instance, the diocese of Reims had a papal legate exploit the powers granted to him, in 1264, by tying the town to terms its citizens objected to. So, when the town was summoned to a royal assembly to approve funds for the defense of the realm, it sent delegates with two mandates, one to hear and report back and one, as required by the king, to agree and commit, but only to a small loan.[[32]](#footnote-32) By contrast, such limits on representative powers in England were almost never applied.[[33]](#footnote-33) The French “government may have tried to enforce such a theory of procuration before 1314, but if so had given up the attempt” by 1321.[[34]](#footnote-34)

After the defeat at Crécy in 1346, deputies did arrive at Paris with full powers, to support the eviction of the English from French territory.[[35]](#footnote-35) Military pressures indeed were conducive to greater willingness to cooperate from below. They did not, however, result in a stable equilibrium or a regular institution. The same pattern continued into the fifteenth century. Persuading the urban deputies to “to come with full powers” to the Estates was “something of a triumph” for the king.[[36]](#footnote-36) Representatives claimed they were unauthorized to approve the crown’s demands and needed to consult with their communities, as happened repeatedly when the French kings were collecting taxes for war.[[37]](#footnote-37)

Not least among the inhibiting factors was the cost of sending deputies to the assemblies themselves. This was exacerbated by the fact that even the nobility was compensated for the cost of attendance—unlike in England, where it attended as of duty. Even for the same class of representatives, however, the compensation of attendance was far higher in France than it was in England, reflecting both the more effective imposition of obligation and the greater returns from serving as well. We only have late comparative data, from the Estates of 1484, which show that important crown officials, municipal officials of important towns and other deputies of the third estate would receive 40-90 *livres tournois*, whilst in England knights of the shire and burgesses received 18.8 and 9.4 *livres tournois* respectively.[[38]](#footnote-38)

### Radical Demands and Institutional Proliferation

*Demands* for representation, therefore, were not unique to England. Assemblies flourished throughout Europe, as did “counseling” on state affairs.[[39]](#footnote-39) A paradox exists however: demands for consent were as or even more radical in other European cases, such as France, Spain, or the Italian city-states. Yet these cases eventually transitioned into absolutist forms of governance—central representative institutions either never emerged or failed to consolidate in a way that turned them into central organs of governance.

French assemblies are a case in point. First of all, communities retained much stronger rights to oppose and “limit” the crown, as their representatives did not have the right to bind them; they arrived with a *“mandat impératif”* to report back. Such a mandate is more purely “democratic,” but it severely inhibited the growth of the Estates, as some historians have long emphasized.[[40]](#footnote-40) Communities also made additional demands.For instance, they demanded the right to judge whether war itself was necessary, which in England was a royal prerogative.[[41]](#footnote-41) They also asked that tax collection cease once the cause for war ended—and the king obliged.[[42]](#footnote-42) In some cases they demanded, and obtained, a refund if the threatened cause of war never materialized. In 1355, the Estates agreed to provide for the defense of the country faced with immanent attack only on condition that they be granted participation in government, that estates be held regularly, that they have responsibility for the collection and expenditure of taxation and that nobles pay more than wealthy non-nobles. This is an exemplary bargain. But it failed due to non-compliance.[[43]](#footnote-43)

This radicalness was part of a broader movement in the fourteenth century, based on popular demands, that nineteenth century historiography dubbed “democratic.” Indeed, the mercantile bourgeoisie under the leadership of Étienne Marcel in the 1350s was much more assertive than their counterparts in England: English merchants never marched into the king’s palace to kill nobles.[[44]](#footnote-44) Far-reaching claims continued into the late fifteenth century: a member of the Third Estate advanced the proto-democratic claim that “the kings were originally created by the votes of the sovereign people” in the Estates of 1484. The Commons made similar claims in the English Parliament only in the seventeenth century.[[45]](#footnote-45) When radical positions were articulated earlier, it was by the earls. In the thirteenth century, the idea circulated that earldoms had been kingdoms and earls had elected the king to keep the peace and so could judge his wrongs. Edward I quickly stymied such claims.[[46]](#footnote-46)

The radicalism was not confined to merchants. The crown had to concede multiple charters to provinces around the country after many confrontations, especially around 1314. Many of these charters were permeated with the language of liberty and rights, expressing aristocratic privilege. Some historians in fact believe that it was the aristocratic nature of these leagues that undermined collective action, as the people found little to support in those claims.[[47]](#footnote-47) Although this is not adequate as an explanation for representative “failure” in France, the point is there was no shortage of demands from the upper echelons of social power either; only collective action was lacking, as demands were organized on a regional basis.

Such local activism however had clear institutional consequences. The image of absolutism as eschewing institutionalized consultation altogether has been contested since at least Tocqueville, who pointed to the number of assemblies operating locally under constitutional terms. A total of 49 assemblies existed, in Brittany, Burgundy, and Languedoc, and elsewhere, of which a full 25 survived until the French Revolution (Figure 2). One reason for this survival, especially regarding the larger ones, was that these Estates generated important tax revenue for the Crown throughout the ancien régime; their institutional set-up—following the logic outlined here tying “limited regimes” to greater extraction—ensured that even at the local level, higher participation meant higher infrastructural control over local resources.[[48]](#footnote-48)

The implication of all this was that, although we typically think of France as a regime which suppressed consent, in fact consent and its denial were ubiquitous. Communities throughout the realm routinely rejected the demands of the crown, not simply through the weapons of the weak, such as hiding and avoidance, but through outright rejection and contestation. In chapter 6, we will examine the empirical data on tax extraction which show that *this* interaction type succeeded in imposing greater limits on royal capacity to extract, at least until the seventeenth century, contrary to the polarities posited in the field.[[49]](#footnote-49)

What has been presented as a contrast between regime types, even ruler preferences, was initially the optical effect produced by the location where exchange occurs. England appeared as involving more consent because we observe groups of social actors coordinated at the center and engaging in the relevant discourse; exchange was thus centralized. France appeared as eschewing consent because we don’t observe it at the center; it was dispersed in an infinite number of localities that thus actually better succeeded in limiting the monarch in his *fiscal* extractions. French exchange was decentralized—but political development was stymied. We have long labored under the Tocquevillian castigation of French “centralization” in the ancien régime and praise of English decentralization.[[50]](#footnote-50) At the political level, however, conditions were inverted.

