

José Manuel Cerda (*University of New South Wales*), ‘Towards a new paradigm for the study of the origins of parliamentary assemblies in the Spanish Kingdoms and England’, *Actes del 53è Congrès de la Comissió Internacional per l’Estudi de la Història de les Institucions Representatives i Parlamentàries*, ed. J. Sobrequés *et al.*, Vol. I (Barcelona, 2005), pp. 133-148.

The question of the origins of parliamentary assemblies in Western Europe never ceases to provide a very intriguing quest for the institutional historian. This is a feature that perhaps attends the origins of any institution. But what makes the origins of parliament a particularly mysterious affair? Perhaps it is because parliament has become the pillar and the core of any democratic system and yet we seem to know little about its original nature. Or is it because a substantial amount of historiography has treated the event –perhaps more than in any other institutional topic- and yet the issue continues to fuel heated debates.

Angus McKay has referred to the emergence of the Spanish *cortes* and suggested that they were born out of the royal council.¹ Most historians seem to have reached an agreement on this, and we are happy today to accept the fact that parliamentary institutions were not entirely separate but that they evolved from existing assemblies. In other words, we can safely conform to the commonly held thesis that if we see parliamentary assemblies before the fourteenth century, these were occasional meetings of the royal council, and not a fully-fledged organ of government.²

We can affirm today that this view has gone far beyond any point of dispute but it has, at the same time, overshadowed recent studies with uncertainty and inevitable terminological ambiguity. The occasional nature of our subject matter has forced scholars to refer to the origins of ‘parliamentary assemblies’ rather than the origins of ‘parliament’ or ‘parliamentary institutions.’ The use of the word ‘parliament’ is likely to imply a reference to a modern definition of such an institution. In accordance with this then, we would be forced to conclude that there were no such things as ‘medieval parliaments’ since these assemblies had little in common with our modern parliaments.

¹ The terms royal council, king’s council and curia Regis will be used interchangeably in this paper. Curia Regis is more often used by Spanish historians while the vernacular is more common among English studies. In any case, it is not entirely clear for historians today whether these designations are analogous.

² See G.O. Sayles and H.G. Richardson, *The Functions of Parliament*, London, 1989, p.12. They argue that these assemblies “had no definite constitution and formed no regular organ of government.”

When using the term ‘parliamentary institutions,’ on the other hand, we are immediately attributing to such occasional meetings of the royal council a status they did not enjoy. Donald Queller exemplifies this terminological difficulty when asserting that “the feudal court gave rise to parliamentary institutions, but it is important to remember that in the beginning parliament was not an institution but an occasion, a meeting of the court.”³ It is also important to consider that the plural term ‘parliamentary assemblies’ conforms to the institutional sources in acknowledging the emergence of assemblies which followed the same evolutionary path but revealed slight functional and compositional variances.⁴

As we can see, the nomenclature used in the study of the origins of these assemblies provides the scholar with a very challenging task which, added to the feeble institutional character of these occasional meetings, can throw the most dedicated studies into despair. Now if we attempt to grasp the nature of these assemblies in accordance with the meaning that contemporaries attached to the word ‘*parliamentum*,’ we can be absolutely certain of encountering frustration. The word ‘*parliamentum*’ was first used in England in 1236 by a plea roll.⁵ It had evolved from the French word ‘*parley*’, used in England to designate a conversation or a discussion, and thus its presence in the records of the chancery only informs us of a meeting of the king with a group of his subjects. In the Spanish kingdoms the word ‘*cortes*’ seems to have developed from ‘*curtiis*’, the Latin plural of ‘*curia*’ or ‘*court*’, thus leaving plenty of space for interpretation. Donald Kagay in his study of the emergence of the Aragonese *cortes* enlists the various designations given to the twenty-two extraordinary or enlarged meetings of the king’s council between the years 1169 and 1250. Interestingly enough, we come across ten different titles these being ‘*plena curia*’, ‘*solempnis curia*’, ‘*celebris curia*’, ‘*general cort*’, ‘*cort*’, ‘*cort general*’, ‘*corts*’, ‘*curia generalis*’ and ‘*curia*’.⁶ What conclusions can we safely make about the nature of these meetings? Can some of them be identified as *cortes* or did any of these assemblies enjoy parliamentary attributes?

Our task is further complicated when in the light of the evidence and the more assertive historiography, we only find certainty in that these assemblies did not meet

³ Donald Queller, ‘Political Institutions,’ in Richard DeMolen (ed), *One Thousand Years*, Boston, 1974, p.147.

⁴ This is the framework within which comparative or international studies have worked and it explains to a great extent the differences between Spanish and English institutions. David Nicholas has pointed out that “unlike the English Parliament, the Catalan *corts* did not develop a legislative initiative, contenting itself almost entirely with representing the financial concerns of the subjects.”(David Nicholas, *The Evolution of the Medieval World*, New York, 1992, p.464-5)

⁵ G.O. Sayles and H.G. Richardson, ‘Earliest known official use of the term ‘Parliament,’ *English Historical Review*, XXXII, 1967. The French word *parlement* “slowly made its way in England into formal and official documents, though for a long time many clerks regarded it as a vulgar word, even after it had become Latinised a *parliamentum*: it is a word that a fastidious stylist will avoid, for which they will substitute in preference the classical colloquium.” (Sayles, *King’s Parliament of England*, London, 1975, p.33)

⁶ Donald Kagay, ‘The Emergence of Parliament in the Thirteenth-Century Crown of Aragon: a View from the Gallery,’ in Donald Kagay and Theresa Vann (Eds) *On the Social Origins of Medieval Institutions: essays in honor of Joseph F. O’Callaghan*, Boston, 1998, p.240-1

regularly, nor did they have a defined constitution, nor did they leave a codified set of documentation and procedures.⁷

When addressing this very intricate phenomenon, scholarly studies are unavoidably guilty of ambiguity and generalisation. Perhaps we can only be assertive as far as suggesting that sometime in the second half of the twelfth century some occasional meetings of the royal council in the Spanish kingdoms and England gradually began to acquire what seem to be parliamentary attributes. The task posed for the scholar is then to evaluate the specific institutional significance of these symptoms in their proper medieval context, and the extent to which they made the parliamentary occasions separate and distinctive instances from the regular or ordinary meetings of the council. In doing so, it is imperative that we find some common ground in separating parliamentary symptoms from the innovations of lesser importance, which contributed in varying ways to the evolution of the council but did not determine the genesis of a new assembly or did not have the significance to demarcate a line between the council and its institutional offspring. We ask then, what innovations have attracted historians to the conviction that a new institution had been born? Were these not simply the political adaptations of an evolving institution?

