Political assemblies of the 8 – 11th centuries in León and Castile

Early medieval León and Castile present us with a particular pattern of political organization relatively isolated from the influence of trans-Pyrenean centers of power. The Leonese kingdom traditionally was considered as the region where the Visigothic law was observed\(^1\). But currently it is obvious, that all the evidence of this tradition, such as references to *Liber Iudiciorum* or Visigothic formulae were no more the rhetoric. The collapse of the Visigothic legal order and the absence of the close contact with the Carolingian world provided the context in which the political assemblies emerged.

Relatively developed institutional parallels of Visigothic *aula regia*, be they royal curia or chancery, did not appear in León and Castile until the last quarter of the 11th century\(^2\). This project aims to study the political assemblies of the 8 – 11th centuries, which were not institutionally formalized, but existed as a gatherings of magnets and bishops and convened on an *ad hoc* basis. The material of this period allows us to examine the process of political legitimation in the society which resorted to more primitive forms of associative behavior.

In this paper I will try to generate a vision of the Leonese assemblies as a tool of power and in this connexion show that it was an integral part of political life as well a form of dispute settlement. In the sources of the 8 – 11th centuries such gatherings are depicted as legal suits brought before the king and his entourage. Most of them appear to be land dispute processes isolated from a wider political context, so the meaning of procedures and gestures, that laid behind the scene of land transactions, remains unknown to us. Nevertheless they obviously had some political implication, because early medieval monarchy represented itself by the judgment.

Relying on interpretation of medieval public order accepted in modern historiography\(^3\) I classify the assemblies as a space where the ideological representation of the royal authority took place. In the context of the ‘representative public sphere’, such gatherings were essentially part of the mechanics of power; but did kings consider these moments of 'face-to-face' interaction as an instrument of government? Was the assembly a way in which royal power was wielded in León and Castile? If so, what were the reasons for the appearance of assembly politics\(^4\) and when did it arise? Was there any dynamic in its development? In this project I will make the discourse of political legitimation a subject of inquiry and argue that the assembly was not a casual backdrop to the stage of land disputes, but it was part of politics.

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Historiographical context

The interest in the Leonese assemblies of the 8 – 11th centuries can be traced back to the 12th century, when they were referred in chronicles as church councils, which in fact did not take place in this period. This anachronic perspective has been appropriate to the research on the assemblies until recently. Historians have consistently presented them as councils, Cortes or successors of Visigothic aula regia. In the first half of the 20th century traditional constitutional history tried to interpret these gatherings for the first time on their own terms. However, it also could not avoid anachronism in dealing with assemblies studying them from the standpoint of positivistic legal-historical approach. With few exceptions the historiography of Pyrenean assemblies follows this traditional approach to the topic, that has become firmly established in the classical works. In the last decades the modern tendency has narrowly touched upon it.

As regards the European context, in the second half of the 20th century historians reexamined the topic exploring the gatherings as independent phenomenon without the label of pre-parliaments. Functionalism has opened up new possibilities for studying political assemblies but at the same time it has generated a skeptical view on early medieval governance, which has been appropriate, for instance, to American social history. Consequently, many historians have shifted the focus away from the assemblies, because they have classified them as formal institutions, which did not structure political life. In the 2000-s the interest in the topic was renewed from a perspective, according to which the formal/informal and public/private distinctions

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5 B. Sánchez Alonso (ed.), Crónica del Obispo Don Pelayo (Madrid, 1924).
7 F. Martínez Marina, Teoría de las Cortes o Grandes Juntas Nacionales de los Reinos de León y Castilla (Madrid, 1813).
8 J. Puyol Alonso, Orígenes del Reino de León y sus Instituciones Políticas (Madrid, 1926).
11 For example, L. G. de Valdeavellano, Curso de Historia de las Instituciones Españolas de los Orígenes al Final de la Edad Media, (Madrid, 1970).
14 For example, G. Koziol, Begging Pardon and Favor: Ritual and Political Order in Early Medieval France (London, 1992).
concerning early medieval Europe were anachronisms, because the political landscape of this period included quasi-official structures side by side with informal ones as for instance, customs, gift-exchange, compromise justice etc\textsuperscript{15}. From this point of view the assemblies may be considered as a prominent feature of the relationship between rulers and the political community, that embodied early medieval governance\textsuperscript{16}.

