

The Various Models  
of Lordship in Europe  
between the Ninth and  
Fifteenth Centuries

PREPRINT VERSION

PREPRINT VERSION

# The Various Models of Lordship in Europe between the Ninth and Fifteenth Centuries

Edited by

Antonio Antonetti and Riccardo Berardi

**Cambridge**  
**Scholars**  
Publishing



The Various Models of Lordship in Europe between the Ninth  
and Fifteenth Centuries

Edited by Antonio Antonetti and Riccardo Berardi

This book first published 2023

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Copyright © 2023 by Antonio Antonetti, Riccardo Berardi  
and contributors

All rights for this book reserved. No part of this book may be reproduced,  
stored in a retrieval system, or transmitted, in any form or by any means,  
electronic, mechanical, photocopying, recording or otherwise, without  
the prior permission of the copyright owner.

ISBN (10): 1-5275-2908-8

ISBN (13): 978-1-5275-2908-3

*To Jean-Marie Martin  
in memoriam*

PREPRINT VERSION

PREPRINT VERSION

# TABLE OF CONTENTS

List of Figures.....	x
Preface .....	xi
A. ANTONETTI – R. BERARDI	
Chapter 1 .....	1
The Rural Lordship in Europe	
L. FELLER	
<b>I: Sovereigns and Territorial Lordship</b>	
Chapter 2 .....	18
The Exercise of Lordship in Early Medieval England	
A. WAREHAM	
Chapter 3 .....	41
The Early Development of Honorial Courts in England	
N. KARN	
Chapter 4 .....	57
The <i>Infeudationes Militum</i> of 1172: Some Aspects of Lordship in Henry II's Normandy	
M. HAGGER	
Chapter 5 .....	80
Tenants, Lordship and Service: The Lord Edward and the County of Chester, 1254-1272	
R. BILLAUD	
Chapter 6 .....	96
Feudal Geography and Lordship Models in a Late Medieval Province of Southern Italy: The Terra d'Otranto	
L. PETRACCA	

Chapter 7 .....	110
Rights and Notebooks in the Principality of Taranto in the Fifteenth Century	
S. MORELLI	

## **II: Lay Lordship**

Chapter 8 .....	130
From Magnates to Knights: The Eleventh to Thirteenth-Century Danish Aristocracy	
B. POULSEN	

Chapter 9 .....	145
The Making of Jurisdictional Lordship in Medieval Iberia: Comparative Perspectives (Castile and Catalonia, Twelfth-Fifteenth Centuries)	
V. MUÑOZ GÓMEZ – A. MARTÍNEZ GIRALT	

Chapter 10 .....	179
The Secular Lordship in Basilicata in the Late Middle Ages (Fourteenth-Fifteenth Centuries)	
R. BERARDI	

Chapter 11 .....	199
Predatory Lordships on the Edge of the Byzantine World: The Case of Late Medieval Pontos (Thirteenth-Fifteenth Century)	
M. FASOLIO	

## **III: Ecclesiastical Lordship**

Chapter 12 .....	220
Military Lordship of Benedictine Superiors in Southwestern France (Tenth to Thirteenth Centuries)	
S. FRAY	

Chapter 13 .....	235
‘As an Obedient Son, I Disobey’: Political Roles and Religious Rules in the Diocese of Lincoln in the Twelfth-Thirteenth Centuries	
A. SILVESTRI	



Chapter 14 .....	259
Serving the Lord: The Registers of Condemnations of Montieri (Early Fourteenth Century)	
J. PAGANELLI	
Chapter 15 .....	272
An Incomplete Lordship? Bishops as Lords in Southern Italy (Twelfth-Thirteenth Centuries)	
A. ANTONETTI	
Chapter 16 .....	290
Episcopal Lordship and Political Powers in Northern Italy (Thirteenth-Fifteenth Centuries)	
F. PAGNONI	
Chapter 17 .....	304
Seigneurial Power in Southern Italy: The Example of Some Monasteries in Basilicata (Fourteenth-Fifteenth Centuries)	
M. SALERNO	
<b>IV: Lordship and Material Strategies</b>	
Chapter 18 .....	320
Lords Facing Death: The Choices of the Orsini, Counts of Nola	
L. TUFANO	
Notes on Contributors.....	349

## LIST OF FIGURES

- FIGURE 1 - Giovanni Antonio Rizzi Zannoni, *Atlante geografico del Regno di Napoli*, 1788-1812: *Golfo di Napoli*.
- FIGURE 2 - Giovanni Antonio Rizzi Zannoni, *Atlante geografico del Regno di Napoli*, 1788-1812: *Golfo di Napoli*. Detail of the *Ager Nolanus*.
- FIGURE 3 - Nola, San Francesco
- FIGURE 4 - Nola, San Francesco - Front of the sarcophagus of Nicola Orsini.
- FIGURE 5 - Nola, San Francesco - Sarcophagus of Nicola Orsini. Detail of the side.
- FIGURE 6 - Nola, Sant'Angelo in Palco
- FIGURE 7 - Nola, Sant'Angelo in Palco - Sepulchral plate of Raimondo Orsini.
- FIGURE 8 - Naples, Museo della Certosa di San Martino - Sarcophagus of Giovanni Pietro Orsini.
- FIGURE 9a - Naples, Museo della Certosa di San Martino - Sarcophagus of Giovanni Pietro Orsini. Detail of the side.
- FIGURE 9b - Naples, Museo della Certosa di San Martino - Sarcophagus of Giovanni Pietro Orsini. Detail of the *gisant*.
- FIGURE 10 - Ambrogio Leone, Girolamo Mocetto, *De Nola patria: Nola Praesens*, engraving.
- FIGURE 11 - Nola - Main city buildings.

## CHAPTER 9

# THE MAKING OF JURISDICTIONAL LORDSHIP IN MEDIEVAL IBERIA: COMPARATIVE PERSPECTIVES (CASTILE AND CATALONIA, TWELFTH-FIFTEENTH CENTURIES)

VÍCTOR MUÑOZ GÓMEZ\*  
ALEJANDRO MARTÍNEZ GIRALT\*\*

“When you say yet that the delinquents and wrongdoers from the *col de Jou* to these lands ought to be punished by their lord the King and his officials and no other, saved your Honour, it is not so true, that from the *col de Jou* to the river Malanyeu the aforementioned nobleman and his officials punish and used to punish all the wrongdoers and delinquents within those lands”.<sup>1</sup>

---

\*Instituto de Estudios Medievales y Renacentistas. Universidad de La Laguna

\*\*Refiscat. Universitat de Girona (Spain)

This paper is part of the research project “El ejercicio del poder: espacios, agentes y escrituras (siglos XI-XV)” (Ref. HAR2017-84718-P), funded by the Spanish *Ministerio de Economía, Industria y Competitividad*, the *Agencia Estatal de Investigación* and the European Regional Development Fund.

We want to thank dr. Esther Tello Hernández and dr. Mario Lafuente Gómez for their support and help in preparing this text. We would also like to dedicate this modest work to the memory of Professor Carlos Estepa Díez, who did so much for the studies of Hispanic feudalism.

<sup>1</sup> “Quan dyets encara que’ls delinqüents e’ls mals feytors de col de Jou ençà se pertanyen a punir al dit senyor Rey e a sos oficials e no a negú altre, salva vosta honor, no és així veritat, que ans de col de Jou tro al riu de Malanyeu lo dit noble e sos oficials puneixen e an acostumat de punir tots malfeytors e delinqüents dins alquels termes”.

This was the reminder issued in June 1311 by Pere de Santaaulària, a procurer of the Catalan baron Pere Galceran de Pinós, to the *sotsveguer* Miquel de Pedrinyà, the highest representative of King James II of Aragon Aragon in the town of Berga and its nearby region of el Berguedà. A similar point seems to have been expressed some years earlier by a baron of Mataplana, who asserted that “we do not understand anyone to be greater than us in our jurisdiction”.<sup>2</sup> With his words, the baron of Mataplana (a member of the Pinós family) made it clear that authority within the limits of his jurisdiction belonged to him, and no other. He did not intend to question the sovereignty of the monarch as well none of the other barons did in the 14<sup>th</sup> and 15<sup>th</sup> centuries Catalonia, but his aim was to remind him the limits of his general jurisdiction and the bounds of the lay lords in the Principality. Meanwhile, in the neighbouring kingdoms of Castile and León, it was common to find statements connecting the lords’ jurisdictional rights with their royal donation. For instance, in 1310, king Ferdinand IV donated the site of Villalar to Lady Vataza Lascaris, maiden of her daughter, the *infanta* Leónor, with all its inhabitants, boundaries, and belongings “and with the justice that we have and ought to have”.<sup>3</sup> Despite this, the ordainments and legal customs compiled in the 1356 *Fuero Viejo de Castilla* clearly confirmed the king’s jurisdictional superiority over all other lords in his kingdom, with regard to the administration of justice and the levying of taxes, since “these four things rightfully belong to the lordship of the King; and he should not give them to no man nor remove them from himself, since they belong to him because of his rightful lordship: Justice, Coinage, the *Fonsadera*, and his *yantares*.”<sup>4</sup>

During the first half of the 14<sup>th</sup> century, the holding and displaying of jurisdiction and its hierarchical ordering among the lords was a supposedly integrated reality within the Crowns of Castile and Aragon.

---

<sup>2</sup> Serra Vilaró 1947, II, 15-16: “Nos no ententem que nengú hic sia major que nos en nostra juresdicció”.

<sup>3</sup> Arquivo Nacional da Torre do Tombo, Cabildo da Sé de Coimbra, maço 47, doc. 1871.

<https://pdfs.semanticscholar.org/1c79/9b719884336e2325b5a5885b7ef3ce5cd9d4.pdf>

<sup>4</sup> Jordán de Asso y del Río, De Manuel y Rodríguez 1771, lib. I, tit. I, I: “Estas quatro cosas son naturales al señorío del Rey, que non las debe dar a ningund ome, nin las partir de si, ca pertenescen a el por razon del señorío natural: Justicia, Moneda, Fonsadera, è suos yantares”. The *fonsadera* was a tribute that was paid to meet war-related expenses. The *yantar* was a tax that was generally paid in kind by the inhabitants of towns and rural districts for the maintenance of their sovereign and their lord whenever they passed through them. Sometimes it was commuted for money.

Nevertheless, the examples above shed a light on the frictions between the monarchies and the lay aristocracies of Catalonia and the northern Meseta with regard to the definition of the authority, rights, and limits involved in the lords' exercise of jurisdiction. These frictions were common and considerably intense, and they differed across territories. In Castile, for instance, it seemed necessary to insist on the royal origin of the participation in jurisdictional faculties, whereas in Catalonia the limited sovereignty of the monarchs allowed barons to question royal jurisdictional rights in certain areas. There is no doubt that jurisdiction was deeply consequential for the redefinitions of lordship and the relations of domination involved in Iberian feudal societies throughout the early and late Middle Ages, as in other areas of the medieval West. This prompts the question: what did the exercise of jurisdiction mean in two different Iberian territories like Catalonia and Castile?

It is not our intention here to dwell on the problems surrounding the definition of lordship and domination in feudal societies. Our interest lays on formulations of lordship focusing on the integrated statement and exercise of authority and dominion over peoples and land, by a person, a collective, or an institution. Moreover, we are interested in the symbolic and effective dimensions of the exercise of aristocratic power and the interaction between the dominating and the dominated, based on coercion and negotiation within the complex historical processes across different temporal and spatial scales in the European West.<sup>5</sup> We cannot therefore untangle the construction of seigneurial power from other processes in the spatial framing of human communities and the territorialization of social relations in the Medieval West from the 11<sup>th</sup> and 12<sup>th</sup> centuries onward.<sup>6</sup>

With regard to jurisdiction within seigneurial rights in the Iberian Peninsula, common understanding is that the rights of command and justice

---

<sup>5</sup> Alain Guerreau, *Le féodalisme, un horizon théorique* (Paris: Le Sycomore, 1980), 179-184; Josep Maria Salrach i Marès, "Orígens i transformacions de la senyoria a Catalunya (segles IX-XIII)", *Revista d'Història Medieval* 8, (1997): 25; Joseph Morsel, *L'aristocratie médiévale. La domination sociale en Occident (Ve-XVe siècle)* (Paris: Armand Colin, 2004), 176.