In attempting to determine the parliamentary moment, scholars have not been able to avoid the most travelled and most convoluted path of the definition of a parliament and the identification of its most essential feature. H.G Richardson and G.O. Sayles provided some guidance in the 1960s suggesting that “the primary criterion by which an assembly is to be assessed is that of function and not the presence or absence from the king’s court of particular persons or some particular class of suitor.”⁸ Accordingly, these two medieval historians conducted intensive studies of the medieval records of the English royal council and concluded that the first parliamentary assemblies were “of one kind only and that, when we have stripped every non-essential away, the essence of them is the dispensation of justice by the king or by someone who in a very special sense represents the king.”⁹ This conclusion had also found support in the eminent work of A.F. Pollard¹⁰, but encountered some contradiction in the works of Carl Stephenson and Claudio Sánchez-Albornoz, who had identified as the main function of parliament and the *cortes* respectively, that of fiscal assistance to the crown in the form of providing consent for extraordinary taxation and the debasement of the

⁷ See E. Miller and E.B. Fryde’s *Historical Studies of the English Parliament*, vol 1, London, 1970. They agree with M.V. Clark’s assertion that “at the time when the tradition of roll keeping was already well established in other courts, parliamentary records are curiously spasmodic and discontinuous,” p.3 On the other hand, the first procedural code for England came about with the *Modus Tenendi Parliamentum* which was not compiled until 1314. This institutional development took place even later in the Spanish kingdoms, whose *cortes* saw their procedural evolution codified as late as 1585, by Gerónimo Martel’s *Forma de celebrar las cortes en Aragón* and with Gerónimo Blancas’ *Modo de proceder en Cortes en el reino de Aragón*.

⁸ H.G. Richardson and G.O. Sayles, *Parliaments and Great Councils in Medieval England*, London, 1981, p.34. See also G.O. Sayles, *King’s parliament of England*, p.18

⁹ Richardson, *Parliaments and Great Councils*, London, 1981, p.34

¹⁰ Refer to the citation in Robert Fawtier, ‘Parlement d’ Angleterre et Etats Généraux de France au Moyen Age,’ in *Histoire des Institutions Françaises au Moyen Age*, Paris, 1953, p.81

coinage.¹¹ Other views have suggested that the function which made parliamentary assemblies peculiar and distinctive from the institution from which they emerged was that of legislation. In other words, the genesis of parliamentary instances or occasions occurred when the members summoned to the royal council acquired the deliberative powers and became indispensable in the process of legislation, which had rested exclusively in the hands of the monarch and his closest advisors. We can trace back this theory to the sixteenth century but the first scholarly studies presented were those of the great constitutionalists Francisco Martínez Marina in Spain and William Stubbs in England. These scholars regarded parliament as the embodiment of a struggle for popular freedom, a prototype of democracy and representative government, all of them ideals that could be materialised only by a new assembly with legislative powers.¹² In sum, all these views conform to the paradigm which identifies functional innovations as the most significant changes experienced by the royal council from the second half of the twelfth century.

The approaches to the origins of parliament which used functions as the defining criterion thrived for more than a decade, but a more exhaustive scrutiny of this methodology uncovers several difficulties. Professor R.F. Treharne has convincingly shown that “only about a quarter of the references to parliament in the rolls of chancery between 1242 and 1272 have a ‘judicial’ connection.”¹³ In the light of this, how is Sayles and Richardson’s thesis sustainable? The fiscal theory has confronted similar criticism in more recent studies. Peter Linehan calls our attention to the fact that “large concessions made by kings in temporary difficulty have already been elevated into fundamental statements of general principle.”¹⁴ Bishop William Stubbs’ and Francisco

¹¹ See Carl Stephenson, ‘The Representatives and Taxation’, in Bodet, *Early English Parliaments*, Heath, Boston, 1968, p.61 and Claudio Sánchez-Albornoz, *Viejos y Nuevos Estudios sobre las Instituciones Medievales Espanolas*, Madrid, 1976-1980. Stephenson asked himself why would the king want to deal with petty aristocratic disputes? Truly, “why a king like Edward I should have insisted on these assemblies merely to facilitate the presentation of petitions I cannot understand,” p.61. For Sánchez-Albornoz coinage is the key to understand the origins of the *cortes*. The king could obtain immediate funds by determining the value of the currency at a higher rate than the real worth of the coins. This monarchical entitlement was known as the *quiebra de la moneda* or the breakage of the currency. A good example of this practice is provided by *The Royal Chronicle of Alfonso X and Sancho III*, written during the second half of the thirteenth century, is an indisputable witness to this practice. The chronicle relates that “King Alfonso, at the beginning of his reign, ordered the coinage of *pepiones* to be melted, and to make the coinage called the *burgaleses*...and in that time everything became more expensive in the kingdom on Castile and Leon.” (Author’s translation from Spanish: “Y el Rey Don Alfonso, e el comienzo de su reinado, mandó deshacer la moneda de los pepiones, e hizo labrar la moneda de los burgaleses...y en este tiempo encaricieron todas las cosas en el reino de Castilla y León,” from G. Torrente Ballester (ed), *Crónica Real de Alfonso X y Sancho IV*, vol. 1, 1945, p.23) Sánchez-Albornoz thus concluded that the functions of the early *cortes* were essentially financial.

¹² William Stubbs, in his *Constitutional History of England* (1873-78) asserts that one of the essential features of medieval parliaments is that they “possess definite powers of taxation, legislation, and general political deliberation.” (Stubbs, *The Constitutional History*, p.17) See also Francisco Martínez Marina, *Teoría de las Cortes*, BAE, 219, Madrid, 1968. First published in 1813.

