

International Memory of the World Register

The *Decreta* of León of 1188

The oldest documentary manifestation of the European parliamentary system

(Spain)

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1.0 Summary (max 200 words)

The *Decreta* or Decrees of León of 1188 consist of a group of documents that contain the oldest known written information regarding the European parliamentary system, originating in mediaeval Spain and based on the celebration of a *Curia Regia* (Royal council) during the reign of Alfonso IX of León (1188-1230). They reflect an original model of government and administration within the framework of Spanish mediaeval institutions, where the institutional presence of the common people in higher-level decision making, together with the king, the church and the nobility, occurs for the first time through the elected representatives of the towns and cities. The collection consists of various documents in both their original diplomatic version and copies, both mediaeval and modern. These texts are preserved in various Spanish cultural archives and libraries, both public and private. This documentary heritage regarding the *Decreta*, enacted in the royal *Curia* held in León during the months of July and August 1181, enables us to demonstrate that the birthplace of the Parliamentary System was the Kingdom of León in 1188, where the people were present for the first time through the city and town representatives. We are currently celebrating the 1,100th anniversary of this event.

3.0 Identity and description of the documentary heritage

3.1 Name and identification details of the items being nominated

DOCUMENT NO.1

- **TITLE.** Mandate by Alfonso IX (1188-1230), king of León, delivering to Alfonso, bishop of Orense, a copy of the legal texts of the Constitution of the royal *Curias* of 1188 and 1194.
- **INSTITUTION.** ARCHIVO DE LA CATEDRAL DE ORENSE (ORENSE CATHEDRAL ARCHIVE)

DOCUMENT NO. 2

- **TITLE.:** *Forum Judicum sive Leges Gothorum, cum nonnullis Capitibus Conciliorum Toletanorum in principio et fine aliquibus Decretis Regum et Foro Sancti Facundi (Collectio Canonum el Legum Gothorum)*, compendium of laws by Diego and Antonio de Covarrubias y Leyva (1512-1577), where are included the *Decreta* of León (1188)
- **INSTITUTION.** BIBLIOTECA NACIONAL DE ESPAÑA (SPANISH NATIONAL LIBRARY)

DOCUMENT NO. 3

- **TITLE.** Codices and written documents compilation directed by Ambrosio de Morales (1513-1591), which includes the "*Tumbo Colorado*" or cartulary of the Santiago de Compostela Cathedral, where are included the *Decreta* of León (1188).
- **INSTITUTION.** BIBLIOTECA CAPITULAR Y COLOMBINA DE SEVILLA (COLUMBUS AND CHAPTER LIBRARY OF SEVILLE)

DOCUMENT NO. 4

- **TITLE.** “*Tumbo Viejo*” or cartulary of the Lugo Cathedral (1231-1232), which includes the legislative decrees by Alfonso IX (1188-1230), king of León, 1204.
- **INSTITUTION.** Archivo Histórico Nacional (National Historical Archive)

DOCUMENT NO. 5

- **TITLE.** Spanish 18th century copy by the Astorga Cathedral Chapter of the “*Tumbo Negro*” of the Astorga Cathedral (13th century), where are included legislative references from 1208 about the celebration of Cortes.
- **INSTITUTION.** Biblioteca Nacional de España (Spanish National Library),

3.4 History/provenance

The *Curia* of León in 1188 represents the first *Cortes* held in the Iberian Peninsula. Two fundamental decisions were made during the assembly. Firstly, the enactment of regulations, a set of *Decreta*, which, according to the text itself, served to maintain justice and ensure peace throughout the kingdom and, secondly, the cancellation of many of the donations that Fernando II (1137-1188), father of Alfonso IX, had so generously made during his long reign.