In this project I use the anthropological approach already applied in research on dispute settlement\textsuperscript{17}, and purged of the extremes of optimistic functionalism in accordance with the criticism of last decades\textsuperscript{18}. In my opinion, this approach offers further opportunities to study the early medieval assemblies of León as a political phenomenon.

**Sources and methodology**

León and Castile traditionally have played a minor role in the historiography of the topic partly by reason of the paucity of sources. Our knowledge of early medieval assemblies across Europe depends on narrative sources, which are sparse for the study of the Leonese assemblies. In addition, most of the chronicles of the first centuries of the Reconquest were extensively interpolated and truncated; for instance, one of Sampiro (early 11\textsuperscript{th} century), that we know only according to the version of bishop Pelayo (early 12\textsuperscript{th} century)\textsuperscript{19}. Some evidence derives from later chronicles, for instance Historia Silense dating back to 12\textsuperscript{th} century\textsuperscript{20}, with inevitable problems of anachronism.

The absence of contemporary narrative accounts can be compensated for by documental sources\textsuperscript{21}. The first two centuries we are concerned with are relatively dark, but the charters became prolific in the 10\textsuperscript{th} century in spite of the European tendency. But only a few of surviving documents provide the material for our problem.

Almost every document may be considered as evidence of the gathering, because charters may have been issued at assemblies even if they frequently do not tell us this. As is well known, according to early medieval scribal culture, the authenticity of a document should have been verified by presence of witnesses. Before the rise of bureaucratic literacy, the list of confirmations was an essential condition for the verification of the text, and the majority of our documents contain it. Based on these lists we may analyze the attendance of the assemblies or their status\textsuperscript{22}. Social perspective may offer opportunities to research into, for instance, the royal entourage, but as

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\textsuperscript{17} For example, W. Davies, P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986).


\textsuperscript{20} F. Santos Coco (ed.), *Historia Silense* (Madrid, 1921).

\textsuperscript{21} See selected sources below.

\textsuperscript{22} See M.C. Torres Sevilla, *Linajes Nobiliarios en León y Castilla (Siglos IX – XIII)* (León, 1999).
the purpose of this paper is the assembly as a political phenomenon I’m mostly interested in the course, outcomes, form and function, that the narrative part of the document contains.

Such kinds of evidence about assemblies do not conform to any single diplomatic model. We can find that mostly in royal donation and pledge (*placitum*). Although typical for the description of the early medieval processing clichés are used in these accounts, the charters also contains narrative elements, deviations from the standard formulae and rhetorical techniques, for instance, direct speech\(^{23}\) or citation of the *Liber Iudiciorum*\(^{24}\). Rather than simply representing procedural formalities, the documents often present us with highly descriptive accounts. So I classify these texts as ‘legal narrative’ and consider the depiction of the assembly as a communicative strategy.

Most of the documents which I analyze are not originals but later copies that were preserved in 12\(^{th}\) century cartularies. Their authenticity is proved by diplomatics and source criticism\(^{25}\). I do not take into account documents of dubious authenticity or those which have been interpolated. The scribal culture of the period undoubtedly needs a broader investigation, but I argue that the discourse of our documents dates to the early Middle Ages. The interpolations of the 12\(^{th}\) century are mostly rude (for instance, the fiction of bishop Pelayo mentioned above), but concerning the assemblies our charters use particular terminology and rhetoric, which are not typical for the 12\(^{th}\) century.

I consider the documents as a tool in the creation of royal power, so first of all, I am interested in the discourse presented in them. But at the same time I suppose that this discourse is based on political practice. The charter does not necessarily depict the gatherings as they were held at a specific time and place, but rather shows how contemporaries imagined them to be. Medieval people did not intend to give true accounts of events, but rather tried to record the justice which answered the demands of the so-called ‘rules of the game’, which I understand as unwritten and prescriptive values, and it is these ‘rules’ that I am studying.