¹³ Cited in Edward Miller, *The Origins of Parliament*, London, 1967, p.11

¹⁴ Peter Linehan, *History and the Historians of Medieval Spain*, Oxford, 1993, p.528. In reference to the indispensability of the *cortes* for the fiscal operations of the crown, Thomas Bisson asserts that King Peter II of Aragon, “ever more urgently in need of money, not only imposed a new money-tax on both of his lands in November 1205 but also debased the coinage of Barcelona without notice in 1209.”(Thomas

Martínez Marina's constitutional theory was revised and somehow revitalised in several occasions throughout the nineteenth and twentieth centuries, notably in Frederick Maitland's treatment of the English Parliament and Wladimir Piskorski's popular views on the *cortes*.¹⁵ Recent scholarship on the functions of the early parliamentary meetings, however, convincingly tells us that this theory can no longer be sustained. Firstly, most parliamentary sources overwhelmingly suggest that the early parliaments were more consultative than deliberative. The recurrent usage of the Latin *vidit* and *audivit* to describe the participation of many of those summoned to attend these assemblies and the word *deliberavit* usually reserved to the king and his counselors, certainly denotes some legislative activity but this was performed only by a few and thus it could not be the essential feature of a parliamentary session.¹⁶

We are obliged then to leave this criterion for the definition of parliament behind since it is clear, in the light of recent studies, that the parliamentary assemblies that met from the second half of the twelfth century to the end of the thirteenth century, although they performed a variety of judicial, fiscal and legislative operations, were in essence neither judicial, fiscal nor legislative bodies of government. Instead we can only suggest with some degree of certainty that the function of these councils was essentially unspecific or multi-specific. Like the eminent parliamentary historian, John Goronwy Edwards, "we must regard it as having been in origin not a high court of justice, not a high court of anything, but simply a high court."¹⁷ This can be safely said of both the English Parliament and the Spanish *Cortes*.

Having the criteria of functions been contradicted by the sources and having failed to overcome the testing of more sophisticated scrutiny, we are now in a position to analyse the evolving composition of these assemblies in the twelfth and thirteenth centuries, to judge whether any of the changes experienced by the royal council in this period amounted to the genesis of a new institution. The composition of these assemblies provides us with an entirely new paradigm for the definition of parliament and thus for the demarcation of the parliamentary moment. If indeed parliamentary assemblies were

Bisson, 'Prelude to Power, Kingship and Constitution in the Realms of Aragon,' in Robert Burns (ed), *The Worlds of Alfonso the Learned and James the Conqueror*, Princeton, 1985, p.30

¹⁵ Frederick Maitland, *The Constitutional History of England*, Cambridge, 1908 and Wladimir Piskorski, *Las Cortes de Castilla en el Período de Tránsito de la Edad Media a la Moderna 1188-1520*, translated by Claudio Sánchez-Albornoz, Barcelona, 1977.

¹⁶ For examples refer to Donald Kagay, 'The Emergence of Parliament', p.234 Taken from the Archives of the Crown of Aragon he cites: "*congregavit...R. tunc vidit et audivit*" We are also told by the *Annals of the Crown of Aragon* written in 1562 by the chronicler Jerónimo Zurita, that King James I summoned the assembly "not to deliberate or ask counsel on the matters of the war (against the Moorish kingdom of Granada) but rather to ask them (the military nobles) to take part in it." (Jerónimo Zurita, *Anales de la Corona de Aragón*, 1561, vol. 1, Institución Fernando el Católico, Zaragoza, 1967, p.616, translated by the author from the Spanish: "*no para deliberar ni pedir consejo sobre el hecho de la Guerra (against Granada) sino para pedir que le sirviesen en ella.*")

¹⁷ John G. Edwards, *Historians and the Medieval English Parliament*, 1960, p.68. See also J.M. Pérez-Prendes, *Las Cortes de Castilla*, Barcelona, 1974. Pérez-Prendes emphatically denies that the very early cortes enjoy a fiscal competence of any importance. This view must be confronted with that of Luis García de Valdeavellano, who in *Curso de Historia de las Instituciones Espanolas*, Madrid, 1977, shows some agreement with Sanchez-Albornoz in that the granting of royal taxation was an important feature of the these early assemblies.

born out of the royal council, then analysing the changing composition of the latter could reveal that characteristic feature which separated parliamentary assemblies from the ordinary meetings of the royal council.

Besides initiating the claims that these early councils possessed undisputed legislative and fiscal attributes, Bishop Stubbs' *Constitutional History of England* also epitomises the view which portrays parliamentary institutions as the first organ of medieval government in which the three estates of society were represented. According to Stubbs, the essential ingredients which differentiated parliament from other institutions were:

First, the existence of a central or national assembly, a '*commune consilium regni*,' second, the representation in that assembly of all classes of the people, regularly summoned; third, the reality of the representation of the whole people, secured either by its presence in the council, or by free election of the persons who are to represent it or any portion of it; and fourth, the assembly so summoned and elected must possess definite powers of taxation, legislation, and general political deliberation.¹⁸

This view was first put forward by the constitutionalists¹⁹ and has since gained scholarly recognition almost beyond dispute. Soon after the work of Stubbs in England and Martínez Marina in Spain, it became an undisputed general principle that the essential institutional transformation occurred when the ordinary feudal councils, exclusively attended by the magnates and nobles of the realm, began to summon representatives of the towns, boroughs and villages of the kingdom. Typically, a relatively recent study by Valdeón Baroque suggest that "the transcendental step in the transformation of the plenary or extraordinary curia into an innovative institution, the *Cortes*, came with the presence of the representatives of the cities and the villages of the kingdom."²⁰

¹⁸ Stubbs, *The Constitutional History*, p.17

¹⁹ Notably in the work of Martínez Marina (1812) who wrote: "we know that the *cortes* summoned by Alfonso VIII in Burgos in the year 1169 were attended not only by the counts, magnates, prelates and knights, but also by the citizens and all the urban councils of Castile, as it is assured by the author of the chronicle." Translated by the author from Spanish: "*se sabe que a las Cortes que tuvo don Alfonso VIII en Burgos en el año 1169 concurrieron a ellas no solamente los condes, ricos-hombres, preladados y caballeros, sino también los ciudadanos y todos los concejos del reino de Castilla, como asegura el autor de la Crónica General.*" (*Ensayo Histórico-Crítico sobre la Legislación y Principales Cuerpos Legales de los Reinos de León y Castilla*, Madrid, 1966, p.64) He was referring to the *Crónica General de España* written during Alfonso X's reign and published in 1541. Martínez Díez's view can be contrasted to the position taken by Carlos Estepa Díez in the very same congress: "...but the importance of the *cortes* does not lie on the presence of the urban estate, but on the existence of a transformation which allowed the incorporation of new sectors of (of society) to the deliberative process of the kingdom." Translated by the author from Spanish: "*pero la importancia mayor no radica en la presencia de un estamento ciudadano, sino en la existencia de una transformación que hizo posible la incorporación de nuevos sectores a las decisiones políticas del reino.*" ('Curia y Cortes en el Reino de León', *Actas del Congreso*, p.103).