Although the opinions of historians vary, most experts agree that the ancient *Curia Regia*, in plenary or extraordinary session, is the closest institutional precedent to the *Cortes*. The most significant fact in this respect is the common people's representation in the *Curia* through citizens elected by each of the councils in the kingdom. According to the documentary heritage we are putting forward, the presence of town representatives at these parliamentary-type assemblies occurred on various occasions during the reign of Alfonso IX of León. Although the oldest documented date is for the *Curia* of León in 1188, this does not mean to say that in Spanish history the common people had never previously taken part in assemblies called by the king, which he attended with his *Curia*. María del Carmen Carlé does not rule out their exceptional participation in the 1135 *Concilium*, which served as the solemn setting for the coronation in León of the emperor Alfonso VII. We know that representatives of some towns and cities of Aragón attended the 'Peace and Truce Assemblies' held by Alfonso II during the second half of the 12th century and there even appears to be proof of the oath sworn by the Spanish delegates to the betrothal pacts verified during the *Curia Plena* in San Esteban de Gormaz in 1187, which guaranteed the future marriage of princess Berenguela, daughter of Alfonso VIII, to the German prince Conrad of Staufen. All of these incidents were exceptional and were not part of a process leading to the regular attendance of townsmen at the *Curiae*. However, new circumstances can be identified in the assembly in León in 1188, which would ultimately explain the reason for the 'revolutionary' presence of the common people's representatives, creating new parliamentary customs and contributing to significant changes in the institutional structure of the kingdom. These circumstances were due to a particular social-economic and political situation. Monarchs needed funds for their policy of reconquering new territories from the Muslims, particularly in order to finance repopulation, the common people of the booming towns and cities of the kingdom being strategically the most important element at that time, given the growth in trade and their value as a financial support for the crown. The political context also called for a transformation of merely advisory institutions into instruments compatible with plans for political integration. The financial importance of the common people to the Crown of León is reflected in the *Decreta* of 1188 as a strategy to strengthen royal power by obtaining their institutional support, rather than a weakening of the monarch's power. The *Decreta* of León of 1188 can thus be considered an expression of a monarchy strengthened through the adoption of parliamentary tradition. The town was a new element in its legal dimension and in its growing economic strength. The need to establish social peace in the kingdom for future stability required a legislative policy

that would put an end to the insecurity affecting people's lives. In the *Cortes* of León in 1188 Alfonso IX therefore designed a policy structured along two main lines: 1) maintaining justice and ensuring peace in the kingdom, making the principle of legality triumph, imposing the rule of law; 2) achieving a certain level of joint participation by all sectors in the kingdom in the tasks of government, as the key to strengthening the throne and increasing the stability of the political system. This triumph of law was manifested in various types of order and these in turn were reflected in all the documentary heritage of the *Decreta* of 1188. They include the following:

1. The solemn and express royal commitment to observe and contribute to compliance with the good practices established in the kingdom by the new monarch's predecessors (1188 was the first year of his reign). This implied scrupulous respect for laws established by use and considered effective, special attention being paid to local laws and jurisdictions.
2. Suppression of corruption, with the king's guarantee that only accurate, well-founded evidence would bring home an accusation, the royal *Curia* acting as the highest court of appeal.
3. Scrupulous respect for judicial procedure. No one may take the law into their own hands. In the case of disagreement or violation of rights, the parties would have recourse to royal justice or, where relevant, that of the nobility or the church. This underlines the value of the decisions agreed upon by the representatives of all social classes in the royal or plenary *Curiae* that we have referred to. It would also explain the number of cartularies referring to this legislation in the diplomatic codices we have mentioned in the cathedrals of Lugo, Zamora and Astorga.
4. Society's respect for the judges and their decisions and the obligation of the government's legal officers to carry out their duties faithfully.
5. Reinforcement of the figure of the 'good person' as arbiter and witness in disputes, as a precursor of the legal representatives of subjects and townsmen.
6. Also, to guarantee the correct conduct of judicial proceedings, a mechanism was designed, by agreement of the parties, for the scrupulous appointment of investigators or *exquisitores* to determine the imposition of bail without corruption. The use of seals on summons or citations by legal agents was mandatory and such summons or citations were to be respected in all the cities, towns and regions of the kingdom.
7. Also of note is a constant concern with guaranteeing public order and private property.

One of the aspects that has always stood out regarding the first Spanish *Cortes* is that they preceded other assemblies of a clearly parliamentary nature held in the rest of the western world. We know, for example, that the meeting in León of 1188 preceded the first German Diet attended by the common people (1232) by 44 years, the first English Parliament to which the common people were invited (1265) by 77 years, and the first meeting of the French States-General (1302) by no less than 114 years. The Spanish case points unquestionably to the early maturity of certain sectors of the urban population, a maturity reflecting less rigid and binding feudal systems than in the rest of the western world.

The indisputable importance of the *Cortes* of León in 1188 must be interpreted in its historical context. The *Magna Carta* of King John of England, signed 17 years after the *Decreta* of León, is certainly not a revolutionary text that guarantees the kingdom's freedom from intransigent royal authoritarianism, but is more of a list of the nobility's privileges, with marginal concessions for the common people, which the English barons were not prepared to renounce in the interests of progressively increasing central power. However, in the regulations of León we find nothing of this sort. Neither the nobles nor the kingdom as a whole demanded anything of the monarch. He, however, needing a growing base of social support, summoned the different representative sectors of the kingdom in order to obtain their cooperation in the interests of strengthening the crown. What we find in the regulations of León are not restrictions on royal power, but rather agreements tending towards the pacification of the

kingdom, capable of guaranteeing the prevalence of law, the crown pursuing a politically and socially integrating policy with a clear desire to strengthen its material support.

