Law and Administration in the Crown of Aragon and Castile: Effects of 13th Century Royalist Legal Reforms on Government, Economy and Society

Evolution of law in the Crown of Aragon and Castile coincided with a growth in administration, beginning in the 13th century, the expansion and effects lasting into the following centuries. While the law codes were not necessarily implemented in practice to every degree, in that many were not enforced or placed into effect immediately, the administrative reforms on a larger scale shaped the social and economic fabric of this time period. Royalist reforms were introduced, along with the continued development of law codes, changing the dynamics in government and administration as well as economy. In this paper I examine how administrative reforms changed the course of the Iberian peninsula socially and economically, and look at the contributions of law to these reforms. I will show how Castile and the Crown of Aragon each formed administrations applying similar themes specifically to establish royal authority and that they used law to do this. Finally, I will also show that Iberian rulers in the 13th and 14th century had ambitious goals when they instituted these reforms, enacting law codes that covered a vast range of issues from government and church organization to social matters to commerce, all to suit their own ends, yet dealt with backlash from various parties whose opposition to royalist reforms made these reforms in their entirety unattainable.

Sources

Looking at law codes are one way to shed light on the focus of the rulers during this time
period. I look at various law codes which rulers had drawn up with the mind to enforce royalist ambitions, and tip the balance of power in their favor and strip power from other groups, particularly the nobility as well as the Muslim communities which had their own governing bodies. These law codes were not necessarily a means to promote social change, they were merely a tool to highlight and concentrate royalist power and essentially represented the idealistic concept of empire, where the king, or emperor, would have ultimate authority. The law codes examined possess a series of idealistic constructs that could not realistically be enforced throughout the medieval realm made up of a numerous municipalities for reasons that include: the lack of physical man-power to monitor the breadth of the kingdom and the contradictory forces that would oppose such an endeavor.

I also look at some archival research of historians which address these types of primary sources. Using these secondary sources expands research of this paper to several law codes and records, particularly those of the royal court, which have yet to be translated to English. The various archival studies and other secondary research of historians I use help determine where law codes did or did not reflect reality as well as administrative practices.

I use the extensive Castilian law code *Las Siete Partidas* as the basis in each section. Commissioned by Alfonso X, king of Castile and León (1252-1284), who involved himself in the project, an endeavor continued from the interests of his father, Ferdinand III (1217-1252) in developing a centralized state. I also look at several smaller law codes written under King James I of Aragon (1213-1276), father-in-law to Alfonso X, which he promulgated to centralize his own realm and establish diplomatic and economic ties across Europe and the Mediterranean.

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1 I use English versions of the Spanish monarchs, except where quoting from sources which use Castilian, in which case James and Peter will be referred to as Jaime and Pedro as originally done so in the cited text.
Evolution of Law as a Tool of Royalist Reforms

Beginning in the 12th century in church circles, and intensifying into the 13th and 14th centuries, an increased emphasis on law in education at universities in Medieval Europe including Spain led to developments in legal and political thought which influenced the way rulers viewed their relationship as ruler to the state. Universities, and ultimately royal courts, tended to value those well versed in law more than the previously coveted specialties like medicine and science, often more so than religious studies. Alfonso X himself stated: “The science of law is, as it were, the fountain of justice, and the world is more benefited by it than by any other”. Lawyers, in fact, had the noble rank of Lord of Laws, and after twenty years of teaching they were to receive the honor of count. Lawyers were also offered special treatment, as entitled in the section of Las Siete Partidas: “What Particular Distinctions Masters of Laws Should Have”, in which it states they “shall be exempt from taxes, and not be required to join the army, or any foraging party, or perform any other duty, against their will”. Churchmen as well learned law and used their knowledge to gain bishoprics rather than the traditional method of focusing academic efforts on theology, in the Middle Ages in Spain as well as much of Europe, bishops tended to be lawyers rather than theologians. “The century of the lawyer-popes” produced such noted legal figures as Innocent III and Innocent IV, both of whom developed

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4 Ibid.
5 Alfonso X wrote *Las Siete Partidas* with the aid of legal scholars, he presumably approved of the content.
7 Ibid., 530.
8 Ibid., 530.
9 Burns, introduction vol. 1, xvi.
10 Ibid.
legal texts themselves.