The key underlying factor in this imbalance was France’s jurisdictional fragmentation, which left the most powerful social class, the nobility, beyond the control of the crown. Consequently, the countryside was also not integrated in these political developments. “Strictly subjected to the jurisdiction of their lord, the peasants of the countryside, isolated in the frame of the seigneurie, found themselves essentially excluded from political life.”[[51]](#footnote-51) It was the towns that were summoned to the assemblies by the king to represent the Third Estate, whether at the polity or the local level.[[52]](#footnote-52) But it was not their wealth that caused them to be summoned; instead, by being enfranchised, they had entered the feudal order and acquired the burden of suit and aids.[[53]](#footnote-53)

These towns, as mentioned, often had precocious civic institutions, especially in the south. They were fundamental in furthering royal policy already from the twelfth century, a special relationship admitted by Saint Louis.[[54]](#footnote-54) Spruyt predicated his explanation of state emergence and urban growth on precisely this alliance.[[55]](#footnote-55) The historical evidence is abundant about the confluence of interests, although historians have challenged the conception of European monarchs as hostile and in permanent conflict with their nobilities; instead, their relations emerge as generally symbiotic, although subject to periodic conflict and tensions.[[56]](#footnote-56) But the towns were more solid partners of the state.[[57]](#footnote-57) The assemblies of 1302 and 1308 would not have been possible without the system of representation of chartered towns.[[58]](#footnote-58)

Regardless, the implications of the royal alliance with the towns for institution building *at the polity level* were negative. Unlike in England, where the counties had greater presence in Parliament than the towns,[[59]](#footnote-59) the preponderance of urban interests in France resulted in central institutional atrophy.[[60]](#footnote-60) And institutional growth that did occur happened through judicial interaction, as this book argues: “it was through their courts, however, that [towns] were fitted into the scheme of royal government.”[[61]](#footnote-61)

The same dominance of the urban sector and decentralization of exchange applies to the other major case of “absolutism” in Europe, Spain and its antecessor, Castile.[[62]](#footnote-62) Although typically examined as an example of royal suppression of consent, we will see how such outcomes followed from a fundamental central weakness.

Figure : Date of Suppression of French Provincial Assemblies

|  |  |  |  |
| --- | --- | --- | --- |
| Pays | Suppression of Provincial Estates  | Pays | Suppression of Provincial Estates |
| Anjou  | 15th c | Artois  | 1789 |
| Limousin  | Basse-Navarre  |
| Marche  | Béarn  |
| Berry  | 16th c | Bigorre  |
| Maine  | Bourgogne  |
| Orléanais  | Bresse  |
| Touraine  | Bretagne  |
| Périgord  | Bugey  |
| Agenais  | 17th c | Cambrésis  |
| Alsace  | Charolais  |
| Armagnac  | Corse  |
| Astarac  | Flandre  |
| Auvergne  | Foix  |
| Bazadais  | Gévaudan  |
| Comminges  | Hainaut  |
| Condomois  | Labourd  |
| Dauphiné  | Languedoc  |
| Lannes (Landes)  | Mâconnais  |
| Lomagne  | Marsan  |
| Normandie  | Nébouzan  |
| Quercy  | Provence  |
| Rivière-Verdun  | Quatre-Vallées  |
| Rouergue  | Soule  |
| Franche-Comté | 18th c | Velay  |
|  |  | Vivarais  |

## Castile-Léon: From Feudal Centralization and Constitutionalism to Noble Immunity, Urban Dominance, and Absolutism

The Spanish monarchy was long seen as the result of either an absolutist ideology or of a set of preferences intolerant of rights and suppressing growth.[[63]](#footnote-63) This assessment is now qualified by historians, especially given the continuing role of the Castilian *Cortes* in the governance of the kingdom at the height of “absolutism” in the seventeenth century. Whether manifested in the control over “the administration of the *millones*, its attacks on the *Mesta*, or the increasing compactualization of its relations with the Crown, the Castilian *Cortes* of the seventeenth century was far more important than before 1590.”[[64]](#footnote-64) The *Cortes* had the “ability to veto tax increases and limit the issues of long-term debt.”[[65]](#footnote-65)

Nonetheless, just as with the provincial Estates-General in France, the Castilian *Cortes* did not shape the character of the regime, as this evolved after the unification of the Spanish kingdoms under the Catholic Kings, Ferdinand and Isabella in 1479.[[66]](#footnote-66). Scholars such as Van Zanden, Buringh, and Bosker speak of the “Little Divergence,” whereby countries in the south of Europe saw a decline in constitutionalism, whilst the North (especially England and the Netherlands) saw an efflorescence that also allowed their economic takeoff.[[67]](#footnote-67) They attribute the decline to the capacity of kings to raise funds without consultation, which in Spain was further enabled by the discovery of American silver and the “resource curse” this entailed.[[68]](#footnote-68)

In what follows I will argue that the key problem in the Iberian Peninsula was ruler weakness. Despite being a pioneer in many of the core elements of constitutional practice, Castile never succeeded in consolidating a polity-wide regime predicated on parliamentary exchange. Similarly to France, core central weakness was exacerbated by the fact that individual regions (especially Catalonia and Aragon) developed constitutional structures that preserved local governance that for long “balanced” but could never fully stem the expansion of Castilian power.[[69]](#footnote-69) Contrary to common perceptions, “balances” between social forces only undermine institutional growth and integration.

The Castilian *Cortes* first emerged in the medieval period, between the end of the twelfth century and the middle of the fourteenth, through a process displaying all the factors identified in the previous chapters as key to institutional emergence. Town representatives were asked to attend with plenipotentiary powers, even earlier than English ones were. The administration of justice was critical, with towns as quasi-corporate units being regular suitors at court. Petitions to the king were a major part of the business of the institution, as in England, and taxation played little role in the early period. Land was distributed conditionally in this early period, just as it was in England. Constitutional activity, under those conditions, was possible.

However, Castile differed on precisely the critical dimension identified in this account: the nobility and the clergy were not taxed, as the crown was forced to grant jurisdictional immunities. Instead, the main fiscal interaction was with the urban oligarchies, which could also, themselves, be exempt from taxation. The third estate was represented almost exclusively by cities in the Castilian *Cortes*—and offers thus a good test of theories that posit mercantile wealth as a sufficient condition for the growth of representation and even democracy.[[70]](#footnote-70)

In what follows, I will show how the Castilian drift to “absolutism” can be traced back to the evolving land regime and the declining royal power it reflected, between the twelfth century and 1500, which ceded relative autonomy to powerful social actors, whilst leaving the crown with control over increasingly limited sectors of society. Three important historical junctures need to be highlighted: the escalation of military conflict in 1250, expansion until the dynastic change of 1369, and the union of crowns in 1479.