As mentioned in the introduction, in addition to these main documents and texts forming part of the documentary heritage of the *Decreta* of León of 1188 as the first Spanish *cortes* or parliaments and, possibly, the earliest documentary evidence of the western parliamentary tradition, there are other manuscripts that are worth considering. They include the following:

- *Biblioteca Capitular y Colombina de Sevilla (Chapter and Columbus Library of Seville)*. Manuscript 80-1-113. Compiled during the second half of the 18th century, including on page 6r-v the transcription of another version of the *Decreta*, by Diego Alejandro de Gálvez, chapter librarian in 1763.
- *British Library* (London, UK). Manuscript Add. 21,448, pages 2r-5v, with another copy from the end of the 18th century of the 1188 *Decreta*. Its existence and location was first reported by P. de Gayangos (Catalogue of the manuscripts in the Spanish Language. London, 1875, p. 38, vol. II, Catalogue no. Add. 9915). It refers to a collection of documents regarding the Spanish *Cortes*, with a copy of the *Curia* of León from 1178 and another dating from 1189. It has been established that it is only a transcription of some paragraphs of the *Chronica Adefonsi Imperatoris*, probably taken from Cardinal Aguirre in modern times. Recently, A. García Prieto discovered another copy in the British Library identified as Add. 21,488, which consists of another transcription made by a notary from another original manuscript from Ponferrada (León). This document contains a note from Diego Alejandro de Gálvez (cf. previous paragraph), to the then chapter librarian of Seville. These transcriptions seem to belong to the *Colección de Cortes* produced by Ignacio Miguel de Espinosa at the end of the 18th century in Spain, which at some stage was taken to England and became part of the British Library's collection.
- *Biblioteca Nacional de España (Spanish National Library)*. Manuscript 7656, which on pages 415r-427r, contains another copy from the 18th century of Mss. 12909.
- *Real Academia de la Historia (Royal Academy of History)* (Madrid, Spain). It has been reported that in the 27th volume of the *Colección del Conde de Mora*, included in the Salazar y Castro collection, there was a copy of the 'Constitution of 1194'. The volume has been lost since the 19th century, but there is evidence in the institution of all the transfers made from it. This version was used by Muñoz y Romero in his edition of the collection of charters of Spain in 1847, suggesting that the manuscript was lost after this date. There is evidence that two versions of these constitutions exist, one in Romance language and the other in Latin, the latter including the document's date. The Romance language text is the one which was in the Salazar y Castro Collection. According to the 1847 edition, the document expressly indicates that these were regulations drawn up in León in September 1194 and enacted by a council held in Santiago de Compostela on 23 October 1194. The Romance text is very similar to that currently preserved in the royal mandate of the Orense Cathedral Archive (cf. Document no. 1).
- *Biblioteca del Colegio de Santa Cruz de Valladolid (Library of the College of Santa Cruz, Valladolid)*. It is a copy of the 'Constitution of 1194', made during the second half of the 17th century from the text in the Real Academia de la Historia (Royal Academy of History), (Salazar y Castro Collection). It is catalogued as Manuscripts 17 and 23. Manuscript 23 indicates on its cover that it was based on the transcription by Luis de Castro.

5.0 Assessment against the selection criteria

5.1 Authenticity.

There is no original diplomatic copy of the Decreta of León of 1188 but they have been preserved through other mediaeval documents, some original (doc. no.1) and others in the form of mediaeval cartulary copies from the 13th century (docs nos. 4 and 5) and other transcriptions made in the 16th century (docs nos. 2 and 3). The comparison and study of the internal and external characteristics of all of these documents shows that they form a documentary heritage that enables the veracity of the Decreta of 1188 to be established. They were produced in a legal, social and political context that has enabled researchers into law, as well as paleographers and experts on diplomacy, to consider this document to be the earliest manifestation of the western parliamentary tradition.

The document calls for the recognition of a series of secondary sources, currently preserved as documentary evidence of an event for which the original documentation has not been preserved. The texts and documents presented here thus deserve the highest recognition and protection at an international level, given that their loss would mean the disappearance of the written records of this highly significant event.

The document in Orense Cathedral is a mediaeval original with diplomatic validation, whose texts coincide with other copies from the 13th, 16th and 18th centuries. The modern copies are from various mediaeval legal codices and their texts coincide with the format, contents and spirit of the Decreta of León of 1188 and of the Constitution of Compostela of 1194. The articles or decrees also coincide with the 13th century transcripts in the cartularies of Lugo, Astorga and León cathedrals.

We believe that the texts of the documents have not undergone any alteration or interpolation in their contents.

5.2 World significance

The Decreta of León of 1188 are considered to be the oldest preserved written records of the parliamentary tradition in the western world and, by extension, of modern parliamentary democracy. These texts would be irreplaceable were they to be lost.

