# Catalonia: Courts, Institutions, and Territory

## Introduction

Catalonia developed a robust constitutional tradition from the medieval period, centered around the *Corts*, the assembly that grew out of meetings of the royal court*.* According to historians, it is second only to England in the developed form of its constitutional arrangements.[[1]](#footnote-1)The *Corts* provided regional resistance until the beginning of the eighteenth century, when the Crown of Aragon was absorbed by Castile. It has held a prominent place in accounts of early modern revolution and transformation, as an example of societal opposition to encroaching absolutism and an outgrowth of strong municipal structures that sustained self-government.[[2]](#footnote-2) Catalonia also had a precocious commercial expansion, including an imperial phase, that made it a major actor on the maritime front in the fifteenth century.

In its two phases, Catalonia therefore reflects both the common assumption of monarchical, executive weakness as a precondition of representative rule and the narrative of all-powerful Continental monarchies suppressing local institutions and rights and commercial growth. It is thus a good exemplar of the theories tested in this book. In fact, the prehistory of the Catalan *Corts*, going back to the early medieval period, closely parallels England in both initial conditions and eventual outcomes. The strong municipal phase of the fourteenth century typically focused on stems from a medieval prehistory that is predicated on strong comital power and a period of land consolidation starting in the 1100s.

Catalonia also allows us to probe a number of further assumptions in the field. Bellicist theories attribute the rise of representative institutions to the pressures of war, but the case shows how fiscal pressures were less important in the period of emergence (twelfth and thirteenth centuries) than judicial and administrative ones. It also shows that the initial structural conditions, for instance the legacies from the collapse of the Carolingian Empire, were not entirely determinative of later outcomes, even holding the external threat environment constant, but allowed for variation: Catalonia developed more effective central institutions early on compared both to Aragon (as a region and a composite unit) and, as we have seen, Castile. In fact, the comparison with Aragon also corroborates the negative effects of too strong a baronage, one exempt from taxation, as were the Aragonese. The centrifugal forces of such conditions weakened the capacity of the Crown of Aragon to amalgamate into a cohesive unit, thus undermining its survival over time as a political entity. Accordingly, since most constitutional activity is observed at the local level,[[3]](#footnote-3) Catalonia is a more appropriate unit of analysis for a probe on necessary conditions than the composite Aragon.[[4]](#footnote-4)

### Land and Conditionality of Property Rights, 11th to 14th centuries

Overall, early Catalan institutional outcomes reflect the logic developed from the English case (Figure 1). The land acquired after the eleventh century was concentrated in the hands of the count of Barcelona and was granted conditionally to powerful lords. It thus generated a similar system of judicial integration to England, albeit less differentiated—pacification had to be achieved first. The central court was the focal point for judicial, fiscal, political, and administrative affairs and petitions played a critical role. The Catalan nobility was taxed and hence had incentives to attend parliament. Fiscal dependence also emerges as important, as loans to the count were a major source of funding in the early period of institutional emergence, again, as in England.

Although the evidence is weaker than what is available for England, the key components of the logic are displayed in the institutional trajectory of Catalonia between the mid-twelfth century, when the *Corts* is first constituted, and the fourteenth. However, county power was not as strong as in England, as can be inferred from a number of conditions. This fact helps explain the two distinctive features of the Catalan case: first, the municipal phase of Barcelona in the later history of Catalonia, which was predicated on the prior phase of centralization but resulted from the weakening of comital power, as with Italian city-states; second, the eventual subsumption of the county under the Crown of Castile.

In the sections that follow, I first show how lands were concentrated by the counts of Barcelona over time, as an indicator of comital power, and then analyze the conditional character of land rights, especially in light of their differences with the more differentiated English model. I focus on the period prior to the first instances of Catalan assembly meetings, before 1170. In all, de facto control of land was weaker than in England. This resulted in the weaker institutionalization of the judicial system: pacification had to be achieved first, before the differentiation of court activity could be systematized. Accordingly, the *collective* organization of petitions is not prominent enough in the sources, but the judicial functions of the central parliament is, and I present them in the section that follows. Evidence about the other necessary condition posited in the account—incentives on the most powerful flowing from their condition of dependence—is offered in the section on taxation. I conclude by showing how the municipal phase of Catalan history, during which Barcelona appears as a strong case of bottom-up demands and social organization, was predicated on the crucial prehistory outlined here.