<sup>6</sup> Robert Fossier, *Enfance de l'Europe (Xe-XIIe siècle) Aspects économiques et sociaux* (Paris: Presses Universitaires de France, 1982); José Ángel García de Cortázar, Ruiz de Aguirre, "Señores, siervos, vasallos en la Europa altomedieval", in *Señores, siervos y vasallos en la Alta Edad Media* (Pamplona: Gobierno de Navarra, 2002), 15-74; José Ángel García de Cortázar, Ruiz de Aguirre, *Sociedad y organización del espacio en la España medieval* (Granada: Universidad de Granada, 2004); Joseph Morsel, "Les logiques communautaires entre logiques spatiales et logiques catégoriales", *Bulletin du Centre d'Études Médiévales d'Auxerre* Hors-série 2, (2008). <http://journals.openedition.org/cem/10082>

of rulers (or those acting in their stead) had their legal origin in a state order with Roman-Visigothic roots (in the Castilian case) or Carolingian roots (in the Catalan case). Such rights were in effect fragmented between different individuals, families, and institutions with the crystallization of the new framework of feudal societies from the 10<sup>th</sup> century onwards, as part of a much-discussed process among scholars about its dominant trend: a radical mutation or rather the autogenous evolution towards lordship. In many parts of the European West, aristocrats, clergymen, and warriors were able to take advantage of the frailty of central and regional monarchic powers in order to obtain more levies from peasant work, appropriate many of their rights, and even create new ones by themselves.<sup>7</sup> Jurisdiction was nevertheless not limited to the rights of justice, but also contained many other facets of seigneurial power, and it even acquired a political dimension in relation with other agents in high and late Medieval societies. Jurisdictional lordship and its demarcation over certain spaces and communities would therefore end up setting the limits within which the lord, according to Paulino Iradiel, could exercise all his prerogatives “on the inhabitants of his lands and on the owners of other lands, whether free or dependent on another lord, subjected and grouped by a very complicated web of public powers, patrimonial relations, military obligations, and vassal ties”.<sup>8</sup>

Be that as it may, the generalization of what has come to be known as ‘jurisdictional lordship’ was simultaneous in its development within the Hispanic kingdoms with the flourishing and the increasing complexity of monarchical powers and the rise of urban societies in the 12<sup>th</sup> and 13<sup>th</sup> centuries, and more intensely in the last centuries of the Middle Ages. In fact, the authority emanating from the exercise of justice and command tended to extend massively across the aristocratic lords during the late Middle Ages. More importantly, jurisdiction brought together and homogenised the different attributions, rights, and impositions required by

---

<sup>7</sup> García de Cortázar, Ruiz de Aguirre, “Señores, siervos, vasallos”; Morsel, *L’aristocratie*, 170-222; Jean-Pierre Poly, Eric Bournazel, *La mutation féodale, X<sup>e</sup>-XII<sup>e</sup> siècle* (Paris: Presses Universitaires de France, 1980); Susan Reynolds, *Fiefs and Vassals. The Medieval Evidence reinterpreted* (Oxford: Oxford University Press, 1994); García de Cortázar, Ruiz de Aguirre, “Señores, siervos, vasallos”; Morsel, *L’aristocratie*, 170-222.

<sup>8</sup> Paulino Iradiel Murugarren, “Señoríos jurisdiccionales y poderes públicos a finales de la Edad Media”, in *Poderes públicos en la Europa Medieval: Principados, Reinos y Coronas* (Pamplona: Gobierno de Navarra, 1997), 76: “Sobre los habitantes de sus tierras y sobre los propietarios de otras tierras, sean libres o dependientes de otro señor, sujetos y agrupados por una complicadísima trama de poderes públicos, relaciones patrimoniales, obligaciones militares y vínculos vasalláticos”.

the lords to their subjects, communities, and territories, thus reinforcing their position of social domination.<sup>9</sup> Like in other points of the Medieval West, in the crowns of Castile and Aragon this occurred rather paradoxically as the princely powers strived to reinforce their primacy with particular attention to that jurisdictional dominion. This allows us to understand the recovery of Roman-Justinian law with the aim of imposing a general jurisdiction over all the territories supposedly under the command of the prince, so that he could assert the superiority of monarchical power over all subjects in the land as a matter of superior justice and right.<sup>10</sup> Another cornerstone in this projection of monarchical jurisdiction stemmed from the efforts to impose an ever more generalised royal taxation over the different kingdoms and principalities.<sup>11</sup>

Strictly speaking, the earliest advances in the deployment of this princely jurisdictional superiority trace back to the 12<sup>th</sup> and 13<sup>th</sup> centuries, but it was from the 13<sup>th</sup> and 14<sup>th</sup> centuries that royal general jurisdiction was truly rolled out in the enunciation and exercise of justice and the imposition

---

<sup>9</sup> Ibid., 74-84, 101-111; *Discurso político y relaciones de poder: ciudad, nobleza y monarquía en la Baja Edad Media*, ed. José Antonio Jara Fuente (Madrid: Dykinson, 2017).

<sup>10</sup> Anthony Black, *Political Thought in Europe, 1250-1450* (Cambridge: Cambridge University Press, 1992), 85-116, 136-161; Carlos Estepa Díez, "Naturaleza y poder real en Castilla", in *Construir la identidad en la Edad Media*, eds. José Antonio Jara Fuente et al. (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2010), 163-181; Jacques Krynen, "Naturel, Essai sur l'argument de la Nature dans la pensée politique à la fin du Moyen Âge", *Journal des savants* 2, (1982): 180-190; Jacques Krynen, *L'empire du roi. Idées et croyances politiques en France, XIII<sup>e</sup>-XV<sup>e</sup> siècle* (Paris: Galimard, 1993); Miguel Ángel Ladero Quesada, "Poderes públicos en la Europa medieval (Principados, Reinos y Coronas)", in *Poderes públicos en la Europa Medieval: Principados, Reinos y Coronas* (Pamplona: Gobierno de Navarra, 1997), 26-48; José Manuel Nieto Soria, *Fundamentos ideológicos del poder real en Castilla (siglos XIII-XVIII)* (Madrid: EUDEMA, 1988); Tomàs de Montagut i Estragués, "La constitució política de la Corona d'Aragó", in *El Compromiso de Caspe (1412), cambios dinásticos y Constitucionalismo en la Corona de Aragón*, ed. María Isabel Falcón Pérez (Zaragoza: Obra Social de Ibercaja, 2013), 111.

<sup>11</sup> Manuel Sánchez Martínez, "'Questie' y subsidios en Cataluña durante el primer tercio del siglo XIV: el subsidio para la cruzada granadina", *Cuadernos de Historia Económica de Cataluña* 16, (1976): 44; José Ángel Sesma Muñoz, "Fiscalidad y poder. La fiscalidad centralizada como instrumento de poder en la Corona de Aragón", *Espacio, Tiempo y Forma, ser. III, Historia Medieval* 1, (1989): 447-464; Miguel Ángel Ladero Quesada, "Fiscalidad regia y génesis del Estado en la Corona de Castilla (1252-1504)", *Espacio, Tiempo y Forma, ser. III, Historia Medieval* 4, (1991): 95-135; Miguel Ángel Ladero Quesada, *La Hacienda Real de Castilla (1369-1504)* (Madrid: Real Academia de la Historia, 2009).

of tax exactions in order to somehow give concrete shape to political sovereignty within each territory. Conflicts concerning royal authority and seignorial aristocracies characterised the evolution of both monarchies of Castile and Aragon in the following centuries starting from the 13<sup>th</sup> century onwards.<sup>12</sup>

In the following pages we will provide a comparative perspective on the development process of jurisdictional powers and the struggle for the control between the monarchy and the feudal aristocracy of the Iberian Peninsula. We will focus on the contrast between the differentiated evolution of this process in the central territories of Castile and Aragon (between the Cantabrian mountains and Andalucía) on the one hand, and the Principality of Catalonia before and after its integration within the Crown of Aragon on the other. The resultant unfolding of jurisdiction and the power balance between the monarchy and the manorial aristocracy differed considerably in the Castilian and the Catalan cases due to the socio-political evolution of each territory.

---

<sup>12</sup> Ignacio Álvarez Borge, “Patrimonio, rentas y poder de la nobleza bajomedieval peninsular”, in *Discurso, memoria y representación. La nobleza peninsular en la Baja Edad Media*. (Pamplona: Gobierno de Navarra, 2016), 83-140; José María Monsalvo Antón, “El conflicto «nobleza frente a monarquía» en el contexto de las transformaciones del estado en la Castilla Trastámara. Reflexiones críticas”, in *Discurso político y relaciones de poder: ciudad, nobleza y monarquía en la Baja Edad Media*, ed. José Antonio Jara Fuente (Madrid: Dykinson, 2017), 89-287; José María Monsalvo Antón, *La construcción del poder real en la Monarquía castellana (siglos XI-XV)* (Madrid: Marcial Pons Historia, 2019); M<sup>a</sup>. Concepción Quintanilla Raso, “La renovación nobiliaria en la Castilla bajomedieval. Entre el debate y la propuesta”, in *La nobleza peninsular en la Edad Media. VI Congreso de Estudios Medievales* (León: Fundación Sánchez-Albornoz, 1999), 255-295; M<sup>a</sup>. Concepción Quintanilla Raso, “El estado señorial nobiliario como espacio de poder en la Castilla bajomedieval”, in *Los espacios de poder en la España Medieval*, ed. José Ignacio de la Iglesia Duarte (Logroño: Instituto de Estudios Riojanos, 2002), 245-314; Flocel Sabaté i Curull, “El poder real entre el poder municipal i el poder baronial a la Catalunya del segle XIV”, in *Congreso de Historia de la Corona de Aragón (15<sup>o</sup>. 1993. Jaca). El poder real en la Corona de Aragón: (siglos XIV-XVI)*, vol. I/2, ed. María Isabel Falcón Pérez (Zaragoza: Diputación General de Aragón, 1996), 329-342; Flocel Sabaté i Curull, *El territori de la Catalunya medieval. Percepció de l'espai i divisió territorial al llarg de l'Edat Mitjana* (Barcelona: Fundació Salvador Vives i Casajuana, 1997), 227-266.



## Catalonia

In the early 14<sup>th</sup> century, the representative of a Catalan noble could dispute the jurisdictional rights of a royal agent due to the aforementioned frictions between an aristocracy accustomed to building up its power in a virtually kingless territory and a monarchy, born in the 12<sup>th</sup> century, which lacked sufficient authority to impose its jurisdiction across Catalonia. It was a limited monarchy, which needed to resort to negotiating at Courts with the different estates from their dominions, in order to gain its goals by means of concessions and trade-offs.<sup>13</sup>

The space of northern and central Catalonia was formed of a series of territories conquered by the Carolingian Empire between the 8<sup>th</sup> and 9<sup>th</sup> centuries, which soon became counties. These counties practically detached from Carolingian rule as a result of its gradual loss of legitimacy and its incapacity to respond to their defensive needs against Andalusian attacks at the end of the 10<sup>th</sup> century. As a consequence, for a long time documents were namely dated according to the year of reign of the Frankish kings even though the counts had already put a substantial distance from the imperial power: they appropriated fiscal goods, usurped rights and turned their offices into hereditary.<sup>14</sup> This explains why the Catalan counts were pioneers in the feudalization process, understood as the appropriation of positions, goods, and rights associated with the Frankish imperial ‘public power’.<sup>15</sup> It is also no coincidence that an increasingly militarised aristocracy claimed their own share through appropriating titles, attributions, and goods, as well as increasing tax pressure on peasants and thereby escalating their seigneurial hold in a way that led to widespread overexploitation and serfdom among large parts of the peasantry towards the year 1200.<sup>16</sup>

---

<sup>13</sup> Suzanne Cawsey, *Kingship and propaganda: Royal eloquence and the Crown of Aragon, c. 1200-1450* (Oxford: Oxford University Press, 2002); Flocel Sabaté i Curull, “Estamentos, soberanía y modelo político en la Cataluña bajomedieval”, *Aragón en la Edad Media* 21, (2009): 245-278.

<sup>14</sup> Ramon d’Abadal i de Vinyals, “La institució comtal carolíngia en la pre-Catalunya del segle IX”, *Anuario de Estudios Medievales* 1, (1964): 29-75; Régine Le Jan, “Continuity and Change in the Tenth-Century Nobility”, in *Nobles and Nobility. Concepts, Origins, Transformations*, ed. Anne J. Duggan (Woodbridge: The Boydell Press, 2007), 55-61.

<sup>15</sup> Oliver Vergés i Pons, “Urgell mil anys enrere. Història política, social i econòmica d’un comtat i de la seva classe dirigent (870-1066)” (PhD diss., Universitat Autònoma de Barcelona, 2017): 96-106. <http://hdl.handle.net/10803/406003>

<sup>16</sup> Pierre Bonnassie, *La Catalogne du milieu du Xe à la fin du XIe siècle: croissance et mutations d’une société*, vols. II (Toulouse: Université de Toulouse-Le Mirail,

Coincidentally, the counts of Barcelona experienced a temporary weakening of their power which led to a direct assault by the lineage of their viscounts. This conflict, however, ended with the victory of the counts.<sup>17</sup> In fact, this situation was relatively stabilised by the mid-eleventh century, when the count of Barcelona was able to establish some kind of order by means of agreements or *convenientiae* between the parts, thereby placing himself at the top of the Catalan political system.<sup>18</sup>

The counts of Barcelona therefore held political prominence and exercised their leadership in the expansion towards Lleida and the Ebro River, but still many other counts held authority within their own territorial limits, like for instance those in Urgell, Roussillon, and Empúries.<sup>19</sup> Indeed, a series of favourable circumstances led to the counts of Barcelona inheriting the counties of Besalú, Cerdanya, lower Pallars and Roussillon in the 12<sup>th</sup> century,<sup>20</sup> but this did not grant them authority over other counties. The Catalans did not have a prince until the marriage in 1150 of the count of Barcelona Ramon Berenguer IV to the queen of Aragon Petronila, daughter of King Ramiro II. Nevertheless, this bond, which forged the so-called Crown of Aragon, made later monarchs the only point of union between these territories with different traditions and charters.