In spite of the ecclesiastical nature of the majority of sources, it was undoubtedly official discourse presented in them. The early medieval church in the Leonese kingdom completely depended upon the monarchy, served it and took part in building its legitimacy\(^{26}\). In consequence, even if all the charters were composed by the church, the discourse presented in them were inspired by kings. Most of surviving documents were written from the perspective of the ecclesiastical litigants and involve its lands, but the procedures were the same for both ecclesiastical and lay litigants. So concerning the ‘rules of the game’ I consider the evidence relatively trustworthy and impartial.

\(^{23}\) For example, J.M. Ruiz Asencio (ed.), *Colección Documental del Archivo de la Catedral de León*, vol. 4 (León, 1990), no. 1085.

\(^{24}\) For example, J.M. Ruiz Asencio (ed.), *Colección Documental del Archivo de la Catedral de León*, vol. 3 (León, 1987), no. 802.

\(^{25}\) See reviews in the modern publications of the sources mentioned below.

Dissertation summary

The terminology confirms a rupture in the development of assemblies on the Peninsula. Typical Visigothic terms, which mean gatherings of the secular aristocracy and churchmen, such as *aula regia* and *officium palatinum* practically ceased to be used in the first centuries of Reconquest; we can find them only in the context of so-called ‘restoration’ of gothic order aimed at representing the Leonese monarchy as the successor to the Visigothic one. Our sources refer to gatherings of any status by terms typical for this period such as *concilium*, *synodus* more rarely *colloquium*, *placetum*, *congregatio*. The term *palatium regis* is used along with them to define political assemblies. In the second half of the 11th century probably under the influence of the Navarrese dynasty, it was substituted by term *curia*.

The terminological analysis makes it clear that the concept of assembly was not formalized. Public spaces are fairly often described without any of these terms, because the direct mention of the group attended the assembly was more important for contemporaries then any reference to its institutional status. Thus the most typical term *palatium regis* was frequently applied to the status of the particular people attended the assembly (for example, *magnates palatii* or *omnem toga palatii*). In this period the institutional framework was very flexible and political assembly was not conceptualized.

Neither was the notion of consent, that the collective action implied, present in political discourse. As is well known, ruling in council with the elite was one of the most important princely virtues. We can see that notion, for instance, in documents from Pamplona of the period we are concerned with. The absence of conceptualized ideas of consent in León does not deny the consensual nature of the political process and our sources describe participants in political assemblies as being consulted in the course of dispute settlement. People, who attended the assembly, took part in the judgment, but it was a king who managed the process and pronounced the final judgment. We can see here a discourse aimed at emphasizing the hierarchical power and creating the image of the king as director of the legal proceedings.

As is well known royal justice was not the only way of dispute settlement in that period; it existed side by side with the bishop’s and count’s judgment or compromise justice, which implied that the litigants came into accordance without any judges or, for example, through the mediation of *hominis boni*. As for procedural elements, royal judgment shows many similarities with other kinds of courts: we can see general pattern of cases and forms of proof typical of an accusatory system. As regards the difference between royal justice and the rest, royal assemblies were recorded in more details, which may be considered as a part of judicial rhetoric. For example, in any *placetum* we can read that plaintiff comes before an assembly to accuse the defendant, and evidence about political assembly may detail these circumstances revealing where the assembly

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28 For example, S.G. Larragueta (ed.), *Colección de Documentos de la Catedral de Oviedo* (Oviedo, 1962), no. 58.

29 For example, J.M. Ruiz Asencio (ed.), *Colección Documental del Archivo de la Catedral de León*, vol. 4, no. 1022.

30 For example, ibid., vol. 3, no. 708.
took place, how the king came to it, and what exactly the plaintiff told him in direct speech\textsuperscript{31}. Among these particular details we can find some special gestures, for instance, in the charter of 1016 we see the vassal pledging submission to the king of León and pressing the hands of the magnates, who attended the assembly\textsuperscript{32}.