²⁰ Julio Valdeón Baroque, *Feudalismo y Consolidación de los Pueblos Hispanos*, Barcelona, 1980, p.73 From the Spanish: "*el paso trascendental en la transformación de la curia regia plena o extraordinaria en una institución innovadora, las Cortes, vino dada por la presencia de los representantes de las ciudades y villas del reino.*" This idea is also supported by Marongiu's *Medieval Parliaments*, 1968, which argues that "*a partir de la reunion de la Curia plena en Leon en 1188 tuvo lugar una*

As a result, having established the inclusion of urban representation as the demarcating line between ‘pre’ and ‘true’ parliamentary assemblies, the task of giving parliament a date of birth became relatively unproblematic. The historians of the early parliaments then rushed to the sources to find accounts which reveal the occasional presence of urban representatives in the councils summoned by the monarchs. The records of a curia celebrated in the Spanish city of Leon in 1188 under king Alphonse IX, contained in a compilation by Manuel Colmeiro and published by *The Real Academia de la Historia* in 1861, provided a quick response to the search. The introductory paragraph declares with solemnity:

I, the lord Alfonso king of Leon and of Galicia, when I celebrated court (*curia*) at Leon with the archbishop and bishops and magnates of my kingdom and with the citizens elected by each city...²¹

The significance of this fragment cannot be overestimated because it seems to reveal the presence of urban representatives to a plenary session of a medieval council for the first time in the Iberian Peninsula, and indeed anywhere in Europe. The recent works of Donald Kagay and Thomas Bisson have disputed the primacy of the event and instead granted the first meeting of the *cortes* to the Crown of Aragon, whose parliamentary records reveal the presence of town representatives in a meeting in Saragossa as early as 1169.²²

Most recently however, in October 2002, an international congress took place in the Leonese city of Benavente to commemorate the eighth centenary of the first meeting of the *cortes* celebrated in that city in 1202. It is generally considered as the second official meeting of the *cortes* in the Spanish kingdoms. Eduardo Fuentes Ganzo identifies two inaugural events of the *cortes*, but here we will only refer to one of them, as the other refers to a functional innovation; a criterion we have already discussed. One of the essential ingredients was:

The widening of the participative base in the *cortes*, which transforms the traditional curia composed by the magnates of the kingdom (ecclesiastics and the nobles),

transformacion radical, al establecerse una limitacion juridical al poder real.” (From the meeting of 1188 in Leon a radical transformation took place, when a juridical limitation was established to the monarchical power) p.xxi

²¹ Manuel Colmeiro (ed), *Cortes de los Antiguos Reinos de Leon y Castilla*, *Real Academia de la Historia*, Madrid, 1861, p.39. Author’s translation from the Latin: “*Decreta que Dominus Aldephonsus Rex Legionis et Galletie constituit in curia apud Legionem cum archiepiscopo compostelano, et cum omnibus episcopis, magnatibus et cum electis civibus regni sui.*”

²² Kagay, ‘The Emergence of Parliament’, and Thomas Bisson, *The Medieval Crown of Aragon: a Short History*, Clarendon Press, Oxford, 1986. Martínez Diez on the contrary claims the first meeting of the *cortes* for Castile by quoting the *Crónica General de Espana* in reference to assembly summoned to the Castilian city of Burgos in 1169: “*e los condes e los ricos omes e los perlados e los caualleros e los cibdadanos e muchas gentes de otras tierras fueron.*” Translation by the author from medieval Spanish: “...and the counts, and the magnates and the prelates and the knights and the citizens and many people of other lands went (to the meeting)” (*Crónica General de Espana*, f387v-388r, quoted in G. Martínez Diez, ‘Curia y Cortes en el Reino de Castilla,’ p.134)

introducing the cities of the kingdom, represented by the urban patrician class, expressed clearly in the ordinance: (1188) '*cum civibus electis ex singulis civitatis*'...²³

Fuentes finds support in the works of Procter (1980) and O'Callaghan (1989)²⁴, thus implying a great deal of agreement among the more recent studies on the origins of the *cortes*. In fact, Fuentes asserts in reference to a previous chapter that "the doctrine unanimously identifies the inaugural event of the *cortes* with the *plena corte* or plenary court of Leon in 1188."²⁵

So widespread was the thesis which gave an essential character to the inclusion of urban representation to the meeting of the king's council, that a precise date had also been determined for the origins of the English parliament. We are also aware of the participation of town procurators²⁶ in what is generally accepted as the first English parliament. The meeting convened by the earl of Leicester, Simon de Montfort required in 1264 that the boroughs of England "shall send two or more discreet, lawful, and upright citizens or burgesses."²⁷ Like the signing of *Magna Carta* in 1215, the revolution of De Montfort in 1258 had marched under the banner of constitutionalism, but unlike its precedent, the Baronial Revolt led by De Montfort managed to seat urban representatives in the council for the first time, thus providing that essential parliamentary ingredient to an otherwise regular meeting of the curia.

Like the functional criterion, the paradigm of composition for demarcating the origins of parliamentary assemblies and the moment in which they acquired certain degree of autonomy from the royal council, seems to have prevailed. However, is this framework beyond dispute? Has the historiography of the origins of parliament found an indisputable interpretation? Was the inclusion of the urban element so essential as to give birth to a new assembly?

As we have seen, the nomenclature of the parliamentary records is enormously complex, at times misleading and confusing; a characteristic not uncommon in medieval records in general. The writs of summons, one of the starting points for the historian of parliament, refer to urban representatives as variously as they do in

²³ Eduardo Fuentes Ganzo, *Las Cortes de Benavente*, Benavente, 2002. (Author's translation from Spanish: "1. Se produce la ampliación de la base participativa de las mismas, que transforma la curia tradicional que contaba con la participación de los magnates del reino (eclesiásticos y nobiliarios), introduciendo en la misma las ciudades del reino, representadas por su patriciado urbano, expresándose palmariamente en su ordenamiento (1188): '*cum civibus electis ex singulis civitatis*',...", p. 83. See also Fernando De Arvizu y Galárraga, *Regnum: Corona y Cortes en Benavente, 1202-2002*. The Leonese meeting of the curia was the first *cortes*, "understood as the meeting of the estates...to treat matters of general interest...", p.37 (Author's translation from Spanish: *entendidas como la reunión conjunta de los estados...para tratar asuntos de interés general...*)

²⁴ Joseph O'Callaghan for instance, agrees with the general trend of compositional historians, which suggests that the first *cortes* took place in Leon in 1188 (*The Cortes of Castile-Leon 1188-1300*, Philadelphia, 1989).