This focus on law in universities led to the development of legal scholars who placed their mark in royal courts, offering advice and legislative assistance to kings.11 "The rediscovery of Justinian's Code, the Digest, and the Institutes in the 12th century opened an entirely new world of law to thousands of students who flocked to Bologna and Montpelier to study,"12 and as these students fed right into the courts of kings and bishops, they tried to apply their studies of Roman law to contemporary projects.13 These scholars influenced Spanish kings to a point where they attempted to impose uniformity upon the legal structure with the intention of developing a unified and territorial royal law.14 The is the concept which shaped the consequent reforms in the form of legislative advancements.

These legal scholars assisted kings in the writing of legislation that eventually reached the breadth of their kingdoms: "The lawyers also began arranging a Romanization of every kind of local or special positive law, resulting in notable codes or texts" including "the early forms of the Consulate of the Sea maritime law in that century ...This "Marriage of the Laws" also affected cities, feudal custom, and regional laws".15 Most of these legislative developments, of course, did not alter social conditions to a great extent, in part due to the difficulty in enforcing the laws as well as realistic motivation to make sure they were enforced. These codes, again, represented an ideal of rulers' desire for uniformity in their realm, as the ultimate authority of king as they saw it.

Drawing from the past, rulers were interested in concept of empire and legal unity within

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11 Burns, introduction vol. 1, xvi.
14 O'Callaghan, Medieval Spain, 450.
15 Burns, introduction vol. 1, xvii.
it. Law makers were influenced by Roman and Visigothic political theories. Visigothic law first entered into royalist legal reforms to a great extent when Fernando III, father of Alfonso X, ordered the Visigothic Code, or Liber Judiciorum, translated into Castilian giving it the title Fuero Juzgo, and gave it to his territories as their municipal code in 1241\(^{16}\) in the hope that it could become the basis for a common royal law.\(^{17}\) The Fuero Juzgo was not enforced across his realm, but it did indeed form the basis for a common royal law and led to the developments of other, more extensive law codes under his son such as the Fuero de las Leyes and ultimately Las Siete Partidas. When the various forms of legal text multiplied, kings became more focused on the desirability of achieving uniformity in the law,\(^{18}\) and considering that kings took an active role in the production of large bodies of legal texts, it shows they were doing so for a purpose. It would appear that this reason was to establish their own ultimate authority, as if they were an emperor ruling over an empire.

One influence of Roman and Visigothic law was the concept of king as sole lawmaker later applied to those of Alfonso X and James I. “Declaring the need to overcome the prevailing diversity of laws and to introduce reason into the administration of justice, the king firmly asserted his right to make laws so as to fulfill his obligation to maintain peace, justice, and law.”\(^{19}\) The large bodies of legal code developed under Alfonso X and James I exercised this concept.

Alfonso X, following the footsteps of his father, became involved in the writing of several different bodies of code, the final result being Las Siete Partidas. This concept can be

\(^{16}\) Madden, Political Theory, 40.
\(^{17}\) O'Callaghan, Medieval Spain, 450.
\(^{19}\) Ibid., xxxii.
found directly in *Las Siete Partidas*. In particular, the prologues to the law codes of Alfonso:

serve to contextualize the king's legislation: they frame the national constitution as a program of royalist reforms; they preface the social encyclopedia as a hierarchical model; they develop the concept of the *speculum principum* as an aristocratic code; they portray the image of the wise king as a courtly icon; they represent the obligations of the royal judges as professional standards; they communicate the political values of universal rule, and they condition the reception of the king's authority among the nobility, clergy, and people.  

Additionally, Alfonso also included in the actual text of the first *Partida* of the code a lengthy section on expectations, responsibility, and image of the king and the respect to be owed to him.  

James I and his legal assistants developed several bodies of legal code as well. He commissioned the jurist Vidal de Canyelles to constitute a compilation of the *Fueros of Aragon*, the result being the text known as the *Vidal Mayor*, as well as several maritime codes, which are to be discussed in the section on economic legislative reform.