King Alfonso II of Aragon, the son and heir of Petronila and Ramon Berenguer IV, for instance found that justice was a royal prerogative in Aragon,<sup>21</sup> while it was a prerogative of the counts in Catalonia. In origin,

---

1975); Paul Freedman, *The origins of peasant servitude in medieval Catalonia* (Cambridge: Cambridge University Press, 1991).

<sup>17</sup> Rosa Lluç Bramon, “El conflicte de Mir Geribert en el marc de la feudalització del Penedès (1041-1058)”, *Anuario de Estudios Medievales* 48/2, (2018): 793-820.

<sup>18</sup> Bonnassie, *La Catalogne*; Adam J. Kosto, *Making Agreements in Medieval Catalonia. Power, Order, and the Written Word, 1000-1200* (Cambridge: Cambridge University Press, 2001).

<sup>19</sup> Thomas N. Bisson, Jacqueline Falquevert, “L’essor de la Catalogne: identité, pouvoir et idéologie dans une société du XII<sup>e</sup> siècle”, *Annales: Economies, sociétés, civilisations* 39/3, (1984): 457; Flocel Sabaté i Curull, “Justice, juridiction et pouvoir dans la Catalogne du bas Moyen Âge”, in *Un Moyen Âge pour aujourd’hui. Mélanges offerts à Claude Gauvard*, eds. Julie Claustre et al. (Paris: Presses Universitaires de France, 2010), 279.

<sup>20</sup> Martin Aurell, *Les noces du comte: mariage et pouvoir en Catalogne (785-1213)* (Paris: Publications de la Sorbonne, 1995).

<sup>21</sup> Carlos Laliena Corbera, “La metamorfosis del Estado feudal. Las estructuras institucionales de la Corona de Aragón en el periodo de expansión (1208-1283)”, in *La Corona de Aragón en el centro de su historia, 1208-1458: la monarquía aragonesa y los reinos de la corona*, ed. José Ángel Sesma Muñoz (Zaragoza: Universidad de Zaragoza, 2010), 74.

this exercise of justice belonged to the count as a delegate of the Carolingian power, which is why he would preside public trials.<sup>22</sup> Nevertheless, from the 10<sup>th</sup> century onward, different Catalan counts started to attribute to themselves the power to judge within their counties as independent judicial authorities.<sup>23</sup> On the other hand, the process of serfdom of a large part of the peasantry in central and eastern Catalonia came with the emergence and spread of *mals usos* (evil customs), among which the famous *remensa* (*remença*, *redimentia*), which constituted a payment for the abandonment of a farmhouse, and the right of the lord to the mistreatment of serfs (*ius maletractandi*). Some of these seigneurial customs were directly associated with rights of justice.<sup>24</sup> This involved punishments like the *àrsia*, a fine following from the burning of the farmhouse.<sup>25</sup> However, in recent years it has been theorised that, at least in the county of Girona, serfdom may have arisen where aristocratic opposition had been insufficient to stop the advancements of royal jurisdiction, as a way to authoritatively preserve judicial rights over peasants subjected to serfdom.<sup>26</sup>

As we have seen, a part of what would later be called Catalonia was conquered by the Carolingians and their successors (this is the so-called *Catalunya Vella*, which had plenty of *remença* peasants). In the times of Alfonso II, the rest of the country was also taken from the Andalusians (the so-called *Catalunya Nova*). This seemed at first glance a suitable occasion to extend royal jurisdiction over all Catalan territory, thereby making the monarch the guarantor of peace across the country. With this aim, the members of the House of Barcelona tried to use the institution of the Peace and Truce of God, which had emerged in Roussillon in the 11<sup>th</sup> century as a

---

<sup>22</sup> Abadal i de Vinyals, “La institució comtal carolíngia”, 36-37.

<sup>23</sup> Josep Maria Salrach i Marès, *Justícia i poder a Catalunya abans de l'any mil* (Vic: Eumo, 2013); *Justícia i resolució de conflictes a la Catalunya medieval. Col·lecció diplomàtica. Segles IX-XI*, eds. Josep Maria Salrach i Marès, Tomàs de Montagut i Estragués (Barcelona: Generalitat de Catalunya, 2018).

<sup>24</sup> Freedman, *The origins*.

<sup>25</sup> Lluís To Figueras, “Drets de justícia i masos: hipòtesi sobre els orígens de la pagesia de remença”, *Revista d'història medieval* 6, (1995): 142; Gaspar Feliu i Montfort, *La llarga nit feudal. Mil anys de pugna entre senyors i pagesos* (València: Publicacions de la Universitat de València, 2010), 154-159.

<sup>26</sup> Pere Orti Gost, “Els remences i l'exercici de la jurisdicció als segles XIV i XV: una lluita pel poder polític”, in *Migrazione interne e forme di dipendenza libera e servile nelle campagne bassomedievali dall'Italia nord-occidentale alla Catalogna*, eds. Rosa Lluch Bramon et al. (Cherasco: Centro Internazionale di Studi sugli Insediamenti Medievali - Dipartimento di Lingue e Letterature Straniere e Culture Moderne, Università di Torino, 2015), 131.

clerical initiative to quell feudal violence.<sup>27</sup> In the preamble to the statutes of Peace and Truce of Fondarella of 1173, the monarch's ideas concerning justice were already made apparent, including a reference to Proverbs (8, 15), which was to be used more than once from then on:<sup>28</sup>

Divinarum et humanarum rerum tuicio ad neminem magis quam ad principem pertinet, nichilque tam proprium debet esse boni ac recti principis quam iniurias propulsare, bella sedare, pacem stabilire et informare, et informatam subditis conservandam tradere, ut de eo non incongrue dici et predicari possit, quod a principe regum dictus est: 'per me reges regnant et potentes scribunt iusticiam'.<sup>29</sup>

This initiative was aimed at establishing a general tax on accession, the so-called *bovatge* (*bovaticum*), and sending official guarantors of peace across the territory, the *veguers* (*vicarii*). The royal initiative met the aristocratic resistance.<sup>30</sup> However, this royal instrumentalization of the assemblies of Peace and Truce also spurred imitations in some counties. The counts of Urgell and Empúries attempted their own imposition of the statutes of Peace and Truce in their own lands.<sup>31</sup> This speaks to the challenges faced by the kings of Aragon from the dynasty of Barcelona when imposing general jurisdiction over the whole of Catalonia.

Throughout the entire 13<sup>th</sup> century, the policy of the greater Catalan nobility (especially in the West) was to stop or somehow obstruct the attempts by the kings of Aragon to take advantage of the extinction of the ancient dynasty of the counts of Urgell at the beginning of the century, which often led to war. The military clash that is generally considered to have been definitive took place in Balaguer in 1280, after the king had left for Valencia in order to suppress a revolt without first summoning the

<sup>27</sup> Gener Gonzalvo i Bou, *Les Constitucions de Pau i Treva de Catalunya (segles XI-XIII)* (Barcelona: Generalitat de Catalunya, 1994).

<sup>28</sup> Martín Alvira Cabrer, "Expresiones de la guerra santa en las fuentes del reinado de Pedro el Católico, rey de Aragón y conde de Barcelona (1196-1213)", in *Orígenes y desarrollo de la guerra santa en la Península Ibérica. Palabras e imágenes para una legitimación (siglos X-XIV)*, eds. Carlos de Ayala Martínez et al. (Madrid: Casa de Velázquez, 2016), 146-147.

<sup>29</sup> Gonzalvo i Bou, *Les Constitucions*, docs. 15, 76.

<sup>30</sup> Pere Orti Gost, "La primera articulació del Estado feudal en Catalunya a través de un impuesto: el bovaje (ss. XII-XIII)", *Hispania. Revista española de Historia* 209, (2001): 968-978.

<sup>31</sup> Stephen P. Bensch, "Three Peaces of Empúries (1189-1220)", *Anuario de Estudios Medievales* 26, (1996): 584-591; Thomas N. Bisson, *The Crisis of the Twelfth Century. Power, Lordship and Origins of European Government* (Princeton: Princeton University Press, 2009), 507-509.

Courts. The monarch emerged victorious. Reparations imposed on the defeated were so high that they had to be commuted for the conversion of alodiums to fiefdoms.<sup>32</sup> Despite all of this, until count Ermengol X died without descendance in 1314, it was impossible to install a lineage with royal blood in the county of Urgell, nor in Empúries until 1323.

In the meantime, with the reception of common European law, Catalan jurists were converging on the doctrine that the monarch was the necessary public power mediating between God and men, so that he therefore had general jurisdiction and *merum imperium*, given that only he could pursue public or general interests.<sup>33</sup> According to the reputed jurist Pere Albert, nobles and vassals were “subject to the power of the prince by reason of his general jurisdiction over his kingdom, since he has *merum imperium* over all men in his kingdom, given that all things in the kingdom are the king’s with regard to jurisdiction”.<sup>34</sup> However, in the Crown of Aragon the sovereign’s legislative power was limited by the need to make agreements in the Courts with each community and estate that formed it.<sup>35</sup> On the other hand, a distinction emerged between ‘jurisdiction’ (authority to apply the law) and ‘*imperium*’ (the faculty to enforce compliance with the law). In turn, another division was conceived, amounting to that between higher justice (*merum imperium* and high or criminal jurisdiction) and lower justice (*mixtum imperium* and lower or civil jurisdiction), admitting of further subdivisions and fragmentations.<sup>36</sup> In theory, at least, everything regarding higher justice was a prerogative of the sovereign. At the same

---

<sup>32</sup> Alejandro Martínez Giralt, “El barón feudal como consejero del rey. Bernat II de Cabrera, *gran privado* de Pedro el Ceremonioso”, in *Los agentes del Estado. Poderes públicos y dominación social en Aragón (siglos XIV-XVI)*, eds. Mario Lafuente Gómez, Concepción Villanueva Morte (Madrid: Sílex, 2019), 290-302.

<sup>33</sup> Tomàs de Montagut i Estragués, “La noció erudita de justícia a la Corona d’Aragó (s. XII-XVIII)”, *Revista d’etnologia de Catalunya* 35, (2010): 90-92.

<sup>34</sup> *Usatges de Barcelona i Commemoracions de Pere Albert*, ed. Josep Rovira i Ermengol (Barcelona: Barcino, 1933), 184-185: “en poder del Príncep per rahon de general jurisdicció que ha en son regne, cor en tots homes del regne seu a mer imperi, cor totes coses que són e·l regne són del rey quant a jurisdicció”; “en poder del Príncep per rahon de general jurisdicció que ha en son regne, cor en tots homes del regne seu a mer imperi, cor totes coses que són e·l regne són del rey quant a jurisdicció”.

<sup>35</sup> Montagut i Estragués, “La noció erudita”, 92.

<sup>36</sup> Josep Maria Font i Rius, “Mero y mixto imperio”, in *Diccionario de Historia de España*, vol. II, ed. Germán Bleiberg (Madrid: Alianza, 1979), 1024. On the details of the infractions, punishments, and sanctions that both forms of justice dealt with see Coral Cuadrada Majó, “Sobre el mer i mixt imperi als senyoriis feudals de la Catalunya Vella (segle XIV)”, *Mayurqa* 22/1, (1989): 199-211.

time, the courts of jurisdictional bailiffs (*batlles*) soon developed, in which matters of the judicial court were addressed, including those like credits and other contracts, which were then registered on the books of the court of the bailiff. It is highly likely, as indicated by Lluís Sales, that the creation of these courts had much to do in turn with the desire to increase revenue from fines, guaranteeing the control of seigneurial payments and the provision of a further service for the inhabitants of the territory.<sup>37</sup>

The defeat of the great western noble league in 1280 was supposed to guarantee King Peter III of Aragon his major advancements in matters of jurisdiction. Nevertheless, his many and deep political and financial needs led him to make concessions to the Courts of Barcelona in 1283. Part of these concessions concerned the jurisdictional rights that King Peter had to commit as ‘restitutions’ to those aristocratic powers that managed to claim them.<sup>38</sup> This is how it was reflected in the Courts of 1283:

“I [...] Et restituimus possessionem vel quasi meri imperii omnibus illis supradictis qui ipso ab antiquo uso fuerint, vel quasi in locis eorum, et quod ipsos vel aliquem ipsorum non spoliabamus possessione vel quasi ipsius meri imperii sine cause cognitione.