²⁵ Fuentes, *Las Cortes de Benavente*, p.83

²⁶ The procurators of the towns were representatives to the *cortes* or parliament with full powers to bind their communities by the decisions of the assembly.

²⁷ *Reports touching the dignity of a peer from the Lord's Committees*, 5 vols., London, 1820-29, III, 33f

reference to the assemblies themselves. In other words, our paradigm seems to assume, perhaps without much scrutiny, that the royal clerks' convocation of representatives to meet in parliament was perfectly clear and univocal. A reading of the sources, however, points the scholar in the other direction. Typically, a chronological reading of the ordinances of parliamentary meetings throughout the thirteenth century leaves the historian with doubts as to what exactly a town representative was. The Leonese curia of 1188, for example, refers to them as the '*cives electi*' or the 'elected citizens', but the *Cortes* of Benavente held only fourteen years after, describes the urban representation as 'many from each city.'²⁸ The *Cortes* of Leon of 1208 speak of a 'multitude of citizens sent by the cities,'²⁹ while the assemblies of Seville, 1252, Valladolid, 1258 and Toledo, 1260, simply refer to them as 'good men.'³⁰ It is difficult then to establish a criterion for defining parliamentary assemblies when based upon the terminological ambiguity of their attendants.

Secondly, even if an agreement in regards to the parliamentary nomenclature is reached, we are obliged to admit after analysing the records, that some parliamentary assemblies, regarded by the royal clerks as such, had no urban representation and that, on the other hand, meetings which were attended by urban representatives or to which they were summoned by will of the king, are not described in the records as parliaments. G.O. Sayles affirms that the "evidence indisputably showed that most parliaments, so termed by contemporaries, had no popular representatives in them."³¹ Jerónimo Zurita, a sixteenth century Aragonese chronicler, tells us that after the death of king Ramón Berenguer in 1162, his wife Petronila assembled a meeting of an assembly attended by representatives from as many as twenty six urban localities within the limits of the Crown of Aragon.³² The monumental *De Rebus Hispaniae*, written by the Bishop of Toledo Rodrigo Jiménez de Rada in the first half of the thirteenth century, also gives an account of assemblies attended by urban representatives,³³ but are not been presented by the records as parliaments, nor are they given any special significance.

²⁸ From the medieval Spanish: '*muchos de cada cibdad*'

²⁹ From the medieval Spanish '*multitud de cibdadanos enviados por las cibdades*'

³⁰ From the medieval Spanish: '*buennos ommes*' Martínez Díez indicates that this title was specifically given to the members of the king's council who were did not have the title of counts. Thus, nothing allow us to believe that the '*ommes buenos*' or good men were the representatives of the town, as it is usually suggested by constitutional historians.

³¹ Sayles, *King's Parliament*, p.12. Bertie Wilkinson also agrees that "several undoubted parliaments do not seem to have included representatives of the boroughs and shires." (*Studies in Constitutional History of the Thirteenth and Fourteenth Centuries*, Manchester, 1952, p.50) Furthermore, the studies of Richardson and Sayles on thirteenth century parliaments have shown that "over a period little short of seventy years, parliaments to which representatives of shires or towns were summoned, for one purpose or another, alternated with parliaments to which there was no such summons." (*Parliaments and Great Councils*, p.38)

³² It is important to take note of the fact that Zurita's accounts were written more than four hundred years after the events. We strongly believe however, that they were based on earlier testimonies.

³³ Rodrigo Jiménez de Rada, *De Rebus Hispaniae*, Madrid, 1973. In the original: "*Et fuit ibi curia nobilissima celebrata assitentibus totius regni magnatibus, dominabus, et fere omnibus regni militibus et primoribus civitatum.*" Translation by the author from Latin: "and a noble court was celebrated and attended by all the magnates of the kingdom, the lords, and all the knights of the kingdom and the prominent citizens." In the city of Burgos, in the year of Our Lord of 1219, p.201 *De Rebus Hispaniae* is

We also have several examples of English councils, which included shire representatives. A royal mandate issued in 1227 and directed to the city of Northumberland commands the sheriff to “tell the knights and good men of your bailiwick to elect from their own number four of the more lawful and discreet knights, who are to come before us at Westminster...there to set forth on behalf of the whole county their quarrel with you.”³⁴

The Annals of Burton, written in the 1250s, suggest that in the year 1258, just before the Baronial Revolt which supposedly led to the emergence of the English parliament, “there was a parliament at Cambrai between the kings of France, England and Germany for the making of a peace between them and their heirs.”³⁵ This is perhaps one of the most misleading uses of the word ‘parliament’, but it seems to suggest that the inclusion of representatives from the cities, towns and boroughs should not be considered as the essential ingredient of a parliamentary assembly. The certainty of several compositional studies on the origins of parliament seems, in this way, to defy the ambiguity of its early records.

These difficulties are indeed important, but they are technicalities which could perhaps be overcome by more exhaustive, alternative and reflective analyses of the sources. It is my belief however, that unlike much of the criterion of functions, the institutional demarcation by urban representation presents problems that extend far beyond technical difficulties. In order to discover these problems we are obliged to deconstruct the paradigm used by these scholarly works. In other words, we ought to decipher the reasoning behind the great significance that these studies have given to the inclusion of urban representation to the meetings of the royal council.

In essence, this paradigm is constructed within a constitutional framework and as such the representation of the three estates of medieval society in a monarchical institution becomes accordingly an especially significant event. Undoubtedly, representatives of towns and boroughs occasionally attended assemblies when summoned by the king but this representation was not of a social type, as originally suggested by Stubbs, and his followers, but a territorial one.³⁶ Accordingly, the citizens who took part in these meetings were not -as constitutional theories would like to believe- “representatives of a third estate, they were the ordinary magistrates of the towns in their capacity as heads of administrative subdivisions of the realm.”³⁷ Helen Cam’s detailed study of the representation of English communities in the thirteenth century rightly explains that within the parliamentary assemblies “a noble may link up with his fellows in the house of commons as an estate of the realm, (but) it is not an order or estate that he represents, but a locality, and the house of commons, when it finally comes into existence, it is not a house of *roturiers*, of the non-noble, but a house

the first part of the *Crónica* of Jofré de Loaysa and it relates the entire medieval history of the Iberian Peninsula, thus providing very valuable information for historians.