### Feudal Centralization and Early Constitutionalism

War-based arguments postulate an “intimate connection” between war and *cortes*, via taxation.[[71]](#footnote-71) The record certainly shows that the more military pressures increased, the more meetings were held by the crown (Figure 3). Major offensives were made from the 1230s and military activity continued to climb into the fourteenth century.[[72]](#footnote-72) Kings were fighting for the *Reconquista* of the Iberian Peninsula from the Muslims that resulted in the ouster of the Almoravids and the Almohads from the south, but also to suppress internal competitors. But the early assemblies preceded the major offensives, even though those too did not happen in a military vacuum. As we shall see, however, taxation was not a concern in this period; internal pacification was a more important goal. A similar pattern emerges to the one observed under Henry II, where a period of domestic (and assembly-based) consolidation in the twelfth century allowed the expansionary policy of the thirteenth. If anything, Castilian kings were more successful in the new territories they claimed than English kings were. At the same time, however, after war escalated in the 1250s, few decades had less than two meetings.

Figure : Number of Cortes Meetings in Castile, per Decade, 1190-1559

Sources: (Cortes de Castilla 1861), supplemented with dates from (O'Callaghan 1989, 16) and (Procter 1936, 77) for the pre-1250 period. Records are not as reliable for the early Leonese and Castilian Cortes; (Procter 1980, 206).

But focusing on frequency alone can be very misleading when the fundamental question is the representativeness of the regime.[[73]](#footnote-73) This is vividly displayed when we contrast meeting frequency to the number of towns actually being represented in those meetings (Figure 4). What we observe is a drastic decline that profoundly shaped representation. By the end of the fifteenth century, the composition, role and importance of the *Cortes* had undergone a profound modification, weakening the institution and severely restricting their representative character, in contrast to the early record. Though some clergy and nobility were present in these assemblies, the towns were the sole representatives of the third estate and main direct taxpayers. Surviving lists suggest that although from 50 towns summoned in 1187, the number rose to 130 by 1295. Decline set in in the fourteenth century: 101 cities were represented at the important *Cortes* at Burgos in 1315, dropping to 49 in 1391 and to just 17 by 1480, where it remained during the period of “absolutism.”[[74]](#footnote-74)

Figure : Number of Cortes Meetings in Castile, per Decade, 1190-1559

Sources: As for Figure 3 and footnote 74.

### Land and the Decline in Representative Scope

What accounts for this decline? I argue that it followed from an original weakness of the crown, which was never able to control the nobility as effectively in England, despite the existence of many practices in common.

The land regime was again critical for this pattern. Until the 1230s, Castilian kings could distribute lands whilst retaining some residual royal control. They distributed estates to the Castilian castellans (*alcaide*), who were “removable at the king’s pleasure,” as were all public officials.[[75]](#footnote-75) Nobles had military obligations towards the king by virtue of their status as vassals or holders of benefices from the king. But the benefices were not hereditary nor did a “fusion of public offices with hereditary benefices or fiefs” exist.[[76]](#footnote-76) Consequently, administration was neither too fragmented nor locally entrenched by holders of territorial rights.[[77]](#footnote-77) Holdings were conditional on royal will, incentivizing the nobility to sustain royal institutions of governance, especially the royal council, the *curia* *regis*. The main representative institution, the *Cortes*, grew out of that royal council, as in the rest of Europe.[[78]](#footnote-78)

The decline in city representation resulted from the way the Reconquest affected the distribution of lands and increased the power of nobility, from the 1230s, but especially after the 1360s. Extensive new territories became available after Muslim Spain was recaptured in the first half of the thirteenth century. Lands were granted out to military leaders, in the forms of *honores* or *tenencias*,[[79]](#footnote-79) without feudal contracts or any system of mutually binding ties.[[80]](#footnote-80) Large estates (*latifundia*) came under the control of the military nobility in the conquered territories, which consolidated the power of a few families, the Church and military orders.[[81]](#footnote-81)

Land concentration was further aggravated over time when over-supply lowered prices. So, although in the 1250s large estates amounted to only 12.5 percent of total area reconquered, by the 1350s, the “large estates…constituted 35 percent of all the estates and accounted for 67 percent of the land surface.”[[82]](#footnote-82) These major power-holders were outside of the extractive reach of the state, as they possessed jurisdictional immunity. The increase in immune territory necessarily affected the number of towns that were subject to taxation as well and therefore incentivized to attend the *Cortes*.

Another major step in the concentration of land came with the succession crisis that brought the Trastámara dynasty to power after 1369.[[83]](#footnote-83) A small group of nobles were rewarded by Henry II, the first Trastámara sking, with important privileges (*mercedes*) for supporting his challenge to the rule of Peter I. These privileges included judicial rights and collection of the sales tax, the *alcabala*, over territories that included large numbers of towns. Over the next three decades, about twenty families were able to build large estates (*estados*) at the expense of the royal domain. Castles were another major indicator of noble power: 283 were built between 1400 and 1504, but only 12 belonged to the crown.[[84]](#footnote-84)

Privatization of land also occurred through a legal device that will be encountered again in the analysis of English and Ottoman land law, in chapter 10: the *mayorazgo* or entail. It accorded to the first born a continuous possession over land that was deemed inalienable and exempt from inheritance taxation, establishing both primogeniture to end the fragmentation of estates and fiscal immunity.[[85]](#footnote-85) The *mayorazgo* was similar to the English entail and the Ottoman *waqf* as far as the effect of the device is concerned: it removed land from royal jurisdiction, even though royal authorization was required until 1505.[[86]](#footnote-86) This entailing was important especially between the reigns of Henry of Trastámara (1369) and Isabella (1474). The middle and petty nobility were excluded from the *mayorazgo* in the early period, though this changed after 1480 and the middle nobility greatly increased its share, whereas the great nobility declined.[[87]](#footnote-87)

All these trends increased the size of the class itself. It was disproportionately large compared to England, though similar to France and Poland. Ten percent of the population had noble status and privileges, compared to an average of one to two percent across Europe.[[88]](#footnote-88) However, the truly powerful actors, controlling most of the landed resources, amounted to no more than two to three percent of the population.[[89]](#footnote-89) This whole group controlled, together with the church and the military orders, practically all of the land, by hereditary right, by the time the Catholic kings came to power in the 1470s. Some estimates ascribe 97 percent of the land to these privileged groups. “Fifty-five per cent of the land in question belonged to the great noble houses, the rest to bishoprics, abbeys, the urban oligarchy, and lesser nobles.”[[90]](#footnote-90)