II. Restituimus etiam omnibus supradictis personis et locis mixtum imperium et iurisdictionem sicut antecessores eorum ab antiquo tenuerunt et possiderunt vel quasi, et quod super predictas personas vel loca aut res eorum ulterius non molestabimus nec molestari faciemus.”<sup>39</sup>

This explains why in 1292 Marquesa and her husband Ponç Hug V, counts of Empúries and viscounts of Cabrera, made sure to claim the exercise of the *merum imperium* and higher jurisdiction over the coastal barony of Palafolls.<sup>40</sup> In February 1324, the nobles Guillem and Beatriu of Anglesola likewise considered they held the “iurisdictione et mero ac mixto imperio”

---

<sup>37</sup> Valentí Gual i Vilà, “L’administració de la justícia senyorial. Els llibres de cort”, *Pedralbes: Revista d’Història Moderna* 13/2, (1993): 289-296; Lluís Sales i Favà, *La jurisdicció a Sabadell a la Baixa Edat Mitjana. Edició i estudi d’un llibre de la cort del batlle (1401-1400)* (Girona: Documenta Universitaria, 2019), 34-35.

<sup>38</sup> Tomàs de Montagut i Estragués, “La recepció del derecho feudal común en Cataluña I (1211-1330) (La alienación del feudo sin el consentimiento del Señor)”, *Glossae. Revista de Historia del Derecho Europeo* 4, (1992): 35; Orti Gost, “La primera articulación”, 996.

<sup>39</sup> *Cortes de los antiguos reinos de Aragón y de Valencia y Principado de Cataluña*, vol. I (Madrid: Real Academia de la Historia, 1896), 142-143.

<sup>40</sup> The Ducal Archive of Medinaceli, Cabrera i Bas, roll 978, fot. 582, 584 (Historical Archive of Hostalric, register 3074).

in Fondarella, which at the time they sold to Pere Moliner, a citizen from Lleida, for 35.000 shillings minted in Jaca. The jurists of King Peter IV attempted to show that those rights would have rightly belonged to the monarch of the time and not the nobles of Anglesola, but with the aim of finding a peaceful solution to this problem, while also receiving a sum of money, King Peter sold the jurisdictional rights over Fondarella in 1378 for 3.000 Barcelonian shillings to Francesc Sassala, the likely grandson of Pere Moliner.<sup>41</sup> Apparently, in the words of Flocel Sabaté, “tradition favours the stronger”.<sup>42</sup> In 1402, the supposed heir of the barony of Queralt, Pericó, received as fatherly donation not only its territories, but also full jurisdictional rights over them.<sup>43</sup>

Already in 1301 James II of Aragon deployed a full network of *veguer*ies in Catalonia as a set of circumscriptions, the existence of which he aimed to guarantee through the workings of each *veguer* and his helpers in the application of royal general jurisdiction. This would ultimately turn them into peacekeepers throughout Catalan territory, above even particular jurisdictions.<sup>44</sup> On the other hand, he tried to take advantage of the end of certain noble dynasties in order to place royal blood (his children, in this case) in the main aristocratic spaces. This is the case of Urgell, which went to the hands of the future King Alfonso IV, and also Empúries, which was left under the command of the *infante* Peter. He even created the county of Prades in 1324 for another of his children, the *infante* Ramon Berenguer, under the condition that it would revert to royal ownership should there be no male succession.<sup>45</sup>

Cities and towns under royal jurisdiction became vicarious strongholds of royal power, and they were involved in several clashes with aristocratic jurisdictions. In reality, their capacity to act was limited by the rights other jurisdictional lords had a bigger claim to, like the Pinós did in 1311. Similarly, in 1314 Ramonet de Cardona, lord of Torà, blocked the

---

<sup>41</sup> Jesús Brufal Sucarrat, Elena Cantarell Barella, Alejandro Martínez Giralt, *Fondarella: els orígens* (Fondarella: Ajuntament de Fondarella, 2019), 69-70, doc. 4, 200, and doc. 12, 230.

<sup>42</sup> Sabaté i Curull, “El poder reial”, 335.

<sup>43</sup> Gerard Carceller i Barrabeig, “L’exercici de la justícia senyorial a la baixa edat mitjana: el cas de la baronia de Queralt”, *Aplec de treballs* 15, (1997): 8.

<sup>44</sup> Flocel Sabaté i Curull, “El Veguer a Catalunya. Anàlisi del funcionament de la jurisdicció reial al segle XIV”, *Butlletí de la Societat Catalana d’Estudis Històrics* 6, (1995): 147-159; Sabaté i Curull, “Estamentos, soberania”: 245-261.

<sup>45</sup> Eduard Juncosa i Bonet, “La estrategia de Jaime II para consolidar el poder regio: la creación del Condado de Prades”, *Acta historica et archaeologica mediaevalia* 29, (2008): 327-343.

*veguer* of Cervera and Tàrrega from detaining some men from Vicfred for a crime under the excuse that they had entered the zone where he had the *merum* and *mixtum imperium*.<sup>46</sup> This was a very common type of conflict in the times of James II and his successor Alfonso IV.<sup>47</sup> Furthermore, the municipalities bestowed upon themselves the defence of general royal jurisdiction as leverage against other jurisdictional powers, even when the decisions of the monarch went against their own interests.<sup>48</sup> Many citizens from Vic became aware that King Peter IV aimed at establishing a large ‘county of Osona’ in order to compensate the Cabrera for their services, and they resorted to the monarch to ask that the city not find itself outside of royal jurisdiction. In 1356, however, Vic was integrated into the county of Osona, and consequently into the jurisdiction of the Cabrera although for a short time, since the dynasty fell in disgrace in 1364 and lost all their possessions for several years.<sup>49</sup>

The case of Vic is a clear proof that, in Catalonia, the monarch could concede a jurisdictional space and the rights associated with it. The case of Fondarella further establishes that he could sell it and, furthermore, that he could solve the problem of some ancient and suspicious claims from the Anglesola by means of a simple transaction. In fact, practice shows that, given strong financial needs, the Crown could sell jurisdictional rights, usually with a buyback clause (called *retroventa* or *carta de gràcia* in Catalan) after some years. In fact, from the end of the 13<sup>th</sup> century, the growing financial needs of Aragonese monarchs made the sale of jurisdictional rights over royal lands a source of additional income,<sup>50</sup> which was obviously highly coveted by nobles and citizens that could afford them. In order to finance the campaign for the conquest of Sardinia starting in 1323, for instance, the Crown sold the *merum* and *mixtum imperium* over the castles of Castelladral, Montmajor, Torroella, Coaner, Súria, Viver, and

---

<sup>46</sup> General Archive of the Crown of Aragon, Cancillería Real, register 242, folio 210 v.

<sup>47</sup> Flocel Sabaté i Curull, “La pena de muerte en la Cataluña bajomedieval”, *Clío & Crimen* 4, (2007): 122-127.

<sup>48</sup> Sabaté i Curull, “El poder reial”, 331-341.

<sup>49</sup> Eduard Junyent i Subirà, *Jurisdiccions i privilegis de la ciutat de Vich* (Vic: Patronat d’Estudis Ausonencs, 1969), 41; Alejandro Martínez Giralt, *Els vescomtes de Cabrera a la Baixa Edat Mitjana. Identitat familiar, dinàmica patrimonial i projecció sociopolítica* (Madrid: Consejo Superior de Investigaciones Científicas, 2019), 377-378, 385.

<sup>50</sup> Maria Teresa Ferrer i Mallol, “El patrimoni reial i la recuperació dels senyorijs jurisdiccionalis en els Estats catalano-aragonesos a la fi del segle XIV”, *Anuario de Estudios Medievales* 7, (1970-1971): 359-361.



Serrateix to the viscount Ramon Folc VI of Cardona among others.<sup>51</sup> Also in need of money, in march of 1348 King Peter IV sold full powers and *ius feudale* over the castle and town of Blanes to viscount Ponç IV of Cabrera for 20.000 Barcelonian shillings, including a buyback clause in five years.<sup>52</sup> In turn, Ponç and his father Bernat II could finance part of that purchase (10.000 shillings) only by selling a series of rights, including the “*merum et mixtum imperium ac omnem et quamlibet aliam iurisdiccione[m] altam et baxiam*”, to the knight Guillem de Blanes.<sup>53</sup>

King Martin I issued a decree in 1399 that aimed at ending the sale of royal property, which included the jurisdictional rights which often ended up in noble hands. However, financial needs were sometimes too pressing. This is why in 1405 Martin himself sold Ramon de Torroelles the jurisdiction, *merum* and *mixtum imperium*, and the rights of *host i cavalcada* of the castle of La Roca del Vallès, for 66.000 shillings.<sup>54</sup> It seems that later on Alfonso V attempted to ‘rescue’ or at least stop the break-up of royal property, and its jurisdictional aspect especially, between at least 1445 and 1453.<sup>55</sup> In fact, in 1446, King Alfonso pushed for the inspection of royal property which had been sold, and the seizure of any such property which could not be justified through documents, which aroused great controversy<sup>56</sup> and which would doubtless merit further discussion. This would soon spill over into a conflict between the lords and the *remences* in negotiating the payment for the ransom of their serfdom.

As things stood, in the 15<sup>th</sup> century it remained obvious that, at least in places where barons had most power, the imposition of royal jurisdiction

---

<sup>51</sup> Pere Orti Gost, “Les alienacions del patrimoni reial i el finançament de la conquesta de Sardenya de 1323-1324”, in *La Corona catalanoaragonesa i el seu entorn mediterrani a la Baixa Edat Mitjana*, eds. Manuel Sánchez Martínez et al. (Barcelona: Consejo Superior de Investigaciones Científicas, 2005), 248.

<sup>52</sup> Antoni Maria Aragó Cabañas, “Els castells de Blanes i Palafolls i el vescomtat de Cabrera, el segle XIV”, *Anales del Instituto de Estudios Gerundenses* 22, (1974): 182-183.

<sup>53</sup> Ducal Archive of Medinaceli, Cabrera i Bas, roll 990, fot. 479 (Historical Archive of Hostalric, register 4121).

<sup>54</sup> Ferrer i Mallol, “El patrimoni reial”, 355, 357. The *host i cavalcada* was a medieval seigneurial right in Catalonia that involved the lord’s right to invoke the vassal’s military service.

<sup>55</sup> Santiago Sobrequés i Vidal, “La alta nobleza del norte en la Guerra Civil catalana de 1462-1472”, *Cuadernos de historia Jerónimo Zurita* 16-18, (1963-1965): 100-102.

<sup>56</sup> Santiago Sobrequés i Vidal, “Política remensa de Alfonso el Magnánimo en los últimos años de su reinado”, *Annals de l’Institut d’Estudis Gironins* 14, (1960): 123-127.

had become impossible, despite the extension of the system of *veguerías* throughout the whole Catalonia. Moreover, the royal jurisdictional rights had become themselves the subject of sales in times of need for the Aragonese monarchs, to the remarkable benefit of noblemen and cities, who, in turn, reinforced their own seigneurial powers over the Principality of Catalonia.

## Castile

By the 14<sup>th</sup> century, in the territories of the kingdoms of Castile and León, the circumstances that affected the relations between the monarchy and the secular aristocracy regarding the exercise of jurisdiction differed significantly from the contextual framework observed in Catalonia within the Crown of Aragon. On this respect, the effects of the conflicts that affected the monarchy, the secular aristocracy, the ecclesiastical institutions, and the communities of inhabitants of cities and towns in the different territories of the kingdoms cannot be underestimated.<sup>57</sup> Similarly, the critical economic and demographic conjuncture experienced from the final decades of the 13<sup>th</sup> century and during a good part of the following century must be taken into account to place many of these socio-political confrontations in perspective.<sup>58</sup> But despite all this, we can trace the tendency to reinforce

---

<sup>57</sup> Carlos Estepa Díez, “The Strengthening of Royal Power in Castile under Alfonso XI”, in *Building Legitimacy. Political Discourses and Forms of Legitimation in Medieval Societies*, eds. Isabel Alfonso et al. (Leiden: Brill, 2004), 179-222; César González Mínguez, *Poder real y poder nobiliar en la Corona de Castilla (1252-1369)* (Bilbao: Universidad del País Vasco, 2012); Salustiano Moreta Velayos, *Malhechores feudales. Violencia, antagonismos y alianzas de clases en Castilla, siglos XIII-XIV* (Madrid: Cátedra, 1978).