³⁴ *Rotuli Litterarum Clausarum*, Record Commission, 2 vols., London, 1833-4, II, 213.

³⁵ *Annals of Burton*, from Harry Rothwell (ed), *English Historical Sources*, vol. 2, 1189-1327, London, 1975, p.157

³⁶ In simple terms, a representative pattern determined by geography and not by social strata.

³⁷ Queller, ‘Political Institutions,’ p.149

of communities, urban and rural.”³⁸ Thus, the definition of parliament as the meeting of the nobles, the clergy and the burgesses, seems to respond to nineteenth-century conceptions of medieval politics rather than the actual medieval context. This revisionist view is also adopted by the recent work on the *cortes* of Castile by J.M. Pérez-Prendes, who emphatically denies “that the attendants to these meetings were authentic representatives of their respective estates.”³⁹ On the contrary, the criterion which gives particular significance to the presence of town representatives in the council appears to do it in so far as they represent a social group rather than a territorial one.

The importance given by constitutional historians to the presence of town representatives makes sense to us in the light of J. López’s assertion, which suggests that this interpretation “sees no efficacy in the assemblies until the intervention of the third estate, thus assuming that the ‘people’ were conquering the liberties and were elevating themselves as the directors of the political life.”⁴⁰ The constitutional framework then regards the inclusion of urban representation as the result of political pressure from underprivileged groups, and their participation in parliamentary assemblies as active and influential. The medieval political and social reality, however, provides an entirely different panorama and contrary to what constitutionally driven studies have insisted for decades, town representatives were both relatively uninterested in attending the assemblies and comparatively powerless once assembled with the landed nobility. Desiré Pasquet rightly asserts that

We never find the counties and towns claiming to be summoned to parliament as of right. The knights and burgesses were by no means anxious to repair to London, York or Shrewsbury in order to waste valuable time over the king’s business and to play a part of but small importance in the king’s assembly.⁴¹

Interestingly, this point is demonstrated by J.G. Edwards, who has shown how a considerable number of constituencies eluded representation by persistently omitting the election of representatives for parliament.⁴² Robert Fawtier explains the reaction of

³⁸ Helen Cam, ‘The Theory and Practice of Representation in Medieval England,’ *Law Finders and Law-makers*, 1963, p.88 Antonio Marongiu, despite the compositional approach adopted by his book *Medieval Parliaments* (1949), acknowledges that the nobles “represented and personified both the population of their territories in their relations with the sovereign, and public authority within their territories,” p.21

³⁹ J.M. Perez-Prendes, *Las Cortes de Castilla*, quoted by Valdeón Baruque, *Feudalism y Consolidación*, p.72. Translated from Spanish by the author: “*Niega que los asistentes a sus reuniones fueran auténticos representantes de sus respectivos estamentos.*”

⁴⁰ Jose López Ortiz, *Anuario de Historia del Derecho Espanol*, XIV, 1942, p.737 quoted by Valdeón Baruque in Piskorski’s, p.x Translated by the author from Spanish: “*no ve eficacia en las asambleas hasta que en ellas interviene el tercer estado, suponiendo que con ello el pueblo conquistaba libertades y se erigia como director de la vida política.*”

⁴¹ Pasquet, *Essays on the Origins of the House of Commons*, Cambridge, 1925, p.28

⁴² See Edwards, *History and the Historians*. This is also indicated by May McKisack’s exhaustive study of the representation of English boroughs in the thirteenth and fourteenth centuries. The records in fact reveal that in 1275 the towns sent a total of 114 representatives while this number declined radically to 78 in 1295 and 73 in 1301. (McKisack, *Parliamentary Representation*, Oxford, 1932) ‘The Provisions of Oxford,’ for example, are seemingly the result of the unity of the three estates against the king but the evidence overwhelmingly indicates that “the nation did not demand representation in the king’s

towns to the writs of summons by asking: “why should the communes or towns have wished to participate in assemblies where their participation was limited purely and simply to ratifying the decisions taken by the king and his Council, decisions strictly financial relating to the levy of subsidies?”⁴³

In this fashion, the constitutional approaches have also assumed that the history of parliament and the history of representation are analogous. This is, of course, a methodological error which has not been pointed out strongly enough by recent studies. Allen Bass and Ronald Butt have directed our attention to neglected records which suggest the existence of representative structures during Anglo-Saxon times.⁴⁴ The *Witagemot* of the tenth century for example, included more popular participation than the feudal councils of Angevin England. Possibly the same can be affirmed of the Visigothic councils held in the Spanish kingdom of Asturias before the coming of *burgueses* or *buenos hombres de las ciudades y villas* to the meeting of the *cortes*.

Furthermore, a meticulous reading of the institutional sources leads to the conviction that the town representatives summoned to these meetings were, in comparison to the king and his council, quite powerless and subservient. Nevertheless, the constitutional view on the origins of parliament insists that the coming of town representatives to the meeting of the council was the most crucial step towards providing the institution with a prototypical system of democracy. We know however, that the word ‘democratic’ cannot be appropriately applied to any medieval institution.

Accordingly, we are obliged to say that the constitutional approaches to the field seem to have intermingled the history of parliamentary institutions with the history of political freedom and the struggle for representative rights. Truly, if parliamentary assemblies ever met in the twelfth and thirteenth centuries they did not epitomise in any way the triumph of an emerging medieval bourgeoisie over the feudal nobility but, instead, they embodied the royal realisation of the increasing wealth and influence that urban centres were acquiring. Thus, it seems quite possible that urban representatives were not summoned to alleviate political pressure, but rather as a way of obtaining more revenues from taxation and, at times of conflict, with the nobility, to be used by monarchs as a political shield. Accordingly, their occasional presence in the king’s curia appears to be considerably less significant than what constitutional studies thought.

parliament. It was the king who imposed on his subjects the duty of sending him their representatives.” (Pasquet, *Essays*, p.28)