Figure : Main Structure of the Argument



### Concentration of Land and the Power of the Count

Barcelona was a county and its titular head, the count of Barcelona, gradually absorbed surrounding counties to form the principality of Catalonia. However, after the union of Catalonia with the Kingdom of Aragon in 1137, the king of Aragon also held the office of the count, so the overall title was count-king.[[5]](#footnote-5) \*

Catalan rulers only gradually acquired control of land; the process resembled the efforts of the English kings after the period of crisis under Stephen (1135-54), during which control over lands was considerably weakened. Concentration efforts started in the second half of the eleventh century and did not consolidate until the last quarter of the twelfth.[[6]](#footnote-6) It is also at this time, after the 1170s, that royal assemblies begin to be summoned at a relatively regular rate (Figure 2), although evidence exists going back to the 1150s.[[7]](#footnote-7)

The territory controlled by the Count of Barcelona grew particularly after the union with Aragon in 1137, the capture of major towns from the Muslims in 1140s,[[8]](#footnote-8) and the claiming of Valencia and Murcia in 1151.[[9]](#footnote-9) County expansion continued into the late twelfth century,[[10]](#footnote-10) with the reassertion of control over a “string of castles.”[[11]](#footnote-11) By “1192, the territory controlled by the House of Barcelona was greater than the combined holdings of the other counts.” Comital strength continued to grow in the thirteenth century. The Balearic Islands were captured by 1235 and the kingdom of Valencia by 1244.[[12]](#footnote-12) By the early 1300s, significant territories were added: the viscounty of Gerona in 1300[[13]](#footnote-13) and the counties of Urgell and Empúries to the royal domain, in 1314 and 1322 respectively.[[14]](#footnote-14) The Order of the Templars was dissolved and their property expropriated.

### Conditionality of Land Tenure

Patterns of land concentration do not, in themselves, shape outcomes. The type of land-holding was crucially important in determining the continuing hold of the ruler over his subjects and his capacity to penetrate into local judicial structures. On both these measures, Catalan count-kings were more limited than their English counterparts, but more effective than Aragonese counts and Castilian kings, at least after 1250, and especially 1360 (the dates of the Reconquest of the Iberian Peninsula and of the advent of the Trastámaras, respectively, which altered the distribution of land in favor of the nobility in Castile). The old lands of the Spanish March were integrated into Catalonia through a conditional system of land tenures, where the count retained the right to revoke a grant. The process began around 1150, when count Ramon Berenguer IV published the *Usatges*, which described the law of fiefs and other customs.[[15]](#footnote-15)

Variation existed, however, and it weakened comital control. Vast estates, “sometimes as much as one fifth of the conquered territory” had to be granted to the church, which retained a special status as landholder: at best it supported the count, at worst it remained neutral. Other land was sometimes granted allodially, i.e. unconditionally. But both feudal and allodial lands “owed some form of political allegiance—the evidence is conclusive that owners of alods had to swear allegiance to the Crown.”[[16]](#footnote-16) This meant that bishops too were summoned as feudal vassals, and not in their ecclesiastical capacity.[[17]](#footnote-17) This is similar to the conditions that obtained in England.

The counts asserted control over territory not only through political negotiations with lords who were turned into vassals, but also by claiming sovereignty over castellans.[[18]](#footnote-18) This was negotiated again through legal procedure: a series of suits were held after the 1170s, settled in favor of the count.[[19]](#footnote-19) Claims over castellan fiefs were often supported by archival documents demonstrating original county grants.[[20]](#footnote-20) This process culminated in the compilation of the earliest surviving register of feudal oaths and conventions in the kingdom of Aragon, the *Liber Feudorum maior*.[[21]](#footnote-21)

The system had some important differences from the traditional system of feudalism, however: the hierarchy was one of commended men, not fiefs, i.e. units of land; lands and status in the hierarchy of vassals did not directly correspond to each other. As a result, the fiefs did not function as fiscal units, imposing specific and proportionate obligations towards the count in terms of military or financial contributions.[[22]](#footnote-22) We see no feudal incidents, as in the English case. This also reflects the relatively weaker position of the Catalan count, in comparison to the English kings, vis-à-vis the *Corts*.

Conditionality in land-holding was thus also somewhat weaker in Catalonia than in England, an absence that weakened the strength of ties between ruler and ruled. Catalan lords were expected to provide military service, but not as part of a feudal contract. Further, counts had to pay for *offensive* wars and expeditions, which they usually did through the granting of lands, as with the conquest of Majorca. The nature of landholding is again critical here: Aragonese lords, who, by contrast, held their lands allodially, were not obliged to serve even in defensive wars. As a result, the count-kings relied on them less, drawing support mostly from the Catalans.[[23]](#footnote-23) However, land reverted to rulers in case of lack of heirs both at the level of the peasant and of the county vassal, but again, limited evidence of a systematic character of this practice seems to exist.

## Pacification, Judicial Integration, and Parliament

The court integration that took place in Catalonia was critical for institutional development. Centralization was effective enough to solve the collective action problem of the nobility and to ensure the consolidation of the *Corts* as a regular and central institution of governance. But the counts did not achieve a similar penetration into the domains and judicial institutions of the nobility.