The majority of gatherings, including political ones, were over the land dispute processes. The analysis of the circumstances surrounding them makes it clear that the groups of people could assemble for a variety of different purposes, for instance, settlement of the conflicts between lay magnates\textsuperscript{33} or publication of the fuero\textsuperscript{34}, but the mentioned discourse mostly came into existence in the context of so-called ‘restoration’ policy. The occasions for the holding of royal assembly mostly included judgments focused on reclaiming the property of the church, which had been usurped\textsuperscript{35}. I take into account the predominantly ecclesiastical nature of the sources and nevertheless I argue that this feature may be classified as abiding for the discourse. It was aimed at representing the royal activities of judging as a restoration of social order, associated by contemporaries first of all with welfare of the church.

Before the 930-s confirmation of the donation made by king had been sufficient to secure the ecclesiastical property without any mention of judgment\textsuperscript{36}, but the creation of such an image of the ruler required demonstration of a conflict, that was provided by judicial assembly. So according to textual practice the assembly politics came into existence in the 930-s and mostly developed from 980-s. In the last quarter of the 10\textsuperscript{th} century the thematic focus of the gatherings remained the same, but the image of the defendant was transformed. He was presented by charters as not only disturbing the church, but also as conspiring against the king\textsuperscript{37}. Such discourse of assembly politics disappeared only in the last quarter of 11\textsuperscript{th} century, probably as a result of the formalization of political life.

In my analysis of these dynamics, I follow the way opponents of the ‘feudal revolution’ theory have approached the issue of early medieval politics\textsuperscript{38}. According to this discourse the king was the only judge who could establish justice concerning the church, so the royal assemblies involving enemies of the church may be interpreted as a claim for the monopoly of judicial power.

\textsuperscript{31} M. Herrero de la Fuente (ed.), \textit{Colección Diplomática del Monasterio de Sahagún}, vol. 2 (León, 1988), no. 404.
\textsuperscript{32} J.M. Ruiz Asencio (ed.), \textit{Colección Documental del Archivo de la Catedral de León}, vol. 3, no. 741: ‘Ingressus est nostro tiu in adiunta ante nos, presit illi manus con omnium toga palatio et precaron pro refuga Fromarico ut misserent illo in nostra gratia, sic et fecerunt’.
\textsuperscript{33} Ibid., no. 772.
\textsuperscript{34} For example, J.M. Pérez-Prendes (ed.), ‘Fuero de León’, in \textit{El Reino de León en la Alta Edad Media: Cortes, Concilios y Fueras}, vol. 1, pp. 527–545.
\textsuperscript{35} For example, Herculano A. \textit{Portugaliae Monumenta Historica: a Saeculo Octavo post Christum usque ad Quintumdecinum: Diplomata et Chartae}, vol. 1 (Lisboa, 1868), no. 223; M. Herrero de la Fuente (ed.), \textit{Colección Diplomática del Monasterio de Sahagún}, vol. 2, no. 444.
\textsuperscript{36} For example, E. Sáez, C. Sáez (eds.), \textit{Colección Documental del Archivo de la Catedral de León}, vol. 2 (León, 1990), no. 508.
Later the discourse of ‘public justice’ turned into an instrument to suppress political rival, and can be considered as a claim for political dominance. This pretention of the monarchy may be understood as a manifestation of royal power, which in reality did not have sufficient resources for such sort of monopoly. Hence the appearance of the discourse should be interpreted as a renovation of the tools for the legitimation of power, rather than a transformation of the political order.

At the same time, I suppose that this judicial rhetoric was presented not only in texts. In my opinion, it was rooted in political practice, which mostly remains unknown to us. We cannot find out exactly if the chronology and rhythm mentioned above depict assembly politics as was carried out in practice, but it undoubtedly depicts the dynamics of power that need a broader examination.

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