<sup>58</sup> Ignacio Álvarez Borge, “Notas sobre la historiografía reciente acerca de la crisis bajomedieval en Castilla la Vieja” in *Castilla y el mundo feudal. Homenaje al profesor Julio Valdeón*, vol. III, eds. M<sup>a</sup>. Isabel del Val Valdivieso, Pascual Martínez Sopena (Valladolid: Junta de Castilla y León, 2009), 27-40; Emilio Cabrera Muñoz, “Conflictos en el mundo rural: señores y vasallos”, in *Conflictos sociales, políticos e intelectuales en la España de los siglos XIV y XV. XIV*, ed. José Ignacio de la Iglesia Duarte (Logroño: Instituto de Estudios Riojanos, 2004), 49-80; Paulino Iradiel Murugarren, “La crisis bajomedieval, un tiempo de conflictos”, in *Conflictos sociales, políticos políticos e intelectuales en la España de los siglos XIV y XV*, ed. José Ignacio de la Iglesia Duarte (Logroño: Instituto de Estudios Riojanos, 2004), 13-48; Ana Rodríguez López “Modelos de diversidad: crecimiento económico y crisis en los reinos hispánicos en la Baja Edad Media”, *Vínculos de Historia* 2, (2013): 27-49; Teófilo F. Ruiz, *Crisis and Continuity: Land and Town in Late Medieval Castile* (Philadelphia: University of Pennsylvania Press, 1994); Julio

royal leadership and authority in front of other agents and powers from at least the 12<sup>th</sup> century. This was a multifaceted process, characterised by relevant factors such as the definitive integration of the kingdoms of León and Castile into a single monarchy since 1230 and the continuity of the kingdom's expansion over Andalusian territories and their colonization until the last decades of the 13<sup>th</sup> century.<sup>59</sup>

In this regard, it is particularly stimulating to understand that the monarchs of León and Castile based their power in the High Middle Ages on an eminently seigneurial network. A remarkable amount of lands and real estates, together with the people who populated it and worked on it, were under the king's direct control, from the Cantabrian coast to Andalusia. This royal domain was more fragmented in the lands north of the Duero, where aristocratic and ecclesiastical seigneuries were more numerous, while the king's domains were predominant south of the Duero, as the result of the conquests of Muslim land. The royal ability to exercise his rights and authority on that notable human and material patrimony, added to the increase of forms of deployment the relating seigneurial powers, was the key in the process of extending the 'lordship of the king' to the whole kingdom. It was an exercise of superior, differentiated power which implied a jurisdictional authority displaying a command over its possessions and their inhabitants as well the capacity to levy taxes and moreover to exercise the justice.<sup>60</sup> If we follow the process of construction of the monarchical 'jurisdictional lordship' in Castile and León, we will be in a position to understand how it affected the exercise of dominion over lands and communities by other lords and, in fact, the integration of that jurisdictional authority by the secular aristocracy.

The process of configuration of the seigneurial powers of the kings of León and Castile experienced, since the second half of the 12<sup>th</sup> century, during the reigns of Alfonso VIII of Castile and of Ferdinand II and Alfonso

---

Valdeón Baroque, "Reflexiones sobre la crisis bajomedieval en Castilla", *En la España medieval* 4, (1984): 1047-1060.

<sup>59</sup> José María Monsalvo Antón, *La construcción del poder real en la Monarquía castellana (siglos XI-XV)* (Madrid: Marcial Pons Historia, 2019), 27-317.

<sup>60</sup> Ignacio Álvarez Borge, *Poder y relaciones sociales en Castilla en la Edad Media. Los territorios entre el Arlanzón y el Duero en los siglos X al XIV* (Valladolid: Junta de Castilla y León, 1996); Carlos Estepa Díez, "Formación y consolidación del feudalismo en Castilla y León", in *En torno al feudalismo hispánico. I Congreso de Estudios Medievales* (León: Fundación Sánchez-Albornoz, 1989), 157-256; Carlos Estepa Díez, "El realengo y el señorío jurisdiccional concejil en Castilla y León (siglos XII-XV)", in *Concejos y ciudades en la Edad Media Hispánica. II Congreso de Estudios Medievales* (Madrid: Fundación Sánchez-Albornoz, 1990), 494-498.

IX of León, a notable process of intensification, as it was the case in other areas of the medieval West.<sup>61</sup>

In this sense, a whole series of diverse and interconnected dynamics were particularly relevant: on the one hand, the expansion of the urban and territorial organisation of towns and cities councils, together with their collective seignury;<sup>62</sup> on the other hand, the spatial articulation of the ‘lordship of the king’ for the administrative, fiscal, judicial, and military needs, through these citizen councils and other structures of a territorial nature such as the *alfoces*, *merindades*, and *adelantamientos*.<sup>63</sup> In addition, we must mention the emergence of the first forms of what could properly be understood as royal taxation, which rose precisely during the reign of Alfonso VIII in Castile, although its emergence as such would not fully

---

<sup>61</sup> *1212-1214: el trienio que hizo Europa* (Pamplona: Gobierno de Navarra, 2011); *La Península Ibérica en tiempos de las Navas de Tolosa*, eds. Carlos Estepa Díez, María Antonio Carmona Ruiz (Madrid: Sociedad Española de Estudios Medievales, 2014); *1212, un año, un reinado, un tiempo de despegue*, ed. Esther López Ojeda (Logroño: Instituto de Estudios Riojanos, 2013).

<sup>62</sup> Pascual Martínez Sopena, “Repoblaciones interiores: villas nuevas de los siglos XII y XIII”, in *Despoblación y colonización del valle del Duero: siglos VIII-XX* (León: Fundación Sánchez-Albornoz, 1995), 161-188; José María Monsalvo Antón, “De los alfoces regios al realengo concejil en el reino de León (1157-1230). La territorialidad de las ciudades y las villas reales entre la Cordillera Cantábrica y el Duero”, in *El Reino de León en las Cortes de Benavente* (Benavente: Centro de Estudios Beneventanos Ledo del Pozo, 2002), 29-100; José María Monsalvo Antón, “Frontera pionera, monarquía en expansión y formación de los concejos de villa y tierra. Relaciones de poder en el realengo concejil entre el Duero y el Tajo (c. 1072-c. 1222)”, *Arqueología y Territorio Medieval* 10/2, (2003): 45-126.

<sup>63</sup> Ignacio Álvarez Borge, *Monarquía feudal y organización territorial. Alfoces y merindades en Castilla (siglos X-XIV)* (Madrid: Consejo Superior de Investigaciones Científicas, 1993); Ignacio Álvarez Borge, *Clientelismo regio y acción política. Los merinos mayores de Castilla en el reinado de Alfonso VIII (1158-1214)* (Madrid: Sociedad Española de Estudios Medievales, 2014); Carlos Estepa Díez, *Los territorios del rey. Castilla, siglos XII-XIII* (Marcial Pons: Madrid, 2021), 315-338; Cristina Jular Pérez-Alfaro, *Los Adelantados y Merinos Mayores de León (siglos XIII-XV)* (León: Universidad de León, 1990); Pascual Martínez Sopena, “La reorganización del espacio político y constitucional de Castilla bajo Alfonso VIII”, in *1212, un año, un reinado, un tiempo de despegue. XXIII Semana de Estudios Medievales, Nájera, del 30 de julio al 3 de agosto de 2012* (Logroño: Instituto de Estudios Riojanos, 2013), 297-324; *Las villas nuevas medievales del suroeste europeo. De la fundación medieval al siglo XXI. Análisis histórico y lectura contemporánea*, eds. Pascual Martínez Sopena, Mercedes Urteaga Artigas (Donostia-San Sebastián: Centro de estudios e investigaciones histórico-arqueológicas Arkeolan, 2006).

occur until the time of Alfonso X.<sup>64</sup> Finally, from the end of the 12<sup>th</sup> century onward, we also witness the flourishing and progressive affirmation of the idea of the superiority of royal justice and jurisdiction over the whole kingdom. This element cannot be underestimated, since it developed alongside the effective instruments for the exercise of the power of the Crown, and acted as a conceptualising, discursive, and legitimising principle for the new formulas of a more extensive and affirmed royal power.

In any case, the journey to the consolidation of this jurisdictional enunciation of the 'lordship of the king' between the 13<sup>th</sup> and the mid-14<sup>th</sup> centuries was longer and more winding than it might seem. This process often collided with the seigneurial rights of the aristocracy and had a great impact on how the aristocracy understood the principles of justice, jurisdiction, and 'natural rights'. In this sense, the first evidence of the concept of 'natural lordship' in Castile and León can be located between the 12<sup>th</sup> and the beginning of the 13<sup>th</sup> century in Latin chronicles (in the *Chronica Adefonsi Imperatoris* and more clearly in *De rebus Hispaniae* by Jiménez de Rada), epic literature (the *Cantar de Mio Cid*), and the documents of the chanceries of Queen Urraca (1109-1126), King Alfonso VIII (1158-1214), and King Ferdinand III (1217-1252).<sup>65</sup> There, we can trace the tendency to identify and extend the link of 'natural', interpersonal dependence, between the monarch and his dependent vassals, to the entire kingdom and its inhabitants. On this path, In any case, the decisive milestone for the doctrinal formulation of the 'nature' and the primary jurisdictional character of the royal lordship, based on the ostentation of the *merum* and *mixtum imperium*, was found in the legal codes inspired in Roman law and drawn up in the reign of Alfonso X (1252-1284), particularly in the *Partidas*. Thus, it was not by chance that the fourth *Partida* stated that:

---

<sup>64</sup> Carlos Estepa Díez, "La construcción de la fiscalidad regia", in *Poder real y sociedad. Estudios sobre el reinado de Alfonso VIII (1158-1214)*, eds. Carlos Estepa Díez et al. (León: Universidad de León, 2011); Carlos Estepa Díez, *Los territorios del rey*, 339-388; Miguel Ángel Ladero Quesada, *Fiscalidad y poder real en Castilla (1252-1369)* (Madrid: Editorial Complutense, 1993).

<sup>65</sup> Carlos Estepa Díez, "Naturaleza y poder real en Castilla", in *Construir la identidad en la Edad Media*, eds. José Antonio Jara Fuente et al. (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2010), 163-174; Georges Martin, "Noblesse et royauté dans le *De rebus Hispaniae* (libres 4 à 9)", *Cahiers de linguistique et civilisation hispaniques médiévales* 26, (2003): 101-121.

There are five types of lordship and vassalage; the first and greatest is the one that the king has over everyone in his lordship, which they call in Latin *merum imperium*, which in Romance means the pure and conscientious authority to judge and command those who belong to one's land.<sup>66</sup>

Furthermore, the *Partidas* insisted on the importance of the bond of interdependence established between individuals and the land in which they were born or had settled and, through it, their bond with the king, as the 'natural lord' of the kingdom. Therefore, this bond was prioritised over any other relationship of interpersonal dependency and vassalage. That was for the jurists at the court of King Alfonso, insofar as the vertical link between the king and his natural subjects was sustained on the direct, descending entrustment by God to the monarch for his condition of natural lord of the kingdom and its people and of the power attached to it.<sup>67</sup> Such arguments insisted on the supremacy of the monarchical authority with respect to the rights exercised by temporal and ecclesiastical lords over their domains, allowing them to be interpreted as subordinate and dependent on the royal jurisdiction. It is true, of course, that the Alphonsine legal remark did not deny the legitimacy of seigneurial rights, obtained by their express donation or by their use and custom in their exercise; nor did these thirteenth-century legal-texts explicitly state that the origin of these seigneurial rights was related to their delegation from the royal power to each lord.

Nevertheless, the implementation of the monarchical program of affirmation met an open rejection during the reign of Alfonso X. In fact, many from the noble aristocracy, ecclesiastical hierarchy, and urban elites of Castile and León opposed the wide-ranging imposition of the Alphonsine legislation, as well the royal policy of 'nuevas villas' foundation, the legal standardization under the Royal court jurisdiction in the urban centres within the king's domain, instead the local jurisdiction, the development of

---

<sup>66</sup> Alfonso X, el Sabio, *Las Siete Partidas*, vols. III, ed. Gregorio López (Salamanca: Andrea de Portonariis, 1555), Partida IV, law II. The original Spanish text is: "De señorío et vasallaje son cinco maneras: la primera et la mayor es aquella que ha el rey sobre todos los de sus señorío, a que llaman en latin merum imperium, que quiere tanto decir en romance como puro et esmerado mandamiento de judgar et mandar los de su tierra".