By creating Roman inspired law codes, rulers were channeling the spirit of Rome – the aspiration for Empire. Spanish thoughts on accomplishing an empire is considered from the words of cannonist Vincentius Hispanius, 15th century: “The Spaniards alone gained an empire by their valor...The Spaniards rule Blessed Lady Spain; ruling by virtue of their audacity and probity, they are winning dominion over her and expanding it...”. These reforms probably happened under these particular rulers because of the added responsibility they acquired in the age of the reconquest:

In the thirteenth century, special circumstances contributed greatly to the increase the personal prestige of the monarch as apart from the monarchy, both in Castile and Aragon. Characters such as Don Ferdinand III the Saint and Don Alfonso X of Castile, Don Jaime I the Conqueror and Don Pedro III the Great of Aragon, attached a brilliancy to the monarchy not soon to be forgotten; and the steady advance over the Moorish power and consequent reorganization necessary in the new

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22 Burns, introduction vol. 1, xviii.  
territories, force and initiative upon the kings greater than in the past.²⁴

This image of royalty as seen through law codes was continued following Alfonso X and James I, and ideas of kingly quasi-worship are evident in addition to in Las Siete Partidas. Followers of James I continued his project of royalist reform. James II (r. 1291-1327) and his grandson Peter IV (r. 1336-1387) constructed legislative texts which had filled in them images of royal power. James II commissioned another legal text, the Leges Palatinae, after he had grown up reading and fascinated by books of law and philosophy. In addition to the legislation, they contained elaborate miniatures as well as “image of majesty with which he wished to be presented to the world.”²⁵ These themes also influenced the later works of his grandson Peter IV.

These law codes were implemented throughout the Crown of Aragon and Castile as an extension to the growing administration that royalty was implementing. They were used as a means for royal administration to have power over the nobility as well as essentially siphon away the administrations in place by the Muslim communities.

Royalist Reforms

Financial Reforms

In order to establish sole authority, rulers needed organized control of the royal finances. Financial reforms by royal administration show the desire of uniformity of Alfonso X, James I and their followers. While Alfonso X was not specific in Las Siete Partidas as to the organization of his financial affairs, one excerpt does give some insight: “He, or anyone else, who is entrusted with the royal revenues, should be noble, faithful, understand how to make

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²⁴ Madden, *Political Theory*, 104.
collections, how to keep things in order, and how to increase revenues. 26 The key phrase is how to increase revenues and several rulers demonstrated this goal throughout the following century.

A central financial system developed in Crown of Aragon under James II, in that the Crown had financial administrators whose authority reached the breadth of the realm, rather than the more previously independent sections of the Crown: The Kingdom of Valencia, Majorca, Catalonia, and Aragon. 27

Because of intervention by nobility in monarchical affairs, where they demanded to view royal accounts and complained about "maladministration", attempts at organization were made. 28 James II endorsed of the office of Maestre Racional 29 as a recognition of the desire for a central financial organization which could monitor and control all branches of royal financial administration. 30 Central organization of finance can be seen as an ultimate power over all others in the realm, generously speaking, the glue that binds it all together.

James II and Peter IV followed this tradition of continued centralization of royal finance, formalizing their ambitions with the development of law codes to perhaps cement the concept of centralized finance. They did this with the instillation of Ordinances, by Peter IV in 1344 and the Leges Palatinae, by James II in 1337. Specifically, these were entered as regulation of offices and very strict practices relating to finances. 31

The monarchy in Castile in the 14th century, as Aragon was restructuring their financial system to help stay organized and increase profits, had also become more involved in addressing financial issues with the nobility. In 1309 the Cortes saw that revenues were low for the crown,

26 Alfonso X et al., vol. 2 of Partidas, 327.
28 O'Callaghan, Medieval Spain, 455.
29 Head of finance.
31 Ibid.
and that “this sum could have been raised- and assured for the future- by a vote of the Cortes, but
the nobles preferred that the Crown should not be so strengthened.” Many posts near the
Portugal frontier brought in no revenues to the crown because they were controlled by nobles
who had opposed any form of royal customs officers in their lands.

In these cases, the monarchy was moved to cooperate with the will of the nobility and the
Cortes in terms of finance and taxation.

Centralizing of Archives

Another set of administrative reforms took place in medieval Iberia.

A sophisticated system and processes of producing and maintaining records emerged in the
Crown of Aragon and Castile, beginning in 12th century onwards. These were royal archives
independent from other archives like the Cortes and church, showing the detachment of royal
authority from the nobility and the church. Alfonso X was an advocate of detailed written
documentation. His insistence at keeping written records, for the purpose evidence as well as a
means to preserve history, “Antiquity is something which makes men forget past events,” shows
he wanted an organized Empire that would be remembered in the future. Beyond insisting on
maintaining written documentation, he also had protocol in these laws for how each type of
document should be drawn up, again emphasizing his desire for uniformity.