### Judicial Integration

Judicial integration refers to the degree to which county agents could control the administration of justice in the territories subject to the count-king. Incentives for Catalan nobles to support such county intervention differed in emphasis from England. The main incentive in England, as we have seen, was that all land was effectively held of the Crown. In the Catalan context, however, until at least the middle of the thirteenth century, the main concern was more elementary: pacification. One major source of conflict was over jurisdiction, between castellan and ecclesiastical seigneurs.[[24]](#footnote-24) Subjects expected counts to impose the Peace and Truce of God (*pace et truga*). Both the Peace and the Truce of God originated in church efforts to suppress private conflict; the first provided a right of asylum and protection of the unarmed in the ambit of a church, the second prohibited private wars during periods of religious significance. [[25]](#footnote-25) \

The seriousness of the problem of order is clearly reflected in the records of the meetings of the *Corts*, especially in the period between 1173 and 1251, where the role of the bishop and the vicar in establishing peace was the major preoccupation.[[26]](#footnote-26) Pacification was pursued through two main institutions authorized through *Cort* meetings, beside the independent role of the church: the practice of the *guarda* or *batllia* and the office of the vicar.

The *guarda* consisted of protection, on payment of an annual census. Between 1151 and 1198, small proprietors entered under this protection on an extensive scale in Catalonia Vella, as seen by the proliferation of contracts. Protection was also offered to travelers, to the inhabitants of county towns, and especially to merchants. Under Alphonso II (1164-96), during the period of parliamentary emergence, protection was gradually extended to allodial proprietors, outside the county domain, especially to those under the jurisdiction of monasteries. But the count-kings still had to compete with other lords, local seigneurs, and military orders, who also offered protection to peasants in order to benefit from the rights of jurisdiction.[[27]](#footnote-27)

The vicar (*veguer*), on the other hand, was a judicial official appointed by the count. He was entrusted with the enforcement of the peace and holding the king’s hearings locally with the bishops. Vicars were selected from among the lesser counts, not from the powerful castellan lineages, so the count-king was able to retain them under his control.[[28]](#footnote-28) The revival of the old vicariate system at the assembly of Fondarella in 1173-4 aimed to impose a uniform judicial system in Catalonia, demonstrating the renewed power of the count.[[29]](#footnote-29)

The power of the vicars extended, after the mid-thirteenth-century, into the newly formed municipalities, many founded by James II.[[30]](#footnote-30) The vicar had authority over the officials heading municipal government (*paciarii*), who swore to him and were thus, ultimately, subject to the authority and power of the king.[[31]](#footnote-31) The vicar’s powers also subsumed the functions of the local judicial magistrate, the *justicia*, in the last quarter of the thirteenth century. The crown thereby further penetrated municipal life.[[32]](#footnote-32) *Justicias* had been administering justice in towns with relative autonomy probably since the late 1140s in some cases, and by the thirteenth century they were established in many major cities.[[33]](#footnote-33) By 1301, a network of county vicariates operated throughout the kingdom, “including the areas outside the jurisdiction of the monarch,” although seigniorial jurisdiction had made major gains.[[34]](#footnote-34) They were also important in supervising urban assemblies, as was the *battle*.”[[35]](#footnote-35)A level of legal uniformity was thus achieved that constrained centrifugal forces in the kingdom.

### The Judicial Functions of Parliament (Corts)

For the *Corts* to consolidate as a central, representative organ of governance, powerful actors needed compelling incentives to attend meetings summoned by the king. A major impetus for attendance was the provision of adjudication and legislation. The *Corts* began to consolidate after the 1170s, the same period that saw the beginnings of judicial and political integration. As already described, this came after the Count reasserted control over Catalan territories. The *Corts* had town representatives with full powers only by 1214, however, reflecting the slowly expanding reach of the count.[[36]](#footnote-36)

**Adjudication and the Count of Catalonia.** The county court of Barcelona had already been used to adjudicate legal cases, judged by magnates selected by the count, by the 1130s.[[37]](#footnote-37) A third of the cases concerned land tenure, specifically inheritance, possession and alienation.[[38]](#footnote-38) Judicial activities were indeed central to the role of the count-king, James I (1213-76). Rather than a roving bandit, he was a roving judge, like the king of England, traveling throughout his kingdom accompanied by jurists specializing in the multiple local laws and customs (*fueros*)—as he emphasized:

“It was true that I had civil and canon lawyers in my household, but that I was bound to have such lawyers by me: every king’s court ought to be accompanied by canon, civil, and fuero lawyers, for there were many law-suits in all those branches. I myself, by the grace of God, had three or four kingdoms to my share, and law-suits came before me of many different kinds. If I had not with me those who could judge and sentence such suits-at-law, it would be a shame to me and to my court, as neither I nor any layman could know all the law-writings there are in the world.”[[39]](#footnote-39)

Cases were usually heard in front of the small council, the *curia*. By contrast, a fuller meeting was held when it involved a great noble, as with the claim of a countess to the county of Urgell in 1228 or the “king’s accusation against the Viscount of Cardona for breach of a truce imposed on him in 1252” or again in 1274, against him on account of his “refusal to obey the king’s writ of summons to the host.” The count-king’s main judicial activities involved Catalans, but he dispensed justice across all regions. Cases could involve high status individuals, such as bishops, but also local crimes, such as murder, where James ordered financial compensation, as well as support for the widows and orphans from the incident.[[40]](#footnote-40) Failure to attend the *Corts* was, as in England, an act of insubordination. The Aragonese barons were particularly prone to reject the obligation: James condemned them for not being “willing to accept judgment from me: this is the most novel pretension that ever men raised against their lord.”[[41]](#footnote-41) Detailed evidence is lacking, however, to demonstrate participation rates of different social classes. We can only assert that, unlike in France or later Castile, it was regular and mandated.