<sup>67</sup> Georges Martin, "Le concept de «naturalité» (naturaleza) dans les Sept parties, d'Alphonse X le Sage", in *Construir la identidad en la Edad Media*, eds. José Antonio Jara Fuente et al. (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2010), 145-162; José Manuel Nieto Soria, *Fundamentos ideológicos del poder real en Castilla (siglos XIII-XVIII)* (Madrid: EUDEMA, 1988), 90-94; José Manuel Nieto Soria, "Origen divino, espíritu laico y poder real en la Castilla del siglo XIII", *Anuario de Estudios Medievales* 27, (1997): 43-101.

new ways of exaction on the part of the royal Treasury and, ultimately, the increase in the tax burden placed on the whole kingdom. The political crises linked to the ascent to the throne of Sancho IV after the rebellion against his father, Alfonso X (1282, 1284-1295), and the minorities of the monarchs Ferdinand IV (1295-1301) and Alfonso XI (1312-1325), in addition to the context of war against the Benimerine Muslims for the control of the Strait of Gibraltar, postponed the royal interventions until the coming of age of King Alfonso XI (1325-1350) and the resolution of these years of internal and external conflicts in a manner that was ultimately beneficial to the Crown.<sup>68</sup>

In those strategic years for the monarchy, between the end of the 13<sup>th</sup> century and the first decades of the 14<sup>th</sup> century, some fundamental steps were taken for concretizing and implementing the superiority of the monarchical power as the superior jurisdiction and the referring authority for the other seigneurial instances. These steps had much to do, in fact, with the acceptance of these principles by the noble aristocracy thanks to their own access to the rights of justice and jurisdiction in their own domains. The best documented and characteristic means of this trend was the multiplication of donations of places as lordships by the monarchy. These donations included the explicit delivery of justice, lordship, and jurisdiction

---

<sup>68</sup> Fernando Arias Guillén, *The Triumph of an Accursed Lineage: Kingship in Castile from Alfonso X to Alfonso XI (1252-1350)* (London-New York: Routledge, 2020); Hilario Casado Alonso, "Las relaciones poder real-ciudades en Castilla en la primera mitad del siglo XIV", in *Génesis medieval del Estado Moderno. Castilla y Navarra (1250-1370)*, ed. Adeline Rucquoi (Valladolid: Ámbito Ediciones, 1987), 173-192; Estepa Díez, "The Strengthening"; Carlos Estepa Díez, "La Monarquía castellana en los siglos XIII-XIV", *Edad Media. Revista de Historia* 8, (2007): 93-98; César González Mínguez, "Aproximación al estudio del 'Movimiento Hermandino' en Castilla y León", *Medievalismo. Boletín de la Sociedad Española de Estudios Medievales* 1, (1991), 2 (1992): 35-58, 29-60; Mínguez, *Poder real*; José Antonio Jara Fuente, "Estructuras formales de poder y organización de las clases dominantes urbanas en Castilla. El regimiento: una crisis del siglo XIV en el siglo XV", *Edad Media. Revista de Historia* 8, (2007): 225-241; Miguel Ángel Ladero Quesada, "La Corona de Castilla: transformaciones y crisis políticas. 1250-1350", in *Europa en los umbrales de la crisis (1250-1350)* (Pamplona: Gobierno de Navarra, 1995), 275-323; Pascual Martínez Sopena, "Las villas nuevas Leonesas, el poder del rey y los otros señorío (1230-1350)", in *El condado de Benavente. Relaciones hispano-portuguesas en la Baja Edad Media* (Benavente: Centro de Estudios Beneventanos Ledo del Pozo, 2010), 13-28; Moreta, *Malhechores feudales*; Adeline Rucquoi, "Pouvoir royal et oligarchies urbaines d'Alfonso X à Fernando IV de Castille", in *Génesis medieval del Estado Moderno. Castilla y Navarra (1250-1370)*, ed. Adeline Rucquoi (Valladolid: Ámbito Ediciones, 1987), 193-216.

among other royal rights, which were primarily given to members of the royal family and the most exalted figures of the aristocratic social group.<sup>69</sup>

Although we have testimonies from the beginning of the 12<sup>th</sup> century which show that these special royal donations of ‘villas’ to members of the aristocracy with unlimited delivery of all royal rights over them were not unusual in León and Castile (“... que ad regale ius pertinent...”, “sine illo retenimiento...”, “cum omni iure quod ibi habeo et habere debeo...”), it is true that they did not include limpid mentions to the granting of justice and jurisdiction. The proliferation of royal favours to lay and ecclesiastical lords in the passage from the 13<sup>th</sup> century to the 14<sup>th</sup> century saw the continuation of this type of generic formula on many occasions (“we give you these places with justice and with all the *pechos* that we have and ought to have, as well as *martiniegas*, and *yantares*, and *fonsaderas* and *servicios*, as all the others, whatever they may be in any way”)<sup>70</sup>, to progressively incorporate references to the donation of justice, and with it the jurisdictional notion of power inspired by common law:

“...with all the populated areas and with those to be populated and with mountains and with fountains and with rivers and pastures and with *portazgos* and with *montazgos* and with entrances and exits and with all their belongings, how many there are and should be, and with justice and all the *pechos* and *yantares* and *fueros* and rights...”<sup>71</sup>

“...with the lordship and with justice and with all its terms and with all its rights as well as what I had and also had the kings from whom I come...”<sup>72</sup>

---

<sup>69</sup> Estepa Díez, “La Monarquía castellana”: 87-92; Salvador de Moxó y Ortiz de Villajos “Los señoríos: en torno a una problemática para el estudio del régimen señorial”, *Hispania. Revista española de Historia* 94, (1964): 200-205.

<sup>70</sup> In Spanish in the original text: *dámosvos estos lugares con la justicia y con todos los pechos que nos hi habemos y debemos haber, así martiniegas y yantares y fonsaderas y servicios como todos los otros cualesquier que sean en cualquier manera. In the donation of Loranca, in the southern Meseta, within the Kingdom of Toledo, to María Fernández Coronel by King Sancho IV in 1293 [Mercedes Gaibrois, *Historia de Sancho IV de Castilla*, vol. III (Madrid: Tipografía de la Revista de Archivos, Bibliotecas y Museos, 1922-1928), doc. 447].*

<sup>71</sup> In the *merced* of Mondéjar, in the same region as in the aforementioned case, to Fernán Ruiz de Biedma by King Ferdinand IV in 1296 [Antonio Benavides, *Memorias de Fernando IV de Castilla*, vol. II (Madrid: Imprenta de José Rodríguez, 1860), 145].

<sup>72</sup> In original: “con todos los términos poblados y por poblar y con montes y con fuentes y con ríos y con pastos y con portazgos y con montazgos y con entradas y con salidas y con todas sus pertenencias cuantas han y deben haber y con justicia y todos los pechos y yantares y fueros y derechos...”; “con el señorío y con la justicia



Furthermore, we can also find examples of the royal granting its jurisdiction to the lords over their domains as ‘franchised and privileged’, that is free from the exercise of justice by royal agents (“...that, in my behalf, no *adelantado*, nor *merino*, nor *mayor*, nor *justicia*, nor any other man will come and do justice, not any other evil”<sup>73</sup>).<sup>74</sup>

Already in the reign of Alfonso XI this trend was clearly consolidated. The diplomatic formula in the donation documents acquired greater complexity and expressiveness when it referred to these principles (“we deem it good that from now on, and forever and ever, that in the place of Tórtoles [...] where they ought to hold the entire civil and criminal justice”).<sup>75</sup> These formulas eventually revealed as complete enunciations of

---

y con todo su termino y con todos sus derechos asi como lo uo y avia dant y lo ovieren los reyes onde yo vengo”. The letter in which Ferdinand IV insisted in the donation of Gibraleón to Alfonso de la Cerda (Benavides, *Memorias de Fernando IV*, vol. II, 350-351), which, in turns, refers to the spectacular donation of several seigneuries to the same Alfonso in 1304, shows the latter lord’s extraordinary autonomy in front of the royal powers. This donation took place as a compensation for relinquishing his claim to the throne, after the arbitration of the kings Denis I of Portugal and James II of Aragon: “with free alodium and heritage, with full justice, *merum* and *mixtum* imperium, exempt of all jurisdictions, subjection and seignery, also regarding appeals and other matters that belong to said King Ferdinand” (Benavides, *Memorias de Fernando IV*, vol. II, 418-420). In Spanish in the original text: por franco alodio y heredamiento, con toda jurisdicción mero y misto imperio, esentos y quitos de toda jurisdicion y subjecion y servidumbre y señorío, también de apelación como de qualesquier cosas del dicho rey don Fernando.

<sup>73</sup> In Spanish in the original text: “...que non entre y por mi adelantado nin merino nin alcalde nin justia nin otro ome ninguno a fazer justia nin otro mal ninguno”. Thus, it is recorded in the privilege of immunity and jurisdiction granted by King Ferdinand IV to Juan Alfonso de Benavides over his place of Benavides, in León, in 1306 [The Ducal Archive of Medinaceli, privilegio rodado nº 19; M<sup>a</sup>. Concepción Quintanilla Raso, “Aportación al estudio de la nobleza en la Edad Media: La Casa señorial de Benavides”, *Historia, Instituciones, Documentos* 1, (1974): 181].

<sup>74</sup> Manuel González Jiménez, “Algunas cuestiones en torno a los señoríos andaluces del siglo XIII”, in *Señorío y feudalismo en la Península Ibérica (ss. XII-XIX)*, vol. I, eds. Eliseo Serrano Martín, Esteban Sarasa Sánchez (Zaragoza: Institución Fernando el Católico, 1993), 535-552, M<sup>a</sup>. Concepción Quintanilla Raso, “El hecho señorial como marco de comunicación nobleza-monarquía en la Castilla bajomedieval”, in *Comunicación y conflicto en la cultura política peninsular: (siglos XIII al XV)*, eds. José Manuel Nieto Soria, Óscar Villarroel González (Madrid: Sílex, 2018), 518-521.

<sup>75</sup> In Spanish in the original text: “tenemos por bien que de aquí adelante para siempre jamás que en su lugar de Tórtoles [...] dende que ayan para siempre jamás toda la justicia civil y criminal”. Found in the confirmation of privileges of 1334 to the monastery of Tórtoles on this same place, in the *merindad* of Cerrato, in the region of Castile north of the Duero, where the previously existing seigneurial rights

the rights of justice and jurisdiction, together with their appropriation by the lords (“with justice and with the lordship and with the ordinary jurisdiction and with *merum* and *mixtum imperium*”).<sup>76</sup> The putting in writing of the terms under which these donations took place undoubtedly had an impact in the administration of justice by the lords, together with the use of its derived prerogatives, and resulted in a clear diminishment of the rights of the crown. Despite this, a discourse of superiority of the king’s power as natural lord that made aristocratic powers dependent on it through the exercise of jurisdiction was gradually permeating.

However, the qualitative leap in the generalization of ‘jurisdictional lordship’ in Castile and León during these years took place in areas that went beyond the exercise of the rights of justice: it also had implications regarding the effective exercise of power over the communities subjugated to the aristocracy. Perhaps one of the most significant aspects of this exercise of power was the capacity of the lords to impose exactions, an ability to tax which was enhanced by the assumption of the notions of both royal and seigniorial jurisdictional powers. This is made clear by the example of the collection of the right of *martiniega*.

The *martiniega* was a tribute of royal origin and is useful to observe the deployment of royal taxation on the basis of the notion of the ‘lordship of the king’ during the 13<sup>th</sup> century. First documented in 1230, its collection was based on the recognition of king as a superior lord by the communities under his dominion. For the years 1350-1352 the Crown carried out an inquiry in the territory of the *merindad mayor* of Castile, corresponding to northern Castile between the Cantabrian Sea and the Duero, which was then recorded in the *Libro Becerro de las Behetrías*.<sup>77</sup>

---

of the community were also extended to include justice [Luciano Serrano “Los Armíldez de Toledo y el monasterio de Tórtoles”, *Boletín de la Real Academia de la Historia* 103, (1923): 91-94].

<sup>76</sup> In Spanish in the original text: “con la justicia e con el señorío e con la jurisdicción ordinaria e con mero, misto imperio”. Found in the donation to Pedro Fernández de Castro of the burg of Caldelas, together with the village of Valdeorras and the Berosinos, in the *tierra* of Lemos, within the Kingdom of Galicia in 1336 [Eduardo Pardo de Guevara y Valdés, *Los señores de Galicia. Tenentes y condes de Lemos en la Edad Media*, vol. II (A Coruña: Fundación Pedro Barrié de la Maza, 2000), doc. 13]. In similar terms in the village of Cubillas, in the aforementioned *merindad* of Cerrato, to the main notary of Castile Fernán Sánchez of Valladolid in 1345 [Esther González Crespo, *Colección documental de Alfonso XI. Diplomas reales conservados en el Archivo Histórico Nacional Sección de Clero. Pergaminos* (Madrid: Universidad Complutense, 1985), doc. 303].

<sup>77</sup> Gonzalo Martínez Díez, *Libro Becerro de las Behetrías. Estudio y texto crítico*, vols. III (León: Centro de Estudios e Investigación San Isidoro, 1981).