The Decreta of León of 1188 are the oldest evidence of Cortes or parliaments in both the Iberian Peninsular and the rest of Europe.

Both Spanish and foreign researchers recognise that the documentary heritage and its content clearly reflect the following ethical, legal and moral values which are universally recognised today:

1. Enactment of a general legal corpus which is somewhat original in the mediaeval feudal context of the late 12th century.
2. Scrupulous respect of laws established by use and effectiveness and of lawfulness in general.
3. Assurance of procedural guarantees for people.
4. Guaranteeing respect for private property.
5. Establishing a mechanism to ensure respect for judicial and procedural guarantees.
6. They demonstrate a high level of joint participation by all social sectors coming together in government and legislation tasks: the king, the ecclesiastical and lay nobility and, for the first time, the common people, through the elected representatives of the towns.
7. Guaranteeing and maintaining justice, particularly by ensuring public order as an essential element for peace in the kingdom.

5.3 Comparative criteria:

1 Time

The series of documents is a milestone in time insofar as it is the oldest known precursor of the European parliamentary tradition; as of 1188 the presence of the three estates becomes constant until the consolidation of parliaments or assemblies from the second half of the 13th century throughout western Europe. The process can be traced back to the Roman era, given that the representation of towns and cities through expressly elected citizens can be related to Roman institutions with similar functions. Similarly, the participation of citizens in government is recorded in all mediaeval Iberian Christian kingdoms from the 10th century onwards, through the *concejos abiertos* as well as royal *Curiae*. The *Decreta* of León of 1188 are a qualitative milestone in such participation, because since then, as a result of their use by Alfonso IX for the purposes of general legislation for all the regions of his kingdom, the presence of the common people in the kingdom's important institutions increased steadily until the first fully recognised *Cortes* during the reign of this monarch [Cortes de Benavente of 1202] were instituted.

3 People

The social target of these documents is the entire body of the kingdom, the population living in all its regions and all the groups making up feudal society: nobility, church and common people. The generalising nature of this legislation, as well as the determination of King Alfonso IX to achieve political, social and financial stability in his kingdom, enables us to glimpse his desire to pass down his legislation as one of the milestones that would map the development of the Spanish mediaeval legal corpus, whose fullest expression can be found in the written codices of the *Fuero Juzgo* [*Liber Iudiciorum*]. Their appendices contained the *Decreta* of 1188, as a continuation of the legal compilations of the Visigothic kingdom with the main charters, decrees and constitutions issued by different Castilian - Leonese monarchs between the 11th and 13th centuries, the latter century seeing the first general legal compilation during the reign of Alfonso X (1252-1284): *Códigos de Las Siete Partidas*, *Espéculo* and *Fuero Real*.

4 Subject and theme

The *Decreta* of 1188 and their documentary heritage are evidence that the birthplace of the parliamentary system is the mediaeval Spanish kingdom of León. By extension, it can be considered the origin of modern parliamentary democracy, with the presence and participation of the common people in general decision making, shaping the general legislation of the kingdom in what various Spanish and foreign researchers have described as the first Spanish and, by extension, European *Cortes* or parliaments. As well as the *Decreta* of 1188 the reign of Alfonso IX of León (1188-1230) was marked by other notable events, such as the creation of the first *Studium Generalis* or University in the city of Palencia between the years 1208 and 1212.

5 Form and style

This group of documents displays the characteristics of the diplomatic conventions of mediaeval Europe and specifically of the type of document produced by the royal chancery of the kingdom of León during the 12th century. It is also an example of the compilation techniques for legal and judicial texts documented throughout the mediaeval western world; and a demonstration of the techniques for transcribing original documents, in the production of cartularies from the 11th to 13th centuries and as an example of the compilation, transcription, translation and fixing of legal texts in the Renaissance and Enlightenment eras in Spain.

6 Social/ spiritual/ community significance:

The concepts, ideas and practices reflect the uses and customs of Christian societies in the Iberian Peninsula during mediaeval times, but were also widely present throughout mediaeval western Europe as mechanisms for the development of feudal social and political structures into modern institutions. Due to their inspiration in ancient Roman law, the institutional content of these documents positions the Iberian Peninsula in relation to the rest of Europe that evolved following the political dissolution of the Roman Empire, although this was not the case of its legal heritage, which was fully recovered after the 11th century by the Italian University of Bologna. Similarly, the spirit of the legislation in the *Decreta* of Alfonso IX is intended to transcend the boundaries of feudal jurisdiction and the different regions united under the monarchy of León (León, Asturias, Galicia and Extremadura). In other words, the *Decreta* of 1188, from a legal point of view, have a general or universal purpose, which would serve to lay the foundations for the acceptance of common Roman law [*Ius commune*] in the Iberian Peninsula from the 12th century onward.