One could argue that all these elements were endogenous to the high land to labor ratio that economists have focused on in explaining early economic prosperity in Spain.[[91]](#footnote-91) By 1300, when the Reconquest was complete, a territory about 60% larger than England was populated by similar numbers, about 4 to 5 million. But arguments from population density to institutional strength fail to account for why political rule cannot consolidate in some compact region and expand further on an “imperial” or agglomerative basis. After all, England never secured effective control over either Ireland nor Scotland, yet that did not prevent the consolidation of power within certain borders.[[92]](#footnote-92) It is not a coincidence that theories placing population density at the center of their explanatory framework omit reference to the early United States.[[93]](#footnote-93)

### Taxation

Given the increasing concentration of land, the nobility and clergy were unsurprisingly exempt from direct taxation.[[94]](#footnote-94) They were still concerned with taxes, which often afflicted their dependents, but the dynamic was different from English conditions and closer to French ones. So, despite lacking a direct fiscal incentive, some attended the *Cortes* even up to the middle of the fourteenth century, in particular the *ricos hombres*, the magnates and the king’s chief collaborators. We can only infer numbers from lists of witnesses of royal charters, which suggest comparatively far lower numbers of nobles attended royal meetings: only about twenty to twenty-five nobles are attested at the king’s court. This was out of a population of 4 to 5 million, equivalent to England, but about a third to half of the English average reported in chapter 3.[[95]](#footnote-95)

In any case, echoing the pattern that Wim Blockmans discerned in his overviews of representative practice across Europe, taxation was not central to these early meetings.[[96]](#footnote-96) Although records for the early period are very scanty, “there is no evidence of any direct intervention of the curia in questions of taxation in Castile” before the 1250s.[[97]](#footnote-97) Instead, a royal pledge not to alter the currency for seven years was exchanged for an extraordinary subsidy, the *moneda forera*, which was granted in 1202 and was paid by non-noble freemen only.[[98]](#footnote-98)

Taxation begins to be a systematic concern of the *Cortes* only after the 1250s, when two new taxes were raised: the *servicios*, which could be either a capitation tax or a tax on moveable property, and the *alcabala*, an indirect tax on sales. These taxes mainly burdened the cities, as is attested by their rising complaints towards the end of the thirteenth century.[[99]](#footnote-99) After that time, the principle of consent was recognized explicitly on many occasions.[[100]](#footnote-100) However, the “need to obtain consent would seem to imply the right to refuse it, but there was no specific instance during this period when a request for taxes was rejected.”[[101]](#footnote-101) Although the *Cortes* required redress of grievances before consenting to tax, this seems not to have been honored.[[102]](#footnote-102) Parliamentary efflorescence implies a relative royal capacity to impose its will. But this capacity was delimited over towns.

Further, the founding constitutional moments precede the escalation of fiscal demands—a key prediction of the argument in this book. The 1188 assembly at Léon summoned *elected* town representatives and is the first known in Europe to do so. It was thus far more radical than English equivalents, which only summoned elected town representatives once in 1265, then sparingly after the 1290s and invariably only after 1327.[[103]](#footnote-103) In Castile, some evidence exists for urban representation in 1187, and concrete records survive from 1217.[[104]](#footnote-104) Thereafter it was the key actor in the main assemblies.

If taxation was not that important, why did the *Cortes* begin to assemble in the early period, with both nobles and towns present? The answer involves, as this book argues, the exercise of judicial and legal functions that drew different social orders to the center.

### The Multiple Roles of the Cortes; The Centrality of Justice and Law

The nobility’s principal role, originally in the royal council and later in the larger in size *Cortes*, was counsel, which the king required in order to ensure the efficient administration of the realm. However, other business was also administered, for instance, witnessing donations to churches, monasteries, and individuals.[[105]](#footnote-105) The nobility, as in England, attended out of obligation, not right.[[106]](#footnote-106) Obligation was based on the general duty of subjects and kings to take counsel, but contemporaries stressed “the feudal obligation to give counsel *as royal vassals*.”[[107]](#footnote-107) No right of attendance is attested in contemporary records, only the de facto presence of the same families in the king’s court, about twenty to twenty-five names.[[108]](#footnote-108)

But the nobility’s interest remained strong because the royal court functioned as a judicial tribunal, adjudicating on important cases that affected their core interests: that is where nobles were tried for treason, crimes, or even negligence in administration. It is also where disputes among nobles, towns, and monastic communities were presented, as well as appeals from judgments rendered by other courts in the kingdom. Such judgments were often and upon request made by the king himself, with Alfonso X (1252-84) even promising to hear suits three times a week, as did subsequent kings. In the *Cortes* of 1272, the nobility demanded that their right to trial by peers be affirmed and that the king appoint two judges from their own order, to hear their more routine pleas, in accordance with their own *fueros*—a novel request at the time, which was, however, granted.[[109]](#footnote-109)

Another key concern for the nobility was, as in England and France, the legislation passed in the *Cortes*.[[110]](#footnote-110) When Alfonso X passed the new laws for the municipalities, the *Fuero Real*, requested by the cities themselves, the nobles originally consented together with the prelates. However, by the time of the *Cortes* of 1272 they were objecting to being subject to the new codes and demanded they revert to the ancient *fueros* and be judged by noble judges.[[111]](#footnote-111) That different rules and different judicial personnel applied to groups according to social or regional origin was a sign of the relative weakness of the Castilian crown to impose judicial and legislative uniformity throughout the kingdom—a critical difference from English conditions.[[112]](#footnote-112)

Judicial concerns were important for the other social orders as well. Knights were incentivized to attend, as the *Cortes* is also where disputes on their landholding were resolved.[[113]](#footnote-113) Castilian towns also had judicial incentives to attend royal court; they actively sought to be present there, in order to pursue lawsuits either on land issues or lordship and vassalage.[[114]](#footnote-114) Urban suits at the royal court are attested from the period after 1182, just as the Cortes began to acquire regularity.[[115]](#footnote-115)

Broader social classes also had an interest in attending the *Cortes* also because of the legislation it passed.[[116]](#footnote-116) Petitions submitted to the Castilian *Cortes* served to transmit local demands to the center. As in England, the demands resulted in *decreta*, *constitutiones*, and ordinances passed, though legislation also originated in royal initiative. Petitions were submitted by one of the estates, mostly by the towns, but occasionally also by nobles and prelates.[[117]](#footnote-117) The most frequent petitioners were probably the towns and most of their pleas concerned town government and abuses by royal officials.