33 Ibid, 294-295.
34 Lawrence McCrank, “Documenting Reconquest and Reform: The Growth of Archives in the Medieval Crown of
36 Ibid, 692.
37 Ibid, 693.
Effects and Motivations of Reforms Regarding Minorities

Some legislation reflects the actual experiences of Muslims and Jews in Iberian history, some does not. In any case, it is quite clear that royal administration wanted to use Jews and Muslims to their own advantage, to keep them in their service to their own use. The point in passing legislation that separates these minorities from the rest of society would be to appease the nobility who did not want minorities to have any authority over them. Kings, however, wanted to use these subjects to their own ends.

Jews

In legislation regarding Jews, which displays the concept oft Jews as royal property, the idea of the “Royal Treasure” comes in, which is the claim that Jews (and Muslims) are considered property,\(^{38}\) or in service to the crown, found in several Fuero’s.\(^{39}\) The source here discusses in particular the Fuero Teruel but mentions that this concept is in several other Fuero’s following the Teruel.\(^{40}\) Whether this reflects the influence of legislation upon others or the widespread of belief in this concept, it shows that governing bodies wanted legislation which described the role of the Jews and Muslims as resources of the king.

Alfonso X discusses the opinion of Jews living in society amongst Christians: “The reason that the church, emperors, kings and princes, permitted the Jews to dwell among them and with Christians, is because they always lived, as it were, in captivity, as it was constantly in the

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38 The phrase found in the fueros being referred to is: “iudei servi regis sunt” which translates from Latin: “Jews are slaves of the King”, but in the medieval period servi, the Latin word for slave, can be translated as servant rather than slave.
40 Ibid, 99.
minds of men that they were descended from those who crucified Our Lord Jesus Christ." It is possible that the proprietorship of the Jews by the Aragonese kings contributed to the relative social stability experienced by the Jews in Aragon until 1391.42

Muslims

The reconquest and resulting royalist reforms effected Jews and Muslims differently. Jews were in a different situation than that of the Muslims in that the Jews did not have collective land or a system of government to defend, they were simply trying to maintain their way of life and maintain a place in society. The Muslims, on the other hand, were defending their legal sovereignty. The thing they were most concerned with was keeping their Muslim law and, to a lesser extent, their administration.

The deals made in surrender resulted in treaties which specify the privileges given to Muslims. Muslims were given freedom of movement in Borja, and many treaties made elsewhere likely contained the same stipulations. Those who stayed in the areas conquered by James I and pledged loyalty to him were promised protection. James I was to have said: "the Saracens should be allowed to remain in the land; those who would might do so, and live free under my rule; as for those who would not submit and accept that capitulation, I should deal with them as I pleased."44

Castilian law gave the Muslims assurance of security of property, though "Moors, however, shall not have mosques in Christian towns..."45 James I also apparently shared this

42 Hillgarth, "Royal Accounts", 20.
45 Alfonso et al., vol. 5 in Partidas, 1438.
practice yet might have been less harsh, as seen in the Chronicle, James I wanted to take one
mosque for the use of Christians, and leave the rest for the Muslims.46 James I protected the
Muslims property after conquering their territory and the Christians he left behind had broken his
promise of their security. “I recovered a few Saracen captives and part of the property and goods.
I then spoke to the Saracens, and told them that I was sorry for the hurt done them; and I put
back each into his farm; and they felt safe as long as I was in the country.”47 Since the Muslims
were needed as settlers, James I found reason to assure them of their safety.

Beyond allowing Muslim communities to remain in Spain, Muslim administration was
ultimately replaced by royalist administration. Much of the Muslims existing structure in terms
of administration was permitted, for a time.48 In the Chronicle of King James, James I heard the
requests of his conquered people, “another that they might observe their Law as to crying from
the top of their mosque [the hour of prayer]; another, that they might be judged according to
Saracen customs, and not be summoned into a Christian court.”49 This may or may not have
been applied in all of Iberia, but Muslim’s freedom of administrative practice was siphoned away
as Christian rulers increased the size their own administration and increased royal power.50

Effects of Reforms and Legislation on Economy

If law codes are not entirely applicable to Medieval Iberian social history, they certainly
are to many aspects of economy. Law codes were established in both the Crown of Aragon and
the Kingdom of Castile-Leon for maritime commerce and peninsular commerce including
regulations on merchants, trade, and transportation of goods. This legislation was very much

46 Chronicle, 568.
47 Chronicle, 421.
49 Chronicle, 541.
enforced by the kings of both realms because they were directly beneficial to the kings themselves in terms of monetary gain, and not necessarily to any other groups such as common citizens or the nobility.