⁴³ Fawtier, *Parlement d’Angleterre*, p.80, Gaines Post’s study of the relationship between the re-emergence of Roman law and the origins of parliamentary institutions, agrees that the urban representatives “did not participate directly in the council and court of magnates and prelates who gave counsel and consent and judged important cases; their consent, if any, was not ‘popular’, but rather the consent involved in defending local rights based on custom and royal franchise.” (Gaines Post, ‘Roman Law and the Early in Italy and Spain,’ *Speculum*, XVIII, pp. 229-232, 1943, p.230)

⁴⁴ Allen Bass, ‘Early Germanic experience and the Origins of Representation,’ *PER* xv, 1995, pp.1-11. I extend my gratitude to Prof. Thomas Bisson whose writings directed me to this work. See also Ronald Butt, *A History of Parliament*, London, 1989, pp.1-64

In trying to understand the constitutional paradigm we discover that its most pervasive principle is the anachronistic perception that views the emergence of parliamentary assemblies as antagonistic towards the power of the monarchy. This view stems perhaps from the conviction that parliament is by definition the most important political restriction on monarchical or presidential power; the watchdog of constitutional liberties. This view appears quite undisputable in the political circumstances of the nineteenth and twentieth centuries, but it is nevertheless anachronistic if applied to the medieval context. J. Torres López is very incisive in suggesting that “to investigate the juridical and political nature of the Castilian *cortes* in the light of the ideas of popular and national representation, of the delimitation of royal power, of the division of powers, and of the popular voting of the state’s budget, is notoriously absurd.”⁴⁵

In my view, this explains why all constitutional approaches to the emergence of parliamentary assemblies are unable to grasp the original nature of the institution. This is not to say that all changes in the composition of these assemblies throughout the twelfth century were of equal significance. As Richardson and Sayles argue, it should be clear that in the evolutionary path taken by the royal council in this period, “the introduction of ‘representative’ elements into assemblies was an incidental, not a constitutive, event,”⁴⁶ but this conclusion does not prevent us from looking at other compositional changes that might have, in fact, established the origins of an occasional assembly, separate from the council.

An innovation in composition that has been long ignored since the medieval parliaments came on the scene was the first significant enlargement of the king’s council with the incorporation of the most influential men of the entire land. I believe this innovation, which preceded the inclusion of urban representatives, has been overlooked even by the most incisive studies on the origins of parliament. If composition is what distinguished a parliament from an enlarged meeting of the king’s council, then we should also indicate that a compositional distinction existed between the regular meeting of the council and the enlarged or extraordinary. It is unknown to me why historians seem to have recently avoided this event and given instead more significance to the presence of the urban element in the assemblies.

⁴⁵ J. Torres López, ‘Las Cortes Castellanas durante el Imperio,’ *Revista Si*, March, 1944, quoted in Valdeón Baroque, ‘Las Cortes castellano-leonesas,’ p.xi, Author’s translation from the Spanish: “investigar la naturaleza jurídico-política de las Cortes castellanas a la luz de las ideas de representación popular y nacional, delimitación del poder real, de división de poderes, de votación popular del presupuesto del Estado, es notoriamente absurdo.” It is important to note that although these may have been in some way characteristic features of the early parliaments, none of them can really be considered to be an essential element.

⁴⁶ Richardson and Sayles, *The Functions*, p.7 Here they are obviously referring to urban representatives. This distinction is indeed important because the nobles who were summoned by the king to attend the meeting of the royal council were also representatives of the respective feuds and they acted as tenants-in-chief of the royal land in England and the *realengo* in the Spanish kingdoms. Interestingly, even though Antonio Marongiu identifies the meeting of the curia in 1188 as the first parliamentary assembly, he seems to be in agreement with Richardson and Sayles when he argued that “the presence of estates – differentiated elements, true social bodies which developed common personalities and public functions of great importance from the 14th century onwards – seems neither original nor general (and consequently not essential) to parliaments.” (*Medieval Parliaments*, p.106)

As we have previously discussed, the nature of institutions can only be grasped after a careful consideration of the context in which they emerged. England and the Spanish kingdoms enjoyed in the twelfth and thirteenth centuries a very similar period of territorial expansion. The Plantagenets in England from Henry II to John, devoted a great deal of economic and human resources to various military quests which aimed at the dominance of Britain and France. By the end of the reign of Henry II, the Angevin Empire stretched from the Scottish border to the French Pyrenees. In Spain, most thirteenth-century chronicles are almost entirely devoted to the romantic telling of the battles of the *Reconquista*, which eventually would end the Islamic presence in the Iberian Peninsula towards the end of the fifteenth century. The Christian conquests in Spain and the expansion of the Angevin Empire in the British Isles and France gave the Spanish and English monarchs the facility of distributing the new territories among their most faithful subjects, thus extending and solidifying the royal control throughout the kingdom. The twelfth century was also a period of substantial economic and demographic growth for Europe. These changes put the small-scale, household administration of feudal government under pressure, and together these changes became the catalyst for a long-term political transformation. It is logical to believe, for example, that having an itinerant court as the central organ of government became absolutely impractical in kingdoms which had expanded twice their size in less than one century. Robert Bartlett, in his recent study of the government of the Norman and Angevin kings in England, explains that for the household court “an alternative to visiting every corner of the kingdom was to bring men from every corner of the kingdom to a great assembly.”⁴⁷

Having the magnates of the kingdom coming to the king in representation of their subjects at an enlarged meeting of the council, instead of having the king going to the subjects in the form of an itinerant court, presented a series of irresistible advantages for the monarchy. Firstly, an enlarged meeting of the council “tended to act as an institutional link between the king and his subjects, while its members acted as personal links between all the subjects and the general representative body.”⁴⁸ At the same time, “the sovereigns and their governments were able to keep in contact with the main currents of public opinion. They could seek to direct them towards their own objectives and bring to their notice certain facts, and so influence them and encourage sentiments of loyalty among widespread social groups throughout their territories.”⁴⁹

⁴⁷ Robert Bartlett, *England under the Norman and Angevin Kings, 1075-1225*, Oxford, 2000, p.143