The legislative role of petitions was established by the fourteenth century, but the practice on a more individual or localized basis is recorded with some frequency already from the 1180sand continued to increase during the thirteenth century. The king could disregard petitions submitted to him; nonetheless, he was sworn to uphold the *posturas*, understood as a “contractual agreement between the king and his people.”[[118]](#footnote-118) Petitions could also be presented to the itinerant king throughout the country, sometimes in oral form, but the *Cortes* became a major venue for their consideration. Accordingly, responses to petitions survive and are recorded in *cuadernos*.[[119]](#footnote-119) In the next section, I describe this process more fully, showing how it interacted with the corporate character of towns.

### Corporate Organization of Towns and the Limits of Representation

The principal actors in the *Cortes* were the towns,[[120]](#footnote-120) as medieval Spain had one of the highest rates of urbanization in Europe, with a thriving urban and commercial sector, and great resources concentrating under their control. Towns also had advanced political governance, as part of an extensive zone in Southern Europe which included Languedoc, Provence, and northern Italy, in which Roman law was formative. They had a municipal structure that made them self-governing entities, ruled by municipal councils (*concejos*), with their own law codes and customs (*fueros*).

As in England, from the 1250s, towns provided their representatives with powers of consent (*cartas de personería*) to commit to binding decisions at the *curia* *regis*, the royal court, following ecclesiastical practice.[[121]](#footnote-121) The same principle of plenipotentiary powers observed in England and elsewhere was widely observed in urban practice from an even earlier time in the Iberian Peninsula. “The towns appointed representatives in law suits at least as early as 1223; their representatives brought mandates to the *Cortes* at least from 1231, and such mandates might include the grant of full powers from at least as early as 1250.”[[122]](#footnote-122) Penalties were imposed for non-attendance, reaching the large sum of 1,000 maravedis for great towns.[[123]](#footnote-123) In the cortes of Seville 1250, Fernando III required the towns to compensate their representatives by paying them one half a *maravedí* a day for the journey as far as Toledo, and one *maravedí* if they had to continue as far as Seville.[[124]](#footnote-124)

As in England again, the corporate organization of municipalities enabled the drafting of collective petitions, the procedure of which also borrowed from judicial practice.[[125]](#footnote-125) As mentioned, these petitions often generated broad-based legislation. Town representatives collectively summoned to the *Cortes* had immediate knowledge of similar concerns from different parts of the country. Moreover, “collective petitions, presented by all the towns of the kingdom, or of a province, stood a better chance of a favourable consideration than one presented on behalf of a single town.” So, collective petitions soon became an instrument for initiating legislation that was truly supra-local.[[126]](#footnote-126)

This integrated and interlocking system was very similar to the one observed in England and described in previous chapters. It has one critical difference however: collective petitions and representation were, overwhelmingly, practices of the towns, and did not include the country. In England, by contrast, it was the county that generated most of the collective petitions that generated bills of legislation, securing a penetration of central government throughout the territory, also including urban centers.[[127]](#footnote-127) Broad-based incorporation is, evidently, a necessary condition for parliament to become a central instrument of governance of the whole polity. A lack of it meant that the different estates were not all brought together on a common platform. Even the associations of towns formed from 1282 in Castile, the *hermandades*, which exercised power during minorities as “the vanguard in the *Corts,*” lacked unity.[[128]](#footnote-128) As a result, a “principal weakness of the *Cortes* was the failure of the estates to join together in presenting common proposals to the king:” no sense of common interests existed.[[129]](#footnote-129)

Undoubtedly, royal willingness to respond to these petitions was closely tied to the rising fiscal pressures due to war. But the necessary condition for this need to translate into institutional growth was the servicing of judicial needs of the population, which were centralized by the crown as a result of the land regime. Further, when the nobility was not under control, fiscal pressures alone did not lead to greater constitutionalism, but to restriction of the domain, concentration of local power, and hence greater fragmentation.

### Royal Absolutism or Pathologies of Urban Dominance?

The urban constitutionalism just described was precocious and, at the micro level, little different from what observed in England. But how can we determine whether the gradual restriction of urban participation was the result of royal weakness rather than, as some narratives still have it, increasing royal autonomy, especially after the discovery of American silver?[[130]](#footnote-130)

Key indicators of royal weakness was already mentioned: noble and clerical immunity, as well as limited jurisdictional control and lack of common law across social orders and regions. But the question is also answered by examining the increased urban dominance, which developed predictable pathologies. Stasavage explored the bifurcated trajectories of cities through large-n analysis, showing how autonomy can lead to capture of internal institutions by oligarchies that then restrict growth.[[131]](#footnote-131) Castilian cities display this pattern as well. Originally, cities were seen as mercantile, progressive bulwarks against autocracy, a narrative constructed in the eighteenth century.[[132]](#footnote-132) The assumption of a progressive urban opposition to the monarchy has not withstood careful historical scrutiny, which has shown instead that the town leaderships operated as narrow, closed oligarchies composed of non-noble knights, the *caballeros villanos*.[[133]](#footnote-133) This group consolidated its power through close interaction with the crown, with which it shared an interest in countering the encroachments of the non-urban nobility, and from which it gained its privileges and rights, especially tax exemption. It was this group that eventually controlled the *Cortes,* in which it negotiated, apart from judicial issues, the tax burden that fell mostly on the *pecheros*, the tax-paying inhabitants.

As a result, the *Cortes* system was also transformed into an oligopoly, which indeed made participation in it a privilege to be jealously guarded. But this functioned as an impediment to broader representation that was generated by the *members* of the *Cortes*, not the Crown. By the early 1500s, the fiscal benefits from participating in the decisions and allocations in the *Cortes* were such that cities mounted great opposition to the prospect of other cities growing. For instance, in a petition to the king in the *Cortes* of Valladolid in 1506, the representatives of the towns said:

"It is established through some laws, and by custom from time immemorial, that eighteen cities and towns of these kingdoms shall have a vote in the Cortes through their representatives, and no more; now some cities and towns are trying to obtain the right to be able to vote as well. Since this would bring great harm to those towns that already have a vote, and would cause great confusion, we supplicate your Majesties reject this petition, because all voting rights are already defined by the laws of these kingdoms.”[[134]](#footnote-134)

The towns’ request was upheld; the *Cortes’* function had developed along very different lines than its English, or even French counterparts.