Maritime commerce

Serving as a crossroads to Mediterranean trade and later to Atlantic trade, the commercial regulations weighed heavily on the reality of maritime practice. Maritime codes were a tool used as a means to endorse mercantilism, which would then strengthen the empire, in particular the royal financial position.

There were several law codes that favored mercantile policies. James I of Aragon gave several privileges to the Port at Barcelona to assist his realm in remaining central to Mediterranean trade.\textsuperscript{51} Importation restrictions were implemented by Castile to stimulate their own economy.\textsuperscript{52} In stimulating their own economy and taxing commerce, thereby increasing royal revenue, kings would have to rely less on the Cortes, and by extension the nobility, for taxes.

Alfonso X dedicated a section to maritime law in Las Siete Partidas. His laws were in reference to damages of ship and cargo in the dealings between merchants and ship-masters. These laws offered protection and a means of settling disputes in case of damages.\textsuperscript{53}

The commercial activity in Crown of Aragon was more developed than in Castile\textsuperscript{54} and became a major influence on maritime code. The law codes that were first developed out of

\textsuperscript{54} Hillgarth, \textit{Spanish Kingdoms}, 292.
Barcelona, like other law codes discussed, also influenced from previous law codes of the ancients, were ultimately excepted by others engaged in trade in the Mediterranean. This began by strengthening shipping out of the port of Barcelona and the legislative intervention by James I.

Restructure of ports, trade, and exporting is largely due to the legislative interference of James I. James I enacted the *Improvement of Harbor Facilities* in Barcelona, 1243, in which he set aside the area, “from Arazana in the west as far as the new building which Bernard Olzego has made in the east,” to be used for maintaining and building ships and no other shop or house were to be erected there. The effort to erect these shipyards is a testament to the dedication James I had to expanding commerce in the Mediterranean and enforcing naval dominance and he used his authority to produce legislation to make this happen. Again, he did this for his own reasons in expanding his realm.

Following the conquest of Majorca in 1230, Barcelona was granted freedom of trade with other Mediterranean trading centers and was “rewarded for their collaboration with the cession of houses and trading privileges.” In addition, The *Navigation Act of 1227* gave Barcelona ships and shippers preferential treatment in a mutually beneficial relationship between merchant and monarchy.

Wishing to increase your wealth by the benefits we confer on you, we have granted this special favor by our present charter to you and your successors in the city of Barcelona, namely, that any ship or vessel coming from beyond the seas, from Alexandria, or from Egypt, or proposing to go to those places from Barcelona, shall not take any merchandise or goods or cargo, nor carry them, nor bring them to those parts, while any native ship of Barcelona can, or wishes to, carry the said load or

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merchandise or to take it to those parts.  

The *Grant of Trade Privileges to Barcelona* was enacted in 1232. The purpose of this document was to protect merchants of Barcelona, and protect the benefits they created for the crown. Stated in the document: “Therefore we decree and firmly ordain that no toll-gatherer, collector, tax gatherer, prefect, majordomo, treasurer, justiciar, bailli, justice or judge, alcalde, mayor, or bailiff, or any other official of ours, or servant, present or future, shall impede, take or detain, you, or any one of you, or your officials or messengers, or any of your goods or merchandise”, for one to disobey this ordinance would have resulted in a penalty.  

James I made quite clear why he would have desired the ultimate protection of merchants where he lists these protections:

> with all your goods and merchandise from all tolls, bridge tolls, municipal tolls, and all tolls and customs, new and old, decreed or to be decreed, and from all taxes on your goods everywhere throughout all places in our kingdoms and lands and all places under our dominion, both by land and sea, and on the river, and going from, staying at, or returning to the harbor.

James I was interested in protecting the merchants, however, the main concern would have been what would sustain and enhance the Crown of Aragon: the income resulting from tariffs, tolls and taxes.