**Legislation and Jurisdiction**. The *Corts* also functioned as a forum where the count-king and the Catalan nobility resolved broader rights of jurisdiction. At the great court of Girona, for instance, in 1188, the count-king was forced to accept Catalans as vicars from “Salses to Tortosa and Lérida,” ensuring that locals and not foreign officials administered justice.[[42]](#footnote-42) This demand aimed at a more acceptable system of justice, not at rejecting the authority of the count—it was thus similar to the requests leading to Magna Carta.

The *Corts* also legislated on the rights of the nobility vis-à-vis the peasants. On this issue, Catalan nobles were more autonomous than English ones (though not more than the Aragonese). Except for the count’s feudatories, Catalan nobles retained the right to maltreat and imprison their men (*rusticos*) and to deny them the right to appeal to county courts.[[43]](#footnote-43)

This was the *ius maletractandi*, which regulated peasant servitude.[[44]](#footnote-44) The right to exclude county agents from noble jurisdictions made the latter abodes for those persecuted by county justice, leading to recurrent jurisdictional conflicts. Similar conflicts emerged with urban centers under county jurisdiction. These rights of the nobility were also affirmed in the *Corts* of 1228 and 1283, further consolidating noble power.

Comital control of land rights was thus weaker after the late twelfth century compared to the English case, as was the conditionality of these rights. This meant that the Catalan nobility was in a relatively stronger position vis-à-vis the count-king. It was not as independent as the Aragonese nobility, which became less integrated in the governance structure of the kingdom. Catalonia’s intermediate position on the independent variable resulted in an intermediate position in the dependent variable: although the *Corts* became consolidated as a central organ of governance, both its frequency and its jurisdictional reach were more limited.

Two more factors that were significant in the English system do not find systematic counterparts in the Catalan case: the relatively direct court hierarchy and system in England and the necessary authorization by the center for court action (the writ system of the common law). The Catalan system was less structured, with overlapping authorities between offices such as the *justicia*, the vicars, and the majordomo. In Aragon, it was the *Justicia* that resolved disputes at the highest level, even between the king and the nobles, but that office eventually became subservient to the crown.[[45]](#footnote-45) In all, these differences reflect the variation in the capacity of the respective rulers to install an integrated judicial system.

## Parliament and Taxation

For a regime to be classified as representative, its assembly must become the main organ of governance throughout the polity. The critical variable is the capacity of the ruler to bind the most powerful societal actors to a web of obligations, especially taxation. When these conditions apply, a central institution with a regular incidence can be considered as effectively governing the state. The following sections show how these conditions applied in medieval Catalonia.

### Taxation and Inclusiveness

As with much of premodern Europe, the true incidence of taxation in Catalonia is not known. It is unclear whether powerful subjects like the count of Urgell would personally contribute to the count-kings out of their own domain or simply allow peasants in the county to be taxed by the king. The distinction is not trivial: taxing all groups raised the level of extraction, hence the higher levels of per capita taxation in England. Moreover, records for the early period of institutional emergence (1170s to early 1200s) are scant. Nevertheless, the consensus is that, unlike in Castile, the Catalan nobility was taxed, both the rural aristocracy and the urban patriciate, the latter separately.[[46]](#footnote-46)

Four important points stand out. First, taxation did not begin to acquire central importance *in assembly meetings* until well into the thirteenth century—whereas assemblies had achieved some regularity since the 1170s. Second, cities had no role in the approval of the early taxes until even later, in the fourteenth century. The taxation of urban merchants was thus not causally related to the emergence of representation. Third, as in England, loans to the ruler by major actors were critical in fostering incentives in that class to sustain the central institution. Finally, resort to taxation was not a response to declining comital revenues. The increase in taxation coincides with the reclamation of lands by the counts of Barcelona.

That taxation was both limited and posterior to the rise of the *Corts* runs parallel to developments in England. Taxation only becomes a major preoccupation in the records of the *Corts* in 1283, i.e. after a full century of meetings.[[47]](#footnote-47) Parliamentary records before 1283, instead, deal almost exclusively with the problem of the Peace and Truce, the role of the vicar, the authority of the Church and other jurisdictional matters.[[48]](#footnote-48)

For instance, the *bovaticum* (*bovatge* in Catalan), a tax on cows, was one of the major taxes levied. It was first attempted in 1174-5 and was so unpopular that Alfonso II promised in 1188 not to raise it again. However, it was approved by the Church and the nobility and imposed state-wide in 1211, despite aimed at supporting external campaigns rather than internal peace. The surviving record of the *Cort* of 1211, the *Constitutions of Peter*, is a brief text, which, unlike previous ones, makes explicit reference to the fact that those summoned were there on account of holding honors and possessions from the king. The main concern raised was the need of a license to sell or otherwise alienate property.[[49]](#footnote-49) The claim here is not that taxation was not important, only that it cannot be posited as providing the main incentive for social actors to support the establishment and continuity of representative institutions in the formative period.