Historians have not identified any systematic reason for this dynamic, claiming that causes were “impossible to determine.”[[135]](#footnote-135) I suggest they resulted from the oligopolistic consequences of the uneven distribution of power, due to the drastic loss of territorial control by the Castilian monarchs over the fourteenth and fifteenth centuries: the Crown could no longer dictate the terms on who was summoned nor did it have the power to enforce universal representation, as in England.[[136]](#footnote-136)

This is also suggested by noting which cities did not attend. For instance, the major *Cortes* of 1315 at Burgos saw a decline in the number of cities to 101 from 130. Some of the major cases missing were the great municipal councils of Toledo, Seville, and Córdoba and important ports such as Santander and San Vicente de la Barquera. Toledo, however, had long-standing “bitter strife” with the host city, Burgos, especially over precedence at the meetings of the *Cortes;* whatever the specific grievances, it appears Toledo could not be compelled. Seville was under the control of “rebel princes”, again indicating low royal control.[[137]](#footnote-137) By the early fourteenth century, the Crown had also lost control of much income from the great port towns, which also did not participate. These handled the thriving international trade, but most of the tithe from Santander and San Vicente de la Barquera (as well as Castro Urdiales and Laredo) had been ceded to the Cathedral of Burgos.[[138]](#footnote-138)

The increasing “absolutism” of the Castilian crown, therefore, did not result from an increasingly coercive strategy towards society as a whole, but from an increasingly smaller domain over which the crown could exercise full jurisdiction—and though towns were included, the fiscal burden was most borne by the poorest and weakest members of society.

In the long run, the character of the Spanish kingdom as a whole was defined by the conditions in Castile, as the other kingdoms were too small to shape it: the Crown of Aragon, which comprised Catalonia, Valencia and Aragon itself, had just over one million in population. By contrast, Castile had just under 5 million inhabitants around 1500.[[139]](#footnote-139) In chapter 9, we will how the stronger constitutional tradition in Catalonia derived from variation only the key dimensions discussed above.