To develop an organized system of protection, James I enacted the *The Barcelona Maritime code of 1258*. As he was concerned with contracts, he stated that all voyages shall have a clerk present to document contracts between captains and merchants, in the presence of both, as well as two proctors well versed in the law elected from the members of the ship, who would

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61 Ibid.
then be advised by several other members on the ship.\textsuperscript{63} It also required the armament of each man on board.\textsuperscript{64} He was not only establishing practices to protect his interests in the safety of ships and cargo, he enacted administrative practices that would assist in record keeping and keep track of his profits and possessions.

The conquest of Majorca was a great triumph for James I and his kingdom, economically and by way of conquest. James established the Catalan language and the \textit{Ustages of Barcelona} in Majorca.\textsuperscript{65} By extending Catalan law to the island James established it as a part of Spain rather than simply a conquest and also widened the range of his legislative authority.

In the larger picture of these maritime dealings, Aragon economic and diplomatic alliances with Christian Europe were another benefit to the monarchy. The commercial dominance Aragon achieved in the Mediterranean undoubtedly earned them international respect. Northern France, Germany and Italy had been ahead of Spain in the Romanization of their legal systems,\textsuperscript{66} so Spain was able to catch up by relating internationally through economic diplomacy and after the spread of Justinian principles had made its way through the peninsula, meant added prestige from the foreign policies adopted.\textsuperscript{67} In addition, an added benefit to Aragon, whose Barcelona traders had compiled over the fourteenth century onward, the \textit{Consulate of the Sea} was influenced by the previously mentioned codes written under James I of Aragon. This collection of maritime codes was generally accepted across Europe, even with other maritime codes existed, such as the \textit{Laws of Oléron} in France and the \textit{Black Book of the Admiralty} in Britain.\textsuperscript{68} It certainly shows the level of respect and deference to Aragonese trade

\begin{itemize}
\item \textsuperscript{63} Ibid, section 21.
\item \textsuperscript{64} Ibid, section 5.
\item \textsuperscript{65} O'Callaghan, \textit{Medieval Spain}, 342.
\item \textsuperscript{66} Post, \textit{Studies}, 69.
\item \textsuperscript{67} Madden, \textit{Political Theory}, 108.
\item \textsuperscript{68} Jados, preface, 1.
\end{itemize}
for other marine powers to adopt such binding codes to run their maritime economy by. It is possible that the Consulate was the basis for the marine laws of France, Flanders, the Ordinances of the Hanseatic League, and the Laws of Wisby.\textsuperscript{69} In this case, The Crown of Aragon's legislative influence extended beyond Spain.

**Peninsular Commerce**

Alfonso X both protected and regulated the activities of merchants in his fifth Partida. In regulating tolls, the king aimed to obtain profit for the crown: “we decree that every man who brings any property whatsoever into our dominions to sell, whether he be priest, knight, or any other person whomsoever, must pay, by way of toll, the eighth part of the estimated value of whatever he brings in to sell or takes away, except such as have a grant of exemption in this respect.”\textsuperscript{70} An excerpt regarding punishment for avoiding tolls suggests that these toll regulations would be enforced: “Merchants, at times, leave the highways for the purpose of concealment, or to avoid the payment of duties on the property they have with them. Wherefore, we decree that any person who is guilty of this, shall lose all the property which he brings with him in this way.”\textsuperscript{72} Another law exemplifies the prime directive in these regulations, to create profit for the crown: The king would receive two-thirds and the city, town, or castle which collected the toll would receive one third.\textsuperscript{73} Since the crown had to rely on the towns to collect tolls, it was certainly a wise decision to allow them a portion of the profit. Another law protects the merchants at toll places, that they should not be mistreated nor have more taken from them the

\textsuperscript{69} Ibid.
\textsuperscript{70} Alfonso X et al., vol. 5 of Partidas, 1058.
\textsuperscript{71} To the best of the crowns ability, as there was no law enforcement body to monitor all occurrences.
\textsuperscript{72} Alfonso X et al, vol. 5 of Partidas, 1059.
\textsuperscript{73} Ibid, 1060.
than law states, since Alfonso X recognized the value of merchants, it was in his best interest to protect them. "Though Romanized to a degree during this medieval stage, the system of merchant law continued a tradition of relative autonomy, partly in forms of adjudication and partly as a body of customs and principles that had evolved as general, highly practical, and essential to any realm's prosperity." 76

**Backlash of Royalist Reforms from Nobility**

Noble revolts in both Aragon and Castile were essentially a rejection of Roman Law being introduced into the law codes of Spanish rulers. Nobles considered this as a tool to establish royal power while draining the traditional rights and privileges of the nobility. 77 They also took issue with the monarchy's use of Jews in administration positions and attempted to force kings to discontinue this practice.