⁴⁸ Marongiu, *Medieval Parliaments*, p.104

⁴⁹ Ibid.,p.110 The Spanish medievalist Luis G. de Valdeavellano asserts that this phenomenon, motivated by the revival of Roman law, “stimulated the intentions of the princes to centralising power and favoured the monarchical tendency to intervene in the government of the cities.” (*Curso de Historia de las Instituciones*, p.548) Author’s translation from Spanish: “estimuló las pretensiones de los Príncipes a la centralización del poder y que favoreció la tendencia de los Reyes a intervenir en el gobierno de las ciudades.” Moreover, the presence of representatives with proctorial powers in the meetings, furnished royal policies with ‘national’ consent. Helen Cam in a study presented to the International Commission for the History of Representative and Parliamentary Institutions sees representation as a propaganda tool. She claims that “Edward I called representatives to parliament to secure at a local level the favourable reception of his programs.” (Helen Cam, ‘Representation as a propaganda tool,’ *Studies presented to the International Commission for the History of Representative and Parliamentary Institutions*, Ashgate, 1939, p.60. She quotes the royal statement of Edward I: *vocati sunt milites de quolibet comitater qui*

As regards to the summoning of urban representatives to the meetings, it is quite possible that, among other purposes, the monarchs used their occasional presence to counteract the power of the nobility. Wallace Ferguson affirms that the urban representatives who attended the council became “the natural allies of the king”⁵⁰ against the pressures of the nobility, and Thomas Bisson tells us that King Peter II of Aragon “found natural allies in his townspeople, granting them specific protections in the statutes of 1198.”⁵¹

In summary, we can say that the parliamentary assembly was born as “a natural response to the practical needs of the age; medieval kings summoned representative assemblies simply because they found it administratively convenient to do so.”⁵² Alec Myers suggests that the new assemblies were “necessary to the ruler, both positively to enable him to achieve financial or administrative aims that would otherwise have been impossible, and negatively to avert social explosions in the form of revolts or other forms of defiance.”⁵³ The emergence of parliamentary assemblies thus served the growing administrative needs of the monarchy rather than coming to alleviate the political pressure from townspeople.

In this evolving institutional framework, the inclusion of urban representation becomes simply an important symptom but not an essential ingredient, as has been generally suggested. I would argue – not so much convinced by the clarity of the institutional sources as by the political context in which these meetings first took place - that the innovation which gave the royal council the very first unequivocal parliamentary symptom was the occasional and *ad hoc* enlargement of the ordinary meeting royal council by the addition of the great men or magnates of the entire land, as territorial representatives. The inclusion of urban representation may have a great deal of significance for us today but there is nothing in the institutional records to indicate that any importance was given in the medieval period to the presence of town dwellers in the royal council.⁵⁴ The enlargement of the council – an event that was probably consolidated during the twelfth century - has been, on the contrary, duly acknowledged in the sources with designations such as solemn, plenary or general curia and with the attribution of new functions to the meeting of the council.

habere potestatem obligandi comitatum. (“Knights were summoned from a particular county who would have power to bind the county.”) Refer also to Wallace Ferguson, who argues that Edward “was no doubt moved by a desire to secure the support of the propertied middle class for his legislation and national policies and to use the technique of representation as a means of establishing a more direct liaison between central and local administration.” (*Europe in Transition*, Boston, 1962, p.195)

⁵⁰ “The addition of representatives of the commons to Parliament was undoubtedly intended as an extension rather than a limitation of royal power.” (Ferguson, *Europe in Transition*, p.194)

⁵¹ Bisson, ‘Prelude to Kingship,’ p.31 Bisson further indicates that there is no doubt that the initiative remained with the king, who summoned the *cortes* whenever he desired.

⁵² Brian Tierney, ‘Freedom and the Medieval Church,’ in R.W. Davies (ed) *The Origins of Modern Freedom in the West*, Stanford, 1995, p.84

⁵³ Alec Myers, *Estates and Parliaments in Europe*, London, 1975, p.145

⁵⁴ Bertie Wilkinson’s study of the origins of parliament indicates that “there is no evidence that the conception of parliament became essentially different in the period 1258-65.” (*Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries*, Manchester, 1952, p.44)

After having walked at least some of the path in search of the origins of parliamentary moment I turn now to Elizabeth Hallam to agree that this question is perhaps “more intricate and controverted than any other, and I feel the need for this cautious admission that among such obscure inquiries I cannot feel myself secure from error.”⁵⁵ But in attempting to grasp the essential symptoms of a parliamentary assembly I can only feel safe by suggesting that it was in its original form, an enlarged meeting of the king’s council, attended by noble representatives from the entire realm, ‘*pur ver le estat del reaume et pur treter les communs bosoingnes del reaume*⁵⁶,’ to evaluate the state of the realm and to treat the common or great business of the kingdom, and to facilitate royal administration. In addition, I would suggest that this gathering was rarely an antagonistic occasion and generally did not constitute a political battlefield. Instead, it contributed to the bureaucratic and fiscal centralisation of an emerging medieval state, and meanwhile to the intentions of an increasingly powerful monarchy.

We can be easily seduced by the idea that the royal council of 1265 in England and of 1188 in Castile-Leon suffered such a radical transformation by the inclusion of town representatives that we are suddenly confronted with the birth of a new institution. However, if we ask why was 1188 the first meeting of the *cortes*, the historian Fernando de Arvizu answers: “simply because they were.”⁵⁷ Incredible as it may seem, the scholarship of the early parliaments has been affected by this constitutional framework for the past two hundred years. Not much has been written on the origins of parliamentary assemblies in the past two decades and we can hardly find studies which offer comparative insights. It is not surprising then that the subject remains an arduous and hostile journey for the scholar. We can understand now why so many attempts at determining the origins of parliament have been frustrated, since as Richardson and Sayles argue, “parliament was not the creation of a legislative act or, so far as we can tell, a conscious creation at all, we cannot give a date to its conception.”⁵⁸

In conclusion, the emergence of parliamentary assemblies in this period does not constitute a chapter in the story of constitutionalism and the struggle for political representation. It is instead an important episode in the history of the evolution of monarchical government in the Middle Ages. I propose this new paradigm with the intellectual humility which comes from acknowledging that what we actually know for certain about the nature of these assemblies is like the tip of an iceberg. Hopefully, these considerations may bring new light into the study of the genesis of parliamentary institutions in medieval Europe.

⁵⁵ Elizabeth Hallam, *Four Gothic Kings: the Turbulent History of Medieval England and the Plantagenet Kings*, New York, 1987, p.9

⁵⁶ Quoted from the medieval French in Edwards, *Historians*, p.40

⁵⁷ Fernando de Arvizu, *Regnum: Corona y Cortes*, (Author’s translation from Spanish: “*Pues simplemente, porque lo fueron*,” p.37 Then he suggest the meeting of the three estates as the demarcation criterion.

⁵⁸ Richardson, *Parliaments and Great Councils*, p.35