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1. Tocqueville (1866, 158). [↑](#footnote-ref-1)
2. Elster (2009) emphasizes his psychological mechanisms. [↑](#footnote-ref-2)
3. Tocqueville (1866, 200), italics added in all quotes. [↑](#footnote-ref-3)
4. Tocqueville (2011, 94). [↑](#footnote-ref-4)
5. Tocqueville (2011, 95). [↑](#footnote-ref-5)
6. Tocqueville (2011, 93). [↑](#footnote-ref-6)
7. van Zanden*, et al.* (2012, 17-18), Fryde (1991, 255), Acemoglu*, et al.* (2005, 454), Fukuyama (2011, 332). [↑](#footnote-ref-7)
8. Downing (1992, 113-5, 21), Koenigsberger (1986, 8). [↑](#footnote-ref-8)
9. Ertman (1997, 36). [↑](#footnote-ref-9)
10. Ertman (1997, 169). [↑](#footnote-ref-10)
11. Anderson (1974a, 24-8 and n.22 p. 410), Anderson (1974b, 65-7 and n.10 p.131).\*Hintze [↑](#footnote-ref-11)
12. Moore (1967, 40), Poggi (1978, 36-42, 60-61), Badie (1983). [↑](#footnote-ref-12)
13. van Zanden*, et al.* (2012, 6). [↑](#footnote-ref-13)
14. Acemoglu*, et al.* (2005)\* [↑](#footnote-ref-14)
15. Palliser (2000, 134). [↑](#footnote-ref-15)
16. Machiavelli (1965), Machiavelli (1988). [↑](#footnote-ref-16)
17. Madison*, et al.* (1987, Federalist 10). [↑](#footnote-ref-17)
18. Matthew Paris (1853, 11). [↑](#footnote-ref-18)
19. Elster (2006). [↑](#footnote-ref-19)
20. Jusselin (1912, 229-30). [↑](#footnote-ref-20)
21. Taylor (1954, 443-4). [↑](#footnote-ref-21)
22. Pasquet (1925, 84). [↑](#footnote-ref-22)
23. Fawtier (1953, 277-8). [↑](#footnote-ref-23)
24. Fawtier (1953, 278). [↑](#footnote-ref-24)
25. English kings were sometimes in this position too. [↑](#footnote-ref-25)
26. Tocqueville (2011, 101). [↑](#footnote-ref-26)
27. The point is often neglected, though historians have drawn attention to it in the French context; Ulph (1951), Major (1955), Major (1960, 21-49). [↑](#footnote-ref-27)
28. Brown (1972b, 359-64). [↑](#footnote-ref-28)
29. Mundy (1954). [↑](#footnote-ref-29)
30. Taylor (1938), Taylor (1939), Brown (1971). [↑](#footnote-ref-30)
31. Brown (1972b, 357), Rigaudière (1994, 166). [↑](#footnote-ref-31)
32. Brown (1972b, 330-1), Decoster (2002, 27). See also Taylor (1954, 443-4). [↑](#footnote-ref-32)
33. Post (1964, 153). [↑](#footnote-ref-33)
34. Taylor (1968, 226), Strayer and Taylor (1939, 141ff), Bisson (1972, 551-2), Bisson (1972, 553). [↑](#footnote-ref-34)
35. Picot (1888, 32), Rigaudière (1994, 182). [↑](#footnote-ref-35)
36. In 1421-39; Lewis (1962, 14), Harriss (1975, 47). [↑](#footnote-ref-36)
37. Brown (1970, 13-26), Henneman (1970), Taylor (1954, 443, 444). [↑](#footnote-ref-37)
38. Major (1955, 226). I mention English wages for the thirteenth century in chapter \*, but could not locate French equivalents for those dates. [↑](#footnote-ref-38)
39. Marongiu (1968), Bisson (1973), Bisson (1969), Myers (1975), O'Callaghan (1989), Post (1943b), Post (1943a), Ertman (1997), McIlwain (1932), Downing (1992), Strayer (1969), Koenigsberger (1978). [↑](#footnote-ref-39)
40. Major (1960, 21-49), Rigaudière (1994, 177), Lord (1930, 138). [↑](#footnote-ref-40)
41. Henneman (1989, 612), Taylor (1954, 443-4). Only the English barons could (de facto, but not de jure) question the king’s wars, not the Commons; Harriss (1975, 34-9). [↑](#footnote-ref-41)
42. Artonne (1912, 166), Brown (1972a). [↑](#footnote-ref-42)
43. Henneman (1983, 7), Henneman (1989, 612), Brown (1972a), Lewis (1962, 16), Marongiu (1968, 100). Historians have long noted that the *“mandat impératif”* undermined representation in France, but the insight has not been absorbed in social science; Major (1960, 21-49), Rigaudière (1994, 177). [↑](#footnote-ref-43)
44. Perrens (1860), Perrens (1873), Cazelles (1962). [↑](#footnote-ref-44)
45. “[I]nitio domini rerum populi suffragio reges fuisse creatos;” Masselin (1835, 146, 140-57), Bulst (1992), Major (1955), Viollet (1866), Lassalmonie (2000), Koenigsberger (1978, 191-3). [↑](#footnote-ref-45)
46. Spencer (2014, 73-4), referring to The Mirror of Justices (1895, 6-7). Evidence is scarce on the spread of those ideas, but that is precisely the point: they certainly existed. [↑](#footnote-ref-46)
47. Lot and Fawtier (1958, 558-60). [↑](#footnote-ref-47)
48. Kwass (2000), Potter and Rosenthal (1997), Potter and Rosenthal (2002), Collins (1994), Beik (1985). [↑](#footnote-ref-48)
49. See the distinction btw extractive and inclusive institutions in Acemoglu and Robinson (2012). [↑](#footnote-ref-49)
50. Tocqueville (1866, \*). [↑](#footnote-ref-50)
51. Dumont and Timbal (1966, 184), Rigaudière (1994, 163, 167-8), Rigaudière (2003, 219), Hébert (2014, 184). [↑](#footnote-ref-51)
52. Hébert (2014, 184). [↑](#footnote-ref-52)
53. McIlwain (1932, 683, 685). [↑](#footnote-ref-53)
54. Harding (2002, 116, 115), Rigaudière (1994, 178). [↑](#footnote-ref-54)
55. Spruyt (1994). [↑](#footnote-ref-55)
56. Asch (2003). [↑](#footnote-ref-56)
57. Rigaudière (1994, 163, 167-8). [↑](#footnote-ref-57)
58. Strayer (1980, 110-1, 271-2, 275, 277). [↑](#footnote-ref-58)
59. \*. [↑](#footnote-ref-59)
60. Only in 1484 was this redressed, but it was too late to shape institutional trajectories. [↑](#footnote-ref-60)
61. Harding (2002, 116, 115). [↑](#footnote-ref-61)
62. Similar dynamics today may explain the limited impact of decentralized protest and resistance in modern, post-reform China; Bernstein and Lü (2008, 106). [↑](#footnote-ref-62)
63. Anderson (1979), North (1990), Acemoglu*, et al.* (2005, 453), DeLong (2000), DeLong and Shleifer (1993), North (1990). [↑](#footnote-ref-63)
64. Administration implied limited control overall; Thompson (1976, 275), Jago (1992), Jago (1981). [↑](#footnote-ref-64)
65. Drelichman and Voth (2014, 41 and chapter three). [↑](#footnote-ref-65)
66. The Spanish kingdoms comprised Castile, León, Navarre, Aragon, Catalonia and Valencia. [↑](#footnote-ref-66)
67. (2012). [↑](#footnote-ref-67)
68. van Zanden*, et al.* (2012, 17-8) [↑](#footnote-ref-68)
69. Procter (1980), O'Callaghan (1989). [↑](#footnote-ref-69)
70. \*Bates and Lien (1985), Boix (2015). [↑](#footnote-ref-70)
71. Ertman (1997, 70). [↑](#footnote-ref-71)
72. \* [↑](#footnote-ref-72)
73. See chapter \*. [↑](#footnote-ref-73)
74. Ruiz (1992, 96-7), Hillgarth (1978, 510), Hébert (2014, 181-). Merriman gives the figure at 18, Hillgarth at 17, reflecting the total at different points in time. The total rose to 19 with the final addition of Granada in 1492; Kamen (1983, 31). [↑](#footnote-ref-74)
75. MacKay (1977, 97), O'Callaghan (1989, 10). [↑](#footnote-ref-75)
76. MacKay (1977, 98). [↑](#footnote-ref-76)
77. We cannot thus posit a direct line of continuity between the post-Carolingian fragmentation and the outcomes post 1479 nor was administration patrimonial from the beginning; cf. Ertman (1997). [↑](#footnote-ref-77)
78. The term *cortes* is the later term for the *curia regis*; Procter (1980, 1-2, 7). [↑](#footnote-ref-78)
79. Rucquoi (1993, 267). [↑](#footnote-ref-79)
80. The “two separate institutions of benefice and vassalage never fused to produce the fief proper. Above all, there was no fusion of public offices with hereditary benefices or fiefs, feudal relationships did not become essential to the structure of government…” MacKay (1977, 95, 98). The Reconquest was mostly achieved under Ferdinand III of Castile-León (1217/30-52) and James I of Aragon (1213-76). [↑](#footnote-ref-80)
81. Martín Martín (1984). [↑](#footnote-ref-81)
82. Cabrera (1989, 469, 474). [↑](#footnote-ref-82)
83. MacKay (1977, 174). [↑](#footnote-ref-83)
84. Rucquoi (1993, 272). [↑](#footnote-ref-84)
85. Entails did not *need* to be tax-exempt. [↑](#footnote-ref-85)
86. The Laws of Toro in 1505 waived that restriction; Gerbet (1984, 259-60). [↑](#footnote-ref-86)
87. Gerbet (1984, 261). Although the institution enabled families to preserve their lineage, because it was inalienable, in the long term it was economically “disastrous” as it “froze” fortunes, and tied noble income to land, the value of which declined drastically in the seventeenth century; Gerbet (1984, 276). This is similar to the patterns observed in the Ottoman case; Kuran (2011). [↑](#footnote-ref-87)
88. Gerbet (1992, 349), Gerbet (1977-79). This number included the *hidalguía*, which rose predominantly through gaining control of local governments; Sesé (2006). As Drelichman (2007) has shown, contrary to widespread views, government office not fiscal exemption was the overriding incentive in seeking such status, which was not, accordingly, responsible for economic stagnation. [↑](#footnote-ref-88)
89. Sobroqués (1957, 418). [↑](#footnote-ref-89)
90. Hillgarth (1978, 499), citing Vicens Vives (1969, 295). “It has been calculated that, in 1500, the nobility and the Church (the higher echelons of which were normally filled by nobles) between them either owned 97 per cent of the land of Spain or possessed profitable rights of jurisdiction over it;” Hillgarth (1978, 499). Hillgarth’s sources are Vicens Vives, *Manual*, 4th ed., 1965, p. 269 and S. Sobroqués, *Historia de España y America*, ed. Vicens, ii. 420.