Second, cities had no role in the approval of the early taxes, as these were mostly rural (such as the *bovaticum*)*.* Unlike in Castile, Catalan cities were represented by the king, who was their feudal *senyor*. They were first represented in 1228\*, when the *Corts* granted a subsidy for war, but only the nobility and clergy, who were listed by name, were involved in the grant. Urban participation only occurred at the assembly of 1283. However, it was not until the *Corts* of Cervera in 1359, and especially of 1365, that the municipal contributions were decided by all the estates together with the count-king.[[50]](#footnote-50)

A polity-wide system of taxation thus emerged only in the 1360s, as did the fiscal municipal regime of Barcelona. The *Corts* introduced general taxes in 1365, and the *Generalitats*, and created the General Council (*Diputació* *del General*), which were responsible for the laws and liberties of Catalonia, as well as the collection of taxes.[[51]](#footnote-51) For the first time, taxes such as the *fogatge* (hearth tax) were raised for the *rei publice* of Catalonia.[[52]](#footnote-52) Just as in England, a state-wide system of taxation emerged after a “profound national sentiment” prevailed in the 1300s.[[53]](#footnote-53) This collective identity was further ensconced by the introduction of a uniform toll system.[[54]](#footnote-54) But it was predicated on an institutional prehistory that had aligned the incentives of the most powerful social groups with those of the count-king, both due to landholding and the needs of justice and peace.

Third, debt was perhaps more important than taxes in Catalonia. They were both a main source of comital income and a mechanism of dependence, generating incentives for social actors to support parliament. Chapter 9 explores the critical role loans and debt to the crown played in the early stages of the English Parliament. David Stasavage demonstrated this role for England and Italian cities, for instance[[55]](#footnote-55) Catalonia offers further evidence of this thesis, though the evidence is not systematic. Many studies have emphasized *external* borrowing instead, in response to the immediate pressures of war, and such capacity as critical in sustaining constitutional structures.[[56]](#footnote-56) However, the Catalan counts relied on domestic lending from powerful vassals and allies to the count, as in England. Personal ties were thus a crucial factor in securing liquidity for the crown.

For instance, early on, count Ramon Berenguer IV (1131-62) obtained loans by pawning county property.[[57]](#footnote-57) Later, Peter II (1196-1213) engaged in a “striking revival of county borrowing”.[[58]](#footnote-58) He led military expeditions between 1210 and 1213, against Valencia, the Almohads of Andalusia and French knights in Occitania. The cost was staggering. “In some years—1204-1206, 1209, 1212—loans must have constituted the main source of county income. The creditors were chiefly lay magnates and allies—the king of Navarre, the viscount of Béarn, the count of Urgell, plus other Catalonian barons…”.[[59]](#footnote-59) Most of the lenders were regular and important participants in the meetings of the *Corts* and their fiscal outlays provided them with powerful incentives to support the extension of the crown’s capacity to extract from the whole territory. Thus, later loans were raised against ordinary and extraordinary income from the realm, not pawning, suggesting an increasing capacity of the crown to extract income from its subjects.

### Frequency of Meetings

Meetings of the Catalan *Corts* averaged once every 5.5 years between 1173 and 1283, its formative period.[[60]](#footnote-60) By 1283, assemblies were supposed to be called every year, although this was impractical and was changed to every three years from 1301.[[61]](#footnote-61) In the fourteenth century, frequency increased to one every 1.8 years, but towards the end some of the sessions extended over a couple of years or more (I have counted each year as a separate observation; Figure 2).

Figure : Frequency of Catalan *Corts* Meetings, Number per Decade, 1170-1480



Source: (*Cortes de Cataluña* 1896).

Even if the surviving records are incomplete,[[62]](#footnote-62) this is a lower frequency than in England, where an average of 1.8 parliamentary meetings were held *per year*. This is about 9 times as many as in Catalonia (Figure 3). The difference is consistent with the variation in degree observed in crucial variables, such as control of land, conditionality of property rights, and reach of jurisdiction.

Figure : Comparative Frequency of Parliamentary Meetings, England and Catalonia, 1200-1480 (number of meetings per decade).



However, frequency of meetings is not the best indicator of constitutional strength.[[63]](#footnote-63) Constitutional strength is heavily weighted by four additional factors: the level of social incorporation, the extent to which the most powerful social groups were present in the institution, the capacity of the ruler to subject these groups to taxation, and legislative sovereignty.[[64]](#footnote-64)

Frequency is also not well correlated with the strength of the count-kings, as is evident in thirteenth century trends. The average number of *Corts* summoned per decade declined in the 1200s. Yet, this is during the reign of James the Conqueror, who was one of the strongest rulers of Catalonia, responsible for much of the extension of its territories. As I have emphasized, strength is a necessary, not sufficient, condition for constitutionalism; constant military expeditions hampered the capacity for institution building.