Roman law had become engrained into the ambitious of royalty in Spain and legists so influential on rulers in Aragon that the nobility saw it as a threat to their long time rights and privileges. Faced with the threat of civil war, Peter III had to make concessions to the Nobility in 1283. 78 Aragonese Union pledged to hold Peter III to the promises he made to them. 79

Castilian nobility saw the issue similar to that of nobles in the Crown of Aragon, they felt their traditional privileges threatened. At the Cortes of Burgos in 1272, both nobles and towns reacted against royalist legal reforms, at which time Alfonso X confirmed the traditional noble customs as well as the town fueros. 80 In this way he eased away from his goal of instilling a

74 Ibid.
75 Hillgarth, *Spanish Kingdoms*, 292.
76 Burns, introduction to vol. 4 of *Partidas*, xxxv.
78 Madden, *Political Theory*, 167.
80 O'Callaghan, introduction, xxxiii.
territorial royal law.

The nobility had other concerns as well, including the use of Jews in administration. Castile continued to use Jewish financial administrators, while Aragon tended to use high-standing educated Christians, for the most part. Through out the 14th century and into the 15th century all Maestres Racionals were honored citizens of Valencia or Barcelona, contrasting with the former use of Jews as financial experts who supervised revenues up until the 1280's. This small concession to the nobility can be seen as keeping the lid on revolt, as rulers had no real reason to actively defend the Jews. Kings were simply looking after their own interests in such a delicate situation as their finances. Yet Jews did, in fact, continue to exercise significant functions, especially in administration, in Aragon, Castile and Portugal. The temporary concession to nobles and the parliamentary body of the Cortes in both the Crown of Aragon and in Castle did not last, and later rulers going back on this, as James II did, shows the priority of royalist motives to use whatever resources they wanted to their own benefit. The Jews were nearly irreplaceable in their roles as financiers to the monarchy. In 1288 and 1293 Sancho, successor to Alfonso X, agreed to the Cortes that Jews would not be used as tax-collectors. He, however, did not adhere to this promise and continued to use Jewish financiers.

Alfonso X wished to pin the towns and nobility against each other, but prevent them from uniting. Alfonso X had to prohibit unionizing of the municipios, of which he did three times in the Cortes of 1252, 1258, and 1268 where he declared them illegal. He also granted

83 Abulafia, “Nam iudei servi regis sunt,” 123.
84 Hillgarth, “Royal Accounts,” 22.
85 Hillgarth, Spanish Kingdoms, 297.
86 Madden, Political Theory, 185.
87 Ibid, 153.
privileges to non-noble knights, and through this gained their support against the nobility.\textsuperscript{88} This put them in charge of the economic, political, and social matters of towns and cities. By preventing unions of municipios, known as Hermandades, and offering privileges to non-noble knights, he tried to stop unions from emerging between towns, yet when they were uniting against the demands of the nobility, he allowed their existence.\textsuperscript{89}

The Cortes of Castile and of the Crown of Aragon was a parliamentary body whose power could potentially rival that of the king. They were involved with legislation by submitting petitions “on nearly every aspect of public administration, namely, the royal household, justice, tolls, coinage, the economy, the status of Muslims and Jews, and so on.”\textsuperscript{90} In the Cortes of 1283 under Peter III, it was decided that he could not create or alter laws without consulting the 'three estates': the clergy, the nobles, and the popular,\textsuperscript{91} all three of which would debate the matter separately.\textsuperscript{92}

The Cortes was used by the nobility to maintain their power. For example, in the Crown of Aragon, kings could not pass new taxes unless approved by the Cortes. The kings' ability to generate income decreased steadily during the fourteenth century as the power of the Cortes grew, due to concessions made by the rulers in order to raise funds for military campaigns.\textsuperscript{93} The Cortes as a tool for nobility to keep a hold on their traditional status and customs ties directly into royalist reforms in the forms of new law codes, the Cortes “served as a useful limitation on royal power and the tendency toward absolutism given such strong impetus by the revival of