According to such report, the *martiniega* was collected in practically half of all locations recorded in the book, 1000 out of 2109. Most of these places were either under royal domain or belonged to a complex seigneurial category known as the *señorío de behetría*. According to this latter form of seigneurial domination, the power exercised by the singular lord of a place was overlaid on that of other different lords who held certain rights, known as ‘natural’ or “*diviseros*” (divided or fragmented). In addition, the lord was ultimately subject to the king through the exercise of jurisdiction.<sup>78</sup>

However, from the end of the 13<sup>th</sup> century this tribute was also adopted by a large part of the lay lords in their domains, either through incorporation by royal donations, or by its usurpation, even by replicating the procedure of the monarchy in the association of exaction and jurisdiction in order to demand the *martiniega* on their own.<sup>79</sup> The application was clearly showed in the amount of the *Becerro de las Behetrías*: during the mid-fourteenth century and within the *merindades* of Castrojeriz and Burgos-Ubierna, the *martiniega* was collected in 120 places. In 66 of them, it was collected by lords other than the king (43 of 66 places were *behetrías*). In other *merindades* such as those of Monzón, Villadiego, Saldaña, and Candemuño, the assignment of the *martiniega* from the monarchy to other lay lords had not yet occurred in full force. Despite this, there was a palpable tendency towards its appropriation and imposition by the lords of those places that were classified as being under seigneurial dominion and by the lords of the aforementioned *behetrías*.<sup>80</sup>

Based on an in-depth study, we have tried to verify or disprove this impression. We proceeded to analyse the collection of the *martiniega*, according to the numbers in the book of the *Becerro*, and selected a

---

<sup>78</sup> Borge, *Poder y relaciones sociales*, 307; Bartolomé Clavero, “Behetría, 1255-1356. Crisis de una institución de señorío y la formación de un Derecho regional en Castilla”, *Anuario de Historia del Derecho Español* 44, (1974): 274-275; Carlos Estepa Díez, *Las behetrías castellanas*, vol. I (Valladolid: Junta de Castilla y León, 2003), 81-229, 238-257; Carlos Estepa Díez, “Le Libro Becerro de las Behetrías (1352). Structures seigneuriales, fiscalité et charges symboliques”, in *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales. (XI<sup>e</sup>-XIV<sup>e</sup> siècles). Les mots, les temps, les lieux*, eds. Monique Bourin, Pascual Martínez Sopena (Paris: Publications de la Sorbonne, 2007), 470-473; Estepa Díez, “La construcción de la fiscalidad regia”, 78-79.

<sup>79</sup> Víctor Muñoz Gómez, *El poder señorial de Fernando “el de Antequera” y los de su casa: señorío, redes clientelares y sociedad feudal en Castilla durante la Baja Edad Media* (Madrid: Consejo Superior de Investigaciones Científicas, 2018), 110-120.

<sup>80</sup> Estepa Díez, *Las behetrías castellanas*, 355-356; Estepa Díez, “Le Libro Becerro”, 472.

sample of 452 various places, from large towns to smaller, dependent centres. These consisted of 183 places under seigneurial lordship (40,49%) and 268 places of *behetría* (59,295), of which 250 were entirely of *behetría*. They were all linked, in different ways, to the lordship of Lara which was, at least in theory, the most important aristocratic title of the kingdom until its extinction in the mid-fifteenth century.<sup>81</sup> The *Becerro* included properties of the houses of Lara, Haro, and of the *infante* Don Tello, son of King Alfonso XI; Juan Alfonso de Alburquerque and the Téllez de Meneses also enjoyed different seigneurial rights, even though they were expression of a diverse array of noblemen, from important aristocratic families to modest local nobles. This sample includes between 30-45% of the places recorded in the *Becerro* in the different smaller *merindades* that belonged to the greater *merindad mayor* of Castile, south of the Cantabrian Mountains.

The results are clear. In 95 of the 183 places under seigneurial domain, the *martiniega* was collected either by their lords or other beneficiaries who had received the collection right as a donation. It was the case of the towns entirely owned by Nuño de Lara, lord of Lara, or the towns and places held by Juan Alfonso de Alburquerque in the *merindades* of Carrión and Saldaña and the *infantazgo* de Valladolid. Also the same for the town of Aguilar de Campoo and its *alfoz* within the lordship of the *infante* Don Tello and the places of Pedro de Haro in the *merindad* of Santo Domingo de Silos.<sup>82</sup> Meanwhile, in 94.8% of the places that were fully of *behetría* (250), the collection of the *martiniega* had expanded beyond its initial royal boundaries. In up to 132 of them, the *martiniega* was collected by the king and his officers, but in another 105 the operation was made by other lords. In most of the latter cases (71 places) it was the sole lord of the *behetría* who benefited from the full amount of the *martiniega* or, in some cases, a substantial part of it, leaving some of it for the royal treasury or local and royal officials.<sup>83</sup> In contemporary, in 35 of those 105 places, we

---

<sup>81</sup> Muñoz Gómez, *El poder señorial*, 216-273; Víctor Muñoz Gómez, “El señorío de Lara después de los Lara: expresión simbólica, identidad aristocrática y poder señorial (1352-1454)”, in *Los espacios del rey. Poder y territorio en las monarquías hispánicas*, eds. Fernando Arias Guillén, Pascual Martínez Sopena (Bilbao: Universidad del País Vasco/Euskal Herriko Unibertsitatea, 2018), 373-394.

<sup>82</sup> Martínez Díez, *Libro Becerro de las behetrías*, vol. I, 136, 198-199, 200-201, 203-204, 206, 270-272, 278-281, 285-286, 288-289, 355, 353, 358, 402, 426-433, 436, 440-445, vol. II, 13, 19-21, 24, 40-42, 44-55, 57, 59, 61-62, 78-86, 318-321, 400, 640-642.

<sup>83</sup> Two examples of this situation, in the *merindad* of Cerrato: the cases of Esguevillas and Alba de Cerrato. In the first case, under the natural lordship of Ruy

can observe how the *martiniega* had been donated by the king, entirely or partially, to a knight who was not its exclusive lord.<sup>84</sup> Many of these donations can be related to the extension of seigneurial networks of influence, such as the case of the kindred of the Quijadas in Abia de las Torres and Boedo, in the *merindad* of Monzón, and Juan Rodríguez de Hínestrosa, the principal advisor of King Peter I between 1354 and 1359, in the *merindad* of Castrojeriz.<sup>85</sup>

In fact, the qualitative and quantitative strengthening of seigneurial power through the acquisition of *martiniegas* was not a phenomenon that was exclusively limited to the great lords. The intermediate and even lower ranks of the most dynamic territorial aristocracy successfully concurred in this process. Despite the fact that, in many cases, the appropriation of this right by these noblemen was supported by royal donations, there are also mentions of its usurpation and its arbitrary demand. In a highly-telling case, the council of Villasilos, in the district of Castrojeriz, declared “that when Iohán Núñez was their lord and still alive, he forcefully took each year from the council of the town four hundred *maravedís*, despite their payment was not customary. And these same *maravedís* were collected by Martín Gil, each year after his accession to the town’s lordship”.<sup>86</sup> This can be attributed to a context of weakness of the royal power from the end of the 13<sup>th</sup> century. However, the assumption of the rights of *martiniega* by the lay aristocrats cannot be detached from their assimilation of the exercise of jurisdiction and the consequent multiplication, on this basis of legitimacy, of the formulas of exaction and subjection of dominated communities.

---

González de Castañeda, a *divisero*, the Crown collected 305 *maravedís*, the mentioned lord 105, and 17 went to the *adelantado mayor* of Castile. In the second case the natural lord was Nuño González de Herrera, one of the lordship’s many *diviseros*. The king perceived 420 *maravedís*, the lord 180, and the local *merino* another 20 (Martínez Díez, *Libro Becerro de las behetrías*, vol. I, 131-132, 135-136).

<sup>84</sup> We can see some examples in different places of the *merindad* of Castrojeriz, such as Los Balbases, Boadilla del Camino, Villalaco, and Espinosa de Valdeolmos. Also in Fuente Andrino and Villaserracino, in the *merindad* of Monzón (Martínez Díez, *Libro Becerro de las behetrías*, vol. I, 227-228, vol. II, 231-234).

<sup>85</sup> Estepa Díez, *Las behetrías castellanas*, vol. I, 402-404, 413, 426, 428, vol. II, 11-12.

<sup>86</sup> Martínez Díez, *Libro Becerro de las behetrías*, vol. II, 223-224: “que don Iohán Núñez seyendo su sennor, quando hera biuo, que les tomaua de cada anno al conçeio del dicho lugar por fuerça, non auiendo costumbrado de gelos dar e pagar, por martiniega CCCC *maravedís*. E que leuara estos dichos *maravedís* don Martín Gil cada anno después que el dicho lugar estudiara por él”.

Through the sanction by the Courts of the *ordenamiento de Alcalá* in 1348, Alfonso XI gave continuity to the juridic corpus of his great-grandfather, which was based on Roman law and authoritarian notions of power. This code became the foundations of the subsequent development, in times of the Trastámara dynasty, the Catholic monarchs, and up to the *Leyes de Toro* of 1505, of the normative superiority of the king of Castile and of royal justice.<sup>87</sup> By then the principles of royal jurisdiction had already gone a long way, and its implications for the organisation of seigniorial powers and the internal hierarchies of the aristocratic class were easily assumed. It is not by chance that, in the aforementioned 1356 compilation of the *Fuero Viejo de Castilla*, justice was quoted as the first among the four inherent elements of the royal power, together with minting currency, the *fonsadera* and the *yantares* (two types of taxation mentioned above). The ordinances and customs gathered in the *Fuero Viejo* can be dated in the period between the 12<sup>th</sup> and 14<sup>th</sup> centuries, and they sustained the powers and privileges of the aristocracy. In this regard, its last formulation can be understood as a form of complying with the jurisdictional superiority of the king.<sup>88</sup> The *ordenamiento de Alcalá* insisted on the superiority of royal justice, especially with regards to the rights of appeal. In spite of it, it ultimately sanctioned the exercise of justice and jurisdiction by the lords on their vassals and places. This sanction affected both the noblemen who had obtained them through their donation and those who had been exercising such rights irregularly, without explicit permission and in accordance with customary practices and under the prescription of “whomever has received a place, ought to have its justice with its uses”.<sup>89</sup>

For all these reasons, it is pertinent to speak of jurisdictional lordships in Castile prior to 1369.<sup>90</sup> By the central years of the 14<sup>th</sup> century, the ideas of ‘jurisdictional lordship’ and the theoretical superiority of the ‘lordship of the king’, as sovereign and overlord of the kingdom, had permeated Castilian society. This process, which was clearly promoted by

---

<sup>87</sup> Enrique Fuentes Ganzo, Remedios Morán Martín, “Ordenamiento, legitimación y potestad normativa: justicia y moneda”, in *Orígenes de la monarquía hispánica: propaganda y legitimación, ca. 1400-1520*, ed. José Manuel Nieto Soria, (Madrid: Dykinson, 1999), 207-223.

<sup>88</sup> José Manuel Pérez-Prendes Muñoz-Arraco, “La frialdad del texto. Comentarios al prólogo del *Fuero Viejo de Castilla*”, *Cahiers de Linguistique hispanique médiévale* 22, (1998-1999): 297-322.

<sup>89</sup> Real Academia de la Historia, *Cortes de los antiguos reinos de León y de Castilla*, vol. I (Madrid: Impr. y Esterotipia de M. Rivadeneyra, 1861-1903), 536-538, 541: “que aquel a quien asy fue dado el logar, que aya la justicia sy usó della”.

<sup>90</sup> Estepa Díez, “La Monarquía castellana”: 91.

the Crown itself, happened at the same time as the extension of the exercise of jurisdiction among the lay and ecclesiastical lords, in a gradual and not always legitimate way that had strong aftermaths on the relations of seigneurial domination that went beyond the exclusive domain of justice. In turn, this process contributed to a notable transformation of the social and spatial hierarchy of the seigneurial powers of the kingdom between the end of the 13<sup>th</sup> century and the middle of the 14<sup>th</sup> century.<sup>91</sup>

The highly turbulent reign of king Peter I of Castile (1350-1369) led to a bitter civil war during 1366-1369. Despite his efforts to straighten royal authority and administrative force, Peter I failed to assure himself the support of the feudal powers of the kingdom. In fact, most of the clergy, the cities, and more specifically the seigneurial aristocracy in Castile sided with his stepbrother count Henry of Trastámara. The ultimate defeat and killing of the former king meant the latter's accession to the throne as Henry II (1366-1367, 1369-1379).<sup>92</sup> Anyhow, the rise of a new branch of the royal dynasty, the Trastámara, not resulted in any substantive or qualitative disruption with regard to the further development of 'jurisdictional lordship' before 1369. The spectacular seigneurial projection of the Castilian aristocracy, which had arguably begun in the last third of the 14<sup>th</sup> century, was later deepened through the same jurisdictional framework. It is true that there was an important multiplication of lordships, which, in turn, became more complex through the rise of both the structures of the 'seigneurial state' and the aristocratic 'lineages'. This development favoured the aristocratic families of the kingdom, whose political, social, economic, and symbolic preponderance was particularly consolidated during the rule of the Trastámara monarchs.<sup>93</sup> All in all, there is good evidence of the continuity and strength of this process of 'jurisdictional lordship' s' conformation during the Late Middle Ages from its full-medieval roots.

---

<sup>91</sup> Álvarez Borge, *Monarquía feudal*, 178-197, 1996, 290-302, 310 -326; Ignacio Álvarez Borge, "Vasallos, oficiales, clientes y parientes. Sobre la jerarquía y las relaciones internobiliarias en la Castilla medieval (c. 1100-c. 1350). Una aproximación a partir de las fuentes documentales", *Hispania. Revista española de Historia* 235, (2010): 359-390; Estepa Díez, *Las behetrías castellanas*, vol. I, 275-320.