## Municipal Organization Endogenous to County Strength

Catalan municipal institutions formed the “primary base or cell in the organization of the whole of the political society.”[[65]](#footnote-65) Early studies focused on municipal autonomy as the foundation of opposition to the Aragonese crown. But recent research has shown that this picture retrojected conditions of the fourteenth and fifteenth centuries, when the municipal government had strong autonomy, back into the early, formative period. Instead, the leadership of the count-king was critical in fostering urban growth in the preceding period, much as occurred in Flanders and the Italian city-states.[[66]](#footnote-66)

The early count-kings showed a keen interest in granting and confirming the rights of cities and towns; such county charters placed royal cities on a higher level than seigniorial ones. Rulers granted charters in three phases, coinciding with periods of strength and county consolidation.[[67]](#footnote-67) The trajectory of the *Corts* is closely intertwined with these phases: the first period of municipal consolidation, from the 1180s, also saw the rise of the *Corts*. During the 1200s, the count-king granted a series of charters. After the *Corts* were regularly established in 1283, municipal consolidation entered its third phase.[[68]](#footnote-68)

In the first phase, municipalities grew on two institutional dimensions. First, general assemblies of good men, *probi homines*, formed to handle city business. Second, officials were appointed to adjudicate cases, such as the *procuradores* or the *paciarii*.[[69]](#footnote-69) Judicial concerns were central, as everywhere, but municipal powers probably grew out of the keepers of the peace and truce (*paciarii*). The connection cannot be definitively proved, but continuities in function between the *paciarii* and the later municipal officers are compelling.[[70]](#footnote-70) Four *paciarii* were placed at the helm of the city government. They swore to the vicar, the bailiff and the “good men,” but only served for one year, after which they elected their successors. However, royal authority remained critical, as the *paciarii* were subordinate to the vicar and thus ultimately to the crown.[[71]](#footnote-71)

Barcelona was governed as a county seigniory until James I (1213-1276); it did not acquire collegial autonomy until 1370. A long transitional period of growth lasted between 1276 and 1370. Under the pressures of war, the mounting municipal debt structured the fiscal system and city government in the decade of the 1360s.[[72]](#footnote-72) Other towns that passed from seigniorial to royal control in the fourteenth century were also given municipal privileges.[[73]](#footnote-73) At the same time, however, “the exclusion of the lesser knights [from the *Corts*] consolidated a formidable alliance of landed magnates and urban oligarchs through which a “pactist” program hostile to fiscal and agrarian reform was confirmed.”[[74]](#footnote-74)

These developments caused a decline in the powers of the count-king, which benefited both the municipalities and the landlords. By 1358, hearths under seigniorial control were almost double those on the comital domain. And by the seventeenth century, only 25 percent of towns and cities were held directly by the count, due to a large number of alienations in the previous years.[[75]](#footnote-75)

In all, in the early period, however, Catalonia exhibits a similar combination of factors, though not to the same degree, as England did. The ruler concentrated most land under his jurisdiction, granted it conditionally to subjects, extended judicial structures throughout the territory, taxed even the most powerful subjects, and supported the growth of towns. However, none of these variables were quite as strong in Catalonia as in England. Over time, municipal institutions strengthened considerably, just as the Crown of Aragon was establishing a Mediterranean empire, during the fourteenth and fifteenth centuries. This social configuration has underlied the image of Catalonia as an exemplar of strong societal resistance to an absolutist monarchy. But as it gradually shifted to an oligarchic model, it confirms the pattern observed in the Italian city-states, with which, indeed, it shared republican features.