The fact is broadly accepted by most accounts, even if in more general terms. Kamen states that “Vast tracts of territory were now under the partial or full jurisdiction of great aristocrats, who had immense revenues, thousands of vassals and their own armies”; Kamen (1983, 20). This pattern has been confirmed through more specialized, regional studies: “In the province of Salamanca, for instance, 63 per cent of the territory and over 60 per cent of the population fell under noble jurisdiction, 6.5 per cent of land and 6 per cent of population under ecclesiastical jurisdiction. The situation was similar throughout Spain: in Valencia, according to one official, ‘the king has only 73 large and small towns, and over 300 are seigneurial’; in Aragon the crown in 1611 had jurisdiction over only 498 of 1,183 centers of population, with nobles and the Church in roughly equal control of the remainder”; Kamen (1983, 152). The only scholar I have seen doubting the extent of these holdings is Vassberg (1984). However, he does not provide any sources or references for his assertions, which consist merely of the claim that previous accounts have been exaggerated. Even if so, the fundamental balance of power was skewed against the kings. [↑](#footnote-ref-90)
91. Álvarez-Nogal and Prados de La Escosura (2012). [↑](#footnote-ref-91)
92. Herbst (2000). [↑](#footnote-ref-92)
93. Herbst (2000). [↑](#footnote-ref-93)
94. O'Callaghan (1989, 132-3). The Chruch was taxed, however, albeit not very heavily, primarily through the *tercios reales* and other impositions sanctioned by papal bull; Nieto Soria (1993, 99-108). [↑](#footnote-ref-94)
95. O'Callaghan (1989, 52, 47). There is “insufficient evidence” on whether the prelates of the 23 sees who were summoned actually attended, but the highest number of abbots attested in the thirteenth century was 39; O'Callaghan (1989, 48). For population, see O'Callaghan (1975, 459). [↑](#footnote-ref-95)
96. Blockmans (1978, 202), Blockmans (1998, \*). [↑](#footnote-ref-96)
97. Procter (1980, 81, 186-202). [↑](#footnote-ref-97)
98. O'Callaghan (1989, 133-5). [↑](#footnote-ref-98)
99. O'Callaghan (1989, 136). [↑](#footnote-ref-99)
100. O'Callaghan (1989, 131). [↑](#footnote-ref-100)
101. O'Callaghan (1989, 132). [↑](#footnote-ref-101)
102. Merriman (1911, 484), Blockmans (1998, 60); cf. O'Callaghan (1989, 75-6). [↑](#footnote-ref-102)
103. McKisack (1962, 1), Sayles (1950, 456). León and Castile had unified since 1037, but the final reunion took place in 1230; Myers (1975, 59), O'Callaghan (1975, 254). [↑](#footnote-ref-103)
104. O'Callaghan (1989, 16). [↑](#footnote-ref-104)
105. O'Callaghan (1989, 13), O'Callaghan (1975, 584). [↑](#footnote-ref-105)
106. Procter (1980, 1-2). [↑](#footnote-ref-106)
107. Sánchez-Albornoz (1991, 56-74, italics added), O'Callaghan (1989, 51), O'Callaghan (1975, 585). [↑](#footnote-ref-107)
108. O'Callaghan (1989, 52). [↑](#footnote-ref-108)
109. \* [↑](#footnote-ref-109)
110. Procter (1980, 203-223). [↑](#footnote-ref-110)
111. O'Callaghan (1989, 52, 118), Procter (1980). [↑](#footnote-ref-111)
112. O'Callaghan (1989, 158-161). [↑](#footnote-ref-112)
113. O'Callaghan (1989, 14, 18). [↑](#footnote-ref-113)
114. Procter (1959, 1). [↑](#footnote-ref-114)
115. Procter (1980, 105-117), Procter (1959). [↑](#footnote-ref-115)
116. Marongiu (1968, 64), O'Callaghan (1989, 17-8). [↑](#footnote-ref-116)
117. Hébert (2014, 466-8), O'Callaghan (1989, 120-6, 122, 74, 72-5). [↑](#footnote-ref-117)
118. MacKay (1977, 104). [↑](#footnote-ref-118)
119. O'Callaghan (1975, 588), Blockmans (1998, 60). [↑](#footnote-ref-119)
120. Hébert (2014, 180). [↑](#footnote-ref-120)
121. Procter (1959, 14), Post (1943b). [↑](#footnote-ref-121)
122. Procter (1959, 14). But representation of towns as corporate entities cannot be ascertained as a regular practice until after 1305. [↑](#footnote-ref-122)
123. O'Callaghan (1989, 61-2). [↑](#footnote-ref-123)
124. O'Callaghan (1989, 58). [↑](#footnote-ref-124)
125. Procter (1959, 22), Hébert (2014, 466). [↑](#footnote-ref-125)
126. Procter (1980, 207 and 204-209). [↑](#footnote-ref-126)
127. \*. [↑](#footnote-ref-127)
128. Blockmans (1998, 55). [↑](#footnote-ref-128)
129. O'Callaghan (1989, 128). [↑](#footnote-ref-129)
130. van Zanden*, et al.* (2012). [↑](#footnote-ref-130)
131. Stasavage (2014). [↑](#footnote-ref-131)
132. Ruiz (1977). This is a pattern replicated across cases. See the study of Venice, by Puga and Trefler (2012), that ascribes the closure of its political system to powerful merchants seeking to secure political and economic advantage. [↑](#footnote-ref-132)
133. Ruiz (1977). [↑](#footnote-ref-133)
134. Cortes de Los Antiguos Reinos de León Y de Castilla (1866, 233), Clemente Campos (1993, 359), Merriman ([1918] 1962, 221). [↑](#footnote-ref-134)
135. Ruiz (1994, 181). [↑](#footnote-ref-135)
136. O'Callaghan (1975, 586). [↑](#footnote-ref-136)
137. Ruiz (1994, 181). [↑](#footnote-ref-137)
138. Ruiz (1994, 214). [↑](#footnote-ref-138)
139. Álvarez-Nogal and Prados de la Escosura (2007, 330). Modern estimates have drastically revised downwards older ones that gave Castile about 8 million; Bairoch*, et al.* (1988), Elliott (1966). [↑](#footnote-ref-139)