<sup>92</sup> Vid. footnote 57; Carlos Estepa Díez, "Rebelión y rey legítimo en las luchas entre Pedro I y Enrique II", in *Lucha política. Condena y legitimación en la España medieval*, eds. Isabel Alfonso Antón et al. (Lyon: École Normale Supérieure Éditions, 2004), 43-61.

<sup>93</sup> Isabel Beceiro Pita, "Los estados señoriales como estructuras de poder en la Castilla del s. XV", in *Realidad e imágenes del poder. España a fines de la Edad Media*, ed. Adeline Rucquoi (Valladolid, Ámbito Ediciones, 1988), 292-323; Quintanilla Raso, "La renovación nobiliaria"; Quintanilla Raso, "El estado señorial".

We will now conclude with three related aspects. Firstly, let us focus on the donation and confirmation diplomas, as they were issued by the Crown and directly enounced the rights and possessions that were part of the lords' dominions. In this regard, the formula that emerged during the reign of Alfonso XI, which reflected the jurisdictional powers of the lords, was fully brought to fruition during the reigns of Henry II, John I (1379-1390), and Henry III (1390-1406). Thus, we see the generalization in the use of the concessional formula including “the *merum* and *mixtum* imperium, and justice, and civil and criminal jurisdiction, high and low”.<sup>94</sup>

Secondly, it let us examine how it affected the conditions for the exercise of justice. It is true that in Castile there are few extant documents that show jurisdictional conflicts involving the monarchy, feudal aristocratic lords, and their respective agents between the end of the 13<sup>th</sup> and 15<sup>th</sup> centuries. We have more evidence regarding ecclesiastical lords, as in the cases of the monasteries of Santo Domingo de Silos and Sahagún and their conflicts with their respective towns.<sup>95</sup> Our research shows how the practical implementation of the notion of judicial superiority by the monarchy proved to be unrealisable, beyond the attempts of the crown to keep it for itself, also in relation to the communities under the control of the secular aristocracy. The crown experienced enormous difficulties in enforcing the principles of its ‘superiority of justice’. Therefore, the theoretical right of appeal and the access to higher, royal courts was never materialised in the communities under seigneurial dominion, where seigneurial justice was still mostly autonomous. This was the case until at least the reign of the Catholic monarchs.<sup>96</sup>

---

<sup>94</sup> The original text: “el mero e misto imperio e iusticia, e iurisdiccion çiuil e criminal, alta e baxa”. Taken from the confirmation privileges given by Henry III to the infante Ferdinand, his brother, in 1404, it regarded the lordship of the towns of Mayorga, Peñafiel, Cuéllar, Medina del Campo, Olmedo, and Paredes de Nava (Archivo General de Simancas, Real Patronato, C<sup>a</sup>. 58, n<sup>o</sup>. 23, 24, 26, 97, 98, 99).

<sup>95</sup> Francisco Luis Pacheco Caballero, “Sennorio mayor, sennorio general, sennorio espeçial y jurisdiccion. Un caso concreto”, *Initium. Revista Catalana d’Història del Dret* 4, (1999): 157-184, Carlos Manuel Reglero de la Fuente, “El abad contra el rey (y los regidores): conflicto de jurisdicciones y ejercicio del poder en Sahagún (1398-1417)”, *Espacio, tiempo y forma, ser. III, Historia medieval* 34, (2021): 845-880.

<sup>96</sup> José Luis Bermejo Cabrero, “Mayoría de justicia del rey y jurisdicciones señoriales en la Baja Edad Media castellana”, in *I Jornadas de Metodología aplicada a las Ciencias Históricas*, vol. II (Santiago de Compostela: Universidad de Santiago de Compostela, 1975), 191-206; Carlos, Garriga Acosta, “Jurisdicción real y jurisdicciones señoriales en Castilla: la ‘ley de Guadalajara’ de 1390”, in *Avant le contrat social. Le contrat politique dans l’Occident médiéval (XIII<sup>e</sup>- XV<sup>e</sup> siècle)*, ed. François Foronda (Paris : Publications de la Sorbonne, 2011), 553-590; José Manuel



Thirdly, seigneurial domination and the rights linked to seigneurial jurisdiction in Castile encompassed many other dimensions. Here we have paid special attention to the levying of taxes. In this regard, it is not by chance that, between the second half of the 14<sup>th</sup> century and the mid-fifteenth century the seigneurial *pedido* became more common. This tribute was, originally, an extraordinary exaction that became regularised and collected, each year, through the jurisdictional powers of the lords. The appropriation of the *pedido* was similar to what had already happened with the *martiniega*, since it mimicked, on a more local scale, the royal requests that took place in the Castilian courts.<sup>97</sup> This was nothing but another step in the process of accumulation of incomes by the lords, both from the fiscal resources of the royal treasury (*mantenimientos*, *tierras para lanzas* – “*feudos de bolsa*” –, royal favours and pardons, the access to taxes such as *tercias* and *alcabalas* etc.) and those that had been extracted from the towns and places under seigneurial control.<sup>98</sup> In any case, this example, as with the exercise of justice, allows us to verify how the jurisdictional definition of the power exercised by the monarchy and other lords in Castile between the 13<sup>th</sup> and 15<sup>th</sup> centuries played a crucial role in reinforcing the different facets of the domination of the aristocracy over the communities of inhabitants in Castile at the end of the Middle Ages.

## Conclusions

At this point, it is convenient to reflect on some conclusions derived from this comparative analysis. Despite the fact that the notion of jurisdiction strictly referred to the rights of command and justice, in practice it allowed for the organisation and hierarchization of several aspects of the exercise of power and the aristocratic domination of individuals, communities, and territories in western feudal societies. Thus, the comparison between the processes of definition of jurisdictional powers in Catalonia and Castile

---

Nieto Soria, “La nobleza y el ‘poderío real absoluto’ en la Castilla del siglo XV”, *Cahiers de Linguistique et de Civilisation Hispanique Médiévales* 25, (2002): 237-254; M<sup>a</sup>. Concepción Quintanilla Raso, “El hecho señorial como marco de comunicación nobleza-monarquía en la Castilla bajomedieval”, in *Comunicación y conflicto en la cultura política peninsular: (siglos XIII al XV)*, eds. José Manuel Nieto Soria, Óscar Villarroel González (Madrid: Sílex, 2018), 521-532.

<sup>97</sup> Víctor Muñoz Gómez, “The seigneurial *pedido*: exaction, negotiation and seigneurial power in late medieval Castile (the example of the towns in the estates of the Aragonese Trastámara)”, *Imago temporis. Medium Aevum* 17, (2023): forthcoming.

<sup>98</sup> Álvarez Borge, “Patrimonio, rentas”, 114-137; Ladero Quesada, “Fiscalidad regia”, 71-81.

between the 13<sup>th</sup> and 15<sup>th</sup> centuries allows us to better understand the different evolution of the monarchical and aristocratic powers in the Iberian Peninsula and in other regions of the West during the Late Middle Ages, starting from its seigneurial bases.

In both cases, from the 12<sup>th</sup> century onward and more clearly during the 13<sup>th</sup> century, the Aragonese and Castilian-Leónese monarchies made clear efforts to establish the superiority of royal jurisdiction in all their territories. This was particularly clear in aspects such as the formulations of monarchical power that were inspired in Roman law, the effective superior exercise of justice over other seigneurial and local jurisdictions – aristocratic, ecclesiastical, urban –, and the imposition of systems of general taxation on the entire kingdom or principality. In the same way, in both cases the Castilian and Catalan secular aristocracies offered notable resistance to these monarchical attempts at jurisdictional imposition, although the imposition of the jurisdictional conceptualization of power ultimately became a well-established fact, as was its impact on the transformation of the exercise of seigneurial domination by the aristocracies of both territories during the late Middle Ages.

In one way or another, although there was an acceptance of the theoretical superiority of the monarchical authority over the territory and its inhabitants by the noble aristocracies (from the end of the 13<sup>th</sup> century in Catalonia, in Castile from the middle of the 14<sup>th</sup> century), the broad autonomy of the lords and their agents in the exercise of a good part of the rights linked to their command and jurisdiction over their domains can be verified as a reality in both territories, at least until the end of the 15<sup>th</sup> century and the beginning of the 16<sup>th</sup> century. The reasons for this were apparently quite different in each territory. In Catalonia, the autonomy of the lords with respect to royal power was sustained to a large extent on the basis of the counts, viscounts, and other lords' ancient possession of the autonomous exercise of jurisdiction, which they had not obtained through delegation or subordination to the kings of Aragon and counts of Barcelona. This had to be recognised by the Crown between the end of the 13<sup>th</sup> century (Courts of 1283) and the beginning of the 14<sup>th</sup> century. In turn, the fragmentable nature of the different jurisdictional rights (*merum imperium*, higher justice, criminal jurisdiction; *mixtum imperium*, lower justice, civil jurisdiction; in addition to other rights) and, from this, the generalization of alienations of royal assets and jurisdictional rights in favour of different lords during the 14<sup>th</sup> and 15<sup>th</sup> centuries reinforced the autonomy of the Catalan feudal lords from the Aragonese monarchy, despite the latter's attempts to reverse the aforementioned trends. In the meanwhile, in Castile, either the spread of royal donations of jurisdictional rights in the benefit of

other feudal lords and their direct appropriation and later legitimization by the Crown, especially from 1348 onwards, laid the foundations for the development of an aristocratic 'jurisdictional lordship' that was largely exempt from monarchical interference until the end of the Middle Ages. In any case, such characteristics of the secular aristocracy's seigniorial power went hand in hand, and not to the detriment, of a clear affirmation of the monarchical power, the strengthening of its state apparatuses, and its sources of income during the late Middle Ages. These aspects, which had emerged to a great extent during the reign of Alfonso XI, developed progressively from 1369 onward under the different Trastámara kings until the reign of the Catholic monarchs. To a large extent, the strengthening of the monarchy sustained and provided the resources to support the political, social, economic, and cultural primacy achieved by the aristocracy of Castile at the end of the Middle Ages, which, in turn, met with the opposition of the urban elites of the kingdom.<sup>99</sup>

In any case, it is important to bear in mind that the fragmentation of jurisdictional rights and their alienation, which was also extensible to other royal assets, could undermine the theoretical superiority of the monarchical authority in Catalonia, as the supreme source of jurisdiction and rights, in front of the noble aristocracies and other instances such as the royal cities and towns throughout the 14<sup>th</sup> and 15<sup>th</sup> centuries. Therefore, the deployment of royal authority, as we have seen, was itself diminished throughout these centuries. Meanwhile, in the kingdoms of Castile and León, from the 14<sup>th</sup> century onward the royal donation and recognition of the assumption of jurisdictional right by other feudal lords became widespread and was even understood as an undivided block that included the lordship, civil and criminal jurisdiction, higher and lower justice, and *merum* and *mixtum imperium*. This, unlike what happened in Catalonia, contributed, at least theoretically, to the supremacy of monarchical power in the Crown of Castile, which was better safeguarded and could be progressively reinforced, even in the usual contexts of rebellion and open civil war experienced during most of the period between 1282 and 1480.<sup>100</sup>

The late medieval Catalan archival sources allow us to more clearly document jurisdictional conflicts related to the exercise of justice that involved the monarchy, feudal aristocratic lords, and their respective agents between the end of the 13<sup>th</sup> and the 15<sup>th</sup> centuries. In the Castilian case, as has been already noted, the written records of such lawsuits are, unfortunately,

---

<sup>99</sup> Monsalvo Antón, "El conflicto «nobleza frente a monarquía»", 257-264; Monsalvo Antón, *La construcción del poder real*.

<sup>100</sup> Monsalvo Antón, "El conflicto «nobleza frente a monarquía»"; Monsalvo Antón, *La construcción del poder real*, 242-271, 385-423.

much less commonly found. However, the documentary research of different traces of the deployment of the 'jurisdictional dominion' through legal regulations and the imposition of taxation rights allow us to verify that both in Catalonia and in Castile the jurisdictional definition of power was, to a large extent, promoted by the Crown and then disseminated during the Late Middle Ages. In both Castile and Catalonia, the enunciation and access to jurisdictional rights placed notable resources in the hands of the feudal lords. These allowed them to exercise a more intensive form of power which was, to a large extent, scarcely mediated by the monarchy. In any case, such a fact did not lead to a position of uncontested hegemony of the feudal aristocracy against weak monarchies and other insignificant urban and rural socio-political agents in both scenarios. To the contrary, it rather led to more balanced junctures in which all involved actors were much more interconnected in a dynamic equilibrium of forces between them. To study in a comparative way the development of the dominion built around the jurisdiction during the end of the Middle Ages in Catalonia and Castile, two close but also clearly different spaces, illustrates the polyhedral character of power relations in western feudal societies, together with the divergence in their socio-political evolutions and, why not, of the potentiality of the analysis of said social relations of power based on categories such as lordship.