, after the union of the Aragonese and Castilian crowns in 1469

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1. Merriman (1911), McIlwain (1932, 695-6). [↑](#footnote-ref-1)
2. North and Thomas (1973, 85), Koenigsberger (1978, 195), Goldstone (1983, 145), van Zanden*, et al.* (2012, 18). [↑](#footnote-ref-2)
3. Møller (2017, 187). [↑](#footnote-ref-3)
4. The records for Aragon are also very poor compared to Catalonia, hindering systematic analysis; Bisson (1986, 49), Marongiu (1968, 65). [↑](#footnote-ref-4)
5. The numbering of kings differs according to whether the title is that of count of Barcelona, or king of Aragon. I will use the numbering that applies to the kings of Aragon for any ruler after the union of 1137. Valencia was added in 1238. [↑](#footnote-ref-5)
6. The year 1000 is considered a watershed in European historiography, as some regions began to reconstitute power after a period of feudal anarchy. The early eleventh century transition in Catalonia is described in Bonnassie (1990, 274-7, 277-80), Bonnassie (1969) and Bisson (1989, 153-4). [↑](#footnote-ref-6)
7. Bisson (1986, 34). [↑](#footnote-ref-7)
8. Tortosa in 1148 and Lérida in 1149. [↑](#footnote-ref-8)
9. Ramon Berenguer IV (1131-62) was the major force; Bisson (1986, 31-33). Before these conquests, in 1147, the count of Urgell controlled 5,950 square kilometers, the count of Barcelona, 4,820 and the count of Manresa, 3,185; Sabaté i Curull (1997, 29). These figures, however, do not provide a full picture, since Urgell was greatly underpopulated and much poorer than the county of Barcelona. Moreover, even during the periods when the county was not under the direct control of the count of Barcelona, as after 1230, the count of Urgell would also be subject to the impositions raised by the count-king. [↑](#footnote-ref-9)
10. Under Alphonso II (1162-96). [↑](#footnote-ref-10)
11. These stretched “from the upper Berguedà southwest through Bages and thence northwest through the Conca de Barberà to the borderland of New Catalonia;” Bisson (1984, 97). [↑](#footnote-ref-11)
12. By James I the Conqueror (1213-76). [↑](#footnote-ref-12)
13. By James II (1295-1327); Shneidman (1970, 166). [↑](#footnote-ref-13)
14. Bisson (1986, 97). [↑](#footnote-ref-14)
15. Sánchez Martínez (1995, 29), Bisson (1986, 34), Kagay (1999, 60-2). Cf. Kosto (2001b). [↑](#footnote-ref-15)
16. Shneidman (1970, 165, 393). By the thirteenth century, four very powerful vassals could pose a challenge to the count-king: the bishop of Urgell, the viscount of Castelbon, the viscount of Cabrera and the counts of Foix, with holdings around the county, the last two a Balearic island and a county north of the Pyrenees respectively; Shneidman (1970, 156). [↑](#footnote-ref-16)
17. Shneidman (1970, 193, 202, 248). [↑](#footnote-ref-17)
18. Kagay (1999, 78-81). [↑](#footnote-ref-18)
19. Alphonso II (1162-96). [↑](#footnote-ref-19)
20. This reassertion of power through preexisting feudal claims was not carried out through wars, but rather through diplomatic victories in securing the fidelity of powerful lords, like Roger II, viscount of Béziers, in Occitania, and the viscount of Montpellier in 1183; Bisson (1984, 87). Other regions assimilated were Rosselló in 1172, and Pallars Jussà in 1192; Sabaté i Curull (1997, 39). [↑](#footnote-ref-20)
21. Bisson (1984, 97), Sánchez Martínez (1995, 33), Kosto (2001a). [↑](#footnote-ref-21)
22. Bisson (1989, 164-5), Bonnassie (1969). [↑](#footnote-ref-22)
23. Shneidman (1970, 194, 195-6). [↑](#footnote-ref-23)
24. Benito i Monclus (2003, 483). [↑](#footnote-ref-24)
25. Lalinde Abadia (1966, 69), Head and Landes (1992, 7). [↑](#footnote-ref-25)
26. The topic is repeatedly referenced in the records of the early *Corts*; Cortes de Los Antiguos Reinos de Aragón Y de Valencia Y Principado de Cataluña (1896, 10-139). [↑](#footnote-ref-26)
27. Benito i Monclus (2003, 550-1, 552-4, 567). [↑](#footnote-ref-27)
28. Bisson (1986, 50). [↑](#footnote-ref-28)
29. Salrach (1987, 383-4), Bensch (1995, 79). [↑](#footnote-ref-29)
30. James founded Tárrega in 1242, Montpellier in 1246 and Barcelona in 1249, its charter finalized in 1274, Lleida, 1264, Perpignan 1273, Vilafranca del Conflent 1269, Thuir 1293, Ceret 1828 and many others. The period of intense activity of municipal constitutions ended in 1284; Font Rius (1985, 491, 496). [↑](#footnote-ref-30)
31. Font Rius (1985, 494). [↑](#footnote-ref-31)
32. In Barcelona, it appears that the royal vicar was dispensing justice already from the 1190s, within a regularly functioning court, at the “Castellevell of the viscounts”; Bensch (1995, 73). [↑](#footnote-ref-32)