\textsuperscript{89} Madden, *Political Theory*, 153.
\textsuperscript{90} O'Callaghan, *Medieval Spain*, 441.
\textsuperscript{91} These were representatives of the municipios.
\textsuperscript{92} Ibid.
\textsuperscript{93} Hillgarth, “Royal Accounts”, 8.
Roman law."\textsuperscript{94}

The \textit{Cortes} of both realms aimed to check the power of monarchs who tended to "assume the character of a Roman law sovereign,"\textsuperscript{95} a character the \textit{Cortes} of Castile found evident in \textit{Las Siete Partidas}:

An emperor or king may make laws for the people of his dominions but no one else has the power to make them with regard to temporal matters, except where they do so with their permission. Those that are made in any other way have neither the name nor the effect of laws, nor should be valid at any time.\textsuperscript{96}

Further, the subsequent law states that only who made the law or who sits in their place may interpret those laws.\textsuperscript{97}

Alfonso X perhaps foresaw the political struggle that could arise between the monarchy and nobility. In fact, in his \textit{Las Siete Partidas}, a large section was dedicated to crime and punishment of treason.\textsuperscript{98} Weather or not rulers truly saw revolts of the nobility as an act of treason against their king, this section was certainly drawn up to potentially ward off large scale opposition.

However, members of the Cortes themselves did not typically try to assume the responsibility of legislators, because it was not traditionally their right to do so, additionally, "no one was called to sit in the \textit{Cortes} who was not a person or a corporation truly interested in social prosperity."\textsuperscript{99} They did not generally try to pull down kings, just their ambitions to destroy traditions of the nobility.

Alfonso III also had to make concessions to the Union in 1287, but successors eventually

\textsuperscript{94} O'Callaghan, \textit{Medieval Spain}, 444.  
\textsuperscript{95} Madden, \textit{Political Theory}, 163.  
\textsuperscript{96} Alfonso X et al, vol. 1 in \textit{Partidas}, 5.  
\textsuperscript{97} Ibid, 5.  
\textsuperscript{98} Madden, \textit{Political Theory}, 45.  
\textsuperscript{99} Ibid, 174.
revoked the _Privileges of the Union_\textsuperscript{100} in the mid fourteenth century after tensions with royalist party heightened and Valencian Unionists joined forces with the Aragonese Union.\textsuperscript{101}

Castile had a similar power struggle and as a result, Alfonso X’s _Partidas_ were not enforced until 1348.\textsuperscript{102} The noble class did not fully achieve their goal of removing the Romanized law that had made its way into their home-land. In the 14\textsuperscript{th} century and well into the 15\textsuperscript{th} century the _Cortes_ continued to debate the contents of Las Siete Partidas.\textsuperscript{103} Additionally, attempts were made in 1484 and in 1491 to extract from the set of codes the most relevant fueros and dismiss the Romanized, unsuitable parts.\textsuperscript{104}

**Conclusion**

The royalist reforms were the main drive behind change in post-reconquest Iberia. Evolution of law and implementation of law codes were more important to the framework of administration rather than a crucial determinant in social matters. They were used as a tool in establishing royal authority and proved to be an essential addition to economic matters. Alfonso X and James I were the main proponents of legal reform, and their projects were continued, and in some cases intensified, by the rulers who followed them. Alfonso X focused on using central authority to fan his ambitions of empire. James I wanted to use his central authority to organize his realm and establish it as a major economic and political power. Followers continued their ambitions for a centralized empire.

Every set of legal codes promulgated were done so with the intention of strengthening the power of the monarchy. In economy, rulers made laws that were directly beneficial to the crown,

\textsuperscript{100} O’Callaghan, _Medieval Spain_, 395.
\textsuperscript{101} Ibid, 417.
\textsuperscript{102} Hillgarth, _Spanish Kingdoms_, 297.
\textsuperscript{103} Madden, _Political Theory_, 75.
\textsuperscript{104} Ibid, 95.
in matters that were more of interest to the monarchy than any other group. In social matters, rulers made laws separating religious groups mostly to concede to critics of involving Jews in Muslims in society. In the end, rulers used these people for their own benefit and at times went over the head of nobility.

In all areas, rulers struggled to balance their ideals with the realities of the nation, and were essentially blocked from realizing their ambitions in their entirety.
Bibliography

**Primary Sources:**


Secondary Sources


Chapter 2: Roman Law and Early Representation in Spain and Italy, 1150-1250