33. Lalinde Abadia (1966, 80-2). The general term for the office was *curia* or *cort*. By 1360, it was made official policy by Peter IV of Aragon, that where formerly the office was referred to as *cort*, it was now to be understood as vicar; Lalinde Abadia (1966, 82). [↑](#footnote-ref-33)
34. Sabaté i Curull (1997, 278). [↑](#footnote-ref-34)
35. MacKay (1977, 103). [↑](#footnote-ref-35)
36. Bisson (1996, 41). [↑](#footnote-ref-36)
37. The process started during the reign of Count Ramon Berenguer IV of Barcelona (1131-62). [↑](#footnote-ref-37)
38. Kosto (2001b, 82). [↑](#footnote-ref-38)
39. The Chronicle of James I, King of Aragon ([1883] 1968, 519). [↑](#footnote-ref-39)
40. The Chronicle of James I, King of Aragon ([1883] 1968, 515, 623). [↑](#footnote-ref-40)
41. The Chronicle of James I, King of Aragon ([1883] 1968, 520-21). [↑](#footnote-ref-41)
42. The council of Girona approved a revision of the statutes of the Peace, which were originally passed in 1173. [↑](#footnote-ref-42)
43. These rights were stipulated in the Constitutions of passed at the *Corts* of Cervera in 1202; Benito i Monclus (2003, 484). [↑](#footnote-ref-43)
44. Benito i Monclus (2003, 503), Sabaté i Curull (1997, 228). The best treatment on the topic in English is Freedman (1991). [↑](#footnote-ref-44)
45. Merriman ([1918] 1962, 464-9). [↑](#footnote-ref-45)
46. Sánchez Martínez (1995, 12). [↑](#footnote-ref-46)
47. Cortes de Los Antiguos Reinos de Aragón Y de Valencia Y Principado de Cataluña (1896, 143). Similarly, it is only in 1288 that the first indirect tax levied almost throughout Catalonia appears; Sanchez Martínez and Orti Gost (1997, ix). [↑](#footnote-ref-47)
48. Cortes de Los Antiguos Reinos de Aragón Y de Valencia Y Principado de Cataluña (1896, 143). [↑](#footnote-ref-48)
49. Cortes de Los Antiguos Reinos de Aragón Y de Valencia Y Principado de Cataluña (1896, 89), Ortí Gost (2000, 641), Bisson (2009, 555). [↑](#footnote-ref-49)
50. Ortí Gost (2000, 641). [↑](#footnote-ref-50)
51. Sabaté i Curull (1997, 279). [↑](#footnote-ref-51)
52. Sanchez Martínez and Orti Gost (1997, xvii). [↑](#footnote-ref-52)
53. Sánchez Martínez (1995, 11). [↑](#footnote-ref-53)
54. Sabaté i Curull (1997, 279). [↑](#footnote-ref-54)
55. Stasavage (2007). [↑](#footnote-ref-55)
56. Downing (1992), Ertman (1997). [↑](#footnote-ref-56)
57. Sánchez Martínez (1995, 32). [↑](#footnote-ref-57)
58. Bisson (1984, 129). [↑](#footnote-ref-58)
59. Bisson (1984, 130). [↑](#footnote-ref-59)
60. These figures come primarily from the contemporary records of the parliaments, which summarized the business of the assembly, often listed the participants (in greater detail for the later periods) and promulgated ordinances and laws for the realm. These are collected, in 26 volumes, in the collection of the *Cortes de los antiguos reinos de Aragón y de Valencia y principado de Cataluña* (1896). That list, however, is not complete; a few *Corts* seem not have left surviving documents in the archives, but are known from other sources, e.g. chronicles. These do not seem to be many (I have identified 4), but I have included any *Corts* that is mentioned in the secondary literature. [↑](#footnote-ref-60)
61. Procter (1936, 536), MacKay (1977, 116). [↑](#footnote-ref-61)
62. Catalonia seems to have one of the richest archives in continental Europe Bisson (1986, 190), though the publication of these records is still in progress. For English figures, see *Handbook of British Chronology*;Fryde (1996). [↑](#footnote-ref-62)
63. van Zanden*, et al.* (2012), Stasavage (2011). [↑](#footnote-ref-63)
64. The absence of complete records of attendance for each of these meetings makes it impossible to construct a graph of the real measure of constitutionality, namely frequency weighted by inclusiveness. [↑](#footnote-ref-64)
65. Guilleré (1997), Font Rius (1985, 470). [↑](#footnote-ref-65)
66. Ortí Gost (2000), Lalinde Abadia (1966), Guilleré (1997). [↑](#footnote-ref-66)
67. The first phase was in the 1180s and 90s, after the counts had managed to introduce a broadly held peace in the realm. After a hiatus of about 50 years there was a second phase, from the 1240s down to the 1290s, especially after James II reasserted control over his territories; Font Rius (1985, 477-9 and 491-4). The period of intense activity in the granting of municipal charters and constitutions came to a close in the 1280s. [↑](#footnote-ref-67)
68. Font Rius (1985, 496-7). [↑](#footnote-ref-68)
69. Font Rius (1985, 464). [↑](#footnote-ref-69)
70. Font Rius (1985, 467). [↑](#footnote-ref-70)
71. Font Rius (1985, 491, 493-4). The charter of Barcelona was finalized in 1274. [↑](#footnote-ref-71)
72. Ortí Gost (2000, 617-8). [↑](#footnote-ref-72)
73. Font Rius (1985, 470). [↑](#footnote-ref-73)
74. Bisson (2003, 265). [↑](#footnote-ref-74)
75. Merriman ([1918] 1962, 477), Sobroqués (1957, 75). [↑](#footnote-ref-75)